

# **RELIGION AND STATE IN IRAQ**

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for the Degree of  
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CHAPTER - I

INTRODUCTION

Iraq is constitutionally and actually an Islamic entity- constitutionally because she associates herself with Islam in the present Interim Constitution; and, actually due to the fact that the overwhelming majority of her population are Muslims. The purpose of this work is to find out the relation between the Religion and State in Iraq.\*

We have in hand three concepts : the State, Religion, and Secularism; with their three supposed corollaries : Coercion, Persecution, and Toleration respectively.

1. THE STATE -

" All our efforts to reconstruct the beginnings and origin of the State are vain. Hence, unlike the Philosophers of history, we are under no necessity to rack our brains over such questions. <sup>(1)</sup> " " We argue, as with Aristotle, that the state exists to promote the good life. We insist, as with Hobbes, that there can be no civilization without the security it provides by its power over life and death. We agree, as with Locke, that only a common rule-making organ, to the operations of which men consent, can give us those rights to life and liberty and property without the peaceful enjoyment of which we

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\* The present research is the second of its kind under the guidance of Dr. Bachal. The first being a dissertation for Ph.D. degree introduced to Poona University in July, 1977, by Sansupa Phramaha Pramool, from Thailand. Dr. Pramool's conclusion was that " The intimate relation between the State and Buddhism, nevertheless, makes Thailand a religious State and not a secular one (P.352) "

1. Burckhardt, Jacob : Force and Freedom, an interpretation of history, New York, 1955, P. 97

(2)  
are condemned to a miserable existence. "

To the majority of the ordinary peoples the State is beneficent, benevolent, merciful, and necessary, though it does make, sometimes, injustice. To them, the notion of the State is vague but its benefits are understood. To some of the highly-educated intellectuals the State was notorious, perhaps, because of use of coercion. But coercion is the very essence of the State since it shoulders the responsibility of enforcement of law. The idea of law is definitely inserted in the idea of the State. (3) Once the State ceases to have the power of coercion it will collapse. The evils ascribed to the State must, actually, be assigned to the individuals, rulers and ruled. But even if these evils are to be attributed to the nature of the State itself as an organized institution using coercion, the State was an inevitable stage in the course of development of civilization.

" The State is certainly the standard of the just and good which must be set up somewhere; it is no more than that. The realisation of ethical values on earth by the State would simply be brought to grief again and again by the spiritual inadequacy of human nature in general, and even of the best of humanity in particular. The forum of morality lies quite outside the State, and we may even

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2. Laski, Harold J. : State, In Theory And Practice, The-, London, 8th impression, 1967, P. 15
  3. Dictionary Of The History Of Ideas, Editor in Chief : Philip P. Wiener, U.S.A. and Canada, 1973, Vol. IV, P. 313

wonder that it can do as much as to uphold conventional justice. The State will be most likely to remain healthy when it is aware of its own nature (and maybe of its essential origin) as an expedient.

The benefit conferred by the State consists in its being the guardian of the law. The separate individual is subject to laws and judges armed with compulsive powers, who safeguard not only the private obligations incurred between individuals, but also general necessities, and that far less by the actual exercise of power than by the wholesome fear of it. The security necessary to life consists in the belief that this will continue in the future, i.e., that it will no longer be necessary for men within the State, as long as it exists, to take up arms against each other. Every man knows that, far from increasing his possessions or power by force, the use of force only precipitates his ruin.

Further, it is the business of the State to prevent the various conceptions of civil life from coming to blows. It has to stand above parties, in spite of the fact that every party strives to get the State into its power and to proclaim itself the community.

Finally, in late, mixed forms of the State, in which different and even hostile religions or religious ideas find a home (and in this sense there is religious toleration in all civilized States), the State at any rate sees to it that not only the various egoisms but also the various metaphysics shall carry on no blood-feuds ( a thing that

would inevitably happen even today without the State, for the fanatics would begin and the others follow suit<sup>(4)</sup>). "

## 2. RELIGION -

" The term 'religion', whatever its best definition, clearly refers to certain characteristic types of data (beliefs, practices, feelings, moods, attitudes, etc.)<sup>(5)</sup> " Religion is a system of metaphysical beliefs to interpret the divine beginning, duration, and end of life and of the universe; and to put in force a divine law for the behaviour of the Believers. The term 'metaphysical' distinguishes Religion from the political ideology. " There are probably two features, at least, that are commonly to be found in most contemporary uses of 'ideology'. First, it usually designates a system of beliefs or attitudes that is held by a social group. The nature of social groups that are thus linked with ideologies varies with the political and sociological persuasions of the particular social analyst. Secondly, it is normally implied that these beliefs or attitudes need to be assessed, not so much on their own terms, as by the practical effects or social interests they tend to promote.<sup>(6)</sup> "

' Religions are the expression of human nature's eternal and indestructible metaphysical need.

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4. Burckhardt : Ibid., PP. 105 f.

5. Encyclopaedia Of Religion And Ethics, Edited by James Hastings, New York, 1918, Vol. 10, P. 662

6. Ideologies Of Politics, edited by Anthony De Crespigny and Jermy Cronin, Oxford University Press, Cape Town, 1975, P. 5

Their greatness is that they represent the whole super-sensual complement of man, everything he cannot give to himself. At the same time, they are the reflection of whole peoples and epochs of civilization in a great "other", or the impress and contour which those peoples and epochs project upon eternity.

That impress and contour, however, though it regards itself as stable and perdurable, is subject to change, partial or whole, gradual or sudden.

We cannot establish a comparison of greatness between the two processes - the rise of a State and the rise of a religion... What peoples and stages of civilization are predisposed to the rise of religion? All peoples and all ages feel the metaphysical need, and all cling to a religion once adopted...

Religions are divided by Lasaulx into the three following great groups : (a) the pantheistic systems of the East and the polytheistic systems of the West, the former with the Hindus, the latter with the Hellenes as their highest representatives : (b) the monotheism of the Jews and its camp-followers, Islam (Lasaulx might have put the dualism of the Persians under this heading) : (c) the doctrine of the Trinity, which set itself up from the first not as a national but as a world religion. (This first emergence as a world religion, however, is also characteristic of Buddhism).

This classification according to fundamental principles and origin, however, might be paralleled by more than one

other, first and foremost by a classification not only grouping the religions on a different principle , but taking sections through the various phases and social strata of the devotees of one and the same religion. We should then have : (a) religions with an emphasis on a future world of rewards and punishments, and possessing, perhaps, an eschatology also; and (b) those in which such elements are largely or wholly absent, for instance, the religion of the Greeks, who, with their clear insight into humanity and the limits of the individual, presupposed only a colorless world to come and spent little thought on it, leaving eschatology as a physical problem to the philosophers. Those philosophers, however, adhered in part to the third solution, namely (c) metempsychosis, the explicit or implicit corollary of which is the immortality of the world. This is the central tenet of the Hindu faith, which attempted to make its way into the Western world through the Albigenses. Buddha, however, sought to deliver mankind even from this form of immortality by (d) Nirvana...

And here we arrive at the contrast between national and world religions, which partly coincides with their outlook on the future life.

They render the human-superhuman on quite different planes, the one in veiled, the other in unveiled form.

The national religions come first. They are closely interwoven with the memories, culture and history of their peoples. The function of their gods is to protect or terrorize their particular people or particular State.

Such religions are heroic and proud in their attitude as long as the people flourishes, admit at any rate a general hope, for instance that one day all the nations shall gather on Mount Moriah to worship Jehovah, but are for the time being subject to national restrictions, indeed are fortified within and cut off from the outside world by a sacred language, and also for the time being do not proselytize. Toward others, as we saw, was the case with the Greeks and Romans. They soon became polytheistically friendly, inviting, recognizing affinities, ready to exchange gods, prone to contempt, yet, with the exception of the Persians, not given to persecution.

Contrasted with these, there stand the world religions, Buddhism, Christianity, Islam. They are late arrivals on the scene; their most potent vehicle is usually social, since they imply the abolition of castes and proclaim themselves the religions of the poor and of slaves, and are hence of their very nature international, while Islam is a religion of conquerors.

They dispense with a sacred language and translate their scriptures, with the exception of Islam, which keeps its Arabic Koran and compels the peoples to acquire some knowledge of Arabic...

Of all struggles, the most appalling are the wars of religion, more especially those between religions in which the thought of a future life predominates, or in which morality is in other ways completely bound up with the existing form of religion, or in which a religion has taken



on a strong national coloring and a people is defending itself in its religion. Among civilized peoples they are most terrible of all. The means of offense and defence are unlimited, ordinary morality is suspended in the name of the "higher purpose," negotiation and mediation are abhorrent - people want all or nothing.

As regards the rise of persecutions, we may first note an initial stage in the punishment of blasphemy; it is feared that the blasphemies of the enemies of God will provoke the punishment of God, and the blasphemer must therefore be delivered up to it, so that nobody else shall suffer with him. Such things may happen under the most tolerant forms of polytheism - witness the sacrilege trials in Athens - as soon as a direct defiance is manifested.

The world religions and other-worldly religions proceeded in a radically different way.

They not only countered attacks which had already been delivered, but, with all their power and as long as they could, combated the mere existence, even in secret, of a metaphysic differing from their own.

The Zend religion made no effort to convert, but displayed the most violent hatred of everything that was not the doctrine of Ormuzd. Cambyses destroyed the Egyptian temples and killed the Bull Apis. Xerxes laid waste the holy places of Greece.

Islam, too, proselytized either not at all or only at times and places. As long as it could, it spread not by

mission, but by conquest...

To its believers, Christianity lent a frightful strength. The martyr who survived his torture quite logically turned into a persecutor, not so much for the sake of revenge as because the cause meant more to him than anything else. His earthly life was perhaps of no great value to him in any case; he even desired to suffer and die\*.

With its infinite solicitude for the soul of the individual, the Church left him only the choice between its dogma (its syllogisms) and the stake. Its terrible assumption was that man must have power over the opinions of his fellows.

We often find it admitted, overtly or covertly, that heresy is tantamount to eternal damnation, hence that it must at all costs be prevented from infecting innocent souls, still more whole peoples, that death is of no account in comparison with the eternal damnation of nations.

While the masses are generally presumed to be the victims of mere crude ignorance of the truth, leaders of heresies are always credited with sheer malevolence, the true faith being self-evident... The salvation of souls takes precedence of all else, even to the point of kidnapping and forced education.

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\* Such things happen even outside of Christianity without providing any proof of the objective worth of the cause concerned. ( from the same text)

Among the Church Fathers, we already find St. Augustine in favour of the bloody persecution of the Donatists. " Not we have persecuted you, but your own works. " :  
(7)

It seems to me that Religion itself, as purely a system of metaphysical beliefs, was not the direct and real reason behind persecution, but to get power to wield the economic aspects of life resulted in persecution in the name of religion. When the State emerged, ultimately, victorious from the battle of handling the economic aspects of life, Religion confined itself to the spiritual life, and this gave rise to the concept of secularism. After the establishment of the secular state, or even of the anti-religion state, persecution, blood-shed, and their justifications continued, but this time in the guise of political ideology instead of the old mask of religion. For example, in the second period (September 1936 - July 1938) of the Great Purge in USSR ' The purge swept out in ever-widening circles and resulted in wholesale removals and arrests of leading officials in the union republics, secretaries of the Party; Komsomol, and trade-union apparatus, heads of industrial trusts and enterprises, Comintern functionaries and foreign Communists, and leading writers, scholars, engineers, and scientists... Whole categories of Soviet citizens found themselves signled out for arrest because

of their "objective characteristics"... The arrests mounted into the millions... Most of the prisoners were utterly bewildered by the fate which had befallen them... Under the zealous and ruthless ministrations of NKVD examiners, millions of innocents were transformed into traitors, (8) terrorists, and enemies of the people. '

According to Maoism ' The seizure of power by armed force, the settlement of the issue by war, is the central task and the highest form of revolution. This Marxist-Leninist principle of revolution holds good universally, for China and for all other countries... Every Communist must grasp the truth, "political power grows out of the barrel of a gun." Our principle is that the Party commands the gun, and the gun must never be allowed to command the Party... According to the Marxist theory of the state, the army is the chief component of state power. Whoever wants to seize and retain state power must have a strong army. Some people ridicule us as advocates of the "omnipotence of war." Yes, we are advocates of the omnipotence of revolutionary war; that is good not bad; it is Marxist... Experience in the class struggle in the era of imperialism teaches us that it is only by the power of the gun that the working class and the laboring masses can defeat the armed bourgeoisie and landlords; in this sense we may say that

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8. Fainsod, Merle : How Russia is Ruled, published in India by The Times of India Press, Bombay, 1969, by arrangement with Harvard University Press, Cambridge, Massachusetts, U.S.A. P. 440

only with guns can the whole world be transformed.'<sup>(9)</sup>

The economic factors underlie all these thoughts and practices. The same factors are the real cause of atrocities wrought upon the Harijans in India. There is nothing in Hinduism that justifies these atrocities. The concept of 'national interest', originally an economic factor also, is the real reason of struggle for power in the international politics of the world today. My conclusion is that Economy, and not Religion, was originally the real source of persecution but the reactions were, certainly, clothed with religious and sentimental appearances.

### 3. SECULARISM -

" Freedom of religion has always been a volatile subject engaging the attention of philosophers, politicians, jurists, etc. Man has always treated freedom of religion as his precious possession and has tried to preserve it from intrusion by the authority of the State. The temptation to curb this freedom through the instrument of law, on the other hand, has always been irresistible. The long panorama of human history depicts man's struggle to maintain his religion free from the clutches of the state and out of this battle has emerged the concept of the secular state.

The idea of a secular state has been the product of changing relationship between state and religion. One can

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9. Leonhard, Wolfgang : Three Faces of Marxism, U.S.A., 1974, P. 221

trace some broad stages in the evolution of this relationship. In the early stages of human history, it was religion which had the predominant influence over the state in view of the fact that lives of men all over the world were under the overpowering influence of religion. Religion in ancient times was a sanction stronger than law. Then came a period when the political and religious or ecclesiastical powers were concentrated in the hands of the king who was also the high priest. Gradually, religion and state developed parallel associations each contending for supremacy over the other resulting in a clash between them. The final result of this conflict was decisively in favour of the state which came to acquire ultimate sovereign power.

During the modern period, both religion and state have recognised and accepted each other's claim regarding the sphere of control over man's life, of the state over the political or temporal and of religion over the spiritual or ecclesiastical. Gradually both state and religion developed a sense of mutual toleration. Within this framework there emerged three distinct patterns. The first implied the setting up of a particular church to which the ruler belonged as the official church. In such a state, other denominations were, however, permitted some degree of freedom of conscience which differed from state to state. In the second, known as jurisdictionalist state, religion and state were intertwined, all faiths enjoyed equal status as regards freedom of conscience and worship and the state

had considerable control over religious denominations. The third pattern generally known as the ideal pattern of the secular state envisaged the creation of a wall of separation between state and religion as in the U.S.A. These three patterns or models, however, do not postulate an antithetical relation between state and religion. In addition to these three models there was created in this century, one based on the Marxian communist tradition where the state is hostile to religion and anti-religious propaganda is constitutionally permitted ... Secularism is the term applied in general to the separation of State politics or administration from religious or Church matters. It may be described as a protean concept, defying all efforts to pin it down to precise, concrete propositions. The Encyclopaedia Britannica defines secular as 'non-spiritual, having no concern with religious or spiritual matters'. It is used in the wider sense of 'anything which is distinct, opposed to, or not connected with religion or ecclesiastical things, temporal as opposed to spiritual or ecclesiastical'. Secularism is the term applied in general to the separation of State politics or administration from religious or Church matters. It may be described as a movement intentionally ethical, negatively religious, with political and philosophical antecedents. Though the concept of secularism is old, it acquired wide currency and new significance in British liberal thought and literature as a result of the writings of G.L.Holyoake, the father of secularism, who

laid down its basic principles in his famous books 'Principles of Secularism' (1859) and 'The Origin and Nature of Secularism' (1896).

Does secularism, therefore, mean anti-religiousness or counter-religiousness?

The relations of secularism to religion were defined as mutually exclusive rather than hostile. The secular movement away from religion need not imply total abandonment of it. It is perfectly possible to advocate both secularism and religion. Secularism is not opposed to religion as such; it is opposed rather to the use of religious institutions, and religious motivations, in the legal-political and educative processes... So long as religion does keep to its own sphere, secularism is religiously neutral, it neither endorses nor disapproves of religiousness. " (10)

Experience of the past demonstrates to Man of our time the necessity of religious tolerance. Fr. Bede Griffith, who has been in India since 1955 running an ashram\* near Trichy for the last 14 years, said, 'Major world religions are no longer intolerant of one another but are opening their windows to the fundamental good

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10. Bachal, Dr. V.M. : Freedom of Religion and The Indian Judiciary, A Critical Study of Judicial Decisions (26-1-1950 to 26-1-1975), Poona, 1975, PP. 1-2, 13-14.

\* ashram : a religious institution.



(11)  
things of other faith. ' Moreover, it seems that religions,  
in order to contain the rapid spread of materialism, are  
heading toward being united. Acharya Muni Sushil Kumarji  
proposed the establishment of a United Religions Organi-  
zation, with headquarters in Bombay, to implement the  
peace resolutions of UN. (12) And this is only the beginning  
because ' It is conceivable that religion or art might  
become again the paramount interest of the ablest minds, as  
they have been in the past at various times and places. (13) '  
But, unlike the past, toleration and better understanding  
will be the core of revivalism of religions in the future  
for ' we may live separately, but we are the leaves of the  
same tree', (14) as Mahatma Gandhi has put it.

The theme of this study is to examine the nature and  
extent of the relationship between Religion and State in  
Iraq, to probe the reciprocal influence of the two, and to  
find out whether Iraq is a secular state or not. The aims

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11. Times of India, No.47, Vol.CXLV. Bombay : Thursday,  
February 18, 1982, P. 5, column 1, under the title  
'Religion no longer intolerant'.
  12. Indian Express, Vol. L : No.115, Bombay : Saturday,  
February 27, 1982, P. 5, column 6, under the title  
'United Religions Body Proposed'. A
  13. Toynbee, Arnold : Mankind and Mother Earth, Narrative  
History Of The World, U.S.A., 1976, P. 4
  14. Collins, Larry; and Lapiere, Dominique : Freedom at  
Midnight, New Delhi, Sixth Impression, 1976,  
P. 425

of it are to record the position of religions in Iraq of to-day; to reveal the development of ecclesiastical institutions; to expose the influence of religion on the Iraqi society; to disclose the extent of freedom of conscience enjoyed by the religious minorities; to show the mutual understanding between statesmen and spiritual leaders in order to promote the heavenly values; and to register the measure of success in applying secularism in modern Iraq, but especially under the leadership of Arab Ba'ath Socialist Party.

The method adopted for this study is based on the library data. The original scheme of the thesis contained nine chapters, but finally, it was shortened by one chapter. The eighth chapter was to contain a study based on questionnaire to be circulated in various parts of Iraq. But the politically and socially mounting tension as a result of Iraq-Iran war was a serious setback.

#### SCOPE OF THE STUDY -

This research is a compact account of history of Iraq, of history of Islam and Islamic sects, and of status of religions in Iraq at present.

#### CHAPTER ONE - INTRODUCTION :

It contains some essential remarks on the State, Religion, and Secularism.

#### CHAPTER TWO - POLITICAL CULTURE OF IRAQ :

It gives a short account of geographical, economic, social, and racial backgrounds of the country based on the available census.

CHAPTER THREE - HISTORICAL RETROSPECT :

This chapter deals, as its title indicates, with the history of Iraq in general, but a special emphasis on political aspects was made. A very much condensed, but full, glimpse of the development of civilization in Iraq has been given in this chapter as well.

CHAPTER FOUR - A COMPLETE HISTORY OF RELIGION IN IRAQ :

This chapter deals in brief with the development of Islam, Islamic sects, Christianity, Judaism, Yazidism, Sabaeism, Bahaism, in Iraq, as well as, it discusses the present remnants of Hinduism in the country, and it indicates to Zoroastrianism and Buddhism in the history of the land.

In this chapter I have deliberately refrained from discussing sufism, in spite of the fact that in the ninth century A.D. the Sufis made Baghdad their centre, because the Sufis had nothing to do with this world and its politics. "An overwhelming consciousness of sin, combined with a dread - which it is hard for us to realise - of Judgement Day and the torments of Hell-fire, so vividly painted in the Koran, drove them to seek salvation in flight from the world", and so far as rules of sharia are concerned they, generally, follow the Sunna, the consensus of the

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15. Arasteh, A. Reza (Department of Psychiatry, School of Medicine, George Washington University, Washington D.C.) : Rumi The Persian, The Sufi, London, 1974, P. 9
  16. Nicholson, Reynold A. : Mystics of Islam, The-, An Introduction to Sufism, U.S.A., Schocken Books, 1975, P. 4

fathers (ijma'a), and the sound doctrine of the congregation of orthodox Muslims.<sup>(17)</sup>

#### CHAPTER FIVE - NATURE OF THE POLITICAL SYSTEM IN IRAQ

##### AT PRESENT :

This chapter studies the Interim Constitution, Legislature, Executive, Judiciary, Administration and local government in Iraq of to-day. It also sufficiently shows the roles of the President, Revolution Command Council (RCC) and its Chairman, Arab Ba'ath Socialist Party (ABSP), and the Popular Councils. The autonomous rule in the Kurdish region is being discussed too.

#### CHAPTER SIX - THE PRESENT POSITION OF RELIGION IN IRAQ.

##### STRUCTURAL ORGANIZATION (WAQFS) :

This chapter gives full account of Islamic waqfs in Iraq, and discusses the role of the Ministry of Endowments and Religious Affairs. It also explains the Christian and Jewish systems of waqfs.

#### CHAPTER SEVEN - THE RELATION BETWEEN RELIGION AND THE POLITY :

This chapter fully examines nature of the relationship between the State and Religion in modern Iraq but especially under the rule of ABSP. It clearly manifests the reality that socialism as applied in Iraq by ABSP is different from Socialism as practised in USSR, for example. The

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17. Arberry, Arthur John : Doctrine Of The Sufis, The-, Lahore, Reprinted 1976, P. 83

reciprocal influence of religion and state is thoroughly probed, and participation of the State in diffusing religious education is elaborately elucidated.

#### CHAPTER EIGHT - THE CONCLUSION :

This chapter outlines the main themes, facts, and data included in the previous chapters, and summarises the final result of this research by concluding that present Iraq has some tinge of a secular State in spite of the constitutional adoption of Islam as the official religion of the country.

#### TRANSLITERATION :

As for Arabic and Islamic names, the problem of transliteration is a well-known fact to whomsoever wrote on Islam and Arabs. I was faced with the same problem and confused for some time, not for no reason. For example, the name of the famous Iraqi scholar Dr. Ahmad Susa, who studied in U.S.A. and is an expert in English language, appeared in some Iraqi publications in the form of 'Sousa' whereas it is written in The Encyclopaedia Of Islam as 'Susa' with the pronunciation of long double O 'ŌŌ' as is the case of 'too'. The Indian, Pakistani, and Western scholars developed a fairly adequate system of transliteration from Arabic into English, but this system cannot be used in case of typewriting. The most perfect system was developed by the Editors of The Encyclopaedia Of Islam, but this system cannot be used by other than a specialized printing press in Islamic and Arabs publications. Therefore,

I have depended upon the experiences of the Indian and Pakistani scholars, and of some Westerners who stayed in the Arab countries for a long time and got themselves acquainted with the history of Islam and Arabs, and with Arabic, such as Longrigg, who stayed in Iraq, and Glubb, who stayed in Jordan. In addition to that I frequently consulted The Encyclopaedia Of Islam and Webster's Biographical Dictionary, G. & C. Merriam Co. U.S.A., 1962. But I have no claim that my dissertation is free from disputable spellings.

ORIGINAL WORK :

My original contributions in this research to the general advancement of knowledge are to be found in chapters four, six, and seven. They are :

1. Demonstrating the religious-mindedness of the ruling elite in modern Iraq, and of the leadership of the ruling party; Arab Ba'ath Socialist Party, at present.
2. Showing the intensity of influence of religion on the Iraqi society in general.
3. Clearly exposing the reciprocal influence of Religion and State in Iraq.
4. Explaining the extent and intension of religious education carried out by the ecclesiastical institutions, as well as, by the State.

5. Exploring importance of the religious institutions in promoting the social values, and stemming the tide of materialism and communism.
6. Assembling religions of Iraq at present in one volume, and giving a short account of their status in the society.
7. Manifesting the extent of tolerance among different religious communities in Iraq of today.
8. Examining the extent of secularism in Iraq.

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CHAPTER - II

POLITICAL CULTURE OF IRAQ

PART ONE - SOME BASIC FACTS -

1. DESIGNATION :

a. ANCIENT -

Man was roaming for a long time, perhaps more than 600,000 years, before he started tilling the soil in some of the fertile river vallies between the Mediterranean Sea and the Indian Ocean. " The first settlements that may be called cities developed about 7,000 years ago along the river Euphrates in what is today Iraq... " <sup>(1)</sup>

The country became known as Iraq in the 7th century, <sup>(2)</sup> but it was called by the classical world Mesopotamia, and present Iraq is more or less coextensive with the <sup>(3)</sup> ancient Mesopotamia, which is a region about the Lower <sup>(4)</sup> Tigris and Euphrates rivers and included in modern Iraq, or most of it is contained within the present Republic <sup>(5)</sup> of Iraq.

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1. Schneider, Wolf : Babylon is everywhere, the city as man's fate, Tr. from German into English by Ingeborg Sammet and John Oldenburg, GB., 1963, P. 17
  2. New Encyclopaedia Britannica, The-, 15th ed., U.S.A., 1974, Vol. 9, P. 872
  3. Columbia Encyclopaedia, The-, 9th printing, U.S.A., 1968, P. 1042
  4. New Britannica, Vol. 6, P. 817
  5. Ibid., Vol. 11, P. 963



The inhabitants of the country themselves neither called it Iraq, nor did they name it Mesopotamia. The latter is Greek, and it means "land between the rivers". According to the Oxford English Dictionary, "Mesopotamia - country between two rivers - A proper name for the tract between the Tigris and the Euphrates. Sometimes used allusively in etymological sense for : A country between two rivers. "

In ancient times, the country had many names but Mesopotamia is the most popular of them. The Greeks and Romans preferred the name 'Mesopotamia'. ( Meso - Middle, Potamia - rivers ). By Ptolemy I, it was called Babylonia.

In our modern time, people the world over may use both the terms Mesopotamia and Babylonia to point to the present Iraq.

It is not unusual that one comes to know the terms Upper Mesopotamia and Lower Mesopotamia. The former, being

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6. Encyclopedia Americana, The-, Vol. 18, P. 688
  7. Collier's Encyclopedia, New York, 1957, Vol. 11, P.129
  8. Ahmed, Sami Said (Ph.D., Col. of Arts, Baghdad University) : Introduction to World Ancient History, Part One, Ancient Mesopotamia, Volume I, Mesopotamia until the Akkadian Period, (in Arabic), Baghdad, 1978, P. 138
  9. Manorama Year Book 1976, Kerala (India), P. 296
  - \* Ptolemy (to l'ə - mē ), title; theos Soter, hence; Ptolemy Soter (367/366 - 283 B.C.) : A Macedonian General under Alexander the Great. (The McGraw-Hill Encyclopedia of World Biography, 1973, Vol.9, P. 31)
  10. New Century Cyclopaedia of Names, The-, U.S.A., 1954, Vol. 2, P. 2132

approximately from the middle present Iraq northwards, corresponds with the domain of Assyria proper (Assyrian Empire), and the latter, being nearly <sup>(11)</sup> from the middle present Iraq Southward, forms what is known as Babylonia <sup>(12)</sup> proper.

In 612 B.C. Nineveh, the capital city of the Assyrians, was taken by combined Median and Babylonian troops and destroyed so thoroughly that the desert sands soon covered its ruins and "... even the site of Nineveh was completely <sup>(13)</sup> forgotten. "

Two hundred years later on, Xenophon, a noble Athenian, scholar and writer, soldier and general, passed by the ruins of the two Assyrian capitals Kalah and Nineveh and mistook them for Median cities which he called, in what is known in history as " the Retreat of the Ten Thousand "; Larissa and <sup>(14)</sup> Mespila respectively.

<sup>(15)</sup> In 334 B.C. Alexander the Great defeated the persian army. The last fight took place at Arbela (now: Erbil, in Iraq) and the Persian King Darius fled the battlefield.

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11. Pike, E. Royston : Finding Out About The Assyrians, London, 1963, P. 16
  12. Wallbank, T. Walter, et al. : Civilization, Past and Present, U.S.A., 1962, P. 19
  13. Schneider : op. cit., PP. 90 f.
  14. Ragozin, Zenaide A. : Chaldea from the earliest times to the Rise of Assyria, London, 1880, PP. 2 f.
  15. Fisher, Sydney Nettleton : Middle East, A History, The-, 2nd ed., London, 1971, P. 14

This was the final collapse of the first Persian Empire. (16)

In 331 B.C. Alexander entered Babylon. By this time (17) there was no other obvious native political and cultural influence but that of Babylon, hence, it seems; his general Ptolemy generalized the name and called the country Babylonia, as mentioned above.

By Babylon is meant the city itself, and by Babylonia; the Babylonian Empire. Prior to the establishment of that empire, there had been Sumer and Akkad (Accad) in Lower Mesopotamia. It is to Sumer and Akkad that the modern (18) archeologists point as the cradle of civilization.

SUMER - Before 4000 B.C. peoples known as Sumerians arrived at one of the mouths of the Tigris-Euphrates river and developed city-states with society divided into technological - social classes. (19) Their contribution in developing the civilized life is considered as one of man's great (20) achievements. The Sumerians occupied the Southern half of the river-valley. The first designation Ki-en-gi came down (21) to us to signify the 'Land of Sumer.' This designation means, in the language of those ancient Iraqis 'The land

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16. Gale, General Sir Richard : Great Battles of Biblical History, London, 1968, P. 79
  17. Schneider : op. cit., P. 79
  18. Collier's Encyclopedia, Ibid., Vol. 11, P. 129
  19. Fisher, S.N. : op. cit., P. 10
  20. Mallowan, M.E.L. : Early Mesopotamia and Iran, London, 1965, P. 11
  21. Ahmed, Ibid., P. 138

(22)  
of canals and reeds.' " Sumer was a designation for the southern half of Iraq, roughly from Baghdad southwards... It was written ideographically as Ki-en-gi (r) but pronounced in one Sumerian dialect (eme-sal) as Kenir and in another (eme-ku) as Sumer. " (23)

Previously some scholars of the Bible were of the opinion that Sumer, or Babylonia proper as a whole, was called in the Bible Shin'ar or the plain of Shin'ar. (24)

The Holy Book says, " And it came to pass, as they journeyed from the east that they found a plain in the land of Shinar, and they dwelt there. " " It (Sumer) was roughly equivalent to the area in the Bible called Shinar. " (25) (26)

" Shinar - or more correctly, Shinear - is what may be called Babylonia proper, that part of Mesopotamia where Babylon was, and south of it, almost to the Gulf. " (27)

" The LXX interprets it (Shinar) as Babylonia or the 'Land of Babylon' and this accords with the location implied in Genesis X, 10. Although the Syr.Sen 'ar denotes the country round Baghdad, no earlier name for Babylonia corresponding with Shinar (Heb. Šin'ār) is yet known... " (28)

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22. Rappoport, Angelo S. : History of Palestine, London, 1931, P. 59

23. New Bible Dictionary, The-, Organizing Editor : Douglas J.D., et al., GB., 1976, P. 1221

24. Ibid., P. 120

25. Bible, Genesis 11 : 2

26. New Bible Dictionary : Ibid., P. 1221

27. Ragozin : op. cit., P. 128

28. New Bible Dictionary, P. 1178

Ur is an ancient city of Sumer also known as Ur of  
(29)  
the Chaldees which the city Terah and Abram (Abraham),  
(30)  
ancestor of the Israelites and neighboring peoples, left  
(31)  
to go to Harran. But the identification of Ur of the  
Chaldeans with Babylonian Ur is questioned because Lower  
Mesopotamia was called after the Chaldeans a thousand  
(32)  
years after Abram.

Some scholars, seeking reconciliation, adopted the  
(33)  
probability of identification of Hammurapi with Amraphel;  
(34)  
King of Shinar at the time of Abram (Abraham).

Hammurapi ruled Babylon from <sup>B.C.</sup> 1792 to 1750, and the  
(35)  
Patriarchal age, covering the life-spans of Abraham, Isaac,  
(36)  
and Jacob, took place between 1900 B.C. and 1600 B.C.

" ... Terah took his son Abram ... and left Ur of  
the Chaldeans to go to the land of Canaan, but they stopped  
instead at the city of Haran and settled there. And there  
Terah died... After the death of Abram's father God told  
him, ' Leave your own country behind you...' So Abram  
departed as the Lord had instructed him... Abram was

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29. Columbia Encyclopaedia, P. 2215

30. New Catholic Encyclopaedia, U.S.A., 1967, Vol.1, P.32

31. New Bible Dictionary, P. 1304

32. New Bible Commentary, The-, Edited by : D.Guthrie, J.A.  
Notyer, A.M. Stibbs, and D.J.Wiseman., GB., 1976, P.92

33. Hall, H.R. : Ancient History of the Near East, The-,  
from the earliest times to the Battle of Salmis,  
London, 1950, P. 194

34. New Bible Dictionary, P. 34

35. New Britannica, Vol.8, P. 598

36. New Bible Dictionary, P. 939

seventy-five years old at that time... " The exact dates when Abraham lived are as yet uncertain. Modern Bible Scholars place the migration from Ur to Haran in probably the 20th or perhaps 19th century B.C. (38)

This shows clearly that Abraham migrated before Hammurabi came to the throne, but Abraham can nevertheless be considered roughly contemporaneous with this Babylonian (39) king.

The equation of Shin'ar with Sumer is unproven. Therefore, it is believed that Shinar must be the West Semitic Sangar in Syria whose location might apply to the land of which Amraphel was king. (40) " The once favoured identification of Amraphel with Hammurabi is now known to be impossible on linguistic grounds, as well as on the ground that the famous Babylonian King lived centuries after (41) Abram. "

From this discussion we find that the Biblical designation Shinar cannot be applied to Sumer.

AKKAD - In about 4000 B.C., the northern half of the river valley was occupied by Semites known as Akkadians (42) (Accadians). They appeared in the central part of the valley and contested it with the Sumerians in the south. (43)

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37. Genesis 11-12 : Living Bible, The-, Paraphrased, U.S.A, 1972.

38. Keyes, Nelson Beecher : Story of the bible world, U.S.A., PP. 23 f.

39. New Catholic Encyclopaedia, op.cit., Vol.1, P. 34

40. New Bible Dictionary, op.cit., P. 1178

41. New Bible Commentary, P. 94

42. Wooley, C.Leonard : Ur of the Chaldees, Seven Years of excavation, England, 1938, P. 16

43. Rapport: op. cit., P. 59

The division between Sumer and Akkad was vague and changing  
(44)  
in accordance with the political supremacy. The Akkadian  
land, situated from north of Baghdad upto the south of  
(45)  
Hilla, was called Ki-Uri.

Dungi (or Shulgi), who reigned for fifty-eight years  
(c. 2450 ? B.C.) called himself " King of Sumer and Akkad."  
This title appeared for the first time in history during  
the reign of Dungi side by side with the former titles,  
(46)  
" King of Ur " and " King of the Four Quarters ". Sargon of  
Akkad (The Akkadian King 2334-2279 B.C.) wrested the  
hegemony of the Mesopotamian city-states from the Sumerians  
and established the Akkadian Empire which lasted a little  
(47)  
more than a century.

(48)  
Babylon was an obscure village on the Euphrates. At  
about the end of the third millenium, Babylon grew on  
the narrow strip of land between the Euphrates and the  
(49)  
Tigris, near present Hilla. At the time of Hammurabi  
(50)  
(more correctly Hammurapi 1792-1750 B.C.) the unification  
of Lower Mesopotamia was consummated. In 1760 B.C. under

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44. Johns, C.H.W. : Ancient Babylonia, Cambridge University  
Press, 1913, P. 14

45. Ahmed : Ibid.

46. Hall, op. cit., P. 190

47. New Britannica, Vol. 16, P. 247

48. Wallbank, Ibid., P. 19

49. Schneider : op. cit., P. 63

50. New Britannica, Vol. 8, P. 598

the rule of Hammurapi himself, with Babylon as the capital,  
(51)  
came into being the Babylonian Empire.

By Babylonia proper is meant Sumer-Akkad-Babylon as unified city-states within the boundaries of Lower Mesopotamia.

Thus, the name Babylonia was applied to the southern part of Mesopotamia, and Assyria (Assyrian Empire) to the northern part.  
(52)

The political terms Babylonia and Assyria became customary designations for " the two principal local formulations through which Mesopotamian civilization speaks to us. "  
(53)

b. IRAQ -

The word 'Iraq' is not original and it is difficult to find out what its exact meaning is, because the reasonings widely differed. Perhaps, the designation 'Iraq' appeared for the first time in the 5th Century B.C. when the Persians called the southern land of their kingdom as Iraq, though, there are some who suggested that there is possibility of the existence of relationship between this designation and the province which was called Eriqa in the documentary writings of the Kassites. Maybe the term was taken over from 'erak' - a Pehlevi word which means the 'Lower Land'

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51. Wallbank : Ibid., P. 19

52. Collier's Encyclopaedia : Ibid., Vol. 11, P.129

53. Oppenheim, A. Leo : Ancient Mesopotamia, Portrait of a Dead Civilization, U.S.A., 1964, P. 37



or 'Southern Land', and maybe it is derived from the word 'irqa' which was used in many Semitic languages to mean 'cliff' or 'shore' or 'bridge'.

In the period of the Sassanian dynasty (226-640 A.D.), the name 'Iraq' was used to denote the lands of the province 'Suristan' which included Iraq and Khuzistan together.<sup>(54)</sup>

According to Britannica, the country became known as Iraq in the 7th century A.D., as mentioned above, and the name means " the well-rooted country "<sup>(55)</sup>

SOME REASONINGS BY CLASSICAL ARAB SCHOLARS -

- a. Yakut al-Hamawi - Mu'ajam al-buldan :
  1. Kutrub said : Iraq was called Iraq for it approaches the sea... etc.
  2. al-Khalil said : iraq means sea-shore. Iraq was called Iraq for it is situated at the banks of the Tigris and the Euphrates alongside (the two rivers) upto the sea.
  3. Al-Asma'i said : the name is arabicized from iran shahr.
  4. Shammar said : Abu Amru said Iraq was called Iraq because it is near the sea, and the peoples of al-Hijaz call whatever land near the sea as 'irqa'.
  5. Hamza said that shore is called in Persian irah, and the Arabs arabicized the word irah and said iraq (Iraq).

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54. Ahmed : Ibid.

55. New Britannica, Vol. 9, P. 872

b. Taj al-Aroos Dictionary :

1. Iraq is singular of Uruq. It means the sea-shore, and by this 'Iraq' was called Iraq, and iraq is the strand of water or sea-coast especially.
2. Abu Zaid said : iraq is arabicized 'iran shar', which means 'it (land) is palmy and abundant with trees', into  
(56)  
iraq.

c. Lisan al-Arab Dictionary :

It was said that Iraq is arabicized. Its origin is 'irak' - a persian word. The Arabs arabicized it and said  
(57)  
iraq (Iraq).

In Arabic, especially in Iraqi usage, we find the following two terms :

1. Bilad Ma-Baina - al-Nahrain.  
(The country that is between the two rivers)  
(58)  
"... (Nahrain) Mesopotamia".
2. Bilad al-Rafidain (The country of the two rivers  
"... ar-rafidan (Euphrates and Tigris) Mesopotamia-  
(59)  
Iraq"

It seems that these two Arabic designations are the result of the influence of Western designation 'Mesopotamia'.

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56. Hasani, al-Sayyed Abdul-Razzaq, al-, : Iraq, Past and Present, (in Arabic), Sidon, 1958, P. 6
  57. Ahmed : op. cit., PP. 166 f.
  58. Wehr, Hans : A Dictionary of Modern Written Arabic, Weisbaden, P. 1003
  59. Wehr : Ibid., P. 349

The Arabs, at the beginning of their expansion under the banner of Islam, called the country 'Bilad al-Sawad' (country of Blackness) because it 'was rich enough for uninterrupted cultivation, at least in its central zone, to have earned the name Sawad, the dark land.'

## 2. ARABIA :

It has been estimated that deserts and semi-deserts occupy about one-third of the earth's land-area. There are two kinds, so to speak, of deserts; the cold desert in which winter conditions may be severe, such as the case of the Asian interior; and the hot desert in which there is no real cold season at all, as is the case of the Arabian desert. There is no necessity to stress the heat of Arabia but it is important to realise that at night it can be terribly cold.

The Arabian desert forms the great plateau of Arabia - or the Arabian peninsula, or Arabia proper - with its high south-western edge overlooking the Red Sea and its long gentle slope to the north-east towards the plains of Mesopotamia and the depths of the Persian/Arab Gulf. It is with an average breadth of 700 miles and length of

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60. Encyclopaedia of Islam, The-, New Edition, Edited by B. Lewis, V.L. Menage, Ch. Pellat, and J. Schacht, Leiden-London, 1971, Vol. 3, P. 1252

1. Small, R.J. : Study of Landforms, The-, A Textbook of Geomorphology, Cambridge University Press, 2nd Ed., 1978, PP. 299 ff.

2. Bidwell, Robin : Travellers in Arabia, Hong Kong, 1978, P. 9

1,200 miles, having thus a total area of about 1,000,000 square mile, or considerably greater than that of the Indian Peninsula. The Arabs usually refer to it as the 'Isle of the Arabs.'<sup>(3)</sup>

This very same Arabia is the homeland of the Semitic peoples including the Arabs, of course, as well as the cradle of Islam.<sup>(4)</sup> The Akkadians were the first Semitic who had come from Arabia, the region from which subsequent successive waves of migrations of Semitic - speakers came out to settle in the Fertile Crescent.<sup>(5)</sup> The final wave was that of the Arabs under the banner of Islam.<sup>(6)</sup>

" Just as Egypt is the gift of the Nile, so Iraq is the product of the Tigris and Euphrates. Both rivers transform parts of a desert into a garden; without water Iraq would be an empty land peopled by a few bedouins whose flocks would find scanty pasture "<sup>(7)</sup> and that means that Iraq would have become an extension of the Arabian desert, had it been deprived of Tigris-Euphrates rivers.

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3. Stamp, Sir, Duley : Asia, A Regional and Economic Geography, GB., 1967, PP. 114, 143
  4. Cambridge History of Islam, : Cambridge University Press, 1st paperback edition, 1977, P. 3
  5. Toynbee, Arnold : Mankind and Mother Earth, A Narrative History of the World, U.S.A., 1976, P. 67
  6. Hitti, Philip K. : History of the Arabs, GB., 1960, P. 11
  7. Cressey, George B. : Asia's Lands and Peoples, McGraw-Hill, U.S.A., 1963, P. 556

3. THE FERTILE CRESCENT :

(1) (2)  
North to Arabia proper lies a better-watered land  
appearing as a semi-crescent figure, hence called the  
Fertile Crescent; the name that was given to the region  
(3)  
by Dr. Breasted.

The countries of this tract were provinces of the  
Ottoman Empire until 1918, now they are the states of Iraq,  
(4)  
Syria, Lebanon, Jordan and Israel.

" The Fertile Crescent may be considered as a fringe of  
well watered country interposed between the Arabian deserts  
and the heights of the Zagros and of Kurdistan, Lebanon and  
(5)  
Palestine... " Iraq is situated at eastern end of the  
(6)  
Fertile Crescent.

4. THE LEVANT :

If Iraq were excluded from the Fertile Crescent, the  
(1)  
remaining would be termed colloquially as the Levant which  
is the land at the eastern end of the Mediterranean and is  
divided politically into Lebanon, Syria, Palestine and  
(2)  
Jordan. The Levant constitutes one geographical area.

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1. Lewis, Bernard : Arabs in History, The-, Rev. 2nd paperback Ed., New York, 1967, P. 18
  2. Brice, William C, (A senior lecturer in Geography at the University of Manchester, U.K.) : A systematic Regional Geography, Vol. VIII, South-West Asia, GB., 1966, P.200
  3. Hasani : op. cit., P. 7
  4. Lewis, B. : Ibid., P.18
  5. Brice : Ibid.
  6. Encyclopaedia of Islam, op.cit., Vol. 3, P. 1250
  1. Brice : Ibid.
  2. Glubb, John Bagot : Peace in the Holy Land, An Historical Analysis of the Palestine Problem, GB., 1971, P. 1

This region consists of part of the high edge of the tilted Arabian plateau, and is thus continuous structurally with Midian, Hejaz and Asir. But it differs from this in fronting the Mediterranean rather than the Red Sea, and therefore in enjoying the benefits of the main stream of rain-bearing winter cyclones which move eastwards through the Mediterranean in winter. The Levant is thus one of the best watered districts of the whole of south-west Asia, and this consideration, together with the fertility of its scattered plains, the richness of its forests, and the prosperity of its commerce, explains why it has usually been the most populous part of the whole Arabian block.<sup>(3)</sup>

Levant is French. It means, 'east' and is " a collective name for the countries of the eastern shore of the Mediterranean from Egypt to, and including, Turkey. The divisions of the French mandate over Syria and Lebanon were called the Levant States, and the term is still sometimes applied to those two nations.<sup>(4)</sup> " If we take this for granted, then it will seem rather inconspicuous what the British Prime Minister Churchill meant by Levant as he said, ' I had always felt that the name "Middle East" for Egypt, Levant, Syria, and Turkey was ill-chosen. This was the Near East.<sup>(5)</sup> '

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3. Brice : op. cit., P. 203

4. Columbia Encyclopedia, P. 1207

5. Churchill, Winston S. : Second World War, The-,  
2nd Ed., England, 1954, Vol. 4, P. 377

## 5. GEOGRAPHY AND TOPOGRAPHY OF IRAQ :

Iraq is one of the Middle Eastern countries and part of the Arab nation, and situated in the South-West of Asia, to the North-East of Arab homeland. It lies between latitudes  $29^{\circ} 5'$  and  $37^{\circ} 22'$  North, and between longitudes  $38^{\circ} 45'$  and  $48^{\circ} 45'$  east. Its extreme length is 620 miles, breadth 450. It is situated at the North-West end of the Persian/Arab Gulf, and bounded on the North by Turkey, on the East by Iran, on the South-East by the Persian/Arab Gulf, on the West by Syria and Jordan, and on the South by Kuwait and Saudi Arabia. The national capital is Baghdad. Reputable authorities give strangely varying measurements of the Iraqi territory. " The area of Iraq covers (438,317) sq.km. "

### RELIEF AND MAIN PHYSICAL DIVISIONS -

Four major regions can be identified in Iraq :

1. The Mountainous Region : This region is situated in the north and northeast of Iraq and extended to its joint

1. Iraq (Republic of-) : Iraq in Figures, Publication and Public Relations Dept., Central Statistical Organization, Ministry of Planning, Baghdad, 1975, P. 1
2. Iraq (Republic of-) : Annual Abstract of Statistics, Publication and Public Relations Dept., Central Statistical Organization, Ministry of Planning, Baghdad, 1978, P. 5
3. Longrigg, Stephen H. : Middle East, The-, a Social Geography, Second Edition, Eighth Printing, U.S.A., 1979, P. 122
4. Longrigg, S.H. : Ibid., P. 122
5. Iraq (Republic of-) : Annual Abstract of Statistics, Ibid., P. 5

boundaries with Syria, Turkey and Iran in the west, north and east respectively.

2. The Terrain Region : It is a transitional region between lowlands in the south and high mountains region, it forms 75% of the mountainous region or (67000 sq.km.) and it is (200 - 1000) m. high.

3. The Desert Plateau : It is situated in the West of Iraq and forms about  $\frac{3}{5}$  of the country's area or (270000) sq.km. and its altitude about (100-1000) m. It includes Aljazira (6) area. Aljazira, or the Jezireh (Arabic = Island) lies between the upper Tigris and Euphrates, and bounded on two sides by the rivers, and on the north by the fold ranges of Asia Minor. For the most part, the Jazira consists of an undulating plain or low plateau, lying at an altitude of 150-300 m. above sea-level, with a number of small closed basins from which there is no drainage outlet. The largest of these basins is a long, narrow trench cut deeply into the plateau and known as the Wadi Tharthar. Streams enter the Wadi from the north, but terminate towards the southern end in a salt marsh. The Wadi may be a tectonic feature, or even an old river valley now dried out; and it is now used (7) as an immense storage basin for floodwaters. "

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6. Annual Abstract of Statistics, Ibid., PP. 5 f.

7. Fisher, W.B. (Professor of Geography in the University of Durham) : Middle East, The-, A Physical, Social And Regional Geography, GB., Reprinted 1978, P. 353



Aljazira is a barren zone frequented by nomads, but with considerable agricultural potential if irrigation water can be supplied to it. Within the last few years striking changes have occurred in this area which is now one of major development.

4. The Alluvial Plain : Forms one fifth of Iraq's area, i.e. (93000) sq.km, extending in a form of rectangle (650 km. long and 250 km. wide) between Balad, on the Tigris river, and Ramadi, in the Black Hill region on the Euphrates river, in the north; Iranian frontiers on the east; and the desert plateau on the west.

This region comprises the Central and Southern Iraq, and it was formed by the deposition of sediment from the rivers Tigris and Euphrates. It is the main agricultural region of the country, and divided into the upper valley and lower valley. The latter is situated at the Southern end of the alluvial plain and forming extensive marshlands.

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8. Beaumont, Peter; Elake, Gerald H.; and Wagstaff, J. Malcolm : Middle East, The-, A Geographical Study, GB., Reprinted 1978, P. 329
  9. Fisher, W.B. : Ibid., P. 354
  10. Iraq (Republic of-) : Annual Abstract of Statistics, op. cit., P. 5
  11. Beaumont et al. : op. cit., P. 329
  12. Fisher, W.B. : op. cit., P. 350
  13. Beaumont : Ibid., P. 329

6. CLIMATE :

Iraq had a high-rainfall period whose existence is beyond doubt, but that period <sup>(1)</sup> did not fall within the last half-million years. In general, during the Fourth Glacial Period, some 25,000 years ago, when much of Europe and Northern Asia was covered with an ice sheet, the Middle East and the Sahara regions were moist and dotted with lakes and seas, and a well-watered land. However, little change has occurred in the climate of the Middle East in <sup>(2)</sup> the last five thousand years, and Iraq has been in scene and climate the sort of country we know today since at least <sup>(3)</sup> the dawn of human history.

The climate of Iraq is admittedly severe and demanding <sup>(4)</sup> some adaptation to it, but neither unhealthy nor dangerous. The lowland region has two marked seasons - a dry and intensely hot summer, lasting from May to October, and a relatively cold, damp winter from December to March, with spring and autumn as short transition periods between the two.

With the development of summer monsoonal low pressure conditions over the Persian/Arab Gulf and north-west India, air is drawn towards the south-west, giving remarkably

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1. Longrigg, S.H., and Stoakes, F. : Iraq, GE., 1958, P. 16
  2. Fisher, S.N. : op. cit., P. 5
  3. Longrigg and Stoakes, op. cit., P. 16
  4. Ibid., P. 15

regular and constant north-westerly winds over the whole of Iraq. These are known as shamal, and blow without interruption during the summer. The air is dry; no cloud forms, and the sun beats down uninterruptedly over the lowland, giving rise to shade temperatures that exceed 35°C on most days, and not infrequently reach 47°C. Some relief is obtained during the night, as diurnal variation of temperature is marked; and near the rivers and marshes, intense evaporation may lower the day temperatures by a few degrees. A further unpleasant feature is blowing dust, raised by the strong shamal, which reaches a climax in late afternoon, and drops at night, but the effect of this wind is also to keep down humidity. Though the country is (5) blessed with cool nights in the extremely hot summer, the (6) northerly dust-laden wind (shamal) is tiring, especially when it continues for more than 24 hours; as it happened on (7) 23rd and 24th of June, 1979, for example.

Iraq's climate can be divided into three kinds :

1. Mediterranean climate : It covers the mountainous area at the north-eastern, which is characterized by cool winter where snow falls at the top of mountains and rainfall ranges between (400-1000 mm) annually.

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5. Fisher, W.B., op. cit., P. 354

6. Longrigg and Stoakes, op. cit., PP. 15 f.

7. Ath-Thawra (a daily Iraqi newspaper in Arabic), Sunday, 24, June, 1979, P. 4

Its summer is moderate and the temperature does not exceed 35°C in most of its parts. Therefore, it is well known for its summer resorts such as Salah Al-deen, Shaqlawa, Haj Umran, Sarsang and others.

2. Steppes climate : It is a transitional climate between the mountainous region in the north and the hot desert in the south. This climate prevails in the terrain area with annual rainfall ranges between (200-400 mm) which is sufficient for seasonal pastures.

3. Hot Desert Climate : It prevails in the sedimentary plain and western plateau which cover 70% of Iraq's area. Annual rainfall ranges between (50-200 mm). It is characterized by a great temperature variation between day and night, summer and winter, the maximum of which reaches (45-50C). In winter warm weather prevails, temperature remains above frost and does not go beneath it except for a few nights.

North-western wind prevails in Iraq during all seasons of the year. It is cool and dry in winter, accompanied by clear sky, whereas in summer the wind moderates the weather and decreases high temperatures. Eastern or north eastern winds blow in winter, as well, accompanied by severe cold and clear sky. As to south-eastern wind, it is relatively warm and humid causing, sometimes, clouds and rains.

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8. Annual Abstract of Statistics, op. cit., PP. 6 f.

PART TWO - ECONOMIC BACKGROUND :

1. NATURAL RESOURCES -

It was long thought that, petroleum apart, there were few minerals in Iraq. A little coal (under 2000 tons per annum) has been worked at Kifri, south east of Kirkuk, and slat and gypsum are also traditional products. Intense prospection established that there are deposits of chromite, copper, iron, lead and zinc in the northern hill zones adjacent to Asia Minor. Phosphates and sulphur have also been discovered in the western part of the country.

Greater impetus to industrial development has come from the greater availability of natural gas now piped to Baghdad from the eastern oilfields. (1) Iraq's gas reserves were estimated at 793 million cubic metres as of January 1st, 1978. Of this gas 80% will be used for industrial purposes, starting in 1982, and 4 million tons a year of liquid gas will be exported, which should bring the State about one billion dinars yearly. The great phosphate beds yield a million tons a year. The sulphur beds are being mined and (2) will soon be producing one million tons a year.

Oil dominates the Iraqi economy. Though no official statistics have been published, it is estimated that Iraq's oil reserves are fourth among the OPEC countries. In 1978

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1. Fisher, W.B. : op. cit., P. 367
  2. Rossi, Pierre : Iraq the land of the new river, published in the 'Grands Livers', series - Paris, printed (in English) in the Netherlands, 1980, PP. 111 ff.

Iraq ranked third among Middle East oil producers and its oil revenues were estimated at about \$ 9.8 billion, a figure (3) approximating the total GNP only a few years earlier.

## 2. AGRICULTURE -

The lands area within the agricultural holdings amounts to 22.9 million donums representing 13.19 % of Iraq's total area which amounts to (173.6) million donums, while the number of agricultural holding according to the results of the general agricultural census of 1971 was (591178). The percentage of the arable lands within the agricultural holdings was 84.59% for both winter and summer crops, the percentage of lands cultivated with perennial crops (fruit trees and date-palm trees) amounted to (2.64%), the percentage of lands allocated as natural pastures was 0.69%, lands cultivated with forest trees 0.19%, and other kinds of lands including those left and occupied by buildings, drainage and rivers...etc. (11.89%). The most prominent crops of Iraq are wheat, barley, cotton, tobacco and legums. Iraq, as well, is considered the foremost country in the world in dates production as the number of date-palm exceeds (19) (1) millions. Iraq produces about 80% of the total world supply

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3. Middle East, U.S. Policy, Israel, Oil and Arabs, The-, Congressional Quarterly, Washington, Fourth Edition, July, 1979, P. 130

1. Iraq (Republic of-) : Statistical Pocket Book 1974, Central Statistical Organization, Ministry of Planning, Baghdad, 1974, P. 33

of dates, about 130 varieties of date are known.

Cotton is the second commercial crop of the riverine lowlands. There is now a regular home demand from the textile mills. In some years, the surplus is exported and Japan, Hong Kong, and Central Europe being the chief markets.  
(2)

Barley and wheat are winter crops. Barley is the most important crop in terms of quantities produced. Formerly, native varieties of barley predominated, but recently these native varieties have increasingly been replaced by better strains introduced from Morocco and California with the result that Iraqi barley now has a good export market.

Wheat has been the major crop in some years. As with barley, introduction of new species from Punjab and the New World (Mexico especially) has resulted in better yields.

Rice, a summer crop, is the most important crop in much of the lower valley but is naturally restricted to districts which are regularly inundated, or where irrigation is easy. The quality of the rice is higher than that of either wheat or barley, and with heavy irrigation, a yield up to four times as great is obtained.

Besides the cultivated plants mentioned above, two others grow wild, and have a place in the economy of the region. Liquorice is found along the banks of both rivers

as far south as the Shatt al Arab. The root is dug up and then dried for a period of twelve to eighteen months, after which it is ready for use. Some is retained locally, but most is exported to the U.S.A. and to Great Britain. Another product is gum tragacanth, which is collected from bushes that are natives of the semi-arid steppe or desert. Most of the world's supply comes from the Tigris-Euphrates lowlands and from Iran, and is used in the manufacture of pharmaceutical products, and in sauces and pickles.<sup>(3)</sup>

### 3. STOCK-REARING -

The wild-animal life in Iraq contributes little or nothing, but the country has, throughout history, been of hardy sheep.<sup>(1)</sup> Stock-rearing forms a considerable supplement to agriculture in most of the Tigris-Euphrates lowlands, and predominates in the Jazira and parts of Kurdistan, so that on balance stock-rearing is more widespread than in many other countries of the Middle East. Sheep predominate, and its wool, though coarse, is exported in considerable quantities. Some is retained at home for weaving of carpets and cloaks; most of the remainder goes to eastern Europe, Hong Kong, and Communist China. Most of the water-buffalo is kept chiefly by the marsh Arabs of the extreme south.

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3. Ibid., PP. 361 ff.

1. Longrigg and Stoakes, op. cit., P. 30



Camels are bred in large numbers in the deserts of the South-West. Mule-breeding is carried on by the Kurds, in the north and northeast.

The importance of stock-raising in the economy of the Tigris-Euphrates lowlands is shown by the fact that in some years the export of animals and animal products has approached that of exports of agricultural produce, and occasionally, in the past, even exceeded this. With extensive pastoral areas of Iraq beyond the reach of irrigation, it would seem that animal husbandry could be further developed, were better methods of feeding and maintenance practised. A more prosperous pastoral sector, integrated with arable farming, might raise to a marked degree the general level of farming in certain areas. (2)

Mules, horses and donkeys carry loads, pull ploughs, and serve for riding. The more famous strains of the Arab horse have always been highly prized, in sentiment and economics alike, and are still valued, though the export trade in them is now diminished. (3)

#### 4. INDUSTRY -

Under the Ottoman rule manufactured goods required by the majority of Iraq's population were simple and could be supplied by local crafts. There were some factories for (1)

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2. Fisher, W.B. : op. cit., PP. 365 ff.

3. Longrigg and Stoakes, op. cit., PP. 30 f.

1. Longrigg and Stoakes : op. cit., P. 122

(2)  
producing textiles.

" Between the two wars the demand for imported manufactures grew steadily. The official and professional classes multiplied and adopted increasingly the material manifestations of western life. Motor vehicles were required for passengers and freight. Development in irrigation, urban construction and communications demanded the importation of irrigation pumps and engines, iron, steel, cement and other constructional material, machinery and electrical equipment. Cheap foreign goods, moreover, competed with some of the traditional handicrafts and caused them to wither, though many of them continued to supply the rural population and expanded with it. Domestic industry also developed in other ways. On the one hand, it turned to new products : matches, mineral waters and, with the cultivation of tobacco and cotton, cigarettes, ginned cotton and cotton textiles, on the other, it introduced a measure of mechanisation, both in these new processes and in some of the old, such as milling, distilling, tanning, and the manufacture of bricks, woolen textiles, and vegetable oils, and soap. Repair shops were set up for vehicles and machinery. The new industry was nevertheless limited in variety and scale. It could claim a few factories, of only moderate size, but was mostly housed in small workshops or conducted

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2. Official Directory of Iraq of the year 1936, The-, Edited by Mahmood F. Darwish and Eliaho Dankoor, issued under the auspices and supervision of the Ministry of Interior, (in Arabic), Baghdad, 1936, P. 789

in a single room by a master and one or two assistants. It was only in the oil companies, the railways and the Basra port organization that modern industrial processes were carried out on a considerable <sup>(3)</sup> scale. "

Iraq started rapidly proceeding on the path of industrialisation and economic development after Second World War but heavy industries were not included in the immediate plans on the assumption that there are no natural resources to support such a step, therefore, the Authority tended to encourage the establishment and development of <sup>(4)</sup> only light industries.

" On the part of governments and of the political public, however, there was, after 1921, considerable enthusiasm for industrialisation. It was an issue of national prestige, a symbol of liberation from 'colonialism' and of progress to modern statehood. It was expected to increase the national income, raise the standard of living,

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3. Longrigg and Stoakes : op. cit., PP. 122 f.

4. Ford, Edwin K. (Director, Division of Vocational Education, Halifax, Nova Scotia, Canada, Unesco Technical Expert to the Iraqi Ministry of Education in 1951-1952) : An official report translated from English into Arabic by Ja'afar Khayyat, Administrative Inspector General-Baghdad, and published by Al-Mu'allim Al-Jadid, An Educational Review issued by the Ministry of Education - Baghdad, in a special issue on Vocational Education in Iraq, Vol. XVIII, January, 1954, No.3, PP. 246, 248

support a larger educated electorate and promote political consciousness and solidarity. In 1929 an attempt was made to encourage it by granting fiscal privileges to industrial concerns; but there was no provision for the supply of capital and no very spectacular response. More significant assistance was offered by a law of 1950, which was reinforced with import duties and the prohibition of a number of foreign products. Shortages during the Second War and changes in social outlook had meanwhile stimulated a new interest in industry and a State Industrial Bank had been established to advance capital to private enterprises or purchase shares in them. Private capital is now being invested in industry much more readily than before. There is not yet any wide public investment, nor is there a stock market, though the establishment of a Stock Exchange is being considered; hitherto capital has usually been subscribed privately by the initiators and their associates. The post-war development programme of the government is of great importance to industry : it provides for an adequate supply of power, for communications and for technical training, and has equipped a section of the public with increased spending power; at the same time it has allocated funds for the establishment of State industries.

Modern industries established privately since the Second War include cotton and wool spinning and weaving, jute spinning, rayon weaving, mechanised baking, brewing

and the manufacture of date syrup, footwear, cement, reed 'thatchboard' for building, aluminium ware and light steel products; and pre-war mechanised industries have been considerably extended.<sup>(5)</sup>

The year 1950 can be considered as the turning point in the development of Iraqi economy because from that date the production of oil began to increase and consequently the Iraqi government's proceeds from oil increased from three million dinars in 1949 to (50) million dinars in 1953. In 1950 the government established the Development Board to carry out five-year plans but hesitation prevailed the functioning of the Board so that it could not execute even one-tenth of what was decided to be done in the field of industrialisation. After the Revolution of 14 July 1958, the government paid much attention to industry and out of 556,3 million dinars, which was allocated to various economic sectors according to the detailed economic plan of 1961, the amount (160) million dinars was allotted to industrialisation. The most important steps in this connection were the results of the Economic and Technical Agreement between Iraq and USSR which was concluded in March 16, 1959, and according to which the Soviet Union was to establish in Iraq (13)<sup>(6)</sup> industrial enterprises and (12) agricultural enterprises.

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5. Longrigg and Stoakes : op. cit., PP. 124 ff.

6. Economic Development In Iraq after the Revolution of 17 July, Publications of Ath-Thawra, Division of Economic Affairs at Ath-Thawra Newspaper, (in Arabic), Baghdad, August, 1972, PP. 22 f., 36 ff.

" Abdul Salam Arif, like the military regimes before him, announced that his government endorsed 'socialism', but he did not include the nationalization of private industry in his original version of the doctrine. Arif was finally persuaded by the Nasserites, notably the governor of the Central Bank, Khair al-Din Haseeb, that nationalization was an appropriate action for the protection of the public and the advancement of Arab unity as well as for the more rapid development of the economy. <sup>(7)</sup> "

In 1965 there were (1914) industrial enterprises in the country out of which (923) enterprises were of small-size; (739) were of medium-size; and (252) were of big-size enterprises.

After the Revolution of July 1958 the Development Board was abolished and a Ministry of Industry was created instead. This ministry was disestablished in 1964 at the advent of issuing the Laws of Nationalisation and was replaced by a State Establishment for Industry. In 1970 this Establishment was abrogated and the Ministry of Industry was re-formed under the name 'Ministry of Industry and Minerals', and the erstwhile State Establishment for Industry was divided into :

1. State Organization for Spinning and Weaving Industries.
2. State Organization for Chemical and Food Industries.

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7. Penrose, Edith and E.F. : Iraq : International Relations and National Development, London, 1978, P. 461

3. State Organization for Engineering Industries.
4. State Organization for Constructional Materials Industries.
5. State Organization for Clothing, Leather and Cigarettes Industries.

And in order to prepare a technical cadre for industrialisation a State Organization for Planning and Industries<sup>(8)</sup> Construction was established.

The industrial revolution in Iraq took place after the Revolution of 17-30 July 1968.<sup>(9)</sup>

" Iraq the agricultural country has planned for itself an economic policy directed at investments in various fields.

The new plan has emphasized the policy of industrialisation which is based on diversity in the agricultural industry and in industries that depend on the available raw materials in order to produce the necessary articles needed in the local market and with moderate prices and in quantities sufficient for local consumption with the surplus exported to the outside market and with the level of excellence that equals similar articles produced in other countries.

And consequently all efforts have been utilised to proceed firmly in the direction of creating an industrial

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8. Economic Development in Iraq etc., op.cit., P. 98
  9. Industrial Revolution in Iraq, (in Arabic), Baghdad, N.D., PP. 40 ff.

revolution that depends on centre methods of planning and executing the list of various industrial products which have been increasingly produced in the various districts of the country such as the factories of spinning and textiles, the industry of cement and Jute and the industry of food, then factories of sugar, pressed wood, cigarettes, vegetable oils, drugs and agricultural machines and instruments.

Iraq is considered as one of the big oil producing countries. The exploitation of this wealth was previously monopolized by foreign companies. But after the 14th July 1958 revolution Iraq changed immensely this monopoly by legislating Law No.80. This Law was put into force with the support of the National Oil Company which has made available all possibilities for the exploitation of oil after the 17th July 1968 revolution.

The task of surveying and investigating oil, petrol and petrochemical industries is shouldered today by the National Oil Company which has concluded contracts costing 55,000,000 dinars. It is planned that the oil extracted by this company will flow at the beginning of 1972.

Of no less significance is sulphur. Steps for direct exploitation of this material have been taken. It is scheduled that extraction operations will start in 1972.

Several other important industrial minerals are available in Iraq. Therefore the National Iraqi Mineral Co. has been founded in 1969 to carry out geological, mineral,



geophysical and hydrological surveys and also to be operative at the different stages of mineral industrialization.

The new policy of national development, the basis of which are drawn up by the State Constitution and whose foundations are outlined in the development plan of 1970-74, calls for a radical change in the economic and social structure; a change that will lead to the growth and progress of society under an economic regime working for the realization of social justice within the framework of unity, freedom and socialism.

The aforementioned plan aims at enforcing the state higher policy in all fields. As regards the economic domain, a certain system has been scheduled by the revolution with the purpose of achieving socialism by adopting an all round planning as a means of raising the national economy, and applying social justice which invalidates all forms of exploitation. Hence capital shall be utilized subject to the national economy which shall be thereupon a directed economy where state and private segments will cooperate in order to attain economic and social development which aim at sufficiency in production and justice in distribution.

Iraq follows a reciprocal cooperative policy with the other countries aiming at fulfilling the targets outlined  
(10)  
in its policy. "

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10. Iraq (Republic of-) : Iraq On The Move, Ministry of Information, Baghdad, 1971, PP. 7 - 17

" The five-year development plan (1976-80) could well be considered a comprehensive development revolution in Iraq. And an industrial revolution it will undoubtedly be, since Iraq's oil wealth has given it the ability to buy from the outside world the advanced technology it needs to carry out an extremely rapid industrialisation programme.

The public sector is playing the leading role in establishing the industrial foundations, developing natural resources, introducing modern technology best suited to Iraq, and overseeing its entry into export and import substitute industries.

Heavy industries such as mining and heavy machinery and materials production are seen by the Iraqi leadership as essential elements in successful development of the economy and are closely linked to production of ferrous and non-ferrous metals. Therefore, the plan concentrates on this sector and new surveys are launched to find deposits of iron and bauxite for the production of aluminium. <sup>(11)</sup> "

Between 1976 and 1980, some (13) billion dinars were invested in Iraq; of this sum 4.3 billion dinars, in other words 32 % <sup>(12)</sup> were invested in the industrial sector.

##### 5. COMMERCE :

As it is well known, Iraq mainly exports oil and her oil revenue was 521 million dollars in 1970 and it had

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11. Iraq Today, Vol. I, No.10, February 15, 1976, PP. 16 f.

12. Rossi : op. cit., P. 119

reached 10 billion dollars in 1978. By 1979, as a result of the crisis in Iran, it actually reached between (15) and (20) billion dollars. The world's principal oil producers (according to the 1978 figures, million tons) are :

U.S.S.R.	:	551
U.S.A.	:	470
Saudi Arabia	:	340
Iran	:	270
Iraq	:	130
Venezuela	:	116
Nigeria	:	104
Libya	:	100
Indonesia	:	83
Abu Dhabi	:	80 <sup>(1)</sup>

From this list it can be seen that Iraq is a major exporter of oil.

There has been a wide scale development since the Revolution in both domestic and foreign trade. The commercial sector has been linked with other sectors to serve the needs of development. Since the Revolution, imports have been subject to annual plans, which in 1980 amounted to more than 4000 million dinars, that is four times what it was in 1975 : The major developments have been as follows :

FOREIGN TRADE -

There has been a great advance in this field, both in

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1. Ibid., PP. 110 f.

volume and the types of goods exported and imported. It has been raised nine times more than what it was in 1968. The socialist sector has played a leading and influential part in this field.

IMPORTS -

These have been directed to meet domestic needs for consumer goods, for the requirements of investment and for the implementation of development projects which are being carried out on an unprecedented scale in the country. The value of imports has increased from 144 million dinars in 1968 to 1432 million dinars in 1979 - which is ten times what it was. Capital Goods formed 47% of total imports. The socialist Sector's share has risen from 41% of total imports in 1968 to 89% in 1979.

EXPORTS -

Non-Oil exports have effected a great increase in 1979, since they reached 3.5 times more than what they were in 1968. Industrial and semi-industrial goods formed 7.5% of total exports. The share of the socialist sector rose to more than 90% of total exports.

DOMESTIC TRADE -

In the recent period, efforts have been concentrated on organizing and developing a network for the distribution and sale of food products, essential consumer goods, and intermediate goods. The socialist sector has played a principal part in this field as its share has reached more

than 1627 million dinars, that is 53% of the total sales in domestic trade. Cooperative Consumer Societies have been developed and supported with an eye on geographic distribution, and their sales went up ten folds more.<sup>(2)</sup>

PART THREE - SOCIAL BACKGROUND : 1. PEOPLES -

Article (5) of the Interim Constitution reads :

" (b) The people of Iraq is formed of two principal nationalities, the Arab nationality and the Kurdish nationality. This Constitution shall recognize the national rights of the Kurdish people and the legitimate rights of all minorities within the Unity of Iraq. "

The dichotomy of the Iraqi nation; Arabs and Kurds, is well known. Besides, there are certain other small communities.

In physique and appearance the Iraqis show clearly the heterogeneity of their origins. The small-boned slightness of peninsular Arabs is far from universal, skull-forms are long, broad, or medium, bodily structure and stature show no uniformity, colour ranges from the pigments of central Africa to those of southern Europe (with the latter predominating in urban areas), facial type is no less various though normally pleasing. Traces of recent African-negro admixture are clear in individuals and families, the

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2. Iraq (Republic of-) : Revolution and Development in Iraq, issued by Ministry of Culture and Information, Prepared by Ministry of Planning, Baghdad, July 1980, PP. 98 f.

'Armenian' head-shape in others, traces of "Turkish" or Mongoloid cheekbones can be seen in the old Assyrian region, and the fineness of the central-Arabian among the western desert folk. The Kurds are distinguishable by a generally heavier or tougher build, more deliberate motions, and their different dress. <sup>(1)</sup> Generally speaking, the racial composition of the population of Iraq has remained basically similar to what it was in the Sumerian and Babylonian times. There has been an admixture of Arab blood in Post-Islamic times, but this has not greatly altered the people's physical character, and the infiltration of Armenoids from the north has been negligible. Throughout the middle and lower courses of the Tigris and Euphrates the population is reasonably homogeneous, and the stature of the Iraqis is higher than that of the Arabs of Arabia. Long-headed types predominate, but there is a small brachycephalic minority. In northern Iraq faces are broader and heavier than in the south of the country, and in general the noses of Iraqis are more prominent and thicker-tipped, the beards much stronger, the brow-ridges heavier than among Yemeni Arabs or the pure northern bedouins. There is a strong Irano-Afghan element here as well as an Atlanto-Mediterranean, while small, fine-featured Arab Mediterranean types are rare. The hair form of the Iraqis is usually low waves, and the colour is dark brown or black with a small minority

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1. Longrigg and Stoakes : op. cit., PP. 22 f.

of reddish hues. Dark eye colours prevail, with about  
(2)  
25% mixed light eye colours.

The pure Arab blood itself is a myth since even primitive Arabia was racially mixed. Iraq's history shows in what circumstances an Arab and Islamic character was imposed  
(3)  
upon its aboriginal and mixed un-Arab population.

#### THE ARABS -

At the Islamic conquest of Iraq, the population were several millions, and some historians exaggerate the number to thirty millions. These, however, were the remnants of the Sumerians, Akkadians, Amorites, Chaldeans, Kassites... etc. Where had these peoples gone? How did their genealogies  
(4)  
and origins disappear? The Arabs migrated from Arabia to various parts of Middle East, but they did not on any major  
(5)  
scale displace the people already there. It seems, then, that the former settlers intermingled with the Arab tribes  
(6)  
that came to Iraq from Arabia, and were Arabized.

At any rate, from the Sumerians to the Mongols wave after wave of conquest added new elements to Iraq's blood

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2. Chambers's Encyclopaedia, New Revised Edition, England, 1967, Vol. 7, P. 712
  3. Longrigg and Stoakes : op. cit., P. 22
  4. Wardi (Dr. Ali, Professor of Sociology, Baghdad University) A Study in the Society of Iraq (in Arabic), Baghdad, 1965, P. 152
  5. Gulick, John : Middle East, The-, An Anthropological Perspective, U.S.A., 1970, P. 21
  6. Wardi, Ali : Ibid.

which in the dawn of history was neither Arab nor Semitic. (7)

The Sumerians themselves are thought to be ethnically (8)  
Dravidians.

It is true that some of the Iraqis were able to keep (9)  
their genuine Arab Ancestry.

Anyhow, the Arab character of the mass of the Iraq (10)  
people cannot be questioned. The cultivated delta watered  
by the Tigris and Euphrates is inhabited by Arab tribal  
confederations, more or less settled, who are immigrants  
from the Arabian deserts. Some have been established in  
Mesopotamia from a remote period, others have come in during  
the last two or three hundred years, but all are originally (11)  
nomads of the interior wilderness.

Between three fourths and four fifths of Iraq's total  
population is Arab, speaks the Arabic language, and, with  
the exception of small minorities, shares the Islamic  
religion. Internally, this majority is divided by differing  
ecological and cultural patterns, by a wide range of economic  
pursuits, by differences of political status. In the  
northern part of the country the Arabs are found mainly  
along the rivers above Al-Fallujah and Baghdad, on the

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7. Longrigg, S.H. : Four Centuries of Modern Iraq (in Arabic, Tr. from English by Ja'afar Khaiyat), Second Edition, Beirut-Lebanon, 1949, P. 8
  8. Hall, H.R. : op. cit., P. 173
  9. Longrigg, S.H. : Four Centuries of Modern Iraq, Ibid.
  10. Longrigg and Stoakes, op. cit., P. 22
  11. Arab of Mesopotamia, The-, (written during 1916), printed by E.G. Pearson at the Times Press, Bombay, and published by the Superintendent, Government Press, Basrah, N.D., P. 1



Mosul plain, and on the Tigris tributaries up to the Kurdish-Turkoman foothills. Overwhelmingly Sunnite, the population of these areas shows a higher rate of literacy and enjoys a somewhat higher standard of living than does that of the Arab areas farther to the south, where the population consists largely of Shiite agriculturalists concentrated along the banks of the Tigris south of Baghdad and on the Euphrates south of Al Fallujah.

In the southern marshes of Iraq are the marsh Arabs (the Ma'adans), remnants of conquered peoples who have found refuge there. Although those living on the peripheries of the marshes blend physically and culturally with the peasantry and have absorbed some bedouin groups, those living in the permanently flooded areas in the heart of the marshes are quite distinct, practising little or no agriculture and living on fish and on milk products from their water buffaloes.<sup>(12)</sup>

The Marshes cover some six thousand square miles of the country round Qurna, where the Tigris and Euphrates join above Basra to form the Shatt al Arab. They consist of permanent marsh where reed (*Phragmites communis*) is the predominant vegetation; seasonal marsh, most of which is covered with bulrushes (*Typha angustata*) and dries up in the autumn and winter; and temporary marsh, which is only inundated during the floods and is later overgrown with a

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12. Harris, George L. et al. : Iraq, its People its Society its Culture, U.S.A., 1958, P. 37 f.

sedge (*Scirpus brachycceras*). In spring the melting snow on the high mountains of Persia and Turkey causes the Tigris and Euphrates to flood, and the Marshes are the centuries-old result of the overflowing and dispersion of these two rivers.<sup>(13)</sup>

The inhabitants of these districts follow a mode of life different from that of their countrymen further north. Dwellings are built of bundles of reeds fastened by ropes made of the same plant, and are set either on thick bundles of brushwood as a foundation, or else on the few sand-spits that stand above the water. Rice is a staple, and diet is varied by fish, salted or dried, and by a species of edible rush known as ageyl. Water-buffaloes are almost the only animals kept, and these provide curds, butter and cheese,<sup>(14)</sup> together with dung which is the chief fuel available. It was on the edge of these marshes that human history in Iraq began.<sup>(15)</sup>

" At present a comprehensive plan to develop marshes is carried out. The Ministry of Agriculture and Agrarian Reform is currently carrying out a comprehensive plan to develop the marshes of southern Iraq.

The plan aims at laying a solid foundation for an overall agricultural development by organising irrigation

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13. Thesiger, Wilfred : Marsh Arabs, The-, London, 1964, P. 1 f.

14. Fisher, W.B. : op. cit., P. 350

15. Thesiger, W, : op. cit., P. 89

and desalination networks, erection of dams to regulate the supply of water throughout the year, setting up of fish-breeding farms, executing a number of projects for land reclamation and farming and establishment of guidance and health centres.

As for reeds and papyrus which grow in large quantities over a wide area and which are the main raw material used in paper industries, recommendations have been made to enact a law protecting natural plants and to build special centres for storing them. It has also been decided to modernise the methods of cutting, transporting and marketing them by introducing new machines specially made for this purpose. Another mill is expected to be built in Dhi Qar Governorate to process reeds and papyrus.

The co-operative movement in the Marshland started in 1970 and by now 340 local specialised and joint associations are functioning here covering the bulk of the area and having 220,474 members.

The total area of the Marshland that spread over Basrah, Dhi Qar and Meisan governorates, is 3,480,753 donums forming about 17.5% of the territories of these governorates. "<sup>(16)</sup>

In al-Jazirah, and the desert of western Iraq settled the famous Arab tribes; Shammar, Tamim, and Anzah. These<sup>(17)</sup>

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16. Iraq Today (An Iraqi magazine in English), No.107, Vol.V, Feb., 16-24, 1980, Ministry of Culture and Information, Department of Translation and Foreign Languages Publications, Baghdad-Iraq, P. 21 f.

17. Wardi, Ali : op. cit., PP. 147 ff.

areas are the home of the great camel-grazing tribes of  
Iraq and neighbouring Syria. From the beginning of the 20th  
century these originally nomad tribes started gradually  
practising stock-rearing, and cultivation wherever water  
supply is available.

THE KURDS -

The Kurdish tribes inhabit the mountainous sector of  
territory lying amid the Middle East land mass that is  
roughly encompassed by the Black Sea, the Caspian Sea, the  
Persian/Arab Gulf, and the Mediterranean. They claim that  
they have lived here for over 4000 years and that they are  
of Aryan stock descending probably from the Medes, but the  
Medes themselves are claimed by some scholars to be Aryanized  
people from Turan.

The Kurds are of tall stature and with few exceptions  
dolichocephalic, the pigmentation is mainly brunet, though  
there is a blond minority. The common stereotype of the  
Kurds is the hardy mountain warrior, taller and more strongly  
built than the Arab peasant.

The Kurds, as a collective name, was given to them by

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18. Longrigg : Middle East, op.cit., P. 123

19. Wardi : Ibid.

20. O'Ballance, Edgar : Kurdish Revolt 1961-1970, The-,  
GB., 1973, P. 15

21. Columbia Encyclopedia, P. 1341

22. Chambers's Encyclopaedia, Ibid.

23. Harris : Ibid., P. 40

the Arabs in the 7th century. They speak various dialects of Kurdish which is an Indo-European language distantly related to Persian. This Aryan tongue is akin to, but not derived from, Persian and its Kurmanj (kermanji) branch prevails in Iraq.

Actually there are three main dialects, Zaza, Gurani and Kermanji, of which there are local variants. Zaza is spoken in the northern parts of Turkey and the Persian province of Azerbaijan, while Gurani is spoken mainly in the Persian province of Kermanshah; neither is written. Kermanji is the most important dialect, being used by over 50 per cent of the Kurds throughout the remainder of Kurdish territory, especially in Iraq. Their homeland is the mountains of eastern Turkey, north-eastern Iraq, and northwestern Iran. They are staying in five countries; Turkey, Iran, Iraq, Syria and USSR. The official figures indicate that there are only about 5.5 million Kurds in the four countries of Middle East. But the Kurds themselves insist that the figures were deliberately minimized for political reasons, and that the true total should be nearer 8 million, as there are at least 4 million Kurds in Turkey, 2 million in Persia,

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24. O'Ballance : Ibid.

25. Harris : op. cit., P. 40

26. Longrigg and Stoakes : op. cit., P. 26

27. O'Ballance : op. cit., P. 32

28. Gulik : op. cit., P. 5

1.5 in Iraq, and at least 400,000 in Syria. Besides there  
(29)  
are about 100,000 in the Soviet Union. International esti-  
(30)  
mates put the overall number of ethnic Kurds at between 15  
(31)  
and 20 million.

Over centuries the Kurds have never been assimilated by  
(32)  
successive conquerors, but, perhaps, they are destined always  
(33)  
to be a race and never a nation. They failed to establish a  
state of their own in spite of the fact that the Soviets  
were urging them to unite under communist auspices to form  
(34)  
an independent Kurdish Republic. There was never Kurdish  
unity or national cohesion as such; in the Middle Ages the  
tribes were grouped into about thirty mutually hostile  
principalities. Wedged in between the rival, expanding empires  
of Persia and Turkey, some fought for one side and some for  
the other, depending upon pressures, bribes and circumstances,  
(35)  
and more frequently against each other.

In Iraq the provinces of Mosul, Arbil, Kirkuk, and  
Diyala are heavily Kurdish, and Sulaimaniyah is exclusively  
(36)  
so. After the revolution of July 17-30, 1968, Iraq has  
been administratively divided into 18 Governorates, and the

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29. O'Ballance : op, cit., P.32

30. Ibid., P. 31

31. Times of India, Friday, May 15, 1981, P. 23

32. O'Ballance : Ibid., P. 15

33. Ibid., P. 11

34. Morris, Tames : Market of Seleukia, The-, London,  
ND., P. 290

35. O'Ballance : op. cit., PP. 15 f.

36. Harris : op. cit., P. 40

previous (Liwa) of Mosul was made two Governorates; Ninevah, and D'hok. Out of 18 Governorates, three are included in the Autonomcus Region; D'hok, Sulaimaniyah, and Arbil on the basis that the majority of the population in these three Governorates are Kurds. (37)

Tribalism among the Iraqi Kurds is no less true than it is among the Iraqi Arabs in spite of certain differences between Arab and Kurdish tribes. (38) The majority have been for some time settled cereal agriculturalists and transhumant stockbreeders. A few tribes are still pastoral nomads. Three general groups of Iraqi Kurds are recognized, conforming to tribal affiliation, linguistic difference, and geographical location. The first group, the Badinan, an extension of the Turkish Kurds, lives in villages which range from Lake Van in Anatolia to the Greater Zab River in Iraq. They speak Kermanji, or "literary" kurdish. The second group, the Suran, lives between the Greater and Lesser Zabs. The third, the Baban, inhabits the region from the Lesser Zab to the Diyala River. The Suran and the Baban speak a single dialect of Kurdish, found also among the Iranian Kurds. Each of these groups contains nomadic herdsmen organized in tribes, freehold farmers who retain their tribal affiliation and whose land is usually in the area of the former tribal domain, and tenant farmers and laborers who are largely detribalized. (39)

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37. Iraq (Republic of-) : Man : The Object Of Revolution, Ministry of Planning, Baghdad, July 1978, P. 11  
38. Longrigg and Stoakes : op. cit., P. 25  
39. Harris : op. cit., P. 40

The Kurds in the Soviet Union had been completely pressed into the Socialistic mould, a slight trace of traditionalism but none of nationalism being permitted. The Kurds are not allowed to carry arms, and neither are any Kurdish nationalist or political organizations permitted. As for the degree of freedom, political and otherwise, enjoyed by the Kurds in the four countries of Middle East in which they live, it is in Iraq only that they have the greatest freedom, as most of the tribal kurds retained their arms, customs and language, and are able to indulge in political activities. (40)

OTHER MINORITIES -

After holding sufficient discussion on the main ethnic divisions of the population of modern Iraq, namely; Arabs and Kurds, we may proceed to discuss the other minorities, or non-Arab culture groups which 'are rather interesting than significant'. They are :

1. Christians
2. Jews
3. Yazidis
4. Shabak and Sarliyas
5. Assyrians
6. Turkomans
7. Armenians
8. Sabaeans
9. Persians
10. Lurs

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40. O'Ballance : op. cit., PP. 31 f.

41. Longrigg and Stoakes : op. cit., P. 26



Article (19) of the Interim Constitution states :

- " (a) Citizens are equal before the Law, without discrimination because of race, origin, language, social category or religion.
- (b) Equal opportunities for all citizens shall be guaranteed within the limits of the Law. "

1. CHRISTIANS -

Under the Ottoman rule Iraq was divided for administrative purposes into three wilayets; Baghdad wilayet, Basrah wilayet, and Mosul wilayet. (42) The Christian communities existed in these three wilayets at the commencement of the 20th century. The more populous sects belonged to official Millets (Millet = a distinguished minority of people) headed locally by bishop, archbishop, or patriarch. Such were the Orthodox (Gregorian) Armenians, fairly numerous in the towns but nowhere concentrated : the Assyrians or Nestorians, few in the Iraq of 1900 and almost confined to the Amadiya qadha in the extreme north : the Monophysite Jacobites with a few houses in Mosul, and the Syrian Catholics, who are Jacobites catholicized : the Armenian Catholics : small communities of Greek Orthodox and smaller of mission-converted Protestants : and finally the numerous and important Chaldeans, who, by origin Nestorians, had been attracted from their mountains to Mosul and its villages

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42. Longrigg, Stephen Hemsley : Iraq, 1900 to 1950, A Political, Social, and Economic History, GB., 1953, P. 1

and catholicized to form a Uniate Church. The Christians, whose prized distinctions of creed and prelate were meaningless to Turk and Arab, enjoyed a status above Jew or Yazidi but below Muslim. Poorer than the Jews, they were less resented and like them politically negligible. The suspicion which Armenian nationalism had evoked elsewhere in Turkey, to meet brutal and bloody reprisals in the Armenian massacres, was not felt in Iraq. The Christians owned land, cultivated in their northern villages but not in lower Iraq, specialized in retail commerce, hotel-keeping, artisanship, and the legal profession, and provided a number of government functionaries. The Chaldeans of Tall Kayf had long enjoyed a monopoly of employment on the river steamers. All the communities had their own churches, priesthoods, and usually schools, served for long years past by the missions of European churches. The educational standard was advanced by Iraqi standards of the time, and a beginning had been made with girls schools. The Christians like the Jews were free from military service, and paid the exemption tax. The communities of both religions sent official members to the Administrative Councils of their district.

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On 27th, March, 1924, the Constituent Assembly met for

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43. Ibid., P. 11

44. Ad'hami, Muhammad Mudhaffar : Iraqi Constituent Assembly, The-, An Historical and Political Study, (in Arabic), Publications of Ministry of Information, Republic of Iraq, Baghdad, 1976, P. 483

the first time to discuss the draft of the Organic Law whose article 6, when the Constitution took its final form, stated that Iraqis are equal before the Law, without discrimination because of race, religion or language; and whose article 18 stated that Iraqis are equal in enjoying their rights and performing their duties. <sup>(45)</sup>

Representatives of the Christians and Jews were members in that Constituent Assembly. <sup>(46)</sup> While discussing the draft it was suggested that the Christians and Jews ought to be represented in the forthcoming Iraqi Parliament as follows :

1. One Jew and two Christians from Mosul.
2. Two Jews and one Christian from Baghdad. <sup>(47)</sup>
3. One Jew from Basrah.

A group of Muslim members, of which the outstanding figure was Amjad al-Umari, objected and suggested that the number of the representatives of these two minorities must be increased to eleven, as six for the Christians and five for the Jews. The basis of their objection was that, in the opinion of Amjad al-Umari, the total numbers of the Iraqi Jews and Christians are not 87,000 and odd, and 78,000 and odd respectively, as the recently estimated census revealed.

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45. Ireland, Philip Willard : Iraq, A study in Political Development, (in Arabic, Tr. from English by Ja'afar Khaiyat), Beirut - Lebanon, 1949, P. 300

46. Ad'hami, M.M. : op. cit., P. 611

47. Ibid., P. 641

(48)  
The true numbers are more than those figures. In the  
elections of September 12, 1954, six Christian representa-  
(49)  
tives entered the Parliament.

According to the general census of 1947, less than 3  
per cent of Iraq's Arabs are Christians. More than half of  
this number live in Mosul province, traditionally a Christian  
center in the Middle East. There are also sizable concen-  
trations in the cities of Kirkuk, Arbil, Basra, and Baghdad.

Two tendencies are apparent in the Christian community.  
In the first place, the Christians have taken more readily  
to westernization than any other element of the population.  
They have been first to learn European languages; first to  
discard traditional dress; first to accept new occupational  
roles for women; first to grasp modern technological  
training. Secondly, their religion and their readiness to  
accept innovation have not stood in the way of an increasing  
identification in the secular sphere with the Arab Muslim  
majority, whose language, manners, and political outlook  
they share.

Wealthy Christians, like well-to-do Muslims, have long  
had educational and social access to western material and  
intellectual culture; significantly, however, on the lower  
economic levels Christians more than Muslims have been

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48. Ibid., P. 642

49. Gallman, Waldemar J. (An American Ambassador in Baghdad)  
: Iraq Under General Nuri, My recollections of Nuri  
al-Said, 1954 - 1958, U.S.A., 1964, PP. 3 ff.

brought into direct contact with Europeans by the occupations they have pursued. There is a high percentage of Christians among house servants and among clerks in business establishments. They are also to be found as hotel owners, waiters and bartenders, dealers in antiques, assistants to archeological expeditions, in all activities connected with European influence. Christians further up the economic scale are prominent in the professions and in banking and finance.

Although this close association with Westerners has been a source of Muslim resentment in the past, the fact that the Arab Christians have never been politically wedded to any particular western country but have been strong proponents of Iraqi nationalism has minimized intergroup hostility. The loyalty of politically articulate members of the Christian group evidently reflects the better treatment given to native Christians in Iraq by the Muslim ruling group than in such neighboring countries as Iran and Turkey. Friction between the two communities is by no means absent but the present trend seems to be toward acceptance by both groups of widening areas of common interest. (50)

The number of the Christians in Iraq was given in the census of 1965 as 232,406. (51)

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50. Harris : op. cit., PP. 39 f.

51. Iraq (Republic of-) : General Population Census of 1965, Central Statistical Organization, Ministry of Planning, Baghdad, 1973, P. 495

2. JEWS -

In last decades of the 19th century the Jews in Asia were estimated to be 300,000<sup>(52)</sup>, and at the beginning of the 20th century there were 50,000 Jews in Baghdad only. In the census of 1947 the figure for Iraqi Jews was 118,000, but the number was unofficially estimated at about 150,000. They were concentrated in Baghdad province (77,542) and in Mosul and Basra (over 10,000 in each), but there were also communities in most of the large towns, notably in Al Hillah, as well as in some villages in the north.<sup>(54)</sup>

The total number of the Iraqi Jews who migrated to Palestine ( Israel - later on ) during (1919-1955) is 133,000.<sup>(55)</sup> In the census of 1965 there were 3187 Iraqi Jews staying in the country, and by including the Iraqi Jews abroad the total number increases to 3209.<sup>(57)</sup> According to Longrigg (in 1970), 'the once wealthy and numerous Jewish Community, with its massive concentration in Baghdad, is there no more; perhaps 7,000 or less remain'.<sup>(58)</sup>

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52. Hosmer, James K. (himself a faithful Jew and Professor in Washington University) : Jews, The-, Ancient, Mediaeval, And Modern, New York, 1890, P. 235.
  53. Longrigg, S.H. : Iraq, 1900 To 1950, op.cit., P. 10
  54. Harris, G.L. : Iraq, op. cit., P. 44
  55. Rele, J.R. : Jewish Migration in Israel (submitted to the Demographic Training & Research Centre, training programme 1957-58), Bombay, India, 1959, P. 21
  56. Iraq (Republic of-) : General Population Census of 1965, op. cit., P. 495
  57. Ibid., P. 494
  58. Longrigg, S.H. : Middle East, op. cit., P. 124

The Jews have a long record in Iraq : Abraham, their nation - grandfather, was one of their tribal branches that had migrated to Iraq and settled in the southern part of the country. (59) After the fall of Samaria the Assyrians had deported twenty-seven thousand two hundred and eighty Jewish families who became the 'vast multitude of captive Hebrews... in servitude on the Tigris.' (60) Further, in 585 B.C., the new Babylonian Empire under Nebuchadnezzar sacked Jerusalem (61) and deported many of its people into captivity to Babylon, and hence; the famous term in history of political thought in the West, "Babylonish - or Babylonian - Captivity." (62) In 539 B.C., Cyrus occupied Babylon and freed the Jews of whom some 40,000 returned to Palestine, but the larger part had chosen to remain in Babylon. (63)

In the Abbasid period there had been, perhaps, between 300,000 and 500,000 Jews throughout the Empire. (64) The Administration could not dispense with their services, but they (65)

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59. Susa, Ahmad : Arabs and Jews in History, The-, (in Arabic), Directorate of Public Culture, Ministry of Information, Baghdad - Iraq, 1972, P. 230
  60. Hosmer, James K. : The Jews, op. cit., PP. 39 ff.
  61. Hadawi, Sami : Bitter Harvest, Palestine between 1914-1967, New York, 1967, P. 38
  62. Suda, J.P. : History of Political Thought, Ancient and Medieval, Ninth Edition, Meerut, 1973, P. 273
  63. Hadawi : Bitter Harvest, op. cit., P. 39
  64. Fawzi, Farouk Umar : Historical Glimpses about the Positions of the Jews in the Abbasid Period (in Arabic), Baghdad, 1972, P. 80
  65. Ibid., throughout the pamphlet.

were officially deprived of full membership in the society, and, like the christians, they had to occupy a position lower than that socially and economically enjoyed by the Muslims.<sup>(66)</sup>

" The Iraqi Jews were in 1900 one of the chief minorities in the territory. Like the main Christian sects they formed an authorized Millet of the Empire, with autonomy in their personal and community affairs. They were grouped in larger or smaller numbers in almost every urban or greater village settlement from the Van border to the further south. Everywhere industrious and inoffensive, they contained also, especially in Mosul and the north, the poorest and most backward elements. Exempt from military service and with little part in public life, they practised the occupations and showed the qualities of their race and administered their schools and synagogues; and many a one could be found, in the wildest Kurdish areas, as the valuable personal agent to the Agha, (landlord), who would boast of his clever jew. In Baghdad, with a city community of some 50,000, they almost outnumbered the Sunni Arabs and exceeded the Christian, Persian and Turkish minorities combined. With their agents in Manchester, Bombay, and Paris they had so far the supremacy in commerce and foreign trade that Muslims were often forced into partnership, while Christian merchants had been largely driven from the field. Western education was widespread, inspired by the excellent

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66. Ibid., P. 71



school of the French-Jewish progressive Alliance Israelite Universelle founded in 1864. The community, which included rich landowners and notables, was treated with tolerance which excluded social equality : the abilities and wealth of the successful excited jealousy and at times a bullying avarice, but never political suspicion. The ruin of their position and happiness by political Zionism lay still half a century ahead. <sup>(67)</sup> "

In 1950-51 almost the entire Jewish population left the country for Israel. Israeli figures show that more than 120,000 Iraqi Jews have entered Israel since the establishment of the state in 1948. A few thousand went to India, Lebanon, Europe, and the United States. The Grand Rabbi of Baghdad in 1955 estimated the Iraqi Jewish community at 5,000 persons, but most other observers put the number at 8,000 to 10,000. Those who are left in Iraq abjure Zionism completely and declare their undivided attachment to the state; the official attitude is that a loyal Jew is on the same footing as any other loyal citizen.

Jews formerly constituted almost the entire body of money-changers and were also prominent in commerce and banking. Some of the younger Iraqi Jews were established in the fields of medicine and law. <sup>(68)</sup> At present there are

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67. Longrigg, S.H. : Iraq, 1900 To 1950, op. cit., PP. 10 f.

68. Harris, G.L. : Iraq, op. cit., P. 44

(69)  
2,500 Jews in Iraq.

The Jews in Iraq are entitled to all the rights and duties exercised by other citizens without any discrimination. They are Iraqi citizens living in security and lead a prosperous life like all other citizens. (70)

### 3. YAZIDIS -

The name employed by the group itself is not Yazidi, but 'Dasnayi', the official use of the term 'Yazidi' is indicative of their past status, for the word has a pejorative connotation. (71) There are two theories about the name : one, that it represents a corruption of the Persian Yazdan, the name for the good spirit, who is the opposite of Ahriman; the other, that it derives from the Caliph Yezid (Yazid, Yazeed). The second is more plausible. Yezid was an Umayyad Caliph, the second of dynasty that seized control over the young Islamic Empire, after the first four successors of the Prophet. A handsome, wordly man, delighting more in poetry and pleasure than in prayer, he was responsible for the death of Muhammad's grandson, Hussain, an event which has made his name as hated in the Muslim world as Judas' in Christendom. After a spectacular century the Umayyad dynasty was overthrown, and the power in Islam passed to Baghdad and the Abbasid Caliphate, The Umayyads had represented the rule of rough, knightly Arabia, preaching, if not practising,

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69. Statesman's Year-Book 1981-1982, 118th edition, Macmillan Press, London, edited by John Paxton, P. 693  
70. Iraq (Republic of-): Iraq on the Move, op. cit., P. 51  
71. Harris : Iraq, op. cit., P. 41

a stern morality; the rule of Baghdad represented a more humane and perhaps more decadent way of life; the Abbasid Caliphs were no longer pure Arabs, but partly Persian, with Turkish mercenaries to support their power; at their cosmopolitan court, Jews and Christians played prominent roles as architects, doctors and men of learning. Under this rule the chief area of dissatisfaction was southern Kurdistan, the mountainous area north of Mosul. Here, the wild, courageous Kurds, who had supported the Damascus Caliphate, were in constant rebellion against the new rulers of Baghdad and to show their opposition began to exalt Yezid, the most uncompromising of the Umayyads. An Arab traveller of the twelfth century, Al Samari, gives support to this view :

" In Iraq, in the Jebel Halwan and in the neighbouring country, I met numerous Yezidis. They lead the ascetic life in the villages of this mountain... They mix very little with other people. They believe in the imamate of Yezid and maintain that this Caliph was in the right road. " At this time there was no mention of Satanism as a distinguishing feature of the cult; that was to come later. Baashiqa is the chief Yezidi village near Mosul. Some scholars are of the opinion that the Yezidis were originally a Sufi Order and followers of Yazid Ibn Unaisa after whose name 'Yazid' they were called. Some others opine that the name derived from Ized or Yazata (in Avesta) or Yazd in Phahlavi, or

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72. Stewart, Desmond; and Haylock, John : New Babylon, A Portrait of Iraq, London, 1956, PP. 155 f.

Yajata in Sanskrit. Thus, the meaning of Azidi or Izidi or Izdi is : the worshippers of God (Allah); and there are some other opinions about the name, 'Yezidi'.<sup>(73)</sup>

They live also in Syria, Turkey, Iran, and USSR., but the hills of northern Iraq is their home and their holy land.<sup>(74)</sup>

Originally they are Kurds, and it is evident that they resemble the Kurds in type and habit. Their main concentration has been in the Jabal Sinjar, fifty miles west of Mosul, but their holiest place, Shaykh 'Adi, lies in the Mosul plain. Their numbers, never formidable, had been reduced by the active antipathy of their Kurd and Arab neighbours; it was excited by the outwardly churlish Yazidi character, still more by their non-Muslim religion of devil-propitiation- if their hotch-potch of religious tenets be rightly understood- and by their close community autocracy. Though they still refused equally subjection and assimilation, their long history of major revolt and violence was at an end.<sup>(75)</sup> They live in a compact group in the Jabal Sinjar, with a smaller group at their shrine of Shaikh 'Adi north of that city, and form a community unusually isolated not only in habitat and

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73. Ahmed, Sami Said : Yazidies, The-, Their Life and Beliefs, (in Arabic), Baghdad, 1971, Vol.1, PP. 27 ff.

74. Morris, James : Market of Seleukia, The-, op. cit. P. 294

75. Longrigg, S.H. : Iraq, 1900 To 1950, op. cit., P. 9

language - a dialect akin to Kurdish - but in the exclusiveness of their peculiar religion. Of this, which incorporates Islamic, Christian and pagan elements, the best-known feature is their careful propitiation of the Devil, whose present outcast status they believe to be temporary : they are in consequence commonly, but inaccurately, known as devil-worshippers. Numbering, perhaps, 30 to 40 thousand souls, their society is closed to outsiders, their character reputed stern and unfriendly, their political desideratum to be left alone, and their past history one of lawlessness and suppression. They contribute nothing of value to the Iraq state. <sup>(76)</sup>

These agreeable eccentrics bear a sinister reputation among the ignorant, because they follow an unusually cloudy religion concerned with the worship of the devil or the propitiation, nobody quite knows which. The origins of this faith have long since been forgotten, and the Yezidis themselves are distinctly vague about it all. They have personified the devil in the figure of a peacock (or perhaps several), kept in one of the shrines of Kurdistan and produced at times of festival for the performance of secret rites; and they put great store in mysticism, cabalistic signs, taboos and rituals.

So many and so fervent are the dislikes of the Yezidis that in their villages one is haunted by the fear of committing some awful spiritual solecism. One must remember

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76. Longrigg and Stoakes : op. cit., P. 27

never to mention the word Satan, for it is anathema to the devil, and therefore most vigorously shunned by all Yazidis; if somebody does utter the name, the really convinced Yazidi must either instantly kill the transgressor, or commit suicide. Indeed, one must remember not to pronounce the sound 'sh', which begins with the Arabic word for Satan (Shaitan), at all : the Yazidis themselves will endure agonizing distortions of sense and grammar to avoid uttering this terrible consonant, and until recently even refused to learn reading or writing because of its presence in the alphabet. Then lettuces are strictly taboo : it is said that the evil one once tried to hide inside a lettuce, but found its wicked leaves insufficient to conceal him.

Reddish colours are also unpopular, moreover, the colour blue is something the Yazidis particularly loathe, and there are innumerable thresholds and flagstones upon which it would be insufferably insulting to set foot, and one or two totems which it would be grossly irreverent not to touch with respect. The Yazidis take these prohibitions and antipathies so seriously that many thousands of them have, over the centuries, died for their strange faith; so it is only right for the stranger to tread carefully,<sup>(77)</sup>

The only district in which Yazidis form the majority is Sinjar where they are a rural population. They form about one third of the population of the Shaykhan district, north of Mosul. Here are located their principal shrine,

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77. Morris : Market of Seleukia, op. cit., PP. 294 f.

shaikh Adi, and the residence of their Emir. It is believed by several observers that they now form a considerably smaller proportion of the population than they did some hundred years ago. They were subjected to several decimating executions by the Turkish authorities and their Kurdish neighbors in Ottoman times. They speak Kermanji, a Kurdish dialect, but commonly know Arabic as well.

The Yazidis have traditionally been set apart from the mainstream of Iraqi life. They are execrated as "devil worshippers" by the major Muslim sects, and individual articles of faith make it difficult for them even to send their children to public schools. They were not a millet under the Ottoman Empire, as were many minorities, and so were deprived of any benefits of legal status. Their emir, head of the strictly graded religious political hierarchy, exercises full control over his followers. Grave charges have been made in the past (some by Yazidis) against the cruelty and capriciousness of these hereditary leaders.

Despised by the majority and at the bottom of the economic scale in Iraq, the Yazidis have so far participated less than any other group in the benefits of the country's drive for development. <sup>(78)</sup> "

The Yazidis are organized into rigid social strata - Emirs, shaiks, qawwals, fakirs and the rest; each must

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78. Harris, G.L. : Iraq, op. cit., PP. 41 f.

marry within itself, qawwals with qawwals, fakirs with fakirs, and there has thus arisen a hierarchy of hereditary importance and gravity. Some of these people are credited with magical powers.<sup>(79)</sup>

The Amir (Emir, or colloquially - Mir) of the Yazidis is considered, or recognized as - by the Yazidis themselves the world over - the Supreme Ruler of the Yazidis in all Asia.<sup>(80)</sup> But they think that their religion in USSR. is fading away.<sup>(81)</sup>

Nowadays, the Amir is appointed in accordance with a Republican Decree signed by the President of Iraq, as is the case of Amir Bayezid Ismail al-Amawi.<sup>(82)</sup> And they are developing, as they already started attending the public schools, so that some of them became teachers and officials. In spite of their poverty, they are generous and of high moral standards.<sup>(83)</sup>

In the census of 1947 they were 32,437,<sup>(84)</sup> and in 1965 they numbered 69,653 staying in Iraq.<sup>(85)</sup>

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79. Morris, J. : Market of Seleukia, op. cit., P. 296

80. Seabrooke, W.B. : Adventures in Arabia, London, 1923, P. 289

81. Ahmed, S.S. : Yazidies, op. cit., P. 11

82. Al-Jumhuriyah (daily Iraqi newspaper in Arabic), Baghdad, Issue No. 3885, April, 10, 1980, P. 4

83. Ahmed, S.S. : Yazidies, op. cit., P. 25

84. Harris, G.L. : op. cit., P. 41

85. Iraq (Republic of-) : General Population Census of 1965, op. cit., P. 495



4. SHABAKS AND SARLIYAS -

The 10,000 to 12, 000 Muslim Shabaks, who speak a Kurdish dialect, may be distinguished from the main body of the Kurds by their religious beliefs and observances, which resemble those of the Ali Ilahi Shiite sect but which are peculiar in respect to certain secret rites. The Shabaks live in agricultural villages on the Tigris south of Mosul and in the Sinjar district, maintaining close relationships with the neighboring Yazidis. They are gradually being absorbed linguistically and culturally into the general Arab population.

A very small Kurdish-speaking people, also Shiite, the Sarliyas occupy a few villages on both banks of the Greater Zab just above its junction with the Tigris. (86)

5. ASSYRIANS -

The Assyrians, who form another distinct group, are brachycephalic with characteristically aquiline noses. They presume to be the direct descendants of the ancient Assyrians in spite of the fact that the ancient Assyrians were assimilated by successive waves of migration and settlement. (87) (88)  
The ancient name given to this community gives no assurance of actual descent from, or continuity with, the subjects of (Sargon or Ashur-Nasir-Pal). Households of Assyrians are found in Baghdad and other towns, many work in the oil

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86. Harris : op. cit., P. 41

87. Chambers' Encyclopaedia, Ibid.

88. New Britannica, Vol. 9, P. 876

industry and as servants and drivers : but the majority, still organised in their ancient clan-system and led by their priesthood, are villagers and cultivators who appear at last, after long reluctance, to have accepted life in Iraq, as their destiny. Their martial qualities have been admired, their occasional indiscipline deplored. A large number have served in the British forces, where they made many friends. The Assyrians in Iraq number probably between 30 and 40 thousand souls : another 12,000 are in northern Syria.  
(89)

The Assyrians, adherents of the ancient Nestorian " Church of the East " which flourished in Mesopotamia and carried on vigorous missionary activity from central Asia to China until the Mongol conquests in the thirteenth century, are scattered throughout the Middle East. Their Syriac dialect is giving way to Arabic and seems likely to be relegated to the place of a liturgical language. They have a long history of difficulties with the authorities in Iraq and other countries and their communities have moved so often during the last fifty years that it is difficult to make more than a guess at how many are now in Iraq. The number in 1931 was estimated to be about 40,000; in 1933, however, after operations against them by the Iraqi army during which hundreds of Assyrians were killed, several thousand left Iraq for the settlement project sponsored by the League of Nations on the Khabur River in Syria.

In 1936 there were many Assyrians in central Iraq, the majority of whom were members of the " Iraq Levies " organized by the British as a protective force for their military bases and composed almost exclusively of Assyrians. The Levies were dissolved when the British turned over their bases to the Iraqi authorities following World War II, and many Assyrians have since moved to a new settlement at Dawrah, south of Baghdad, where they are employed in the new oil refinery installations. Others reside near Kirkuk, where they work in the oilfields. There are also Assyrian settlements at Mosul and in the villages of the surrounding area.

The titular head of the Assyrians is the Patriarch of the East, who was expelled from Iraq by the government in 1932 because of his pretensions to secular as well as religious authority. He came back to Iraq after the Revolution of 17-30 July 1968, and he now lives in the country.

The Assyrians enjoy a reputation in the area for bravery, resourcefulness, and capacity to learn technological skills. Politically, their insistence that they have petitioned foreign and international organisations for protection or redress of grievances have made them a constant problem for their authorities. Assyrian particularism seems to be breaking down and today for many Assyrians the sense of being Iraqi has transcended the concept of

(90)  
Assyrian nationhood.

6. TURKOMANS -

The Turkomans are a Turkish-speaking group settled in northern Iraq in the areas of Qarah Tappah, Kirkuk, Arbil, and Tall Afar. Their numbers were put at 38,652 in 1919, and some estimates for today run as high as 75,000. Their Turkish dialect is considerably different from standard Turkish. While the Jarjariyah Turkomans around Tall Afar west of Mosul retain a tribal organisation, the group as a whole, and particularly the younger generation, is being assimilated in language and social patterns into the larger Arab population. The Turkomans today, as in Ottoman times, furnish a much larger percentage of government functionaries than might be expected from their small numbers. (91)

They are relic of early Turkish (but Pre-Ottoman) invasion or infiltration into Iraq. Though Tribalism is unknown among them, they have friendships in both Kurdish and Arab tribes. Their religion is that of Sunni Islam, with a few adherents of Shi'i sects. Physically, they retain much of a Turkish complexion and facial type and are, even after centuries, self-consciously non-Arab; and, with their largest concentrations at Khanaqin, Kirkuk, Kifri, and Arbil, they retain their rural or provincial

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90. Harris : op. cit., PP. 42 f.

91. Ibid., PP. 44 f.

dialect of the Turkish language but are without other Turkish cultural affiliations. Many Turkoman officials, notably those of Kirkuk, have reached high rank. These are quiet, virile and law-abiding people, less brilliant and less emotional than Arabs but not unprogressive and of solid merit as officials, cultivators, craftsmen and labourers. Gradual disappearance of their community, by absorption into the Iraqi-Arab majority, probably awaits them. Their present numbers are of the order of 80 to 100 thousand. (92)

#### 7. ARMENIANS -

The Armenians, probably numbering upwards of 4,000, are relatively recent arrivals in Iraq, most of the older generation having entered the country from Anatolia following the Turkish violence against them there in 1915. Their relations with the larger community have on the whole been good but certain problems of assimilation do exist. Most of the group now speak Arabic as well as Armenian and often speak Turkish. The Armenians are Christians, mainly Armenian Orthodox or Armenian Catholic. Quick to acquire modern skills, they have made a place for themselves in Iraq's larger cities as professionals, artisans, and, particularly, mechanics. (93)

#### 8. SABAEANS -

Colloquially they are called (Subba) and known in English as Sabaeans or (Sabaians), or, as they call

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92. Longrigg and Stoakes : Iraq, op. cit., P. 28

93. Harris : op. cit., P. 43

(94)  
themselves, Mandaeans. Historically speaking, there had  
been in the Middle East several sects known by the name of  
Sabaeans, such as the Sabaeans of Harran. The Sabaeans of  
Iraq are called Mandaeans in order to distinguish them from  
other Sabaeans who are today being extinct. In the standard  
Arabic they are called al-Sabi'a'a al-Manda'iyah; the  
Mandaean Sabaeans. These people originally dwelt the  
marshes and on the banks of rivers in southern Iraq. They  
are known mistakingly as 'Christians of John the Baptist',  
but this - to the Christians - is a misnomer, because the  
"John" to whom they profess to adhere is certainly not a  
Saint, nor are they Christians in any sense of the word;  
they are the Sabaeans mentioned in the Book of Job, though  
not the Sabaeans mentioned in the Quran. During the time  
of the Muslim supremacy, however, they have accepted the  
interpretation that they are the Sabaeans mentioned in the  
Quran, in order thus to protect themselves against persecu-  
tion; since the Sabaeans are mentioned in the Quran along  
with Christians and Jews as " people of the Book " and,  
therefore, to be revered.

The scientifically correct name of these people is the

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94. Longrigg, S.H. : Iraq, 1900 To 1950, op. cit., P. 10  
95. Hasani, al-Sayed Abdul-Razzaq, al- : Sabaeans, in their  
Present and Past, The-, (in Arabic) third edition,  
Sidon-Lebanon, 1963, PP. 22 ff.  
96. Ibid., P. 43  
97. Ibid., PP. 27, 36  
98. Longrigg, S.H. : Iraq, 1900 To 1950, op.cit., P. 10

Mandaeans. The word Mandaean in their own language means "disciple" and they refer to themselves as the "Disciples of John". Their language is Mandaitic, which belongs to the (99) Semitic group of languages, and is a first cousin of Syriac, but its alphabet is not Syriac for they have their own, and the Mandaean language was well-known in the ancient times, but at present there are only a few people who know how to (100) write and read it.

They believe that the Queen of Darkness married Fire, and brought forth 24 sons, of whom 7 were the Planets including the Sun, 12 were the signs of the Zodiac and the remaining 5 are not known. These Planets are sources of evil to mankind. The Pole Star is situated at the very dome of Heaven and therefore they pray toward it, and for this (101) reason they are called the "Star worshippers".

In the 17th century they numbered about 20,000 families, but at the end of World War I their total number did not (102) exceed 30,000 souls. In the census of 1947 they were (103) 6,597, and in the census of 1965 there were 14,202 staying (104) in the country, and 310 Iraqi Sabaeans staying abroad.

The Sabaeans borrowed from all the races about them and have adopted customs belonging to all, and yet were

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99. Arab of Mesopotamia, op. cit., PP. 94 f.  
100. Hasani : Sabaeans, op. cit., PP. 35 f.  
101. Arab of Mesopotamia, op. cit., P. 98  
102. Ibid., P. 95  
103. Harris, G.L. : Iraq, op. cit., P. 44  
104. Iraq (Republic of-) : General Population Census of 1965, op. cit., PP. 494 f.

totally isolated from them socially. They are never to be found at a distance from running water inasmuch as the tenets of their religion demand their proximity to living water. They have three chief occupations, that of silver-smiths, canoe building and dairying. Their peculiar canoe is called the Mashhuf. Their silver work is justly famous for exquisite workmanship. It consists of black and silver wrought in cunning designs. The composition of this black substance, supposed to be antimony, is a secret of the trade with them. Of late years Arabs have been more tolerant towards them.

Their religion is a curious mixture of old Babylonian Paganism, of the Jewish Cult, of Christianity and Islam. From the Jewish religion they have borrowed sacrifices and purifications; from the Christian religion they have borrowed the observance of the first day of the week, Baptism, the Lord's Supper and the reverence for John the Baptist and from Islam they have borrowed polygamy.

Their great book, called the Sidra Rabba, contains their doctrines in rather fragmentary form, and gives evidence of a variety of authors, and a great number of contradictions. (105) Physically, the Sabaeans stand out from among their neighbors; the women for their beauty, the men (106) for their extreme hirsuteness.

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105. Arab of Mesopotamia, op. cit., PP. 94 ff.

106. Harris, G.L. : Iraq, op. cit., P. 44



Now the Iraqi Sabaeans are not those of the past; many of them at present are modernized to the best and well-educated; and most of them are prosperously developing in every aspect of life within the limits of developing Iraqi society in general; and many a hundred from among them, both males and females, became officials, teachers, and professors. The Iraqi outstanding figure Abdul Jabbar Abdullah was a famous scientist, Chancellor of Baghdad University in the last years of General Qasim regime, and professor in some of the American Universities in the last years of his life. This gentleman was a Sabaeans who attended the Iraqi Public Schools, who completed the compulsory service in the Iraqi army as a conscribed Iraqi soldier, and whose coffin was covered with the Iraqi flag at arriving the Baghdad International Airport from U.S.A., where he passed away. And Lami'ah Abbas Amarah, one of the brilliant Arab Poetesses of present Iraq, is just another example of to-day's Iraqi Sabaeans.

9. PERSIANS -

In 1947 there were 73,828 persons, or about 1.5 per cent of the total population, who claimed nationality other than Iraqi. This group is to be found largely in the cities : 63,886 lived in three urban centres - 29,204 in Baghdad, 21,670 in Karbala, and 13,012 in Basra. More than three fourths of these - 52,430 were Iranians who are

(107)

usually Shi'ites. They come to Iraq to stay near the great Shi'i Shrines in Najaf, Karbala, Kadhimain, and Samarra. Of late, the Iraqi Authority expelled to Iran 15,368 Iranian nationals who descended from families that had been living in Iraq for many generations.

10. LURS -

The Lurs, of whom there are thought to be about 60,000 in Iraq, are settled in the eastern part of the country, which they entered generations ago over the Pusht-i-Kuh Mountains. Shiites who speak a dialect of Persian, they form a large part of the population of Badrah and Mandali, and are numerous at Ali al Gharbi and Qalat Sukkar and Ar Rifai on the Gharraf Canal system. More often town or village laborers than agriculturalists, they are found as porters of heavy loads in Baghdad and Basra. Nationalist Kurds refer to the Lurs as the "Fayliya" Kurds and claim them and the Persian Lurs for the proposed Kurdish state, but no such concept seems to have been accepted by Lurs themselves, who have not been a politically conscious group.

The minorities co-existing with the main body of Arab

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108. Longrigg and Stoakes, op. cit., P. 28

109. Batatu, Hanna : Iraq's Underground Shi'a Movements : Characteristics, Causes And Prospects, published in 'Middle East Journal, The-', Middle East Institute, Washington, D.C., Autumn, 1981, P. 591

110. Harris, G.L. : Iraq, op. cit., P. 43

nation have always the same destiny of it. They progress and prosper whenever it progresses and prospers; and, by the same token, they weaken and retrogress any time in which the same happens to it. This evident reality emphasizes that these minorities are a living part of the Arab nation; and not a strange body. There are no oppressed minorities, or oppressed sects, but there were oppressed majority of the nation... it makes no difference whether the oppressed was an Arab or Kurd, a Berber or Assyrian, a Muslim or Christian... etc.

The Baath Party has imposed only one condition in order that an individual may affiliate himself with the Arab nation as one of them, and this condition is that one is considered an Arab as long as his language is Arabic and he lived in an Arab Land, or aspires to live therein; and he believed in his affiliation to the Arab nation.

While visiting Iraq, the deputy chairman of the Soviet Presidium's secretariat and chairman of the Supreme Council

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111. Baath (Party) and national minorities, The-, published in Ath-Thawra newspaper, (in Arabic), Thursday 17, Jan. 1980, No. 3535, P. 4
  112. ABSP : Baath and The Stance toward the National Minorities, The-, (in Arabic), Bureau of Culture, National Leadership, Baghdad, July 1975, Second Edition, P. 22
  113. ABSP : Question of National Minorities in the Arab Fatherland, The-, (in Arabic), 11th National Congress, National Leadership, Baghdad, 1979, P. 6

of the Soviet Republic of Georgia highly appreciated  
"Iraq's concern to solve the question of minorities on  
bases of justice, equality, and respect of their national  
(114)  
rights. "

SOME OTHER REMARKS ON THE IRAQI SOCIETY :

1. Gypsies -

" The gypsies of Iraq differ from the gypsies of other countries, despite the fact that they resemble other gypsies in their mode of living and in their way of searching for food and other necessities of life. Iraqi gypsies have limited their movements within the frontiers of the Republic. In addition, Iraqi gypsies have remained peaceful people whose only interest in life is to explore their life-style which is characterised by singing, dancing and playing traditional folkloric music. Their display of art is the only profession they are versed in.

However, this way of living remained unchanged until the advent of the July 17 Revolution of 1968 which sought to put an end to this somewhat aimless existence in favour of a new and highly cultivated one. The Revolution's giant projects, which provided opportunities for millions of people, represented a major stimulus for gypsies to reshape their status in society and make their own contribution to the development and reconstruction of the country.

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114. Baghdad Observer, Saturday, December 5, 1981,  
Vol. VIII, No. 4278, P. 4, Column 4.

Some years ago, the gypsies showed an interest in leading an ordinary life. They wanted to take up permanent avocations and also applied for nationality so that their children could join Iraqi schools.

Gypsies form a section of the Iraqi society who used to lead a life of their own. Their way of living was different from that of urban people and even the rural people. For a long time now, gypsies have been without identity cards. It was only after the Revolution led by the Arab Baath Socialist Party that nationality has been given to such social segments of people to enable them to enjoy a fruitful and settled life.

According to the 1977 census, the total number of gypsies living in the various parts of the country is 8,523. The majority of them live in Baghdad and its suburbs, in Zubair (Basra), in Shanafiya (Qadisiya), Nineveh and in some other governorates. " (115).

2. Iraq's various ethnic and religious communities all are being affected to one degree or another by the western influence that have been bearing on the country since the last century. The agents of that influence are not only Westerners who come into contact with Iraqis but more

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115. Sinati, Mariam, al-, : Gypsies of Iraq, The-, . . . published in (Iraq Today) magazine, No. 97, Vol.IV, Sept. 16-30, 1979, Baghdad, PP. 29 f.

importantly the growing number of Iraqis who, having acquired new skills, ideas, and behaviour patterns, transmit them to their fellows. Whatever the outcome of this process, the trend is clearly toward the disappearance of the visible signs which once identified people with a particular group.

The drift of the nomads to the villages, of villagers to the towns, and the pull of the towns on all segments of the population is altering the character of Iraqi society. It is slowly breaking down the isolation which traditionally has helped to preserve the barrier between one rural community and another. In the cities it is reducing the differences between ethnic groups; the Baghdadi Kurd today is likely to have more in common with his Arab neighbor than he is with his Kurdish compatriots in his home village. The Chaldean Christian hotel owner is far removed in his daily preoccupations from his cousins in Tall Kaif but close to his Muslim patrons. (116)

## 2. RELIGION -

Article (4) of the Interim Constitution states :

" Islam is the religion of the State. "

Article (25) reads : " Freedom of religions, beliefs and exercise of religious ceremonies shall be guaranteed, provided that this should not contradict the provisions of the Constitution or the Law and should not infringe the morals and public order. "

The population of Iraq is 12,129,000 according to the general census of 1977,<sup>(1)</sup> but the estimation of 1978 indicates that the total number of the population is 13,171,000. The majority are Muslims (95%), and the followers of other religions are 5%.<sup>(2)</sup> It was estimated that approximately 75 per cent of the Arabs in Iraq belong to Shia sect, along with 50-60 per cent of the Kurdish population.<sup>(3)</sup> From this it becomes apparent that Shias outnumber the Sunnis. It is the Kurds who tip the numerical balance in favour of the Sunnis.<sup>(4)</sup> Therefore, it can be said that Iraq is almost evenly divided between Shias and Sunnis.<sup>(5)</sup> Generally speaking, the people of Shi'i faith probably form about 55 to 60 per cent of the Muslims in Iraq.<sup>(6)</sup>

Iraq's religious minorities, 5 per cent of the population, are Christians, Yazidis, Mandaean Sabaeans, Jews, and a small number of Bahais. Never numerous since the mass conversions to Islam in the seventh century. Iraq's Christians comprise adherents of the native Chaldean Church, the Assyrian (the ancient Church of the East, Nestorian), Greek, Syriac and Armenian Orthodox churches, and the

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1. Iraq (Republic of-) : Annual Abstract of Statistics 1978, op. cit., P. 25
  2. Middle East ; U.S. Policy, Israel, Oil and the Arabs, Ibid., P. 131
  3. Ibid., P. 129
  4. Gallman, Waldemar J. : Iraq Under General Nuri, op. cit., P. 2
  5. Rustow, Dankwart A. : Middle Eastern Political Systems, U.S.A., 1971, P. 24
  6. Longrigg, S.H. : Middle East, op. cit., P. 125

(7)  
Syriac and Armenian Catholic Churches. There is no reliable  
(8)  
guide to the numbers of each separate Christian Community.

The Jews were estimated at 150,000 at the outbreak of  
(9)  
the first Arab-Israeli war, but right now there are about  
2,500. " The fate of minorities... of the Jews of Iraq is  
merely an extreme result of the turmoil introduced by the  
(10)  
west in the east. "

### 3. LANGUAGE -

Article (7) of the Interim Constitution states :

" (a) Arabic is the official language. (b) The Kurdish  
language shall be the official language, beside the Arabic  
language, in the Kurdish Region. "

Article (2) of the Law Of Autonomy For Kurdistan  
Region reads : " (a) The Kurdish language shall be, beside  
the Arabic language, the official language in the Region.  
(b) Kurdish shall be the language of education for Kurds  
in the Region. Teaching of Arabic language shall be  
compulsory in all educational levels and utilities.  
(c) Educational utilities shall be established in the  
Region for the Arab nationals, where education therein shall

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7. Harris : op. cit., P. 51

8. Longrigg : Middle East, op. cit., P. 124

9. Harris : Ibid

10. Kedourie, Elie (Professor of Politics in the University  
of London) : Chatham House Version and other Middle -  
Eastern Studies, The-, London, 1970, P. 316



be in Arabic language and the Kurdish language shall be taught compulsorily. (d) All nationals of the Region shall have the free option to choose the schools they want to receive their education in, apart from their mother-tongue. (e) Education in all its levels, in the Region, shall be subject to the General Educational Policy of the State. "

In Iraq as elsewhere in the Arab world, Arabic exists as a standard language and as various local spoken dialects. The literary language, used in all serious writing and for all official purposes, is essentially the classical Arabic of the Qur'an, with a modernized vocabulary adapted to the necessities of present-day life.<sup>(1)</sup>

The standard Arabic is used by the Government, Radio, and TV.; and in education and publication; and it is well-understood by the masses. The Iraqi spoken dialects of the present time are not far from the standard Arabic. Of course, all the Iraqis know Arabic, except for those who stay in the remote villages in Kurdistan.

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1. Harris : op. cit., P. 47

CHAPTER - III

HISTORICAL RETROSPECT

For the purpose of convenience, history of Iraq will be divided as follows : (1) Ancient; (2) Islamic, up to the Mongol invasion; (3) Dark Ages; and (4) Modern, up to the present time.\*

PART ONE - ANCIENT : From the earliest times up to the Islamic conquest.

A. Sumerians - 4500 BC. - 1750 BC.

In 1965-1966 a cave in northeastern Thailand yielded the remains of several edible plants, including nuts, water chestnuts, a species of cucumber, and two kinds of beans. Some of this material is 12,000 years old. If cultivated, southeastern Asia may replace southwestern Asia as the site of man's earliest farming endeavor. This aside, the development of agriculture took place in about 9000 BC. in the Tigris-Euphrates Valley; 5000 BC. in the Nile Valley; 4000 BC. in China; and 3000 BC. in the Indus Valley. The eminent Indian agriculture scientist and educationist Mr. M.S. Randhawa mentions in his book 'History of Agriculture in India', which was published by Indian Council of Agricultural Research, that dog was domesticated in Iraq in 7700 BC.

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\* In this chapter I have followed the method of enlisting the references at the end of the chapter in view of a variety of original sources tapped and that the matter is mostly historical in character.

Prior to the Sumerians there had been some other people. Where these first settlers came from is unknown, but the population was rapidly enlarging in the agricultural northeast and may have encouraged migration. Working from known to unknown, archaeologists have labelled the first known people, as "Sumerians", a name referring not to a nationality, nor even to a specific migratory group, but to the speakers of a common language. The Sumerians may have been preceded to the delta by another people, or they may have coexisted there from the beginning of the settlement and later grown in number and influence. Certainly theirs was not the only language spoken in the area. Semitic-speakers are known to have lived in southern Mesopotamia from an early date, and there is evidence of a third, unknown language in some of the earliest place-names. But whatever their origins, Sumerian-speakers were most numerous in the world's first fully developed cities, and the oldest writing so far discovered was made in their tongue.<sup>(4)</sup>

The name of these pre-Sumerian settlers of Sumer is of course unknown. They lived long before writing was invented and left no telltale records. Nor can we identify them from the Sumerian documents of a later day, although it is barely possible that at least some of them were known in the third millennium as Subarians.

In archeology, the pre-Sumerians are known as the Ubaid people, that is, the people responsible for the

cultural remains first unearthed in the (tell:mound) known as al-Ubaid not far from Ur and later in the very lowest levels of a number of (tells) throughout ancient Sumer.

The Ubaidians, however, did not long remain the sole and dominant power in ancient Sumer. Immediately to the west of Sumer lies the Syrian desert and the Arabian peninsula, the home of the Semitic nomads from time immemorial. As the Ubaidian settlers thrived and prospered, some of these Semitic hordes began to infiltrate their settlements both as peaceful immigrants and as warlike conquerors.

It is highly probable that the Sumerians themselves did not arrive in Sumer until sometime in the second half of the fourth millennium B.C. Just where their original home was is still quite uncertain. To judge from a cycle of epic tales revolving about Enmerkar and Lugalbanda, the early Sumerian rulers seem to have had an unusually close and intimate relationship with a city-state known as Aratta, probably situated somewhere in the region of the Caspian Sea. The Sumerian language is an agglutinative tongue, reminiscent to some extent of the Ural-Altai languages, and this fact may also point to the same general area as Aratta. But wherever the Sumerians came from, and whatever type of culture they brought with them, this is certain : their arrival led to an extraordinarily fruitful fusion, both ethnic and cultural, with the native population and brought about a creative spurt fraught with no little significance for the history of civilization. In the course of

the centuries that followed, Sumer reached new heights of political power and economic wealth, and witnessed some of its most significant achievements in the arts and crafts, in monumental architecture, in religious and ethical thought, and in oral myth, epic, and hymn. Above all, the Sumerians, whose language gradually became the prevailing speech of the land, devised a system of writing, developed it into an effective tool of communication, and took the first steps toward the introduction of formal education. <sup>(5)</sup> This shows that the Sumerians were the real founders of civilization of Iraq.

As early as 5000 B.C. the Sumerians lived in towns and constructed simple temples. In the next millennium and a half these towns would become cities and the temples monumental complexes. The years 3700-3200 B.C. saw a sharp rise in population, undoubtedly influenced by community cooperation, improved agriculture, and the technical innovations, such as the animal-drawn plow. As cities emerged during these years, <sup>(6)</sup> bigger food surpluses freed many for specialized vocations.

#### Sumerian city-states -

Each Sumerian city was the centre of a small city-state. Between fifteen and twenty city-states coexisted on the Sumerian plain. Though politically autonomous, these cities were bound by trading ties, shared language, and religious beliefs. The city of Nippur, home of the God of Wind and Storm, Enlil, may even have functioned as the religious capital of early Sumer.

The Sumerian city-states resembled the city-states of later times in Greece and Renaissance Italy in that they were independent and would not recognize outside authority. The most prosperous period of the Sumerian city-states lasted from about 2900 to 2400 B.C. The history of this period in Sumer, however, is chiefly a chronicle of continual rivalry and fighting among the city-states. In the long run the inability of the Sumerians to unite proved their undoing. The Sumerian city-state was a theocracy, for the local god was believed to be the real sovereign. His earthly representative was the (ensi), the high priest and city governor, who acted as the god's steward in both religious and secular functions. Though endowed with divine rights by virtue of being the human agents of the gods, the (ensis) were not considered divine themselves. (7)

There was also a shift from the city-state concept (including dominion over other cities and leagues of cities) to the concept of a territorial state. (8)

#### Religious beliefs -

The dependence upon natural forces which led the Sumerians to rely on their priests is further shown in their theology. These early city-dwellers believed that the universe and their personal lives were ruled both by formal gods and deified natural forces. The Sumerian story of creation, which comes to us on a tablet from much later times (early sixth century B.C.) is strikingly like that of the Bible, and forms part of the tradition from which

Genesis derived :

All lands were sea

Then there was a movement in the midst.

At that time Eridu was made . . .

Marduk laid reeds on the face of the waters,

He formed dust and poured it out beside the reeds

That he might cause the gods to dwell in the dwelling  
of their hearts' desire

He formed mankind

With him the goddess Aruru created the seeds of mankind

The beasts of the field and living things in the fields  
he formed

The Tigris and Euphrates he created and established them  
in their place :

The grass, the rush of the marsh, the reed and the  
forest he created . . .

The Lord Marduk built a dam beside the sea . . .

Reeds he formed, trees he created;

Bricks he laid, buildings he erected;

Houses he made, cities he built . . .

### Technology -

Agricultural improvements, long-range trade, and vocational specialization were the products of Sumerian ingenuity. And these innovations stimulated further technical development. The potter's wheel, and then the wagon wheel, the plow, and the sailboat were Sumerian inventions. Measuring and surveying instruments and a

sexagesimal number system developed from the needs of hydraulic engineering. By 3500 B.C. Sumerian smiths knew how to alloy copper and tin to produce bronze. They also worked in silver, gold and lead. The first metal-casting is attributed to these smiths, as is the first riveting, soldering and engraving. This civilization can also be credited with the sophisticated work in textiles, including bleaching and dyeing. Prescriptions on Sumerian tablets show that physicians derived many drugs from plant, animal, and inorganic sources.

#### Writing -

But the outstanding achievement of this society was the invention of writing, a development dating back to 4000 B.C. This early writing is pictorial representing numbers and objects like sheep, cows, temples and agricultural implements. At first the Sumerians wrote by scratching wet clay with the pointed end of a reed. Over the centuries a faster process was developed in which symbols were stamped into the clay with the wedge-shaped end of the reed - thus their name "cuneiform" or wedge-shaped writing. The cuneiform system served as the main form of writing in western Asia for 2,000 years - long after the civilization that invented it had disappeared. Transmission of this new technique from generation to generation meant schools. Originally vocational training centres for scribes, they gradually developed into cultural centers for scholars, scientists and poets. School discipline was severe, with one member



of the faculty titled " the man in charge of the whip. " The curriculum consisted of spelling, literature and composition, and mathematics. Cuneiform script was not confined to the areas of Babylonia and Assyria. In early days it was disseminated as an international language of diplomacy by the various peoples who had their quarters in those areas. It is used by the Hittites, Mitannians, Hurrians, Chaldeans, Urartu, Canaanites, and Egyptians.

Conflict (2900 - 1792 BC) -

Sumerian history after 2900 B.C. can be seen as a pattern of alternating political consolidation and division. Local quarrels between adjacent communities provoked larger systems of rival alliances, which from 2500 centered around the cities of Lagash and Umma. Royal authority was increased by alliances between local kings and priests. Religious control of agriculture was reduced and temple land redistributed.

But where political history reflects near total discord, the religious, cultural, and artistic achievements of this period laid the foundations for the entire Mesopotamian tradition. The great Sumerian pantheon gave a sense of identity to these quarreling states. The tradition of the scribal school, which would become the chief vehicle for the transmission of Mesopotamian culture for nearly three millennia, was established during these years.

In about 1750 B.C. the Sumerians ceased to exist as a political, ethnic, and linguistic entity. <sup>(13)</sup> But for some time after the Sumerians have vanished, their language continued to be taught. In the Akkadian period, for example, there had been Sumero-Akkadian dictionaries <sup>(14)</sup> which contain lists <sup>(15)</sup> of Sumerian words with their Akkadian translations. When the Akkadian and the cuneiform system of writing became the internationally accepted language, the study of Sumerian to a certain extent was essential to the correct training of a <sup>(16)</sup> Mesopotamian scribe.

(17)

" The Sumerian civilization had never died at all. "

"To be sure, all this was five thousand years ago and may seem of little relevance to the study of modern man and culture. But the fact is that the land of Sumer witnessed the origin of more than one significant feature of present-day civilization. Be he philosopher or teacher, historian or poet, lawyer or reformer, statesman or politician, architect or sculptor, it is likely that modern man will find his prototype and counterpart in ancient Sumer. Admittedly, the Sumerian origin of the modern offshoot can no longer be traced with directness or certainty: the ways of cultural diffusion are manifold, intricate, and complex, and its magic touch is subtle and evanescent. Even so, it is still apparent in a Mosaic law and a Solomonic proverb, in the tears of Job and a Jerusalem lament, in the sad tale of the dying man-god, in a Hesiodic cosmogony and a Hindu myth, in

an Aesopic fable and a Euclidean theorem, in a zodiacal sign and a heraldic design, in the weight of a mina, the degree of an angle, the writing of a number. " (18)

Here is Sir Leonard Woolley's final appraisal of the Sumerian contribution to world culture :

" Their civilization, lighting up a world still plunged in primitive barbarism, was in the nature of a first cause. We have outgrown the phase when all the arts were traced to Greece, and Greece was thought to have sprung, like Pallas, full-grown from the brain of Olympian Zeus. We have learnt how that flower of genius drew its sap from Lydians and Hittites, from Phoenicia and Crete, from Babylon and Egypt. But the roots go farther back : behind all these lies Sumer.

The military conquests of the Sumerians, the arts and crafts which they raised to so high a level, their social organization and other conceptions of morality, even of religion, are not an isolated phenomenon, an archaeological curiosity; it is as part of our own substance that they claim our study, and in so far as they merit our admiration we praise our spiritual forebears. " (19)

#### B. Akkadians -

The principal builders of Mesopotamian culture and history were two peoples of quite different origin, creators of the great artistic and literary monuments of that region: the Sumerians and the Akkadians. These two peoples lived so mingled together, that Mesopotamian culture and history

is the product of a synthesis in which it is often impossible to distinguish clearly the two main components.

Politically, the Sumerians were never able to build up any great power. They were organized in city-states. The only state to attain a notable pre-eminence was Umma under Lugalzaggisi who was conquered in about 2350 B.C. by Semitic people under Sargon whose land lay to the north of Sumer. These Semitic people are called the Akkadians who succeeded to establish the first Semitic empire, as well as the first empire in the world, in history.

Before appearing upon the political scene, the Semitic groups had already filtered into Mesopotamia in sufficient numbers to give their name to the region around modern Baghdad. They lived in the country round the outskirts of the Sumerian cities keeping up their old traditions of pastoral life. Probably their relationships to the Sumerians were that of a subordinate class. But, later on, they appeared as political rivals. During the reign of Lugalzaggisi there were the first signs of the Akkadian revolt which sealed the fate of the Sumerian Federation as a whole.

Sargon united Akkad with Sumer by conquest. Strategically located between the high civilization to the south and the barbarism of outlying regions, the Akkadians could draw on both barbarian military skill and civilized technology.

Sargon's early campaigns were therefore successively - conducted against Mari, Ashur, Kirkuk and Arbil, thereby assuring the allegiance of northern Iraq. Next he marched

against the Guti, tribesmen of the Zagros mountains, turned south into the marshes east of the Tigris, and finally made his first raid into Sumer, capturing Lagash.

After consolidating his power in the river valley, Sargon embarked on a succession of foreign wars, and, considering that military strategy and all forms of organized warfare were still in their infancy, it is remarkable how far his conquests extended. Elam was overcome without apparent difficulty, while to the north-west his armies soon reached the Mediterranean. Cilicia, the Orontes valley and the Lebanon are three districts which are known to have been colonized, while one story even speaks of an invasion of Cyprus.

For 150 years the Akkadian empire brought unity to Sumer and trained contacts that reached, as Sargon boasted, "from the lower sea to the upper sea" (from the Gulf to the Mediterranean). Then it too succumbed to attacks by tribes from the Zagros mountains and the upper Tigris. A dark age of a century ensued. However, in 2111 B.C., Ur-Nanshe revived the southern city of Ur, united Sumer and Akkad, and established a period of Sumerian renaissance for another century. The administration of conquered territories was improved, with the foundation of the first known bureaucracy, controlling a professional colonial administration. Sumerian culture thrived, with new refinements in sculpture and the first recordings of many oral traditions and myths.

The Sumerian interlude was but of short duration because a new group of Semites appeared, and these were the Amorites who, finally, established the First Dynasty of Babylon.

### C. Babylonians -

I. The Amorites : Babylon was an obscure village on the Euphrates. At the time of Hammurabi, in about 1760 B.C., it became the capital of the Babylonian empire. This empire was established by the Amorites who were South-Syrian Arabs or Palestinian from (Amurru : The West).

Hammurabi was preceded by five princes, but it is uncertain which of the five did most to establish the little state as a first-class power. When Hammurabi, the sixth ruler, came to the throne he found himself in control of a prosperous federation of cities, corresponding in its boundaries approximately to the ancient Akkad. He at once took in hand the subjugation of the other principal Mesopotamian states, beginning with Ashur, a city on the Tigris two hundred miles to the north of Babylon, the birth-place of the great Assyrian nation. He has become known as one of the world's first great organizers.

Under the Amorites, Babylon rose to important heights. Great temples were erected there, fine statues sculpted, and important discoveries made in mathematics and astronomy. The society was a stratified one, including the ruling elite and merchant classes appropriate to empire. It was also a highly organized society.

Hammurabi is best known for his law code, which contained nearly three hundred laws touching on economic, social and moral life.

Hammurabi's legislation reestablished a state-controlled economy in which merchants were required to obtain a "royal permit," interest was limited to 20 per cent, and prices were set for basic commodities and fees charged by physicians, veterinarians, and builders. Minimum wages were also set and debt slavery was limited to three years.

Mathematics and astronomy : Like the Sumerians before them, the Babylonians used a system of counting based on a unit of 60. The tablets recovered from Babylonia contain tables for multiplication and division and for square and cube roots. In addition to solving linear and quadratic equations, the Babylonian mathematicians worked geometry problems to determine the areas of circles and polygons. They were also the first to employ a sign for zero and to give numbers a definite value according to their position. In writing 505, for example, the first 5 represented hundreds, the last 5 units, and for the zero they used a sign that meant "not". "That 'not' corresponds approximately to our 'naught', which in itself is the same as the zero."

The necessity in an agricultural society of charting and recording the seasons explains in large part the early development of calendars in both the Tigris-Euphrates and Nile basins. A lunar calendar of twelve months was adopted,

each month beginning when a new moon appeared. The resulting discrepancy between the cycles of the moon and the agricultural seasons of the solar year was met by the addition of an extra month to the Mesopotamian year when the necessity arose.

During Hammurabi's time there was a tremendous spread in the use of cuneiform writing, and the Semitic Akkadian language which the Babylonians used came to be the normal medium for commercial agreements and communications all over the Middle East. Payments were made in silver by weight. Coins were not yet used, but, when making a small purchase, a man would break off the correct quantity from a coil of thick silver wire which he carried with him to serve as small change.

Hammurabi died after a reign of 42 years, and was succeeded by his son Samsu-Iluna, concerning whom a few facts are known. He suppressed rebellions of various old Sumerian states in the south, but, was unable to prevent the foundation of a new independent dynasty on the shores of the Gulf. Thus there came into being the line of princes known as the 'Dynasty of the Sealand', which continued to defy the lords of Babylonia and Assyria for the next thousand years. In the time of the eleventh and last monarch of Hammurabi's dynasty, Babylon was stormed and sacked.

Fall of the Babylonian empire : The pattern of disunity and struggle, all too familiar in Mesopotamia, reasserted itself following Hammurabi's death. Also, mountaineers from the



east and north raided the Babylonian cities. Among these invaders were the Hittites, an Indo-European people from Asia Minor. Shortly after 1600 B.C. the Hittites pushed down the Euphrates and attacked Babylon. The capital fell, carrying with it the empire founded by Hammurabi's dynasty. But the Hittite intruders did not entirely erase the rich cultural legacy created by the Sumerians and the Babylonians, and a later empire arose with Babylon as its capital.

In the time of the eleventh and last monarch of Hammurabi's dynasty, Babylon was stormed and sacked by fierce Hittite mountaineers from Anatolia, and when they withdrew, leaving the city in ruins, the vacant throne was appropriated by a Kassite king whose successors were to rule there for six hundred years.

The Kassites were an entirely alien people whose sojourn in Iraq is an obscure period in the country's history. They were Indo-Europeans, and part of a westward migration which was already bringing about the colonization of Iran. The list of Kassite kings who ruled over southern Iraq is hardly more than names, and it may not be entirely due to the paucity of written records of the period that this is so. There is evidence to suggest that very little did, in fact, happen during their reigns, and we may therefore infer that their administration was strong and reasonably efficient. Some of their contacts with neighbouring states are interesting. A king called Agum II, for instance, fought with the Hittites of Anatolia, and triumphantly returned with the

statues of the Babylonian gods, which had presumably been carried off during a previous war. Agum III temporarily displaced the Sealanders from their dominion in the South. But most important of all was the first appearance in the middle of the Kassite period of a new state called Mitanni on the north-west frontier of Iraq.

The Mitannians also were a product of Indo-Europeans and amongst the gods they worshipped were at least three Indian deities. Originally an offshoot of the Hurrians, a formidable people who had come to live in the mountains north-west of Mosul, they took possession of a district roughly corresponding to the sinjar area and the head-waters of the Khabur river, where the ruins of their curious oval-shaped walled cities can still be seen today. To the west, their progress was barred by the Hittites who had now overflowed southwards out of Anatolia and formed powerful colonies in the Aleppo-Alexandretta area and in 'Hollow Syria' between Lebanon and Anti-Lebanon. But later the Mitannians seem to have crossed the Euphrates and become masters of these North Syrian Hittites. Some time in the middle of the second millennium the Mitannians also expanded eastwards into Iraq, and there is reason to suppose that the infant state of Assyria on the upper Tigris was one of the kingdoms which they wrested from the Kassites.

In any case, both Mitannians and Kassites were originally uncultured people and learnt most of the elements of

civilization from the peoples they conquered. Babylonia itself remained distinctively Semitic and seems to have been unaffected in any way by the protracted rule of an alien dynasty.

D. Assyrians : 1400 B.C. - 612 B.C. :

While the Kassites held sway in Babylonia, a Semitic nation was coming to the fore in northern Mesopotamia : The Assyrians. Assyria was above all a military power, and owed its prestige principally to its army's high degree of organisation and of discipline.

Assyria was the name given to the district which had been called " the land of Assur ", or Ashur, by its own inhabitants. Assur, however, had originally been the name, not of a country, but of a city founded in remote times on the western bank of the Tigris, midway between the Greater and the Lesser Zabs.

Strategically, their homeland in the foothills bordering the northern Tigris was extremely vulnerable. A broad southern plain welcomed invaders, while mountain ranges to the north and east made defence difficult. Thus early Assyrian history reads like a roll-call of great Asian powers, recording invasions by Sargon I of Akkad, the Third Dynasty of Ur, Hammurabi, the Kassites, the Hurrians, the Hittites, and even distant Egypt under Thutmose III. The Assyrians saw one method of protection : the military organization of their entire state. Gradually a defenseless people forged

themselves into the most feared army of Western Asia. Every able-bodied Assyrian male was subject to military service, joining the largest fighting force of its time - the first army to be fully equipped with iron weapons. (Iron ores abounded in the mountains of northern Mesopotamia). Sculptured battle scenes found in Assyrian palaces suggest a battle-order beginning with a stream of deadly iron-tipped arrows from the archers, followed by charging war chariots and cavalry, backed by pikemen for hand-to-hand encounters. Fortified cities were no problem for these battalions : the Assyrians devised siege artillery that could breach any city wall. Territories slated for conquest were softened up by espionage activities and the organization of fifth columns.

The well-coordinated system of political administration developed by Assyrian rulers was the third factor in the success of the empire. Theoretically, the Assyrian king himself drew up the laws, made all the decisions concerning war and peace, and fixed tax rates. In practice, however, much of the work was performed by court officials, assisted by scribes. The officials formed a kind of council which advised the king, but he alone usually bore the responsibility for the most important state decisions and policies.

Communication between the ruler and his provincial governors required roads, and thus the earliest system of nation-wide highways, as well as a postal system, was inaugurated.

The Assyrian rulers laid secure administrative foundations for central rule of the entire Near East from Mesopotamia to Egypt. It was these secure foundations which made first the Persian, later Alexander's empire possible and which are therefore a-perhaps-the-major conditioning factor behind all of the following Hellenistic and Roman history.

In 612 B.C. Nineveh; the capital city of the Assyrians, was attacked by an army of Medes under Cyaxares, and Nabopolassar and his Babylonians were not far off. The Assyrian king Sin-shar-ishkun seems to have sent to the Scythians for aid, hoping that they would tackle the Medes while he held the Babylonians in check. But they betrayed him. Promises of rich plunder induced them to join Cyaxares in besieging Nineveh.

The siege lasted for two and a half months, from the beginning of June until the middle of August, 612 B.C. The first three assaults were beaten off, but the end was at hand. The final assault was delivered by a great host of Babylonians, Medes, and Scythians. To quote an account that is preserved in the Babylonian chronicles, " a great havoc of the people and nobles took place... They (the enemy) carried off the booty of the city, a quantity beyond reckoning, they turned the city into ruined mounds. " The king perished, perhaps by throwing himself into the flames.

The capture of the imperial city was not quite the end of the Assyrian empire. A few Assyrians managed to effect

their escape and established themselves in Haran, in the north-western corner of Assyria. Here they proclaimed as their king a man named Ashur-uballit, who may have been a brother of Ashurbanipal. They probably hoped for assistance from Egypt, but before this could arrive Nabopolassar with an army of Babylonians, Medes, and Scythians advanced against Haran, which was evacuated by its defenders. The Scythians and Babylonians thereupon occupied the place and pillaged it ruthlessly. " They were nothing but barbarians, " we are told, " who sought only the plunder and the brides that smoking war would bring. "

Still the Assyrian remnant managed to maintain some sort of shadowy rule in their distant corner, and at length the Egyptians arrived. But the Babylonians defeated them, and in 605 Pharaoh Necho himself was defeated at the great battle of Carchemish by the Babylonians under Nebuchadnezzar, who in the next year became the head of a vast empire whose centre was Babylon. In the political sense, the New Babylonian Empire, as it is called in the histories, was the successor and continuation of the Assyrian Empire, but Assyria herself had but a small share in its glories. So far as greatness went, she was a " has been ".

E. Neo-Babylonians - 606 B.C. - 539 B.C.

II. The Chaldeans : Soon after the death of the Assyrian king Ashur-bani-pal, when little opposition was to be expected from Assyria, the Sea-landers had at last succeeded

in seizing Babylonia, and a Chaldean called Nabopolassar had made himself king. He founded a Chaldean dynasty in south Iraq, which lasted for seventy years after the fall of Nineveh and temporarily revived the glories of Babylon. With the invading Medes for the moment halted in Assyria, the new Babylonian kings took their turn at conquest in the west, and rapidly created what is usually known as the Neo-Babylonian empire.

While the Median kingdom controlled the highland region, the Chaldeans, with their capital at Babylon, were masters of the Fertile Crescent. Nebuchadnezzar, becoming king of the Chaldeans in 604 B.C., raised Babylonia to another epoch of brilliance after more than a thousand years of eclipse. By defeating the Egyptians in Syria, Nebuchadnezzar ended their hopes of re-creating their empire. In 586 B.C., the Chaldean king destroyed Jerusalem and carried several thousand Hebrew captives to Babylon.

Babylon was rebuilt and became one of the greatest cities of its day. The tremendous city walls were wide enough at the top to have rows of small houses on either side with a space between them large enough for the passage of a chariot. The immense palace of Nebuchadnezzar towered terrace upon terrace, each replendent with masses of ferns, flowers, and trees. These roof gardens, the famous Hanging Gardens of Babylon, were so beautiful that they were selected by the Greeks as one of the seven wonders of

the ancient world.

Continuing the work of the Mesopotamians in mathematics and astronomy, the Chaldeans observed the heavens and, without any telescopes or accurate time-recording instruments, worked out detailed tables of the movements of the sun, moon and planets, using mathematics to figure the velocity, acceleration, and positions of these bodies. They were able to predict eclipses, and one astronomer computed the length of the year to within twenty-six minutes.

The Chaldeans also observed the movements of celestial bodies in order to foretell the future by interpreting their supposed influence on human affairs. These early astrologers identified groups of stars with the twelve signs of the zodiac, an imaginary belt in the heavens in which each sign covered 30 degrees of a full circle.

The period of forty years during which Nebuchadnezzar ruled over Babylon constituted one of the most brilliant reigns in human history.

It is probable that towards the end of his life Nebuchadnezzar was planning an invasion of Egypt, but if this was so his death prevented it, for there is no record of such an event having taken place. His three immediate successors were undistinguished and short-lived, and with the third, the dynasty of Nabopolassar expired. The peace-loving priests of Babylon thereupon selected a king after their own hearts, 'the pious and peaceful archaeologist and amateur of ancient records, Nabonidus, who was probably a



wealthy merchant', and whose date was 550 B.C.

In 539 B.C. the Persians, under Cyrus the Great, conquered Babylon. This was the end of Babylonian greatness. Alexander the Great was to revive it for a short while, mainly out of respect for its illustrious past, but his successors built themselves new capitals on the banks of the Tigris and the Orontes and the temples and palaces of Babylon soon crumbled to the depressing heap which we see today. Iraq, meanwhile, had for the first time become the province of a foreign empire.

F. Achaemenians - 559 B.C. - 330 B.C.

The Achaemenian empire of Persia was created by Cyrus who was, till 552 B.C., a petty king of Anshan, a principality north of the Persian gulf. He was a gifted soldier and under his able leadership, and that of his son, Cambyes, four great kingdoms of the Eurasian world, namely, Media, Ludia, Babylonia and Egypt were welded into the Achaemenian empire within a period of two generations. The Achaemenian Persians, as Cyrus people were called, came of very pure Indo-Iranian stock.

Forebears of Aryan Iranians and Aryan Hindus are supposed to have parted company somewhere in or about South Central Asia after bitter fightings. The Schism was undoubtedly brought about by the teachings of Zarathushtra towards monotheism whereas the ancestors of the present day Aryans, the Zoroastrians and the Hindus, believed in a pantheon of gods or angels.

Cyrus seems to have wrested the throne from the Median dynasty while their armies were engaged in the west, and to have established his kingdom with Susa as capital, but (4) later on there were four capitals : Susa, Ecbatana, Babylon, and Persepolis to conduct the administration of the vast (5) empire of the Achaemenians. Certainly Cyrus did not degrade Susa, nor abandon Ecbatana : but in Babylon, he received the tribute and the homage of " all the kings dwelling in palaces of all quarters of the earth ", and he adopted the (6) palace of the Babylonian kings as his own. The conquest of Babylon began in 540 B.C., and was completed by the late (7) Summer of 539 B.C.

The governmental structure of the Achaemenian empire was built upon the Assyrian model but was far more efficient than that of the latter. The Persians built (8) great imperial post roads. The most important of these roads was the famous Royal Road from Sardis to Susa, which passed through the length of Iraq to the east of the Tigris. It is interesting to note that for a long stretch between Kirkuk and Arbil, the modern motor road takes precisely the (9) same line.

The exploits of Xenophon's Ten Thousand had rather revealed, as was then widely believed, that the Persian empire " was like a Dead Sea Fruit : brilliant in its shell (10) and hollow corruption at core ". The stories which the remnants of the Ten Thousand brought back to Greece had a

far-reaching effect. They revealed the deterioration of  
the Achaemenian empire,<sup>(11)</sup> and encouraged the Greeks to  
conquer it. With the death of Darius III in 330 B.C., the  
first Persian (Achaemenian) empire ended.<sup>(12)</sup>

G. Macedonians : 331 B.C. - 129 B.C.

Alexander's approach to Iraq was eventually eastwards  
from the Der-ez-Zor to the Tigris which he crossed some way  
above Mosul.<sup>(1)</sup> In 331 B.C., he occupied Iraq<sup>(2)</sup> after defeating  
Darius III, the last Achaemenian monarch.<sup>(3)</sup> Babylon surrendered  
to him peacefully.<sup>(4)</sup> And here, in Babylon, he died in 323  
B.C., and after his death his empire broke into a number of  
kingdoms under his leading generals.<sup>(5)</sup>

Alexander's death destroyed his plans for the "marriage  
of Europe and Asia". Since he left no heirs of suitable age  
or sufficient ability to carry on his mission, a struggle  
for power among his generals ensued. Within a few decades  
the empire was roughly divided among the African, Asian,  
and European elements : Egypt was ruled by the Ptolemy  
family; Alexander's conquered lands in Asia were governed by  
Seleucus and his descendants; and Macedonia and Greece  
constituted a separate power under Antigonus Gonatas. This  
three-part division of Alexander's empire constituted the  
Hellenistic world and lasted for three centuries - a period  
historians call the Hellenistic Age, dating from Alexander's  
death in 323 B.C. to the battle of Actium in 31 B.C.<sup>(6)</sup>

Seleucus was a Macedonian general under Alexander the Great, and Satrap (Governor of a Province) of Babylon (321 B.C. - 312 B.C.), and king of Babylon (312 B.C. - 280 B.C.). He made Babylon independent, and founded Seleucia on the Tigris; and the Seleucid dynasty (312 B.C.- 64 B.C.) which, at height of its power, ruled over Bactria (Balkh), Persia, Babylonia, Syria, and part of Asia Minor.<sup>(7)</sup>

It would be more than tedious and at times impossible to give a continuous account even of the repercussions on Iraq of this sorry process of disintegration.<sup>(8)</sup>

A capital in a more central position seemed to Seleucus essential. So, after some difficulty with the magi, who were unwilling to proclaim an auspicious day for laying the foundations, because they recognized in the act the death-warrant of Babylon, Seleucia-on-the-Tigris was eventually built, on the right bank of that river about twenty miles below modern Baghdad.<sup>(9)</sup>

#### H. Parthians : 130 B.C. - 226 A.D.

Parthia was a part of north-eastern Persia roughly corresponding to the modern province of Khurasan. It became a satrapy after Alexander's death, but with the diminishing control of his successors, its satraps soon followed the example of their colleagues in even more remote Bactria, and assumed the title of king. They took Hecatompylos, one of the cities newly founded by Alexander, as their capital and ruled for some time merely on sufferance.

But when an early Parthian king, Tiridates, actually succeeded in defeating a Seleucid army, and another Mithridates, after conquering Media, moved his headquarters to the more celebrated city, Ecbatana, they felt more safely established. It was Mithridates also who captured Seleucia-on-the Tigris, and extended the Parthian kingdom eventually from the Oxus to the Euphrates.<sup>(1)</sup>

Parthia was included in the Assyrian and Persian and Macedonian empires. In 250 B.C., led by Arsaces, the Parthians freed themselves from the rule of the Seleucidae and founded the Parthian empire which included Iraq. After 38 B.C., this empire began to decline. In 226 A.D., the Parthian empire was conquered by Ardashir I, the founder of the Persian dynasty of Sassanidae.<sup>(2)</sup>

Among the chief cities of the Parthians were Ctesiphon and Seleucia. Ctesiphon is near Baghdad on the left bank of the Tigris opposite Seleucia, and at the mouth of Diyala. After 129 B.C., it was the winter residence of the Parthian kings. The Romans captured it in warring against Parthia. It became the capital of the Sassanidae in 266 A.D.<sup>(3)</sup>

#### I. Sassanians : 226 A.D. - 640 A.D.

The founder of the new dynasty, Ardashir, was of distinctly plebian origin, his mother being a tanner's daughter and his father a common soldier, called Sassan. He had served with distinction in Artabanus's army at Nisibis, rose to power presumably through his own personal qualities,

and championed a dissatisfied Persian minority against their Parthian overlords. These he defeated in a succession of three great battles, and was proclaimed king in Khurasan.

His efforts to revitalize the nation proceeded on conventional lines. He revived Zoroastrianism, the traditional religion of Persia, in order to combat the disintegrating effects of apathy and agnosticism which had prevailed in the latter years of the Parthian regime, and he energetically reorganized the political structure of the state. He chose Ctesiphon as its focal point, but established a summer capital for himself at Ecbatana. He then turned an aggressive eye on his neighbours.

The first to take up his challenge were the Romans, who had since his accession, been busy in Osroene fortifying Nisibis and various other strongholds with just this  
(1)  
eventuality in mind. It was the last dynasty of native rulers to reign in Persia.

In the reign of Ardashir I, and many of those which followed, war with the Romans occupied much attention. Ardashir I was succeeded by his son Shapur I who was  
(2)  
victorious over Roman emperor Valerian. He ruled until 272. The Romans, thus, came to Iraq to attack Ctesiphon, as  
(3)  
Emperor Julian has done,

Ctesiphon was occupied by the Arabs in 636 A.D., and Iraq fell under the power of the Muslim Arabs in 640 A.D. The last Sassanian king was Yazdagard III, who began to

reign in 632. He died a fugitive in 651. His struggle against the Arabs ended in entire defeat in 640 A.D. (4)

PART TWO - THE ISLAMIC PERIOD : From 640 A.D. to the Mongal invasion in 1258 A.D.

Muhammad had died in 632, the acknowledged ruler of the Arabian peninsula. In the twenty-five years following his death, the hitherto backward Arabs burst out of their native deserts to overthrow simultaneously the two greatest military empires of their world, Byzantium and Persia. They deprived the Byzantines of two thirds of their territories, while they annihilated the kingdom of Persia. (1) After the Prophet's death Abu Bakr was selected at Medina as his successor (Khalifa : Caliph). The office of Khilafat (Caliphate) devised by the early Muslims was an improvisation of the moment. It was based on a bedouin practice of choosing the senior or most conspicuous member of the tribe by acclamating him as the new leader. (2) Abu Bakr died on 23rd August, 634. (3) He was Caliph for only two years, three months and ten days. Before his death he dictated to Othman that Umar ibn al Khattab will be his successor, so, Umar became the next Caliph. (4)

The conquest of Iraq started in the Caliphate of Abu Bakr and was completed in the Caliphate of Umar. (5) And Umar was the first Muslim ruler who made a beginning of decentralization. In his time, Iraq was administratively divided into two provinces : Kufah province (Kufah Wilayat -

or - Arabic : Wilayat al-Kufah), and Basrah Province (Basrah Wilayat - or - Arabic : Wilayat al-Basrah). Each of them was governed by the (Wali) or governor who is appointed directly by the Caliph himself. <sup>(6)</sup>

On 3rd November, 644, the Khalif Umar ibn al Khattab was assassinated by a Persian slave in Medina. As he lay dying, he nominated five leading Muslims as an electoral committee to choose his successor. Othman was eventually acclaimed as the new Khalif. During the twelve years of his reign <sup>(7)</sup> (644-656), there was no change in the administrative arrangement of Iraq.

Early in 656 detachments from garrisons of Fustat, Kufa, and Basra marched on Medina. The Mutineers murdered the Khalif, and six days after his death Ali ibn abi Talib <sup>(8)</sup> was acclaimed Khalif in Medina.

The migration (Hijrah) of the Prophet from Mecca to Yathrib (Medina) shifted the political centre of Arabia from Mecca to Medina which rose to be the first capital of Islam. The first three Khalifs continued to govern Islam from Medina, but Ali abandoned it. He went to reside at <sup>(9)</sup> Kufa in Iraq. So, Kufa became the second capital of Islam.

In Kufa the Khalif himself was ruling. As for Basra, Ali first appointed 'Uthman ibn Hunayf, but after Al-Jamal battle ibn Abbas became the governor of this province. <sup>(10)</sup> Later on ibn Abbas delegated the office to Ziyad ibn Abih.



For nearly two hundred years before Islam, the town of Mecca had been ruled by members of the tribe of Quraish. Some forty years before the birth of the Apostle of God, however, a split had occurred in the tribe, between the rival clans of Bani Umaiya and Bani Hashim. It so happened that the Prophet was of Bani Hashim and that Bani Umaiya had been the most vigorous opponents of his religious teaching. Thus this old tribal feud continued in a religious guise. Muhammad's third successor, the Khalif Othman, had been of Bani Umaiya, but was murdered on 17th June, 656.

Ali ibn abi Talib, a cousin and son-in-law of Muhammad and a member of Bani Hashim, was chosen to succeed Othman, but the governor of Syria, Muawiya ibn abi Sufian, a man of Bani Umaiya, refused to recognize him, and civil war broke out. Ali made his headquarters in Kufa and controlled Iraq and Persia. Muawiya chose Damascus as his capital, and governed Syria, Palestine and Egypt. On the 20th January, (11) 661, however, Ali was assassinated in Kufa.

Ali had as a young man married the Prophet's daughter Fatima, and by her had two sons, Hassan and Hussain. Fatima died soon after her father and her two sons remained Muhammad's only two grandsons. The Apostle in his lifetime had dearly loved the two little boys and never tired of playing with them. Now, twenty-nine years after Muhammad's death, Hasan, the elder, was thirty-seven years of age. The troops in Kufa immediately took the oath of allegiance to him as Khalif. Faced with the prospect of civil war against

Muawiya, he decided to abdicate and retired with his younger brother Hussain to a life of seclusion in Medina, where, eight years later, he was poisoned by one of his wives.

Muhammad had left no instruction in regard to the succession. Abu Bakr, the first successor, had been elected by the acclamation of a number of people who happened to be present at the critical moment in Medina. On his deathbed, Abu Bakr had nominated Umar ibn al Khattab. When the latter was murdered, he succeeded before dying in naming the members of an electoral committee to choose his successor. The electors, not without considerable and heated discussion, chose Othman to the exclusion of Ali. Thus, of the three first Khalifs, no two had been appointed in the same manner.

The assassination of Ali caused the whole empire to fall under the control of Muawiya, but it did so de facto rather than de jure. The strongest precedent which existed for the selection of a Khalif was that of acclamation by the people of Medina. Both Abu Bakr and Ali had been chosen in this manner, but half the empire had subsequently rejected Ali. In any case, Muawiya moved the capital to Damascus and Medina thereafter became merely a provincial town, with the result that acclamation by the people of Medina was no longer a practicable manner of selection. This difficulty of ensuring a peaceful method of succession was to haunt the Arab Empire throughout the whole of its existence.

THE UMAIYAD KHALIFATE : 661 - 750 A.D. - Hasan, the eldest son of Ali, was elected to the vacant Caliphate by

the unanimous suffrage of Kufa and its dependencies, but the inconstancy of the volatile people that had wrecked the hopes of the father soon drove the son to abdication. Hardly had the new Caliph been seated on the pontifical throne when Muawiyah invaded Iraq. Hasan was thus compelled to take the field before he had either strengthened himself in his position or organised the administration thrown into confusion by the death of his father. Sending forward a general of the name of Qais to hold the Syrians at bay, he proceeded with his main force to Madain (Ctesiphon and Seleucia were joined by a bridge, and jointly called by the Arabs as Mada'in). Here a false report of the defeat and death of Qais excited a mutiny among the young Caliph's troops; they broke into his camp, plundered his effects, and even thought of seizing his person and making him over to the enemy. Thoroughly disheartened, Hasan retraced his steps towards Kufa, firmly resolved to resign the Pontificate. Mistrust of his Iraqi supporters, so lavish of promise, so faithless in performance, led him to lend a willing ear to the proposals of Muawiyah. The negotiations resulted in a treaty by which the Caliphate was assigned to Muawiyah for life; upon his death it was to devolve on Hussain, the younger son of Ali. After his abdication Hasan retired with his family to Medina, but did not long enjoy the pension secured to him under the compact, as many years did not pass before he was poisoned at the instigation of Yezid the son of Muawiyah. Upon the abdication of Hasan, Muawiyah became

the de facto ruler of Islam on 30th July, 661 A.D. (Shawwal  
(15)  
41 A.H.).

One of the most remarkable of Muawiya's lieutenants was Ziyad ibn Abih " the-son-of-his-father ". He was the son of Sumaiya, a vagrant slave girl of Mecca, whose favours had been so promiscuously bestowed that Ziyad's father could not be identified. Ziyad had been made governor of southern Persia by Ali, his headquarters being in Persepolis, once the capital of Cyrus and Darius. After the murder of Ali, Ziyad transferred his allegiance to Muawiya, who made him governor of both Kufa and Basra. He was thus the viceroy of Muawiya for Iraq and Persia, the whole eastern half of the empire. Ziyad died in 673, but in 676 his twenty-eight year old son Ubaidullah ibn Ziyad was appointed governor of Basra. This very same Ubaidullah was the leading actor on the scene of the tragedy of Karbala where Hussain (the grandson of the Prophet) was killed at the hands of troops led by Ubaidullah (the grandson of Sumaiya, and allegedly of Abu Sufian; the father of Muawiya).

Under the instigation of Mughira, the governor of Basra, Muawiya conceived the design of nominating his son Yezid (Yazid, Yazeed) as his successor to the throne. This was in direct breach of his covenant with Hasan, but he was supported in his design by the Ziyad ibn Abih who then ruled as his lieutenant over Iraq and Khurasan. The Iraqis were bribed, cajoled, or coerced to take the oath of fealty to Yezid; the Syrians, of course, followed Muawiyah's lead.

In the year 51 A.H. Muawiya proceeded to Medina and Mecca to secure the covenant of the people of Hijaz. Here, too, his menaces or his arts were partially successful. Four men, then foremost among the Muslims - Hussain the son of Ali, Abdullah the son of Umar (the Caliph), Abdur Rahman the son of Abu Bakr, and Abdullah the son of Zubair, refused to take the oath on any condition, and their example gave heart to the Hijazians. Abdullah the son of Zubair, whom Muawiya called " the crafty fox of the Quraish, " had himself an eye to the Caliphate; the others were actuated by abhorrence of Yezid, whose wickedness was notorious. Muawiya died in the month of Rajab 60 A.H. (April 680<sup>(18)</sup>), and on his death, Yezid ascended the throne according to his father's testament in Shaban 61 A.H., April 680 A.D.

The accession of Yezid gave the death-stroke to the republican principle that " the Commander of the Faithful " should be elected by the plebiscite of the people - a principle to which the Arabs were so devoted, and which had led them to ignore the right of the Prophet's family to the spiritual and temporal headship of Islam. Henceforth the ruling sovereign nominated his successor whose reversion he endeavoured to assure during his lifetime by the oath of fealty of his soldiers and grandees.<sup>(19)</sup>

Hussain was at liberty to prosecute his claim against Yazid. A list was secretly transmitted from Kufa to Medina, of 140,000 Muslims, who professed their attachment to his

cause. Against the advice of his wisest friends he resolved to trust his person and family in the hands of a perfidious people. He traversed the desert of Arabia, but as he approached the confines of Iraq he was alarmed by the solitary or hostile face of the country. The governor of Basra and Kufa; Ubaidullah ibn Ziyad, ordered 5000 horsemen to encompass Hussain in the plain of Karbala and intercept his communication with the city and the river. On 10th of October, 680 A.D. Hussain was slain. After they had trampled on his body, they carried his head to Ubaidullah.

The glory of martyrdom superseded the right of primogeniture; and the twelve Imams of Shi'a creed are Ali, Hasan, Hussain, and the lineal descendants of Hussain to the ninth generation. Without arms, or treasures, or subjects, they successively enjoyed the veneration of the people, and provoked the jealousy of the reigning caliphs." Their tombs at Mecca or Medina, on the banks of the Euphrates, or in the province of Khurasan, are still visited by the devotion of their sect. Their names were often the pretence of sedition and civil war; but these royal saints despised the pomp of the world, submitted to the will of God and the injustice of man, and devoted their innocent lives to the study and practice of religion. The twelfth and last of the Imams, conspicuous by the title of Mahdi, or the Guide, surpassed the solitude and sanctity of his predecessors. He concealed himself... The time and place of his death are unknown; and his votaries pretend that he still lives, and will

appear before the day of judgement to overthrow the tyranny of Dejal (Dajjal), or the Antichrist. " <sup>(20)</sup>

The day of Hussain's death (Muharram 10, 61 A.H.) has become a day of mourning in Shiah Islam. An annual passion <sup>(21)</sup> play portrays his 'heroic' resistance and tragic martyrdom. It will be now easy to understand, perhaps to sympathise with, the frenzy of sorrow and indignation to which the adherents of Ali and of his children give vent on the recurrence of the anniversary of Hussain's martyrdom.

Thus fell one of the noblest spirits of the age, and with him perished all the male members of his family - old and young - with the solitary exception of a sickly child, whom Hussain's sister, Zainab, saved from the general massacre. He, too, bore the name of Ali, and in after life received the designation of Zain-ul-Abidin, " the ornament of the Pious. " He was the son of Hussain by the daughter of Yazdagard III, the last Sassanian king of Persia, and in him was perpetuated the house of the Prophet. He represented also, in his mother's right, the claims of the Sassanians to the throne of Iran. When the young lad was brought before Ubaidullah, he thought of murdering him also, to put an end to the progeny of Muhammad; but something in the look of Zainab, her determination to die with her young nephew, struck fear into the tyrant's heart. The women of Hussain's family with young Ali were sent to Damascus; the soldiers of their escort carrying on their lances the heads of the

martyrs. On their arrival at Damascus, the granddaughters of the Prophet, in their tattered and travel-worn garments, sat themselves down under the walls of Yezid's Palace and wailed as only Arab women can wail. Their sorrowful cry frightened Yezid, and, afraid of some outburst in his capital in favour of the Prophet's family, he hurriedly sent them back to their homes.

The butchery of Karbala caused a thrill of horror throughout Islam, and gave birth in Persia to a national sentiment which afterwards helped the descendants of Abbas to destroy the Umayyads.

Yezid was succeeded by his son Muawiya, a youth of mild disposition, who, it is said, abhorred the crimes of his family. He retired into private life after a reign of a few months, and died shortly after, supposed to have been poisoned. With Muawiya II, ended the rule of Abu Sufian's branch. This dynasty is called the Harbite; from the name of Abu Sufian's father, Harb, in contradistinction to the Hakamites (often also called the Merwanian or Marwanian branch, from the name of its founder : Merwan, or Marwan ibn (the son-of) al Hakam), who derived their name from Hakam, the father of Merwan, who managed to oust the first Muawiya's young (22) grandson (Khalid ibn Yezid) from the succession to the throne.

Marwan (683-5), the founder of the Marwanid (Hakamite) branch of the Umayyad dynasty, was succeeded by his son 'Abd-al-Malik (685-705), the " father of kings ". Under



'Abd-al-Malik's rule and that of his four sons who succeeded him ( Al-Waleed, Sulaiman, Yazid II, and Hisham ) the dynasty at Damascus reached the meridian of its power and glory. During the reigns of al-Waleed and Hisham the Islamic empire reached its greatest expansion, stretching from the shores of the Atlantic Ocean and the Pyrenees to the Indus and the confines of China - an extent hardly rivalled in ancient times and surpassed in modern times only by the British and Russian empires. To this glorious period belong the subjugation of Transoxiana, the reconquest and pacification of North Africa and the acquisition of the largest European country ever held by Arabs - Spain.

This era witnessed the nationalizing, or Arabicizing, of the administration, the introduction of the first purely Arab coinage, the development of the postal service and the erection of such monuments as the Dome of the Rock in Jerusalem - the third holiest sanctuary in Islam. (23)

ADMINISTRATION OF IRAQ : There was a civil war which lasted twelve years from the rebellion of Hussain and then that of Abdulla ibn Zubair to the final establishment of Abdul Malik ibn Marwan as sole Khalif.

The eastern half of the empire included Iraq, Persia, Afghanistan, and part of (Pakistan). North Persia was governed from Kufa, South and east Persia from Basra. Khalif Mu'awiya had appointed Ziyad ibn Abih as the governor of Kufa, Basra and all Persia. Ziyad's son; Ubaidullah,

was promoted by Yazeed son of Mu'awiya to the same position a few months after the massacre of Karbala. Yazeed died in November 683 A.D., and his son was acclaimed Khalif in Damascus as Mu'awiya II. Meanwhile Abdulla ibn Zubair, who escaped from Medina to Mecca, proclaimed the Caliphate. While the Umayyad Khalif has the control of only Syria, Palestine, and Egypt; Abdulla ibn Zubair was recognized as Khalif in all the provinces with Mecca as the capital. In February, 684, Mu'awiya II died and Marwan ibn al-Hakam was proclaimed Khalif in Damascus in 684. Ubaidulla ibn Ziyad attempted to proclaim himself Khalif in Basra but he was driven out, and Abdulla ibn Zubair controlled Arabia and Iraq. In 685 Mukhtar succeeded to make himself the acknowledged leader of the surviving shiites of Kufa. So, Iraq was divided into two; Kufa under Mukhtar, and Basra under Abdulla ibn Zubair who appointed his brother Mus'ab as governor. Mus'ab defeated Mukhtar and Iraq was re-united under the Zubairites. Marwan ibn al-Hakam died in 685, and his son Abdul Malik ibn Marwan was acclaimed Khalif in Damascus. In summer 691, Mus'ab was defeated by the Umayyads; in autumn 691, Kufa submitted to Abdul Malik; and on 3rd October 692, Abdulla ibn Zubair was defeated and killed, so that Abdul Malik became the sole khalif and Iraq fell again under the firm control of the Umayyads. In January 695, Abdul Malik wrote to Medina to Hajjaj ibn Yusuf al-Thaqafi, the man who had defeated Abdulla ibn

Zubair in Mecca, to proceed immediately as governor of Kufa and Basra. Later on, Hajjaj was promoted by the Khalif to be viceroy of all Iraq and Persia. Hajjaj founded a new city on the Tigris. He called it Wasit (Central) because it was equidistant between Kufa, Basra, and Ahwaz. From Wasit Iraq was governed by Hajjaj and his successors until the fall of the Umayyad Caliphate in 750 A.D. (24)

As Ockley in his book (History of the Saracens) has put it, " With the Quran in one hand and the scimitar in the other, the impetuous and indomitable Arab achieved a series of splendid victories unparalleled in the history of nations, for in the short space of eighty years that mighty range of Saracenic conquest embraced a wider extent of territory than Rome had mastered in the course of eight hundred. " (25)

After the death of Hisham, the Umayyads declined rapidly. The new khalif was Waleed II, a son of the frivolous but harmless Yazeed II. Waleed II was a libertine, a drunkard, a blasphemer and a cynic. He was killed after a reign of only fifteen months. On 17th April, 744, his head, transfixed on the point of a lance, was paraded through the streets of Damascus.

The revolt had been led by Waleed's cousin, Yazeed III, the son of Waleed I. Immediately acclaimed as Khalif, Yazeed seemed to be conscientious, pious and serious but he died in October 744, after a reign of only six months.

For twelve years, from 732 to 744, Marwan ibn Muhammad ibn Marwan had been the military commander-in-chief and

governor of the Jezira and Azarbaijan. His front included most of the Byzantine border in the west and that of the Caucasus, occupied by the warlike Khazars, on the north. In 737, in a brilliant campaign, he had utterly defeated the Khazars and occupied their capital, Itil, at the mouth of the Volga.

Marwan was a dedicated soldier, indifferent to women, luxury and ease, always in the field with his troops. His endurance had earned for him the nickname of Marwan the Ass, for to the Arabs the ass was proverbial, not for its foolishness, but for its patient endurance.

The collapse of the Umayyad dynasty stirred Marwan to action. He marched on the capital and was acclaimed as Khalif in Damascus on 23rd November, 744.

As it was formerly mentioned, Quraish; the Prophet's tribe, were divided between Bani Umayya and Bani Hashim, whose claim for leadership had hitherto been represented by the descendants of Ali. But Hashim had another grandson, Abbas, the uncle of the Prophet and of Ali. The descendants of Abbas had quarrelled with the Umayyads, and lived in obscurity south of Kerak, in modern Jordan.

The head of the Abbasid clan was a certain Muhammad ibn Ali ibn Abdulla ibn Abbas. This man seems to have possessed a genius for political organization. He inaugurated a political underground which carried on vigorous propaganda against the alleged worldliness of the Umayyads. This

secret campaign was conducted in the name of "the family" , a vague term which the Shiites interpreted as meaning the descendants of Ali. In Persia, and especially in turbulent Khurasan, the movement exploited the grievances of the non-Arab Muslims, who still paid poll-tax.

On 25th January, 750, the decisive battle was fought on the River Zab, eighty miles south of Mosul. The loyalty of the Umayyad army had already been undermined by propaganda. Many units refused to fight and Marwan was completely defeated.

The disaster was irretrievable. Marwan fled to Syria with the Abbasids in hot pursuit. Unable to pause long enough to organize any resistance, he continued his flight to Egypt, where, on the night of 5th August, 750, he was surprised and killed by Abbasid cavalry in the little village of Busir in the Faiyum. All the members of the Umayyad family who could be found in Syria were indiscriminately  
(26)  
massacred.

THE ABBASID KHALIFATE - 750 - 1258 A.D. :

With the rise of the Abbasids, the aspect of Western Asia alters. The seat of government is removed from Syria to Iraq; the Syrians lost the monopoly of influence and power they had hitherto possessed; and the tide of progress is diverted from the west to the east. But the unity of the Caliphate was gone for ever. Spain from the first never acknowledged the authority of the Abbasids, and was easily reduced by the fugitive Abdur Rahman, who founded a dynasty

which rivalled in magnificence the House of Abbas. Over Western Africa the early Abbasids exercised substantial dominion, but in time it dwindled into nominal suzerainty. The shrinking of the empire was not without its advantage, as it helped the founders of the Abbasid Caliphate to consolidate their power, to organise its resources, and to promote the material and intellectual development of their subjects. The first nine sovereigns of this house, with one exception, were men of extraordinary ability and politicians of a superior type, devoted to the advancement of the public weal. All of them combined warlike qualities with high intellectual attainments. And though the reigns of some were stained by deeds of cruelty, that was the characteristic of the age throughout the known world, and the outcome of dynastic policy.

" The reign of the first Abbasids, " says a distinguished French scholar and historian, " was the era of the greatest splendour of the Eastern Saracens. The age of conquest had passed; that of civilization had commenced. "

The first Abbasid Khalif was Abu al Abbas al Saffah  
(27)  
132 - 136 A.H. / 20th October 749 - 754 A.D.

During the first Muslim conquest of Mesopotamia, two Arab cities had been founded there for the garrisoning of the troops - Basrah near the mouth of the twin rivers, and Kufah on the Euphrates, where the desert caravan-road, from the Hijaz to Persia, entered the cultivated plain of

Mesopotamia. The Caliph Saffah, when not occupied in fighting, had lived at the Palace called Hashimiyah (after the ancestor of his race : Hashim), which he had built beside the old Persian city of Anbar on the eastern side of the Euphrates, near to where the great canal, afterwards known as the Nahr'Isa, branched off towards the Tigris. At this Hashimiyah (of Anbar) the first Abbasid Caliph died in A.H. 136/A.D. 754; and his brother Mansur, shortly after succeeding to the throne, began to build for himself another residence called by the same name. This second Hashimiyah, according to one account, was a town standing between the Arab garrison-city of Kufah and the old Persian town of Hirah; that is to say, on the Arabian side of the Euphrates, not far above the place where that river, in the tenth century A.D., spread out and became lost in the Great Swamp. Another account places the later Hashimiyah of Mansur near the town (Madinah) of Ibn Hubayrah, which last lay close by Kufah, and therefore must not be confounded with the Castle (Qasr) of Ibn Hubayrah, a town of some importance lying higher up the Euphrates than Kufah, and on its left or eastern bank.

The exact position, however, of this town of Hashimiyah is of little importance, since Mansur very soon abandoned the site as most inconvenient for a capital. It was too near Kufah, with its population of fanatical Shi'ahs, and its garrison of Arab tribesmen, who constantly rioted and

otherwise gave trouble. Lastly, Mansur took a permanent dislike to Hashimiyah after the Insurrection of the Rawandis, when a multitude of these Persian fanatics surging round his palace had insisted on worshipping him as the Deity. The indignant Caliph had repudiated their idolatrous homage, whereupon they began a riot, attacking the guards, and Mansur at last found himself in some danger of losing his life at the hands of those who had pretended to revere him as their God.

Mansur made many journeys in search of a site for his new capital, travelling slowly up the banks of the Tigris from Jarjaraya to Mosul. A site near Barimma below Mosul was at first proposed, where the hills called Jabal Hamrin are cut through by the Tigris, but the Caliph finally decided against this, it is said because of the dearness and the scarcity of provisions. The Persian hamlet of Baghdad, on the western bank of the Tigris, and just above where the Sarat canal flowed in, was ultimately fixed upon, and in the year 145 A.H. (A.D. 762) Mansur began to lay the foundations of his new city.

The name of Baghdad in its more modern form is presumably Persian, for which Yakut and other Arab authorities give various fanciful etymologies. Bagh in Persian means 'garden,' and the city, they say, had the name of the garden of a certain Dad or Dadwayh (Bagh Dad : garden of Dad); or else Bagh was the name of an idol, and dad, meaning



'given' or 'gift', the name of the town would thus have signified 'the gift of the idol Bagh' - for which reason, some pious Muslims add, its name was changed by the Caliph Mansur to Madinat-as-Salam, 'the City of Peace'. This last was more especially the official name for the capital of the Caliphate, and as such Madinat-as-Salam appears as a mint-city on the coins of the Abbasids. In common parlance, however, the older name, Baghdad, maintained its supremacy, and the geographical dictionaries mention several variations in the spelling, doubtless Persian or archaic forms, viz. Baghdadh and Baghdan, also Maghdad, Maghdadh, and Maghdan. From an elegy quoted by Tabari on the ruin which Baghdad had suffered during the great siege in the reign of the Caliph Amin, it would seem that the pronunciation Baghdadh was then held to represent what had been the name of this town in the Persian or infidel days, as against Baghdad of the Muslims.

The true etymology, however, of the name would appear to be from the two ancient Persian words Bagh, 'God,' and Dadh, meaning 'founded' or 'foundation' - whence Baghdad would have signified the city 'Founded by God'.

During the last period of the Sassanian dynasty, Persian Baghdad, on the western side of the Tigris, had been a thriving place, and at the period of the Muslim conquest a monthly market was held here. It became famous in the early annals of Islam for the very successful raid

of which it was the scene. During the Caliphate of Abu Bakr, Khalid the general of the Arab army, after advancing some way into Mesopotamia, suddenly dispatched a body of troops against this Suk Baghdad, as the 'Market' held at the Sarat Point was then called; the raiders surprised the town.

After this incident of the year 13 A.H. (A.D. 634) Baghdad appears no more in history until Mansur seeking out a site for the new capital, encamped here in the year 145 A.H. (A.D. 762). We are told that the spot was then occupied by several monasteries (Dayr), chiefly of Nestorian monks, and from them Mansur learned that among all the Tigris lands this district especially was celebrated for its freedom from the plague of mosquitoes, the nights here being cool and pleasant even in the height of summer. These lesser advantages, doubtless, had no inconsiderable influence with Mansur in the final choice of this as the place for the new capital of the Abbasids in Mesopotamia; but the practical foresight shown by the Caliph has been amply confirmed by the subsequent history of Baghdad. This city, called into existence as by an enchanter's wand, was second only to Constantinople in size during the Middle Ages, and was unrivalled for splendour throughout Western Asia, becoming at once, and remaining for all subsequent centuries, the capital of Mesopotamia. Wars, sieges, the removal for a time by the Caliphs of the seat of government

to Samarra (higher up the Tigris), even the almost entire destruction of the city by the Mongols in A.D. 1258, none of these have permanently affected the supremacy of Baghdad as capital of the Tigris and Euphrates country, and, after lapse of over eleven centuries, the Turkish Governor of Mesopotamia was residing in the city founded by the Caliph (28) Mansur.

The most famous of the Abbasid line is that character whom the peoples meet in the (Arabian Nights); Harun al-Rashid or Aaron the Orthodox, "Rightly-Guided", who (29) ruled from 786 till 819.

Harun al-Rashid is chiefly known to English readers from the pages of the Arabian Nights, in which he figures as rather a convivial figure. The impression thus produced scarcely does justice to so great a man, and one so remarkably active. In actual fact, he ceased to reside in Baghdad in the last years of his reign and rarely visited the city even for a night.

His principal residence was now at Raqqa on the Euphrates, half way between Iraq and Syria. In the year 804, the people of Baghdad petitioned the Khalif, asking him to reside in his capital. In his reply, Harun expressed his deep affection for the city of his fathers, but excused himself on the grounds of the war against Byzantium and the fact that Raqqa was near the frontier. Were it not, he added, for these considerations, he would never have left

his well-beloved city of Baghdad. It is indeed possible that he had discovered by experience that Baghdad was too much under the influence of Persia and too far from the Mediterranean and the western provinces. Raqqa indeed would have been a more central capital for the empire than Baghdad, but unfortunately it was situated in semi-desert country, which could not support a great city. (30)

In the time of Harun al-Rashid there was correspondence between the Khalif and Charlemagne, or Charles the Great, of the Franks. In order to strengthen friendship among them, Charlemagne sent an embassy to Al-Rashid headed by a Jew named Isaac accompanied by two noble Christians who died on the way. Isaac alone arrived at the Baghdad Court and presented to Al-Rashid the letters and presents of the King of the Franks. Al-Rashid received him with honour and welcomed the friendship of the Frankish king, and sent him ambassadors carrying magnificent presents among which were an Arabic tent, a water-watch, silk clothes, objects of art in gold, and the keys of the Holy Sepulchre. (31)

It is well known that the period of Harun Al-Rashid was the Golden Age of the Abbasid empire, and of the Arabs as well.

It is better, for the purpose of clarity, to divide the history of the Abbasid Khalifate into five periods.

A. The period of the great Khalifs, from the foundation of dynasty in (132 A.H./750 A.D.) to the death

of Mamoon in (218 A.H./833 A.D.). It includes the Khalifs : Saffah, Mansoor (Mansur), Mahdi, Hadi, Harun al-Rashid, his first son Ameen (Amin), and his second son Mamoon(Mamun).

This period forms the most brilliant epoch of Muslim history; the Caliphs were then great warriors and sovereigns.

B. The period during which the tyranny of the Turkish soldiers took place. It is ending in (A.H. 334/A.D. 946). On the death of Mamun and the accession of his brother Mu'tasim (833-842 A.D.), the riots caused by the Turkish body-guard ultimately forced that Caliph to betake himself to Samarra (about 60 miles to the north of Baghdad), which now became the capital of the Caliphate. Here Mu'tasim, and after his death six Caliphs in turn, reigned and built palaces, while successive captains of the guard controlled the affairs of the empire at their pleasure. (32)

C. The third period (A.H. 334/A.D. 946): its outset being marked by the advent of the Buwayhid Prince Mu'izz-ad-Dawlah in Baghdad. The period of the Buwayhid supremacy lasted for rather more than a century, and was characterized by the erection of many fine buildings in the capital of the Caliphate. The Buwayhid princes were Persian by descent and Shi'ah by sympathy; they had subjugated both Mesopotamia and Persia. In this period the Turkish soldiers had lost all power since the return of the Khalifs from Samarra to Baghdad. (33)

D. The fourth period witnessed the Saljuk supremacy beginning with Tughril Beg, who entered Baghdad in(A.H.447/

A.D. 1055), and ending with the death of Sultan Sanjar, the last of the great Saljuks in (A.H. 552/A.D. 1157). The Saljuks were Sunnis.

E. The period of decline and fall, which ended with the Mongol conquest under the leadership of Hulagu, the sack of Baghdad in (A.H. 656/A.D. 1258), and the death of the last Abbasid Khalif Mustasim.<sup>(34)</sup>

The Mongols : In the heart of central Asia Jenghiz Khan had welded together a group of fiercely independent tribes into a magnificent war-machine, which was destined to lay waste the whole of Western Asia, and even threaten Europe. Jenghiz Khan was (Ssutu-Bogdo), the God-sent; his word was Heaven's will.<sup>(35)</sup> His successors retained the title.

The orientalist B.L. Vladimirov points out that Batu Khan believed in God, though he did not belong to any particular religion. As a matter of fact, he followed the example of his grandfather, the great conqueror Jenghiz-Khan who showed a great religious toleration. To the end of his life Jenghiz Khan worshipped the Blue Sky, the Purifying Fire and contributed to the rise of the Mongolian legend according to which he was the incarnation of the divine element. Subsequently his grandson, the Emperor of Mongolia Mangu Khan, proclaimed Jenghiz Khan "Son of God". For political reasons Jenghiz Khan drew nearer to Islam and after having conquered many Muslim peoples in Central Asia,<sup>(36)</sup> he assumed the title "Protector of Islam". His successors adopted the civilization of the conquered peoples; in

accordance with their own mental leanings, influenced by their wives, or to gain advantage, they preferred this or that religion, proclaimed themselves converts; and each of them, whether Muslim, Nestorian, or Buddhist, regarded Shamanism with contempt.<sup>(37)</sup>

Jenghiz Khan left a son called Ogotai, who, after the formality of forty days' modest hesitation, was installed as Khaqan, or supreme ruler of the Mongols. Ogotai had no difficulty in sweeping away the petty princes of Persia, and almost at once descended on Iraq, capturing successively Mardin, Nisibin and Mosul. After this he had a temporary setback, when his troops were defeated by a Caliphal force at Jabal Hamrin, but for several years afterwards he continued to make repeated raids southwards. It was Ogotai's youngest son Hulagu who next turned his attention to Iraq.<sup>(38)</sup>

In spite of the fact that some of the Mongols embraced Islam, Bibars described Hulagu's campaign of conquest as a war of extermination against Islam.<sup>(39)</sup> The Mongol army crossed the Tigris, and Hulagu's envoys rode to the court of Caliph Mustasim, the grandson of Nasir who had invited Jenghiz Khan to make war against the Shah of Khwarizmia. For five hundred years the Abbasid Dynasty of the Caliphs of Baghdad had held spiritual sway over the Muslim world, though most of their temporal dominions had been lost. All the sultans and all the shahs had had to bow before their doctrinal decisions. But now Hulagu demanded that the fortifications of Baghdad should be destroyed, that the Caliph should pay

homage and render tribute. After three weeks' siege, the suburbs of Baghdad were stormed, and the Caliph surrendered unconditionally. For six days and six nights the town was pillaged, the mosques were burned, and the inhabitants massacred. Then Hulagu announced that the place had become his property, that the surviving inhabitants were his subjects, and that no further acts of violence must be performed.  
(40)

On 13th February, 1258, Hulagu took Baghdad, massacring all the inhabitants, men, women and children. The Khalif Mustasim was killed by being trampled under the hoofs of Mongol horses. Baghdad, once the world's greatest city, was reduced to heaps of smoking rubble. On 20th February, 1258, Hulagu marched to Tabriz.  
(41)

INDO-ABBASID RELATIONS : It is difficult to ascertain the exact nature and intensity of India's cultural relations with West Asia and North Africa (the regions where Arabic is largely spoken today) in ancient times. Contacts with these regions are known to have existed since the third millenium B.C. Mohenjo-Daro (in Sind) was "Probably a great port carrying on trade by sea with Ur and Kish, and perhaps also with Egypt". There was probably overland intercourse also between the Sindhu Valley and western and central Asia. These relations seem to have been of a commercial nature, although some cultural exchange must have resulted in the process.



In the realm of religion and philosophy, there is no positive evidence of contact, but what little there is leaves no doubt that some exchange must have taken place between India and the West Asian countries during the thousand years that passed between the time of Gautama Buddha in India and Prophet Muhammad in Arabia.

The period of direct and deeper cultural relations between the Arabs and the Indians began a century after the rise of Islam in Arabia, and with the foundation of the Abbasid empire in the middle of the 8th century A.D. This period marked the beginning of a long history of cultural contact which lasted several centuries. During no period of their ancient and medieval history perhaps did the Indians have such close relations with the Arabs as they did during this period. The process of exchange was reciprocal, and covered the dissemination and diffusion of the maximum amount of knowledge in the sciences and arts, religion and philosophy, and social and cultural ideas and values.

By the beginning of the eighth century A.D. Sind and some parts of Punjab had come under the Arab political influence and formed the eastern wing of the Abbasid Empire whose capital was at Baghdad. Gradually, Sind acquired great prominence in Arab affairs for not only was it ruled militarily and administratively by the Arabs from their capital in al-Mansura (the ruins of the town lie

47 miles to the north-east of Hyderabad, Sind) but a large number of Arab merchants, travellers, missionaries and men of learning and erudition migrated to this province and made it their permanent home. Thus, within a short period Sind and parts of Punjab became important centres for the diffusion of Arab culture in India. From here Arab religious thought, cultural values, language and philosophy radiated to different parts of India and the Indians were able to secure first hand knowledge about them from this region. No region of India had such a large number of Arab settlers as Sind. Al-Mansura and Multan formed the important cultural pockets of the Arabs of Sind.

The political boundary of the Arabs of Sind roughly lay along the lower course of the Indus between Multan in the north and al-Mansura and Daybul in the south. Their immediate neighbours to the east were the powerful Indian rulers belonging to the Gurjara-Pratihara dynasty, whose kingdom extended from Gujarat up to the banks of the Ganges; they were the most formidable enemies of the Arabs of Sind and usually at war with them. Here it may be emphasized that as a result of these estranged political relations the Arabs in general and the Arabs of Sind in particular were unable to get access to other parts of northern and central India. There was, therefore, no possibility of cultural exchange between the Arabs and the Hindus of the north at this period, and this is the reason why Arabic accounts of this period deal mainly with either Sind and Punjab or

with southern and eastern India.

In South India Indo-Arab relations rested on a totally different basis. In Sind the Arabs exercised their political power but for the South they came as travellers, merchants and occasionally as missionaries. As such, relations were based not on political antagonism but on cordiality and friendship. The rulers of the Deccan belonging to the Rashtrakuta dynasty welcomed the Arab merchants and travellers in their kingdom, protected their lives and property and gave them full freedom of religious practice and other facilities. Whether such an attitude was based on commercial or some other considerations cannot be ascertained. But the fact remains that the cordial relations between the Arabs and the Indians in South India provided the opportunity for cultural exchange and intellectual communication. The Arab writers of this period are full of praise and admiration for the Rashtrakutas of the Deccan. As in Sind, the Arabs had settled down in many parts of South India as merchant communities, e.g. in Konkan (Maharashtra), Malabar (Kerala), and in many of the coastal towns of Andhra Pradesh, Tamil Nadu and Karnataka. Gujarat and Kathiawar had large numbers of Arabs following different vocations, and Eastern India, Bengal and Assam were visited by many Arab merchants and travellers during this period.

Among the Indians who visited the Arab world during this period, there were many scholars, scientists and

physicians who sojourned in Baghdad which was a great centre of intellectual and cultural activity. Also there was continuous traffic of Indian merchants and traders to Iraq, Egypt, the Gulf and other regions. Apart from scholars and merchants, many Indian prisoners of war or immigrants settled down there and became naturalized citizens and were treated as such by the Arabs. These arabized Indians are referred to as al-Zutt by Arab historians. They were most probably the Jats.

There is a legend based on Keralolpathi that Cheraman Perumal, the last Perumal of Kerala, became a convert to Islam, visited Mecca and received the blessings of the Prophet Muhammad in Jeddah; but this seems to have no historical basis. However, the story that the first person to embrace Islam in Kerala was a king may have some truth in it. According to some historians he was a Zamorine, who also visited Mecca after his conversion. This may, however, be taken as marking the beginnings of Islam in Kerala.

Thus it may be said that the main agents, both among the Arabs and the Indians, responsible for the transmission of ideas and beliefs and for direct or indirect cultural influences were the many known and unknown scholars, Sufis and missionaries, merchants and travellers, and above all the cultured, impartial and unprejudiced rulers of India as well as the Abbasid Caliphs and their illustrious ministers and courtiers.

Baghdad, the seat of the Abbasid Caliphate for over five centuries (A.D. 750-1258) and the capital of a vast empire sometime termed by Arab writers *Mamlakat al-Islam* (the kingdom of Islam), provided the maximum opportunity and scope for the growth of a scientific and cultural atmosphere and a free and liberal academic environment in the latter half of the eighth and the first half of the ninth centuries. This was the period when Indian scientists, physicians and philosophers visited the capital of the empire and came in contact with a new, rising nation and a dynamic Islamic society. Financial assistance by the State and patronage of Caliphs like Abu Ja'afar al-Mansur (A.D. 754-75), Harun al-Rashid (A.D. 786-809) and al-Ma'mun (A.D. 813-833) were not the only factors that resulted in the general promotion of learning and education among the Arabs and in research and academic activity. The positive and deliberate efforts of some of the Caliphs like al-Ma'mun in giving full freedom of work to those engaged in research in various academic centres in the city was a factor that cannot be overlooked: Whenever such liberty and intellectual freedom was refused to scholars and men of learning, the growth of science was arrested and contribution to knowledge came to a standstill. There was yet another factor which came in the way of intellectual progress. Quite often the narrow educational concepts and outlook of the orthodox *ulama* (theologians), as also of some orthodox-minded scientists, resulted in the decline of educational standards and prevented knowledge from progressing. Islamic history

provides ample examples of this. This was one of the basic reasons for the decline of science and education among the Arabs of the Abbasid period which brought about the general decline and stagnation of Islamic society in the post-<sup>(42)</sup> Abbasid period.'

' India acted as an early source of inspiration, especially in wisdom, literature, and mathematics. About A.H. 154 (A.D. 771) an Indian traveller introduced into Baghdad a treatise on astronomy, a Siddhanta (Ar. Sindhind), which by order of al-Mansur was translated by Muhammad ibn-Ibrahim al-Fazari (between A.D. 796 and A.D. 806), who subsequently became the first astronomer in Islam. The stars had, of course, interested the Arabs since desert days, but no scientific study of them was undertaken until this time. Islam added its impetus to the study of astronomy as a means for fixing the direction in which prayer should be conducted Ka'bah-ward. The famous al-Khwarizmi based his widely known astronomical tables (zij) on al-Fazari's work and syncretized the Indian and Greek systems of astronomy, at the same time adding his own contribution. Among other translations of astronomical works at this period were those from Persian into Arabic by al-Fadl ibn-Nawbakht, the chief librarian of al-Rashid.

This same Indian traveller had also brought a treatise on mathematics by means of which the numerals called in Europe Arabic and by the Arabs Indian (Hindi) entered the

Muslim world. Later, in the ninth century, the Indians made another important contribution to Arabic mathematical science; the decimal system.<sup>(43)</sup>

PART THREE - THE DARK AGES; 1258 - 1869 A.D. :

It was said that in a week of slaughter, after capturing Baghdad by Hulagu's Army, about 800,000 non-combatants lost their lives. The gold and silver ornaments were stacked mountain-high around Hulagu's tent. Finally, Hulagu left 3,000 cavalry to keep the peace and bury the dead, and hastened to escape from the tainted air.

With the death of Mustasim, the Abbasid dynasty in Baghdad came to an end. His ancestors had ruled eastern Islam for five hundred years, but now the focus of the Muslim world was temporarily to move to the Mamluk court of Cairo and a succession of puppet Caliphs to rule in Egypt, until the final transfer of the Caliphate to the Ottoman Sultans of Turkey in the sixteenth century.

Hulagid Il Khan Dynasty; 1258 - 1356 A.D. :

When the Great Khan died, Hulagu was called back to Persia to become the new Great Khan. He assumed the title 'Ilkhan', which became hereditary. So, under the dominion of a series of Ilkhans, Baghdad was reduced to being capital of a province. The last Ilkhan embraced Islam and the Mongols gradually merged in the general body of the population to disappear as a separate entity altogether.<sup>(1)</sup>

Jalairid Dynasty: 1356 - 1410 A.D. :

Shaikh Hasan Jala'iri put an end to the rule of Ilkhans establishing the Jalairid dynasty during which Tamerlane \* (Timur, Timur Lung, Timur-i-Lung, Timur-Leng; Timur The Lame) repeated, in October 1393, the disasters of Hulagu's invasion. The ancient palace of the Caliphs became the scene of a massacre whose extent can be judged by Tamerlane's command that on the ruins of the town 120 pyramids made of 90,000 human heads should be built. Not a house in the town was to be left standing - nor any building except mosques, schools, and hospitals.

Amid this blood-bath and amid this orgy of destruction, Tamerlane summoned the artists, the poets, and the scholars, and supplied them with horses on which they could reach other towns. Human life in general was valueless. Where there were no human beings; neither houses nor palaces were required. The only places that must not be touched were the houses of Allah. But art and science must be preserved; and the world conqueror loved fine verses. (2)

If the scenes and losses were less dreadful than those of the ruin of the Caliphate, it was that Baghdad had not the same pride to be humbled and the same materials for atrocity. After Timur's death the Jalairids came back to Baghdad and continued to rule there until their final collapse.

Black Sheep and White Sheep; 1410 - 1509 A.D. :

The next conqueror, who almost casually conquered Iraq,

\* Timur was a Muslim.



was Kara Yusuf, chieftain of the Turkoman kingdom of the 'Black Sheep', based on Van in Anatolia. ' In the rough manner of the time, he sold or bestowed its governorships, received the homage or bore the turbulence of the tribes. ' But almost at once a rival dynasty of Turkomans, the 'White Sheep', came to power with their capital at Diarbekr, and the whole process in Iraq was repeated. When these in turn succumbed to a superior force, it was ' to the new monarch of a Persia revived and re-inspired ', Shaikh Safi, whose general, Lala Hussain, captured Baghdad almost without resistance. The Turkoman regime in Iraq generally was short-lived and fantastically insecure, yet traces of it are still to be seen today in the small but racially pure communities of Turkomans, which have survived, for instance, at Tell Afar and in the Kirkuk area.

' That Iraq was long since habituated to disorder; to poverty, to change and bloodshed, to alien rulers need not be said. For eight generations, each year had seen the country sink further back into tribalism, insecurity and dependence. Each month had brought news of dynastic rise and fall, to herald a fresh governor to Baghdad. Each day saw a new outrage of robbers on the roads, or the seizure of some riverside city by a tribesman usurper. So Lala Hussain was accorded a welcome stale by repetition. '

Safawid Persians: 1509 - 1533 :

- Shah Ismail, the founder of the new Safawid dynasty in Persia, was a pious descendant of the seventh Shiah Imam. So

that here, after two-and-a-half centuries of semi-pagan Asiatics, was at least a truly Muslim power once more assuming control of the destinies of Iraq.

As soon as Iraq had been added to his conquests, Shah Ismail paid a personal visit to Baghdad. His Shiah tendencies at once became evident. The tombs of several Sunni saints were desecrated, a number of Sunni leaders put to death. When he left, after performing the pilgrimage to Kerbela and Nejef, one Ibrahim Khan was left behind as first Persian governor of Baghdad. A period of peace and even prosperity followed. The Persian rule was favoured by the strong Shiah element, who possessed great influence among the tribes. Persian merchants began to settle in Baghdad and to revive the commercial intercourse with the outside world which had been shattered by the constant upheavals of the preceding years.

Ottoman Turks - First period; 1534 - 1621 A.D. :

The Ottoman Turks were Sunnis. After securing their position in Europe, they could not but feel irritation at the rise of an (unorthodox) Shiah power on their flank (Persia), and the irritation was changed to active hostility by the capture of Baghdad and the indignities laid upon the orthodox residents. Baghdad also began to grow restive, and the oppressed Sunni and non-Muslim elements began to raise their heads.

Sultan Sulaiman I (A.D. 1520 - 1566), who is known to the Europeans as Sulaiman The Magnificent, and to the Muslims

as Sulaiman Kanouni (Sulaiman the Lawgiver), led his armies against the Persians in several campaigns (1533, 1534, 1535, 1548, 1553, 1554), during which the Turks often suffered severely through the difficult nature of the countries through which they traversed, as well as through the bravery and activity of the enemy. But the Sultan effected many important conquests. He added to the Ottoman Empire large territories in Armenia and Iraq, and the strong cities of Erivan, Van, Mosul, and above all, of Baghdad, which the Orientals call " The Mansion of Victory. " <sup>(5)</sup>

Sultan Sulaiman descended on Iraq. In Baghdad the internal dissention between Shias and Sunnis made a siege of the city unnecessary. The Persian governor slipped away and the Turkish troops took over control. Thus, the first part of the Ottoman rule in Iraq came into existence. It lasted about ninety years, during which twenty Turkish Pashas successively held the office of Ottoman governor (Wali) in Baghdad which now acquired the status of a Turkish province.

The heart of Islam had shifted to Istanbul, and Baghdad itself had sunk to the level of a decaying provincial town, with doubtful authority even over the neighbouring country districts. The traditional forms of Turkish officialdom now held fully sway. The Pasha, the head of the local government; the Qadhi, head of the judiciary; and the Daftardar, head of the financial department, were all Turks and foreigners. Their authority was enforced by the Turkish Imperial troops (the celebrated Janissaries), and

by a permanent corps of local soldiers... The autocratic power of the Pasha was tempered by his fear of the Sultan's displeasure; by local public opinion, officially represented in an informal diwan or council of notables, and able by indirect methods to influence important elements at the capital; and by the refusal of large portions of the population, even from the first, to acknowledge his authority. The Shiah element in the holy cities, the tribesmen in the ruined countryside, offered an indefinite but continual resistance to control from Baghdad, which the Turks, even in their strong and early days, were never able quite to overcome.<sup>(6)</sup>

Persians - Second period: 1621 - 1638 A.D. :

In 1621 the Persian Shah Abbas wrested Baghdad from the loose control of the Ottomans, and the story of his seizure of the city is a thoroughly unpleasant one.

Ottoman Turks - Second period: 1638 - 1918 A.D. :

On the 15th November, 1638, the Ottoman standards appeared before Baghdad under the leadership of Sultan Murad IV himself, and the last siege of this great city commenced. On the third day (Christmas Eve, 1638) Baghdad was captured by the Ottomans, and the story of butchery was repeated once more. The Sultan commanded a massacre of the inhabitants of the city, in which 30,000 are computed by the Ottoman historian to have perished. In February Murad commenced his homeward march, after having repaired

the city walls, and left one of his best generals with 12,000 troops to occupy Baghdad, " which has never since been wrested from the Turks. " <sup>(7)</sup>

After Sultan Murad had left, there had been a long series of Pashas appointed by Istanbul as governors in Baghdad. They were serving brief terms and changed. One of these Pashas laid in 1750 the foundation of the so-called 'Mamluk' rule, from the Arabic name applied to the white slaves. The Mamluks were actually independent, paying only nominal allegiance to the capital Istanbul. In the time of the Mamluk governor of Iraq; Sulaiman Pasha, was the establishment in Baghdad of a British Trade Agency, as a branch of the Basrah Office of the East India Company.

At the accession of Kuchuck Sulaiman (1808-1811), the British Resident in Baghdad had been granted consular rank, and during Said's time this position was filled by the celebrated Mr. Claudius James Rich, whose thirteen years ' raised the British position to that of the unquestioned second in the town, ranking only after the Sarai (the main office of the Ottoman governor) itself. '

The last and most remarkable of the Mamluk governors was Dawood Pasha, whose governorship lasted from 1817 to 1831. Sultan Mahmud II had decided to put an end to the rule of Mamluks, and to remove Dawood Pasha, therefore, a young official was sent with armed force to supersede him. But before he reached Iraq a series of appalling catastrophes occurred in the city of Baghdad.

In the first months of the year 1831 cholera settled down upon Iraq in grim earnest. But there was worse to come. From the 21st of April a fresh source of terror appeared. The Tigris was in high flood. In the night of the 26th a section of the wall subsided on the north face of the town, and part of the citadel collapsed. Two hundred houses fell in the first few hours. Within twenty-four, part of the Sarai and seven thousand houses were in fallen ruins, burying the sick, the dead and the healthy in a common grave. Of the population of Baghdad, which had risen in the early, prosperous years of Dawood's rule to about 150,000, two-thirds had perished with the city's most recent agony.

Finally, Dawood Pasha surrendered on friendly terms, (8) thus ending the regime of Mamluks in Iraq. From 1831 to the collapse of the Ottoman empire (1914-1918) Iraq was under a firm control from Istanbul. In 1869 Midhat Pasha was appointed governor of Baghdad. He was a great reformer, but Sultan Abdul Hameed (Hamid) feared him, and, ultimately, (9) got him poisoned.

#### PART FOUR - MODERN IRAQ :

In the first three centuries of Turkish rule Iraq was united as the single (eyalet) of Baghdad, one of the great provinces of the Empire ruled by a three-tailed Pasha. Mosul has emerged as a (Wilaya-or Vilayat : Province) in

1879, and Basra in 1884, but Baghdad had always held easy primacy over these two renowned cities of Iraq, and the Governor (Wali) of Baghdad was by every standard the Senior (1) of the three Governors.

The Iraqis of today agree almost unanimously that the modern history of Iraq began from the time in which the great reformer and statesman Midhat Pasha assumed the office of Governorship in Baghdad during 1869-1872, due to the serious attempts made by him to make reforms in the country, though there were a number of attempts before Midhat Pasha came to Baghdad to introduce reforms, to reduce corruption, and to improve the countryside. (2) It was Midhat Pasha who conceived the idea of a horse tram to relieve the pressure (3) of pilgrim traffic between Baghdad-West and Kadhimain. It was a tramway of immense gauge, (4) and lasted to the 1940s when (5) it ceased to operate. He established a newspaper Al-Zawra which was the first Iraqi newspaper, and for which Midhat Pasha brought a printing machine from Paris. The first issue was available to the public in Baghdad on 15th June,, 1869, and it continued to be issued for 49 years until the (6) British troops entered Baghdad on 11th March, 1917. Another of his plans was for demolishing the medieval city walls and converting their sites into handsome boulevards. The quality of the bricks was admirable and he hoped by their sale to realize a large sum for military purposes. Unhappily, ' like other Turkish schemes of this period the work was

only partially carried out, with the result that Baghdad lost her walls, and got in return, not a boulevard, but a surrounding ring of enormous ruins'. Midhat did, however, complete the reconstruction of the Sarai on an impressive scale. The first establishment of a (baladiyah) or Municipal Council and the inauguration of elementary and technical government schools were also due to his enterprise. (7)

Throughout the whole of the final century of the Ottoman period Iraq had increasingly been opened to the wider world. A slow process of change, which began with the destruction of the Istanbul Janissaries by Sultan Mahmud II in 1826, had clearly set in as Iraq was pulled along behind the changes in Turkey itself. The creation of the 'New Army' in Iraq under Europeanized Officers was accompanied by the introduction of European-trained doctors and engineers and even of modern clothing factories. From then on European ideas, manners, clothing, and customs increasingly influenced the urban classes. A class of officials with some degree of education and 'civil service' outlook grew up, to be known as 'Effendis', and these brought some order and administrative competence into government. Because of British interests in trade, transport, and the 'route to India', British officials of various kinds began to exert considerable influence in the nineteenth century. (8)

In spite of such belated and inadequate measures as



these, the country of Iraq passed from the nineteenth to the twentieth century 'little less wild and ignorant, as unfitted for self-government, and not less corrupt than it had entered the sixteenth; nor had its standards of material life outstripped its standards of mind and character. Its resources lay untouched, however clearly indicated by the famous ages of the past and by the very face of the country. Government's essential duty of leading tribe and town together in the way of progress had scarcely been recognized; in the yet clearer task of securing liberty and rights to the governed (however backward), it had failed more signally than any government of the time, called civilized - failed in spite of the great advances made simultaneously in Europe and in India, in spite, even, of the material reward which success must have conferred.

There is little to tell of the local political history of Iraq during the remainder of the nineteenth century. Its single motif is, 'the maintenance of an uneven balance between the Sarai, representing an absolute medieval officialdom vainly struggling to bring itself up to date, and the British Residency, representing the restless commercial energy of the new West'.

Still the most forlorn and stagnant of Turkish provinces, Iraq had nevertheless by 1914 a greater international interest than at any time since the middle ages. It lay notoriously on the land routes to India; it was

believed capable of rich development; it was important in Islam, in the worlds of history and archaeology, perhaps of commerce, certainly of missionary effort and cultural expansion. It had been visited, since the first British travellers in 1583, by scores of foreign visitors. British interest, moving northward from the Gulf, was established at Basra in the eighteenth, and at Baghdad in the early nineteenth centuries, with unquestioned primacy over other European powers; the river-steamers, a permitted system of British post offices, the bulk of foreign trade, and the Gulf steamship services (and a well-earned special position in those waters) were British. Goods and pilgrims came in quantity from British India, and the installation of the British Resident at Baghdad was upon a scale of considerable formality and some privilege. The Russian power was active, though largely invisible, in penetrating northern Iraq, and had known designs on neighbouring Persia. The French by their missionaries and teachers had proved successful pioneers of western, or **specifically** French and Catholic, culture. The Americans carried out some educational and missionary work. The Germans, cherishing wide schemes of eastern penetration and expansion since 1900 - the famous (Drang nach Osten : advance toward East) - had planned and partly completed the Iraqi sections of the Bagdadbahn; Baghdad Railway. The Russians, up to August 1911, were planning to construct a Russian Railway in Persia from

Tehran to the western border at Khaniqin (in Iraq), and to link this by a German branch line to Baghdad Railway.

England was given two of the seats on the Board of Directors of the Baghdad Railway Company, assured a dominant position in the navigation rights and oil resources of southern Mesopotamia, and largely relieved of her fears that the Baghdad Railway would be a German menace to the safety of India. But, ultimately, Baghdad Railway was one of the many causes of the international rivalry that gave rise to the First World War.

On 30th October, 1914, the British, French and Russian ambassadors in the capital of the Ottoman empire asked for their passports. The following day Turkey was in the war. On 7 November, 1914, British and Indian troops appeared in transports at the mouth of the Shatt-al-Arab. Great Britain has decided to invade "Turkish Arabia" from her bases in India. But hostilities with Turkey had always been feared in India as likely to produce dismay among Indian Muslims. At any rate, Mesopotamia had been regarded as an Indian responsibility, therefore, the Indian army was under loose directions from London and a tighter rein from New Delhi. This invading force was originally known as 'Indian Expeditionary Force D.' but later on was renamed as the 'Mesopotamian Expeditionary Force' to which the Indian Government was compelled, due to the Turkish reinforcements, to add a second division.

The Indian army was under General John Nixon, with General Charles Townshend in Command of the Sixth Indian (22) (23) (24) Division (Poona). The war was declared on 5th November, 1914, and on 21st November, Basra was captured. (25) The occupation was bloodless. A Turkish counter-attack was unsuccessful, and the spread of British forces in lower Iraq, to Qurna, Nasiriya and Amara, arduous and costly as it proved, was complete by mid-summer (26) 1915.

In the meantime a small Russian force (about 20,000 men) under General N.N. Baratov, supplied via the Caspian Sea, took Hamadan in January, Karind in March, and advanced on Baghdad from the north and east. The threat was an effective diversion; the Turkish Sixth Army withdrew a corps from Kut, facing the British, to hold the Russians in check. The Turks repulsed a Russian attack at Khaniqin on June 1 and that was the virtual end of Russian operations (27) in Persia.

Baghdad; the city of the Arabian Nights, fell after small-scale fighting on March 11, 1917, and a dream of "Drang nach Osten" - the Berlin-to-Baghdad railway - was ended. The whole of Iraq, from Zakho to Fao, from the Persian frontier to Dair-al-Zur, was thus effectively in British (28) occupation before the close of the year 1918.

During the war there was secret correspondence between Hussain Ibn Ali and Sir Henry McMahon. They agreed that the Arab would revolt against the Turks supporting the Allied

Powers provided that an independent Arab State will be established after war, and Hussain himself will be the king of that state. <sup>(29)</sup> Hussain is of the Bani Hashim, tracing his ancestry back to Muhammad, and was the Grand Sharif of Mecca, thereupon he was qualified to declare a (Jihad) - Holy War. He had four sons - Ali, Zaid, Abdullah (the grandfather of the present king of Jordan : King Hussain), and Faisal, who <sup>(30)</sup> became the first king of Iraq. In Medina the Arab Revolt had begun. On the 5th of June, 1916, Ali and Faisal proclaimed the independence of the Arabs from the Turkish rule, in the name of their father Sharif Hussain. <sup>(31)</sup>

What is known generally as Sykes-Picot Agreement was first negotiated between the French delegate F. Georges - Picot, and his British colleague Sir Mark Sykes. Then, Russia was made the third party. The Sykes - Picot Agreement was concluded in the form of diplomatic notes exchanged between the Governments of the three Powers, in which the claims of each Power to portions of the Ottoman Empire after its dis- <sup>(32)</sup>memberment were recognised by the other two.

The Sykes-Picot Agreement was a shameful document, revealing as it did that, no sooner had McMahon concluded his negotiations with Sharif Hussain, than the British Government started secret conversations with the French to decide how the Fertile Crescent of Iraq and Greater Syria should be divided between Britain and France. The leak came when the Bolsheviks seized power in Russia in 1917 and, in

a deliberate attempt to embarrass the allies of the Tsarist regime, broadcast the terms of the Anglo-French agreement to the world. However, this agreement was by the end of 1918 already a dead letter - or at least so treated in Whitehall.

After the British occupation, Iraq started embarking on a period of economic expansion and political progress unknown since the golden days of the Abbasid Caliphate. The Turkish officialdom was supplanted by Anglo-Indian officials, and the administration was rearranged after the fashion of the Indian administration, and the Indian Rupee was introduced in Iraq as a legal tender to supplant the Turkish currency. The British wanted to Indianize Iraq, and the Iraqis saw in using the Indian currency an attempt to attach Iraq to the Indian administration, therefore, they insisted on establishing an Iraqi national system of currency as a sign of rejecting the idea of attachment of Iraq to India.

In August, 1920, the total number of the officials whose salaries were more than Rs.600 per month was 534, out of which there were 507 British, 7 Indians, and 20 Iraqis; and the total number of the officials whose salaries were less than Rs.600 was 11270, out of which there were 515 British, 2209 Indians, and 8546 Iraqis. In the financial year 1919-1920, the expenditure on education was less than one million rupees, and there were only 90 schools.

It was generally believed that Iraq, for the time being, is incapable of self-government, therefore, the mandate was

recommended. It was advised that Great Britain should assume the Mesopotamian mandate on account of Iraq's nearness to India and her close connections with Arabia, and because of work already done by the Britishers in the territory.<sup>(41)</sup>

" The news that the Principal Allied Powers, meeting at San Remo in April 1920, had conferred a Mandate for Iraq upon Great Britain reached Baghdad at a moment when committees both there and in London were considering, in a spirit of caution, what forms Iraqi constitutional development could take. The temporary administration of the territory (now, in some areas, already five years old) retained a character which, while it assured a security, honesty, and progressiveness far in advance of anything the three wilayets had seen before, was nevertheless inevitably authoritarian, foreign, Christian, and, largely for these reasons, uncongenial and increasingly unpopular.

This wide-spread though far from universal attitude to the British administration, with the announcement of the Mandate and the increased activation of subversive movements from Syria and Turkey and in Iraq itself - and the presence, as ever, of strong tribal antipathy to restraint or government in any form - led in the summer of 1920 to a tribal and country-side uprising upon a considerable scale, later acclaimed by nationalists as a National Rebellion.<sup>(42)</sup> "

But was it actually a tribal and country-side uprising, as it is described by the British writers ? The

Revolution of Iraq in 1920 is considered as the strongest Arab rebellions of the time. It continued from July to October. Ten thousand souls were lost, out of which four thousand Iraqis were killed. What aggravated the danger of this revolution (of 30th June, 1920) is that it took a religious form. The participation of Shia leaders in it clothed it with the form of (Jihad) - Holy war, so that the British administration lost its control on the country and local administrations were established. In terms of money; Britain lost 40 million Pounds. The Kurds had played an important role in the Revolution. The goal of the National Rebellion was 'Full Independence for Iraq'. The Britishers, while occupying Iraq, declared that they came as liberators, not as conquerors. After the declaration of mandate for the country, the Iraqis realized that the British came to stay, thereupon they revolted to overthrow the yoke of the new masters. Of course, there were many reasons for the Revolution, but this is not the place to discuss in detail those reasons.

When Mr. Percy Cox (who later on became the British High Commissioner in Baghdad) was on his way to London, the Revolution in Iraq began. At his arrival he found that the public opinion in London was deeply and extremely disturbed by the rebellion, so that some British newspapers demanded that Great Britain must leave Iraq. Consulted about the matter, Cox rebuffed the idea of evacuation of Mesopotamia, and, instead, he suggested the establishment of a national



government if there is no other alternative. The British government accepted his suggestion and entrusted him to establish the Iraqi national government under the care of the British government. On 20th August, 1920, Cox left London to Baghdad.<sup>(47)</sup>

Out of the four sons of Hussain ibn Ali; the Grand Sharif of Mecca, Faisal was considered as the best leader whom the British need.<sup>(48)</sup> Churchill on his return from Cairo was of the opinion that Faisal has to be the King of Iraq. On 23rd August, 1921, Faisal was enthroned in Baghdad as the First King of The Iraqi Kingdom,<sup>(49)</sup> though not without objection on the part of the Iraqis.<sup>(50)</sup> Faisal was confided to the Iraqi throne on two conditions : first he must accept the British mandate, and second he ought to avoid any hostile action against France in Syria. In addition to that he was advised to pretend to be independent showing that he is not a puppet in the hand of the British Government.<sup>(51)</sup>

THE KINGDOM - 23.8.1921 - 14.7.1958 :

It was a constitutional monarchy, after the fashion of the British monarchy in appearance. The State of Iraq is independent and free, with Baghdad as the Capital. The monarchy is inheritant. The form of Government is Parliamentary and of two chambers. The Chamber of Elders has to be composed of twenty members appointed by the king who chooses also the Prime Minister and signs the laws. As for the Lower Chamber, there must be one representative for every 20,000 males.<sup>(52)</sup>

Great Britain agreed with Faisal that, since the Iraqis hated and rejected the mandate, there will be an Anglo-Iraqi treaty in place of the mandate, so that the treaty must contain all the principles of mandate without mentioning the word 'mandate' in order to silence the Iraqis on the one hand, and to convince the League of Nations on the other. (53)

The Treaty provided for full Iraqi independence, close alliance with Great Britain, a variety of not unfavourable financial provisions, and arrangements, in the field of Defence, whereby two R.A.F. bases would be maintained on the fringes of Iraq, at Shu'aiba and Habbaniya. The Treaty was originally of twenty-year period, but, to the general satisfaction, it was shortened to four years by a protocol signed in April, 1923. The Britishers compelled the Iraqis to accept the Treaty on the night of 10th June, 1924. (54) (55) (56)

THE IRAQI ARMY : In the last years of the Ottoman rule Iraq was a centre of a big Ottoman army which was under the direct control of Ministry of War in Istanbul, though Baghdad was the Headquarters of it. This army played a significant role in preventing the success of any movement for liberation in the three (Wilayats) of Baghdad, Mosul, and Basra. The Commander of this army had always occupied a preeminent position in Istanbul, and Iraq attained the State attention so that Military Schools were established in Baghdad. Therefore, the number of the Iraqis admitted to the Military Academy in Istanbul was comparatively bigger than the number

of students from any other Arab Province. Some of the Iraqi officers reached high ranks in the Ottoman Army, and assumed important positions on account of their merits and military ability. And some of those officers affiliated themselves with the Arab Revolution under Hussain ibn Ali, so that Ja'afar al-Askari, an Iraqi officer, was appointed the Commander-in-Chief of the Arab Army in Hijaz. The Iraqi officers formed a high percentage of the Arab Army, and were serving under Faisal when his army entered Syria and liberated her from the Turkish rule, and established the first Arab government for which Faisal himself became a king before the French occupied Syria and dismissed him.

After the Revolution of 30th June, 1920, in Iraq, the British High Commissioner Sir Persy Cox established a Provisional Government presided over by Naqib of Baghdad Abd al-Rahman al-Gailani as the Prime Minister. In this Provisional Government Ja'afar al-Askari became Minister of Defence. On 6.1.1921, there were only ten Iraqi Officers in Baghdad. After the arrival of Faisal, the other officers returned to the country and joined the new Iraqi Army, so, the number increased to 519 officers. On 21st June, 1921, the registration of volunteers began, and the first Iraqi regiment was formed in July 1921, and named the Regiment of Imam Musa al-Kazim. This is the nucleus of the Iraqi Army which, later on, played a decisive role in determining the destiny of the country.

INDEPENDENCE :

On 3 October 1932, by the vote of fifty-two States-members, Iraq was admitted to membership of the League of Nations as an independent country. The League's decision, one of the most peaceful in its history, was coupled with a resolution to terminate the mandate, and thus Iraq was immediately raised from dependency to full-fledged international status.

In welcoming the admission of Iraq to the League, M. Politis, President of the Assembly, declared with great satisfaction that the event : 'bears witness to the League's capacity to achieve pacific success . . . which, without the League . . . would probably never have taken place save by violence. The League thus . . . shows that, by the very action of its rules, it does in fact afford an opportunity of attaining by evolution what otherwise could in most cases only be attained by revolution. ' (58)

Thus " a new 'Nation of the Modern World' had taken its place. " We; the Iraqis, are not a 'Nation, whether new or old', but we are, having great honour of being so, a small part of our beloved nation; the Arabs. The good people, throughout the world, have ears, eyes, brains, kindness, and ability to understand the reality . . . one day. (59)

On 8th September, 1933, King Faisal I died at Berne in Switzerland, as a result of heart failure. (60)

The Cabinet held a meeting immediately after the news was received, and two hours later Amir Ghazi, Faysal's only son, who was acting as Regent during his father's absence, was sworn in before the members of the Cabinet and proclaimed King Ghazi I. King George V sent a message of condolence (61) to the new King congratulating him on his accession.

THE FIRST MILITARY COUP D'ETAT - 1936 :

1. Ahali Group - At the beginning they were a band of educated youth, labelled (Ahali Group) after the name of their daily newspaper (Ahali-People) of which the first issue was available to the public at Baghdad on Saturday 2nd December, 1932. Generally speaking, they did not belong to anyone of the known political schools or thought. They admired, for example, Bismarck, Napoleon, Mussolini, and Lenin; and were influenced by the French Revolution, Bolshevik Revolution, Fabianism, European Nationalism, and Parliamentary Democracy. They were Hussain Jamil (who read the Communist Manifesto and vaguely admired Bolshevism, but never became a communist); Abdul-Qadir Ismail (later on became a dangerous communist leader); Muhammad Hadid (who was deeply influenced by his professor Harold Laski while being a student in London); Abdul-Fattah Ibrahim, who was influenced by the Soviet Political thought, but not directly by Marxism, and who read in Baghdad Professor Park Thomas Moon's book 'Imperialism and World Politics' with admiration so that he joined the University of Culombia in U.S.A.

where he got his M.A. Degree; and, lastly, Ali Haydar Sulaiman, who stood first in the SSC examination and was sent to London by the Iraqi Government to study Economics and Political Science. Later on, the famous democratic leaders Ja'afar Abu al-Timman and Kamil al-Chadirchi joined the group.

Their ideology, in general, can be termed as Populism (Sha'abiyah), as a mixture of Socialism, Democracy, and limited capitalism. Therefore, they were considered as a progressive group which played a prominent part in the modern political and intellectual history of Iraq till Al-Baath Party came to power for the second time in 1968. It must be noticed that communism at that time was not unknown in Iraq, but it could claim only few and obscure followers. The nationalists violently declared that (Sha'abiyah-Populism) of Ahali Group is none other than communism called by a different name; it is therefore contrary to the national traditions of the Arabs and aims at disestablishing the teachings of Islam.

2. Army - After the conscription was imposed in 1934, the Army developed into being a decisive force. During 1939-1940 it was even used for individual assassination.

The ideals and aspirations of the army officers and their contempt for the political regime in Iraq found ample justification in the actual working of the Iraqi Government. The army officers felt that while they had faithfully

fulfilled their duty in suppressing the tribal uprisings, the politicians in Baghdad were quarrelling and intriguing against one another by inspiring those tribes to rise in revolt. The Iraqi system of government had certainly failed to impress the army, and the politicians had lost their prestige through their intrigues. The disillusionment of the army officers was reflected in voicing certain grievances such as that the army was excessively used to put down inspired tribal uprisings, while the politicians were to gain the fruits of victory. Why should not the army itself, it was whispered among the army officers, put an end to the quarrel and vices of the politicians and rule the country through a military dictatorship ?

General Bakr Sidqī :

Bakr Sidqi, though he had only recently emerged as a national hero, had long been watching the internal politics of Iraq with a keen eye. He won his reputation as an able and courageous soldier during the Assyrian affair in 1933; it was indeed owing to his daring handling of the uprising that it was so ruthlessly crushed. Thus he suddenly emerged as a saviour of his country in the time of her trouble. On his return to Baghdad he was applauded enthusiastically while he motored through the main street, seated on the right hand of Prime Minister Rashid 'Ali Al-Gaylani.

Between 1930-1940 there were three political (organizations or groups) inside the Army :

- a. Bakr Sidqi's Group.
- b. Tawfeeq Hussain's Group.
- c. The Nationalist Group headed by Muhammad Fahmi (68) Sa'id and Salah al-deen al-Sabbagh, who in 1914 entered the Military Academy in Istanbul and was sent in 1924 on military courses first to India (69) and then to England.

3. Hikmat Sulaiman was a former member of the Ikha Party. Of all the Iraqi politicians, he was best known for his courageous and adventurous spirit, for his frankness and straightforwardness. He became popular among the young men because he appeared to them as a progressive elder politician. Apart from that, his importance lay in his great influence with the Diyala and certain Middle Euphrates tribes. After his disagreement with the Ikha Party in 1935, Hikmat joined the Ahali group and worked to promote its activities.

The ideologies of the Army and Ahali group are far from being identical, but Hikmat Sulaiman served as the liaison between the two. He persuaded Bakr Sidqi to espouse the (70) Ahali cause.

Bakr Sidqi was commander of the 2nd Division at Kirkuk. In October, while Chief of Staff Taha al-Hasihmi was on leave in Turkey, Bakr Sidqi was appointed Acting Chief of Staff. He took advantage of his temporary post to carry out a military coup d'etat. He established a precedent to be (71) followed many times in Arab Politics.



On 29th, October 1936, Bakr Sidqi marched at the head of a victory parade through the streets of Baghdad in the style of Mussolini's march on Rome, but his group misruled (72) the country, and consequently some Army officers decided to get rid of him. He was not unaware of the conspiracies against his life. On 10th August, 1937, he set out for Turkey via Mosul to observe Turkish maneuvers, taking with him jewels as presents to Mustafa Kamal Ataturk and Hitler. On 11th, August, afternoon, he was assassinated by Sergeant Muhammad Abdullah al-Tal' Afari at the Air base of Mosul. (73)

In 1939 King Ghazi I was killed. Lord Birdwood said, " His Majesty, who held a reputation as a skilful but reckless driver, crashed his car into an electric-power standard on the night of 3rd April, suffered severe fractures of the skull and died a few hours later. The crowds at his funeral were testimony to his unquestioned popularity and it was tragic that his death was to be used as an excuse for reckless outbursts of anti-British sentiment culminating in the shameful assassination of the British Consul at Mosul. " (74)

Mr. Naji Shawkat; the Minister of Interior at the time of the alleged accident that happened to the King's car, declares that he got a mysterious sense that the death was not natural (truly accident); that the nation will be having the same sense ... all that was arranged by Nuri As-Said and Abd Al-Ilah, in agreement with the British Embassy at Baghdad ... and the wife of the murdered shared them, for she was hating her husband; that Ghazi was a loyal patriot... etc. (75)

Ghazi had only one son; Faisal. After his death the question arose as to who would be named regent for the infant crown prince. Finally, Amir 'Abd al-Ilah, brother of Ghazi's widow, was named regent for the infant crown prince. The Army leaders insisted on 'Abd al-Ilah's being appointed for the post. This intervention on the part of the officers caused no conflict with the then Prime Minister, Nuri Sa'id. He also wanted 'Abd al-Ilah. The incident nevertheless demonstrated that the officers were prepared to impose their will wherever it seemed to them imperative to do so. Another crisis, with fresh cause for intervention, was not long in coming.

In September 1939, the Second World War broke out, adding to the problems and disputes that already existed in Iraq. By the terms of the 1930 treaty, Iraq was obliged to enter on the side of Britain if the latter were involved in war. More important than any clause of the treaty was the fact that in 1939 Iraq was in many ways still under British rule. For this very reason many Iraqis may have tended to sympathize with Germany. Nazi propaganda operated with greater persistence and with greater success in Iraq than in any other Arab country; it was not for nothing that the Mufti of Jerusalem chose Baghdad in October 1939 as his base of operations. However, the supporters of Britain were also more steadfast and devoted in Iraq than in other Arab countries, and Nuri Sa'id was foremost among them.

On the outbreak of the conflict Nuri proposed that Iraq declares war on Germany, whilst others favoured neutrality. They compromised by breaking off diplomatic relations with Germany and the well-connected and influential German Minister Groppa had to leave Baghdad. The controversy between the pro-Germans and the pro-British  
(76)  
went on.

Four Iraqi colonels; Sabbagh, Salman, Shabib, and Fahmi Said were called the "Golden Square" by the British officers in Iraq, whose intelligence service kept them informed of  
(77)  
all that went on in the country.

At the beginning of April 1941, the Golden Square were successful to force the then Cabinet to resign; to form a new, and pro-Germans, government called the Government of National Defence, under the premiership of Rashid 'Ali al-Gailani; and to depose the Regent Abd al-Ilah and to appoint in his place Sharif Sharaf. The Regent and Nuri As-Said did not fail to escape to Amman, in Jordan, the former via Basra, and the latter via Habbaniya, with the help of the British and Americans.

On April 28 the British Ambassador announced that on the next day two thousand British soldiers would arrive in Basra from India. Rashid 'Ali declared that his government would not agree to their landing until British battalions which had arrived earlier left the country. Both sides knew perfectly well that the British would not accept this.

condition and on April 29 the British soldiers disembarked at Basra. On May 1, the Iraqi army placed the British Royal Air Force base at Habbaniya, 50 miles west of Baghdad, under siege. At dawn on May 2 British planes took off from Habbaniya to bomb Iraqi positions. The Anglo-Iraqi war had (78) begun.

Hitler recorded on May 23, 1941, that he had decided to push the development of operations in the Middle East through the medium of going to the support of Iraq. Officially (79) the Government of National Defence demanded arms from Germany, but when the German Ambassador Groppa suggested that some German officers must be appointed as advisers in the Iraqi army, Colonel Sabbagh refused saying it seems that the (80) Germans want to play the same role of the British in Iraq. Actually the help of the Axis to Iraq was so meager that it (81) was useless. The intention of Hitler was to intervene seriously in Middle East only after 'Barbarossa', viz., (82) after the fulfillment of occupation of USSR.

On the evening of May 30th, 1941, the British were preparing to enter Baghdad. The Iraqi Army was defeated. The Prime Minister and his friends were already escaping (83) across the Persian frontier.

The Regent had passed three weeks in Palestine and Jordan. He returned to 'Iraq on 22 May escorted by his faithful ministers and by a British representative, Colonel G. de Gaury, and broadcast once more to the people.'

Rashid 'Ali al-Gailani was taken to Berlin by Dr. Groppa.<sup>(84)</sup>  
The Golden Square, staying in Teheran, approached the  
Soviet Union to set up an Iraqi government in exile. Owing  
to the demand of the Soviet government, Qassim Hasan went to  
Moscow to negotiate on behalf of the Golden Square. On 18th  
June, 1941, Pravda appraised what happened in Iraq under the  
government of National Defence.<sup>(85)</sup> But the Germans invaded  
Russia on June 22nd, 1941 - a day before the anniversary of  
Napoleon's invasion of 1812,<sup>(86)</sup> consequently Qassim Hasan was  
neglected in Moscow.<sup>(87)</sup> As for the Golden Square, they were  
handed over to the Iraqi Government and they were executed;  
Colonel Fahmi Said and Colonel Mahmud Salman on 5th May,  
1942; and Colonel Kamil Shabib on 20th August, 1944; and  
Colonel Sabbagh on 16th October, 1945.<sup>(88)</sup>

The entire period from Autumn of 1941 until 14th, July  
1958, may be regarded in Iraqi political history as the era  
of Nuri Pasha al-Said. General Nuri predominated the scene.  
During this era the Arab League was formed, of which Iraq  
became a member; the partition of Palestine and the esta-  
blishment of Israel took place and Iraq participated in the  
war of 1948 against Israel; some leaders, including the  
Secretary-general, of the Iraqi Communist Party were hanged;  
Baghdad Pact, a northern tier of defence for the Middle East  
against USSR, was established; King Faisal II was enthroned;  
a Hashimite Federal Union between Iraq and Jordan was formed;  
and a National Front, composed of the opposition parties;

including Arab Baath Socialist Party and Iraqi Communist Party, came into being.

On 14th July, 1958, a revolution; military coup d'etat, led by Brigadier Abdul-Kareem Qasim and Colonel Abdul-Salam Muhammad Arif took place. King Faisal II, Abdul-Ilah, and three Jordanian Ministers of the Federal Union were killed. On the First day of the Revolution Nuri could escape, but, finally, he was caught by the people of Baghdad and killed in the street, after thirty-six hours from the beginning of the Revolution.

THE FIRST REPUBLIC - 14.7.1958 - 8.2.1963 : Announcement of the Revolution of July 14, 1958 -

" With the aid of God Almighty and the support of the people and the armed services, we have liberated the country from the domination of a corrupt group which was installed by imperialism to lull the people...

There will be an Iraqi republic which will preserve Iraqi unity, maintain brotherly ties with the other Arab countries, and fulfill all obligations and treaties which are in the interest of the country, and carry out the principles of the Bandung Conference and the United Nations Charter.

This new national government will now be called the Iraqi Republic. A council of sovereignty will carry out presidential duties until there is a general plcbiscite.

(91)  
(Brigadier 'Abdul Karim Qasim) "

In the first weeks of the new regime, it gained the support of the majority of Iraqis, but it turned out to be a military dictatorship. Qasim was claimed by the communists as the 'Sole Leader', and Colonel Abdul-Salam Arif was arrested in November, 1958. In Spring 1959 there was a revolution in Mosul led by Colonel Shawwaf. Qasim executed some prominent officers. Generally speaking, the regime failed to meet the expectations of the people. The influence of the communists, especially in the first two years, was evident so that the sixth IUS (International Union for Students) Congress was held at Baghdad in October 1960. The Iraqi Communist Party blindly supported Qasim's dictatorship upto the moment of its collapse. The Kurds revolted. The Nationalists and Baathists strongly opposed the regime. There was general dissatisfaction and confusion.

The republican regime promulgated a Provisional Constitution on the 27th of July, 1958, which remained in effect till 8th February, 1963.

THE SECOND REPUBLIC - 8.2.1963 - 18.11.1963 :

On 8th February, 1963, a revolution was attempted and on 9th February Qasim was executed. Baath Party came to power for the first time, with Abdul-Salam Muhammad Arif as the President.

During March and April 1963, discussions for unity between Egypt, Syria, and Iraq were held in Cairo, but nothing came out of it because Nasir feared that Egypt may

be caught between the Baathist hammer and anvil (Iraq and Syria) in the event of a tripartite union. (96)

Abdul-Salam Muhammad Arif led a military coup on 18th November, 1963, against the Baath regime. (97)

THE THIRD REPUBLIC - 18.11.1963 - 17.7.1968 :

The new regime promulgated an Interim Constitution on the 29th of April, 1964. This Interim Constitution declares that Iraq is a democratic socialist republic based on Islam; and Islam is the State religion and Arabic is the official language. (98)

It seems that the regime adopted President Nasir's concept of democratic socialism as it is mentioned in the Egyptian Charter of the Egyptian Revolution of 1952. The concept, in short, is that : ' democracy is inconceivable without social democracy. This leads to socialism and to the inevitability of socialism as a prerequisite for true democracy. Otherwise, democracy would have become the dictatorship of capitalism and feudalism. This is what is generally termed as bourgeois democracy. ' Of course, these are the words of the Constitution, viz., democratic socialism, but the mind of the (rulers) was something else. For example, President Arif was always talking about 'Arab Socialism' rather than scientific socialism. President Arif's concept 'Arab socialism - based on Islam' is a confusing matter, and that is why Khrushchev criticized him. (100)

After the death of Field-Marshal Abdul-Salam Muhammad



Arif in a plane accident, his brother General Abdul-Rahman Muhammad Arif became President. The Arif Brothers regime came to its end on 17th July, 1968, when a new Revolution took place; and Ba'ath Party came to power for the second time.

THE FOURTH REPUBLIC - 17.7.1968 - upto to-day :

The Arab Baath Socialist party carried out the Revolution of 17th July, 1968, and Field Marshal Ahmad Hasan Al-Bakr became President. The Revolution; under peculiar and crucial circumstances, accepted colaboration with some non-party military officers; such as al-Naif and al-Daoud, who imposed themselves on the Revolution. But on 30th July the Revolution got rid of them and thus it purified itself from alien elements, and that is why it is called the  
(101)  
Revolution of 17-30 July, 1968.

In July 1979, President Bakr resigned on health reasons, and the then Vice-chairman of Revolution Command Council; Mr. Saddam Hussain, became the President of the Republic.

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32. Ibid., PP. 244, 428
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63. Longrigg and Stoakes : op. cit., P. 88
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99. Kerr : op. cit., P. 61
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CHAPTER - IV

A COMPLETE HISTORY OF RELIGION IN IRAQ

PART ONE - ISLAM :

In the history of religion monotheism, the doctrine that 'There is one God' or that 'God is one', is somewhat sharply opposed to a very wide range of beliefs and teachings. To believe in 'one God' means, in general, to abandon many older beliefs, hopes, feats, and customs relating to the Polytheism 'many Gods'. This is what happened when Judaism and Islam replaced older local faith.<sup>(1)</sup>

One of the faces of monotheism had originated in India. This form of monotheism is especially well marked in the early history of Hindu speculation. It is often called 'Hindu Pantheism'.<sup>(2)</sup> The Hindu culture emphasizes man's duty to the one God and to all forms of consciousness in which God manifests.<sup>(3)</sup> There is no valid reason to assume that monotheism is a later development in the history of religions than Polytheism.<sup>(4)</sup>

The great monotheistic religions of today are Judaism, Christianity, and Islam. No religion has interpreted monotheism in a more consequential and literary way than Islam.<sup>(5)</sup> " The central pivot around which the whole doctrine

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1. Encyclopaedia of Religion and Ethics, op. cit., Vol. 8, P. 817

2. Ibid., P. 819

3. Tanner, Florice : Mystery Teachings In World Religions, The-, The Theosophical Publishing House, U.S.A., 1973, P. 20

4. New Encyclopaedia Britannica, Vol. 12, P. 381

5. Ibid., P. 383

and teaching of Islam revolves is the Unity of the God-head. From this concept proceeds the fundamental unity of the universe, of man, and of life. The object of Islam is to establish a balance and to bring about accord in the relationship of man to God and to the universe through beneficent adjustment. <sup>(6)</sup> "

The very first point to be noted in a discussion on the religion of Islam is that the name of the system is not Muhammadanism, as is generally supposed in the West, but Islam. Muhammad was the name of the Holy Prophet through whom that religion was revealed, and Western writers call it Muhammadanism after him, on the analogy of such names as Christianity, Buddhism, Confucianism and the like, but the name Muhammadanism was absolutely unknown to the followers of that religion to which it has been given by the Western writers, and is not to be found either in the Holy Qur'an or in the sayings of the Holy Prophet. The name of the system as clearly stated in the Holy Qur'an is Islam, and the name given to those who follow that system is Muslim. So far from the system being named after its founder, the founder is himself called a Muslim. In fact, every prophet of God is spoken of in the Holy Qur'an as being a Muslim, <sup>(7)</sup> Muhammad forbade that the religion preached by him should be named after him. He said, 'It is not only my religion; it was as

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6. Khan, Muhammad Zafrulla : Islam, Its Meaning for  
- Modern Man, Second paperback edition, GB., 1980, P. 91

7. Ali, Maulana Muhammad : Religion of Islam, The-, New  
Delhi, ND., PP. 1 f.

well the religion of Christ and Moses and innumerable other prophets raised among other people.' 'And there is not a people but a warner has gone among them.' (8) (XXXV. 24)

The word Islam, finally adopted by Muhammad as the distinctive name of the faith which he preached, means 'submitting (oneself or one's person to God)'. The adherent of Islam is usually designated by the corresponding adjective Muslim (of which Moslem is a Western adaptation). The Persians adopted a different adjective Musalman, from which are derived the Anglo-Indian Mussulman and French Musulman. Modern Muslims dislike the terms Mohammedan and Mohammedanism, which seem to them to carry the implication of worship of Muhammad (Mohammed), as Christian and Christianity imply the worship of Christ.

Probably no well-informed person now shares the belief of European medieval forefathers that the 'Turks and infidels' worshipped 'Mahomet' in the form of an idol - a double error, since any image or visual symbol in religious worship is anathema to Muslims. Yet the term Mohammedan is not in itself unjustified, and in a less self-conscious age Muslims were proud to call their community al-umma al-Muhammadiya (9) (Muhammadan Nation). " It is notable that no Arab country has ever described its legal system or any part thereof as the 'law of Muhammad'. The term is not prevalent also in

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8. Hakim, Khalifa Abdul : Islamic Ideology, Lahore, 1974, P. ix
  9. Gibb, H.A.R. : Islam, A Historical Survey, Second Edition ( Formerly entitled Mohammedanism), GB., Third impression, 1978, PP. 1 f.

Turkey, Iran and Afghanistan. It was given currency by some western orientalist and was introduced in India by our British rulers. " (10)

The word Islam is commonly understood by Muslims and others to mean surrender; that is, of the believer to God. The active participle of the same verb, Muslim, means one who performs the act of surrender. It is likely that the word originally conveyed a somewhat different notion - that of entirety. The Muslim in this sense was one who gave himself entirely to God alone to the exclusion of others, i.e. a monotheist as contrasted with the polytheists among whom the Prophet appeared in 7th century Arabia.

Islam was perceived, by Muhammad himself and by the first Muslims, not as an innovation but as a continuation - as a new and this time final phase in the long struggle between monotheism and polytheism. In this struggle, the many monotheist prophets who had preceded Muhammad, and their followers, were also Muslims, and the word Islam denoted the true faith taught by all God's appointed apostles. In this sense, both Judaism and Christianity had been at the time of their advent true religions, earlier phases in the same sequence of divine revelations. In the Muslim view, they were however superseded by the mission of Muhammad. What they contained which was true was incorporated in his

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10. Mahmood, Dr. Tahir : Muslim Law Of India, The-, Law Book Company, Allahabad (U.P.), Aristo Printing Press, New Delhi, 1980, P. 5

message; what was not so incorporated was not true and was  
(11)  
the result of a subsequent distortion.

It is quite common for learned scholars and laymen alike to raise the question 'What is Islam?', and answer it with a sense of assurance and certainty, as if their answer is the only conceivable one. Such persons hardly suspect that this simplicity is superficial. The reason is that Islam is neither a logico-mathematical or scientific concept that could be unambiguously defined, nor a physical object like a chair or table, or a biological organism like a horse or cow whose properties could be catalogued or described without any room for controversy. The question 'What is Islam?' is very close to the questions 'What is justice?' and 'What is beauty?', and answers to these questions can never be simple, since the nature of justice or beauty is not out there for our perceptual or intuitive inspection, but is chosen by us out of several competing meanings of the words 'beauty' and 'justice'. The concrete meaning of such abstract words is assimilated by the individual from his milieu, just as he assimilates the language, gestures, or morals of the group. But the individual remains unaware of the fact that his conception of beauty or justice or, for the matter, of Islam is only one particular model among  
(12)  
other actual or possible models. " The question 'What is Islam?' does not simply refer to the past but is also

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11. Lewis, Bernard : in (The World of Islam), Edited by Bernard Lewis, London, Reprinted 1977, P. 12  
12. Khawaja, Jamal : Quest for Islam, A Philosopher's Approach, New Delhi, 1977, PP. 1 f.



relevant to the present and the future. Because of its past Islam is a force to be reckoned with in the present; and as for what it may contribute to the future of the 'one world', that, as the Muslims say, God knows best. There are possibilities of contributions in the political sphere. The Islamic powers might even come to constitute a third bloc in world politics, over against the Atlantic and Russian (13) blocs. "

According to the orthodox view, Islam is a set of basic beliefs, values, and practices, which are the defining coordinates of Islam. The core of these beliefs, etc., was (14) formulated by the divinely inspired Prophet Muhammad.

"Briefly defined, Islam is the name of an ideology that has been taught by the prophets from the earliest known times. Innumerable prophets have appeared from time to time in all parts of the world to teach this ideology to all sections of the human race, consistently with the conditions of their times, the circumstances of their existence and the stage (15) of their mental and moral evolution. "

" Islam is a way of life that has religious aspects, political aspects and cultural aspects, and each of the three overlaps and interacts. To do justice to a triple story of

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13. Watt, W. Montgomery : What is Islam?, Second edition, GB., 1979, P. 209

14. Khawaja : op. cit., P. 2

15. Rafi-ud-Din, Muhammad : Manifesto Of Islam, The-, Lahore,. Second Edition, 1973, P. 1

this kind presents problems that tax the ingenuity of any author - what to choose from the vast storehouse of the past, how to make it intelligible and meaningful.

Of all religions, Islam is nearest in kin to Judaism and Christianity. In fact the alienation between the Islamic and the Christian worlds is more one of politics and economics than of ideology. Islam the religion is a system of beliefs and practices revealed to Muhammad, enshrined in the Quran and supplemented by a traditional record, the hadith, of the things said and done by Muhammad.

In the course of its development, the religious unity of Islam was broken down into a variety of sects. Each added its own accretions to the learned system... Hundreds of millions of men and women, representing every race, today consider themselves followers of the Prophet. Theirs is the dominant faith in a broad swath of land, running from Morocco on the west to Pakistan in the east; and they are also the dominant religious group in Malaysia and Indonesia.

Islam the State was a political entity that based its laws on the canon law of the Qur'an and on the modifications of that law worked out by Muhammad's successors at various times and in various places. Initially, the State of Islam grew at the expense of the Byzantine and Persian empires, the two greatest forces in the Middle East during Islam's period of expansion, and this is still the heartland of Islam. At its height, however, the Muslim empire extended

from Spain to India, exceeding even the Roman empire in its prime.

Islam the culture, unlike the religion and government of Islam, is not essentially an Arabian invention... Islamic culture is a compound of other cultures - ancient Semitic, classical Greek, medieval Indo-Persian. It was formulated for Islam largely by the peoples it conquered, the neo-Muslims. For a period of about 400 years, from midway through the eighth century to the 12th century, the achievements of this synthesized culture were perhaps unsurpassed. In fact much of the science and literature of the European Renaissance was inspired by Islamic models. <sup>(16)</sup> "

The basic beliefs or pillars of faith are : (1) Unity of God (tawhid), (2) revelation (wahy), (3) life after death (akhirat), (4) angels (malaika); while the five pillars of action are the formula of faith (kalima) 'There is no God but Allah, and Muhammad is His messenger', prayers (salat), fasting (soun), wealth tax (zakat), and pilgrimage to Mecca (hajj). But this simplicity is deceptive, for the moment we try to determine what exactly is meant by such words as 'God', 'Prophecy', 'angels', etc., we find ourselves <sup>(17)</sup> immersed in a sea of difficulties.

However, every true Muslim must believe :- (1) in God,

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16. Hitti, Philip K. : in (Early Islam) by Desmond Stewart and the Editors of Time-Life Books, U.S.A., Reprinted 1975, P. 7

17. Khawaja : op. cit., P. 2

(2) in His Angels, (3) in His Scriptures, (4) in His Apostles, (5) in the Resurrection and the Day of Judgement, (6) in God's absolute decree and predestination both of good and evil. The articles of faith to be believed and the duties to be practised are included in the formula :  
" Islam is built up on five foundations : the confession that there is no God but God and that Muhammad is His Apostle, the performing of Prayer, the giving of Alms, the keeping of the Fast of Ramadan and the performance of the Pilgrimage where there is a possibility of doing so. " (18)

The five Pillars of Islam :

Of the body of Islamic observances, five are regarded as central and fundamental. The first of these is the shahada or Testimony, the profession of faith, in which the Muslim testifies that there is no God but God and that Muhammad is the Prophet of God. This assertion of the unity and uniqueness of God and of the mission of Muhammad is the basic creed of Islam, and most Muslim theologians agree that any man who subscribes to it may be regarded as a Muslim. At different times and in different places, learned men have drawn up longer creeds with more dogma and with greater philosophical and theological subtlety. This simple formula, however, remains the irreducible minimum of belief to which all who would call themselves Muslims must subscribe.

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18. Klein, The Rev. F.A. : Religion Of Islam, The-, First Published in London 1906, New Edition in New Delhi, 1977, P. 38

The second of the five pillars of Islam is prayer. This is of two kinds. One, du'a, is a personal spontaneous prayer, not bound by any rules or rituals. The other, salat, is the set ritual prayer to be offered with prescribed words and motions five times every day at sunrise, midday, afternoon, sunset and evening. This is a religious obligation of all adult Muslims, both men and women, except those incapacitated by illness. The worshipper must be in a state of ritual purity, in a ritually clean place and facing in the direction of Mecca, the birthplace of the Prophet. The prayer itself consists of the profession of faith and some passages from the Qur'an. The times for the prayer are indicated by the adhan, or call to prayer, usually given from the top of the minaret of the mosque in which the communal prayer must take place at midday on Friday.

The third pillar of Islam according to the traditional reckoning is pilgrimage - the hajj. At least once in his lifetime every Muslim is required to go on pilgrimage to the two holy cities in Arabia.

The fourth pillar is fasting. This refers to the fast of Ramadan, the ninth month of the Muslim year, which all adult Muslims, men and women, are required to observe with the exception of the aged and the sick. Those on a journey may postpone the fast. For the whole of the month of Ramadan, believers must abstain from sunrise till dusk from food, drink and sexual relations. During the night, special prayers are recited. When the new moon appears and the

month of fasting is ended, there is a festival called 'Id al-Fitr which lasts for three days. This is sometimes called the Lesser Festival.

The fifth and last of the five pillars is the zakat, a financial contribution paid by Muslims to the community or to the state.  
(19)

PART TWO - THE PROPHET :

The early story of Mecca - South and south-western Arabia was the landfall and link between the Orient and the markets in the West. The caravans of the traders were bound to go through Hijaz. ' This Hijaz, or 'barrier' country, part of a gruesome rent in the earth's surface, is a naked land with few hollows decorated with palms and thickets, where man can lead a settled life. Every fifty miles or so in the valleys, and above on the plateau, are wide rings of lava, collars to old volcanoes, blocks of basalt tumbled out on the plain, or down the hillsides, black as iron; doubly fearsome to the early Arabs, for in those days the volcanoes still erupted.

Between the hot and dry central Arabian atmosphere and the humid air from the Hijaz electric storms are quickly generated, and day after day and night after night, from mountain-top to mountain-top, lightning plays, without ceasing for many hours. And now and then in winter there is a cloud-burst in that otherwise almost rainless land,

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19. Lewis, Bernard: in the (World of Islam), op. cit.,  
PP. 26 f.

and spates rush down the gullies, sweeping away men and animals... The Arab author Al Azraki, among others, gives the later Muslim legend of Mecca as a sanctuary. Once upon a time a southward-bound caravan of the Bani Jurham tribe noticed a spring of water where none of them had known that there was water. The caravan was halted, and two men were sent to examine it. They found a woman and a male child beside her. She said that her name was Hagar and that the well belonged to them, so with her permission the tribe camped there, and from then onward began to use the well and set up their shelters about it. The spring was called Zamzam, and is the well now enclosed in the sanctuary of Mecca.

Hagar's son Ishmael grew up with the Bani Jurham, a south Arabian tribe, and was given a bride by them and lived by hunting. Then Abraham came down from Damascus to look for his wife and child, but happening to arrive when Ishmael was away hunting, and being off-handedly received by Ishmael's wife, he left a message with her that Ishmael might understand, that " the lintel of his door pleased him not. " So Ishmael the hunter took another bride from the Bani Jurham, and Abraham was pleased, and when he came the third time he found Ishmael sharpening arrows near the well, and he said to him that there, to please God, he would build a house to Him, and they chose a rise and built it.

- Tubba Asad al Himyari, a historical figure and King in the

Yemen, whose people became converted to Judaism, his successors formally adopting it, made a door for it with locks, and the angel Gabriel brought the Black Stone for it. The stone was on Jebel Qubais, immediately above Mecca, and at that time it was glittering and bright, " only becoming black later when, in the times of 'ignorance,' there was a fire begun by an old woman who upset an incense burner... " The Qaraish, the successors of the Bani Jurham in Mecca, then rebuilt the house. It was formerly covered with skins, but afterwards the rich pilgrims, when they stripped off their clothes on the morning of the sacrifice, gave their silks to the guardians to make a covering for the house.

According to Abul. Feda, there was a statue of Abraham in Mecca, and there are other and numerous versions of the story of Abraham in Mecca, but this one is the core of most of them.

Al Maqdisi relates that in the early days of the Bani Jurham it became customary for the tribesmen and travellers to take away and to carry round with them pieces of the stone of the House, of that House of God "built by Abraham", which they used to circle in veneration. " So gradually they began to worship stones, and then idols were permitted, and they worshipped idols, " he adds. " ( 1 )

Here, in Mecca, the Prophet was born. The exact date of his birth is disputed, but it is agreed to be around 570 A.D. At the age of twenty-five, he married a lady of

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1. de Gaury, Gerald : Rulers of Mecca, GB., 1951, PP. 18 ff.



forty, his first wife, Khadijah, a relative and a rich widow. They lived twenty-five years together in prosperity and happiness, and had four daughters and two sons, but of the daughters who lived and married, only Fatima had descendants. Muhammad was a devoted, loving father, and was kind to children in general. In his twenty-five years of life with Khadijah, he was the ideal husband. When she died, he remained several years without a wife, and even after he married - for a number of reasons - several wives, he always remembered Khadijah. " When I was poor, she enriched me; when they called me a liar, she alone remained (2) true. "

The Prophet never forgot the services of his stalwart wife, and, indeed, the entire world of Islam is indebted to her for the generous support she gave to the Prophet and all his followers at a time when Islam was at bay, fighting (3) desperately for its survival.

In 613, he began to preach. He alleged that the Patriarch Abraham had taught the true faith, which had since been corrupted alike by Jews and Christians. He claimed that his religion, Islam, was a return to the pure faith propagated by Abraham. Persecuted by the Meccans, he fled in 622 to Medina, whence he and his converts made war on their fellow-Meccans who had driven them from their homes.

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2. 'Azzam, 'Abd-al-Rahman : Eternal Message of Muhammad, The-, Tr. from Arabic by Caesar E. Farah, U.S.A., 1965, PP. 27, 29 f.
  3. Malik, Fida Hussain : Wives of the Prophet, Lahore, 1979, Fifth edition, P. 99

Eight years later, in January 630, Muhammad and his Muslims captured Mecca by force of arms. In the course of the ensuing two years, the Prophet became virtually the ruler of the whole of Arabia. All the Arabs of the Peninsula (4) professed Islam.

In June 632, however, he fell ill, possibly of pneumonia, (5) and died ten days later in Medina. The original name of Medina was Yathrib. When the Prophet migrated from Mecca to Yathrib, the early Muslims changed the name from Yathrib into Madinat al-Rasul (The city of the Prophet), or simply al-Madinah (the city). It's modern form in English is (6) Medina.

The migration of the Prophet from Mecca to Medina is called Hijrah in Arabic. It began on June 16, A.D. 622. The Muslim calendar dates from the Hijrah; that is, A.D. 622 is 1 Anno Hegirae (A.H.). Hijrah means literally migration; the use of the word flight is justified more (7) from a historical than from an etymological standpoint.

" Whatever the opinion one may have, of this extraordinary man; Muhammad... there can be no difference as to the immensity of the effect which his life has had on the history of the world. To those of us, to whom the man is everything, the milieu but little, he is the supreme instance of what

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4. Glubb : Course Of Empire, op. cit., PP. 21 f.

5. Glubb : Empire Of The Arabs, op. cit., P. 22

6. 'Azzam : op. cit., P. 40

7. Ibid.

can be done by one man. Even others, who hold that the conditions of time and place, the surroundings of every sort, the capacity of receptivity of the human mind, have more than any individual effort, brought about the great steps in the world's history, cannot well deny, that even if this step were to come, without Muhammad, it would have been indefinitely delayed." (8)

Muhammad was a man of middle height, but of commanding presence; rather thin, but with broad shoulders and a wide chest; a massive head, a frank oval face with a clear complexion, restless black eyes, long heavy eyelashes, a prominent aquiline nose, white teeth, and a full thick beard are the principal features of the verbal portraits historians have drawn of him.

He was a man of highly nervous organization, thoughtful, restless... and possessing an extreme sensibility, being unable to endure the slightest unpleasant odour... Muhammad was simple in his habits, kind and courteous in his demeanour, and agreeable in conversation... He had already reached his fortieth year when the first revelation came to him. (9)

(10)  
The Semites found God (Allah) in revelation. After

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8. Kennedy, Pringle : Arabian Society At The Time Of Muhammad, Calcutta, 1966, PP. 21 f.
  9. Muller, F. Max : Sacred Books Of The East, The-, The Qur'an, Translated by E.H. Palmer, Part I, First published by The Clarendon Press, 1880, Reprinted by Motilal Banarsidass, Delhi, 1977, PP. xix f.
  10. Arberry, A.J. : Revelation And Reason In Islam, GB., third impression 1971, P. 9

the first revelation, Muhammad did not assume the role of the prophet at once. He then had a second revelation ordering him to begin his work, to "rise and warn" the people. Muhammad actually began preaching publicly in Mecca in A.D. 613. He taught that Allah was not one god among many but the solitary and eternal Sovereign of the universe, and that men must thank Him for their existence and worship only Him. He preached that all believers were equal before God,, and that the rich must share their wealth with the poor. At the same time he warned that man's destiny was in God's hands : there would be a Day of Judgement for all men.

Islam thus gave new values to life. Under paganism it was believed that death was the end of all existence. Now, according to Islam, every man would be held accountable in an afterworld for his deeds on earth - a stunning concept for a people who had believed that the criterion of success was the wealth a man accumulated during his lifetime. For those who accepted God, and Muhammad as His Messenger, he said, there would be justice in this world and a glorious life after death. But for those who did not submit, there would be hell-fire and terrible tortures.

The Prophet's first convert was his wife Khadija, who was soon followed by three others : Ali, a younger cousin of Muhammad; Zayd, a slave he had freed; and Abu Bakr, a man of substance. Abu Bakr and Ali were to play important roles in the rise of Islam. Many of Muhammad's early followers came from the ranks of the poor and down-trodden, who eagerly seized upon his message of hope in this world

and the next. However, most of the aristocratic Quraish not only refused to accept him as a prophet but greeted him with fierce opposition. They saw a threat to their whole privileged way of life from a faith that made piety rather than position the measure of human worth. They also feared that if Muhammad won large numbers of followers, he could eventually convert his religious power into vast political power and dominate the city. Finally, they saw Muhammad's attack on their pagan gods leading to a loss of profitable trade. The Quraish ridiculed Muhammad, calling him a liar and a "poet" and suggesting that his revelations were the products of his own imagination. They even subjected some Muslims to stonings and beatings.

After a time this abuse became so severe that Muhammad advised a group of his followers to escape to Christian Abyssinia; some 80 of them went, and were granted refuge there.  
(11)

Quraish decided to boycott the entire clans of Hashim and Muttalib. Shunned and outcast, the latter had to take shelter in a valley, and for three long years they were beleaguered and made to undergo the most acute hardships and privation; so much so that, at times, they had nothing but leaves of trees to sustain them. Ultimately, in the tenth year of the Mission, on the intervention of Hisham son of Amr, Zubair, and a few others, the ban on the clans of Hashim and Muttalib was lifted and they could return to Mecca.

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11. Stewart, Desmond : Early Islam, op. cit., PP. 15 ff.

The same year Khadija and Abu Talib died. With the disappearance of their protecting influence, the Meccans had a free hand and redoubled their persecution. Finding that the Meccans had turned a deaf ear to his preachings, the Prophet decided to go to Taif - perhaps its people would be more responsive. But a big disappointment was in store for him. Muhammad spent a month at Taif only to be scoffed at and laughed at. When he persisted in his preachings, the people of Taif drove him from the city pelting stones at him. (12)

Finally, in September, A.D. 622, the Prophet migrated (Hijra) to Yathrib (Medina). From the time of his arrival at Medina onwards, Muhammad's role changed drastically. While in Mecca he had been merely the religious leader of a small group, somewhat in the tradition of the earlier Hebrew prophets. But once settled in Medina he played a new and more powerful role, with increasing spiritual and political authority. In keeping with his new status, the nature of his continuing revelations changed from being purely religious to having greater legislative and social content. (13)

Whatever their reasons may have been, most of the clans of Medina (other than the Jewish clans) accepted Muhammad as Messenger of God or Prophet, and became Muslims. Along with this religious conversion, however, if it may be so called, went a political agreement with Muhammad embodied in a document which has been preserved and is usually known

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12. Husain, Athar : Prophet Muhammad and His Mission, Bombay, 1967, PP. 14 f.

13. Stewart, Desmond : Early Islam, Op. cit., P. 17

as the 'Constitution of Medina'. The present form of the document is probably not the original form, but it makes its essential nature clear. <sup>(14)</sup>

In the year 1 H., i.e. the very first year of the Holy Prophet's migration to Medina, he had a deed drawn up in which there was a detailed discussion of the prerogatives and obligations of the ruler and the ruled as well as of other immediate requirements (including a sort of social insurance for the needy). Fortunately, the whole of this document, word for word, has been reproduced by Ibn Is'haq and Abu 'Ubaid in their respective books.

This document contains fifty-two sentences, or, to use legal terminology, sections; and is an invaluable example of legal language and the manner of document-writing of the time. However, some of the modern Iraqi thinkers considered the document as nearer to a declaration on the part of the Prophet by which he showed the affairs that he intends to execute than to be a constitution. <sup>(15)</sup> <sup>(16)</sup>

When the Prophet came to Medina, the following problems demanded urgent solution :

1. Definition of the rights and duties, of his own as well as those of the local inhabitants.

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14. Watt, W. Montgomery : Majesty That Was Islam, The-, GB., Reprinted 1976, p.5
  15. Hamidullah, M. : First Written Constitution in the world, The-, Lahore, 1975, PP. 9 f.
  16. El-Ali, Saleh Ahmad (Chairman of the Iraqi Academy) : Administrative Organizations of the Messenger at Medina, (in Arabic), The Publications of the Iraqi Academy, Baghdad, 1969, P. 4

2. Arrangements for the rehabilitation of the Meccan refugees.
3. An understanding with the non-Muslims of the city, particularly the Jews.
4. Arrangements for political organization and military defence of the city.
5. Compensation for the loss of life and property suffered by the refugees at the hands of the Quraish of Mecca.

In view of these aims and objects, the Holy Prophet, a few weeks or months after his arrival in Medina, had a deed drawn up, which has been referred to as a (kitab) and (sahifah) in the deed itself, and which obviously was written after consultation with the people concerned. <sup>(17)</sup>

Dr. El-Ali is of the opinion that the document was issued by the Prophet after the Battle of Badr which took place on 15th March, 624. <sup>(18)</sup>

In the organization established by the Prophet at Medina there were no fixed and permanent officials. Simply he was asking the Companions to discharge what was necessary to be done, consequently there was no bureaucracy or hierarchy. The Prophet was consulting with the Companions but there was no particular Council with fixed or permanent members. Sovereignty was attributed to Allah but Authority was assumed by the Prophet on behalf of the God, and the resolutions were issued by the Prophet himself and in his name. <sup>(19)</sup>

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17. Hamidullah : op. cit., PP. 15 f.

18. El-Ali : op. cit., P. 6

19. Watt, W. Montgomery : Muhammad, Prophet and Statesman, GB., Reprinted 1969, P. 119

20. El-Ali : op. cit., PP. 6 ff.



The Sahifah is actually not the constitution of a state; it lays the guiding principles for building a multi-cultural and multi-religious ummah (Nation) in which the dominant group will always be Muslim. Having established the Muslim dominance, the Sahifah also secures the following privileges for the dominant group :

1. The functions of the final court of appeal will be discharged by the Apostle.
2. The question of war and peace is the prerogative of the Apostle.

The non-Muslims included in the ummah will have the following rights :

1. The security of God is equal for all the groups.
2. Non-Muslim members of the ummah have equal political and cultural rights with the Muslims. There will be complete freedom of religion and all groups will be autonomous.
3. Non-Muslims and Muslims will take up arms against the enemy of the ummah and will share the cost of war. Muslims and non-Muslims are sincere friends with honourable dealings and no treachery.
4. Non-Muslims will not be obliged to take part in the religious wars of the Muslims.

The Sahifah is a clear indication of the lines on which the Apostle was building the ummah. It was a multi-religious community. Its basis was neither territorial nor tribal. Article 20 of the Sahifah implies the exclusion

of idolators (mushrikun) from the ummah and since the Sahifah included the Jews of Yathrib in the ummah it appears that only a belief in the unity of God was essential for the membership of the ummah.

There were no Christians in Medina, so they did not join the ummah. But in 9 A.H./630 A.D. when a deputation of Christians under the leadership of Abdul-Masih Aqib, al-Ayham and Bishop Abu Haritha ibn Alqama visited Medina the Apostle invited the Christians to join him on the basis of the unity of God.

It is significant that this invitation was extended to them after they had declined the Apostle's offer to accept Islam. The Quranic invitation "to come to a word equal between us and you" does not, therefore, provide a basis for a compromise on matters of faith. The Apostle's biographers, Tradition collectors and jurists working under a mighty Muslim empire have not preserved for us the answer to this offer given by the Christians of Majran. But there are indications that they accepted to join the ummah on the terms of the Sahifah as far as they could be applied to that region. They accepted the dominant role of Muslims as the administrators of justice, and requested the Apostle "to send a man he could trust, to decide between them in certain financial matters in dispute among them." Abu Ubaydah ibn al-Jarrah was accordingly appointed by the Apostle as a judge for the Christians of Najran.

There was, however, flexibility in applying this

principle. It was the claim to believe in one God and not the practice which was the criterion. Though the Jews have been accused by the Qur'an of associating 'Uzair with God, Islam accepts them monotheists. This seems to be the foundation of the ummah. It is the concept of the Unity of God which leads to the idea of oneness of the universe and the universal concept of the ummah, emphasizing the essential equality of the rights of all men. The Jews or Christians were not expected to change their religion. Their belief in the Unity of God was sufficient basis for cooperation, but not integration. It was the concept of a multi-religious society. It was a plural society allowing entry on the basis of elective affinities in which racial or ethnic differences had no relevance, but the belief in the Unity of God was essential.

Though the ummah was a pre-political community, yet it was not un-political. By its very nature politics is inherent in any process of community building. " It is interesting to note that this first constitution of the Arabian Prophet dealt almost exclusively with the civil and political relations of the citizens among themselves and with the outside. "

In this pre-political ummah the Apostle exercised authority by virtue of his divine sanction. While the Quraish rejected the formula of 'Muhammad, the Apostle of Allah', when signing the Treaty of Hudaibiyah, the Jews of Medina seemed to have acquiesced to the adoption of a

modified formula for the purposes of the Sahifah. According to Abu Ubayd the words used were, "Muhammad the Apostle". It does not say whose Apostle. The formulation seems to have been vague enough to be acceptable to the Jews. (21)

During the first year at Medina, Muhammad adopted several Jewish practices for the use of the Muslim community, such as the ashura fast on the tenth day of the first month (corresponding to the Day of Atonement), the institution of a midday prayer, and facing towards Jerusalem during prayer. But it was not long before he found himself involved in bitter controversy and conflict with the Jewish tribes. Fragments of the dispute preserved in the Qur'an indicate clearly enough their general character. The Jews obviously refused to acknowledge Muhammad's claim to prophethood and to 'confirm the Torah', and from contradiction passed to mockery; while he, confident of his divine mission, charged them with falsifying their scriptures and concealing their true contents. To their criticisms of his prophetic narratives he replied at first with convincing simplicity 'Are ye more knowing than God?' (Sura ii, v. 134). But the rift widened, and from attempts at persuasion the Quran turns to upbraiding, sarcastic reproof, and finally denunciation and threats. (22)

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21. Ahmad, Barakat : Muhammad And The Jews, A re-examination, Indian Institute Of Islamic Studies, New Delhi, 1979, PP. 46-49

22. Gibb, H.A.R. : Islam, op. cit., P. 30

Muhammad's relations with the Jews had never been easy. Their leaders opposed his claim to be an apostle sent by God, and though they doubtless drew some satisfaction from his acceptance of the divine mission of Abraham, Moses, and the prophets, they could hardly be expected to welcome the inclusion of Jesus and Ishmael among his chosen messengers. The earliest biographer states that when Muhammad recited the verse (3:78) which asserts his belief in Jesus as a prophet sent by God, the most prominent Jews of Medina said that they had no belief in Jesus nor in anyone who believed in him. About this time Muhammad, who had hitherto prayed with his face towards Jerusalem after the manner of the Jews, now faced about and prayed towards Mecca. He claimed Abraham and Ishmael as founders of the Ka'ba and of Arabian monotheism pure and undefiled, and thus independent of, and prior to, both Judaism and Christianity. The change of (Qibla) was the start of the break with the Jews.

The reconsecration of the Kaaba to Allah has rightly been considered one of Muhammad's most inspired and revolutionary acts, for by this the Prophet brought into Islam the sanctuary of the forefathers and also absorbed the ritual pilgrimage to Mecca, both major aspects of pre-Islamic Arab religiosity. This enabled Muhammad to present himself no longer as a rebel but as a reformer sent by God to

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23. Guillaume, Alfred : Islam, GB., Reprinted 1978, PP. 7 ff.

24. Watt : Muhammad, Prophet and Statesman, op. cit., PP. 112 ff.

(25)

purify the common place of worship of all the Arab peoples.

The existence of pockets of disaffected Jews in and around the Prophet's base was a cause of uneasiness and they had to be eliminated if he was to wage war without anxiety. The first to suffer the expulsion was the Jewish clan Qaynuq'a, the second al-Nadir, and thirdly all the men of Qurayzah were put to death and their women and children were sold as slaves. Finally, in May-June 628, the Prophet attacked the Castles of Khaibar whose Jewish settlers were not removed from their area, but were made politically and economically subservient to Medina.

There were clashes and battles, such as Badr and Uhud and Khandaq, or, Trench, between the Muslims and Quraish. Ultimately, the Prophet conquered Mecca. He made his victorious return into it in 630. And all the idols in Kaabah and about it were thrown down, and destroyed.

The tenth year after migration could justly be called "the year of Delegations." Many groups from different

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25. Scerrato, Umberto : Islam, Cassell's Monuments of Civilization Series, London, Second impression 1977, PP. 8 f.
  26. Guillaume, A. : Islam, op. cit., P. 44
  27. Watt : Muhammad, Prophet and Statesman, op.cit., P.131
  28. Ibid., P. 151
  29. Ibid., P. 173
  30. Ibid., PP. 188 ff.
  31. Scerrato, U. : Islam, op. cit., P. 9
  32. Irving, Washington : Life Of Mahomet, First issue 1911, Reprinted in New York 1920, P. 174

parts of Arabia went to Medina to proclaim their acceptance of Islam as their religion. Now, almost all of Arabia had become Muslim. The Holy Prophet was full of joy to see the fulfillment of his hopes. He saw that God helped him guide the people from the abyss of darkness and unbelief to the light of truth and faith.

In the same year, Muhammad went to Mecca to perform the pilgrimage. Before a very large crowd of Muslims at a place called "Muna," he delivered a speech which in history is called the "Farewell Speech." It was the last sermon he delivered in Mecca. Here are the most important parts of this sermon :

" Ye people, listen to my words, for I know not whether another year will be vouchsafed to me to find myself again amongst you at this place. "

" Your lives and property are sacred and inviolable amongst one another, until you appear before the Lord, as this day and this month is sacred for all, and you shall have to appear before your Creator, who shall demand from you an account of all your actions... Ye people, ye have rights over your wives, and your wives have rights over you... Treat your wives with kindness and love. Verily, you have taken them on the security of God, and have made their persons lawful unto you by the words of God... Keep always faithful to the trust reposed in you and avoid sins... Riba, or usury is forbidden. The debtor shall return only the principal and the beginning will be made with the loans

of my uncle, Abbas,... Henceforth, the vengeance of blood practiced in the days of paganism is prohibited and all blood-feuds abolished, commencing with the murder of Ibn Rabia ibn Harith ibn Abdel Muttalib... "

" O People ! Listen to what I say and take it to heart, you must know that every Muslim is the brother of another Muslim. You are all equal, i.e., enjoy equal rights and have similar obligations. You are all members of one common brotherhood. So it is forbidden for any of you to take from his brother save what the latter should willingly give. Guard yourselves against committing injustice. "

" I have delivered my message and accomplished my  
(33)  
mission. "

Thus in the 22 years of his prophethood, Muhammad had brought about a synthesis of the Judaeo-Christian tradition of a single God and a latent Arabian sense of nationalism, and his people found in this synthesis a cause for which they could unite, fight and win. Yet Muhammad himself remained remarkably unchanged. Throughout his life, even after he had become the absolute ruler of a powerful new state, he retained basically simple tastes; it was said that he even mended his own clothes. As a leader he gave his people a broader concept of humanity by abolishing many social evils. For example, he modified Arabia's widespread slavery; the practice was still permitted but slaves had to be treated humanely. They were now allowed to marry

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33. Ismail, Imam Vehbi : Muhammad, the Last Prophet, U.S.A., 1962, PP. 137 ff.



and they could buy their freedom; moreover, the freeing of slaves was regarded as meritorious. Muhammad also outlawed gambling, usury and the drinking of wine as against the rule of God.<sup>(34)</sup>

Max Weber " ... argued that the Prophet's world-view became socially significant only after it had been accepted and re-fashioned by bedouin tribesmen in line with their life-style and economic interests. Furthermore, Weber implicitly suggested that Muhammad was an opportunist and that the original adherents to Islam were motivated solely in terms of the prospects of booty and conquest. By ignoring Muslims' interpretations of events and by imputing sexual permissiveness to Muhammad, Weber not only abandoned some of the essential principles of his own (verstehende) sociology, he also accepted without question the common nineteenth-century reductionist interpretation of Islam.<sup>(35)</sup> "

Two words are applied to Muhammad, namely nabi, prophet, and rasul, one who is sent, i.e. an apostle. The first has a long history in Judaism and Christianity, beginning with Saul, C. 1000 B.C. and ending some time after the Christian era; the second, though known to the Jews by name, is in essence a Christian term, applied to a man sent by God. If we look at the accounts of his call, some very interesting parallels with Hebrew prophets come to light." It is possible

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34. Stewart, D. : Early Islam, op. cit., PP. 19 f.

35. Turner, Bryan S. : Weber and Islam, A critical study, London, 1974, P. 23

to believe that he was a Prophet. "

The Muslims believe that the Prophet's mission was not to the Arabs alone. He was not sent for one age or clime, but for all mankind to the end of the world. They believe that he is the seal, and the greatest of all Prophets.

" Love of the Prophet constitutes a fundamental element in Islamic spirituality, although this love must not be understood in the sense of a personalistic (bhakti) which would presuppose divinizing the Prophet in an exclusive way. It arises because Muslims see in the Prophet the prototype and model of the virtues which make the theomorphism of man and the beauty and equilibrium of the universe and are so many keys or ways towards the Unity which delivers, so that they love him and imitate him even in the very smallest details of daily life. The Prophet, like Islam as a whole, is as it were a heavenly mould ready to receive the influx of the intelligence and will of the believer and one wherein even effort becomes a kind of supernatural repose. "

### PART THREE - THE QUR'AN :

The Quran is the only miracle of the Prophet, " and indeed the Qur'an, whatever else it is, is a miracle. No

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36. Guillaume, A. : Islam, op. cit., PP. 27 ff.

37. Ali, Ameer : Spirit Of Islam, The-, A History Of The Evolution and Ideals Of Islam, First published in London 1922, First authorized Indian edition 1978, New Delhi, P. xviii

38. Jairazbhoy, Al-Haj Mrs. Koorshid Khanum Qassim Ali : Muhammad : The Seal of the Prophets, Bombay 1937, P. 15

\* A Hindi word meaning : Faith.

39. Schuon, Frithjof : Understanding Islam, Tr. by D.M. Matherson, GB., 1963, P. 95

translation does it justice : since in a Semitic tongue its eloquence, so far from not being carried across into European languages, becomes positively transformed; what is beautiful in Arabic, is turgid in English. But hearing it in its own language, well recited, even someone ignorant of Arabic will be swept away by its solemn beauty. To those familiar with its words from birth its effect must be mesmeric. <sup>(1)</sup> "

The Qur'an, the first foundation of Islam, is the book which contains the revelations Muhammad professed to have received from time to time, chiefly through the mediation of the angel Gabriel, which he delivered as a divine message to those about him, and which is therefore, called the Word of God.

The Qur'an, as we now have it, consists of one hundred and fourteen chapters of unequal length called Suras. These are divided into verses. Each of the Suras has a special title.

Muhammad and the Muslim doctors after him assert that everything contained in the Qur'an rests on direct revelation from God, communicated to His Prophet in a miraculous manner, chiefly by the mediation of the 'Holy Ghost' also called 'the faithful spirit' by which is, however, meant, according to Muslim authorities, the Angel Gabriel. (Suras: ii.91, xvi. 104, xxvi. 193).

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1. Stewart and Haylock : New Babylon, op. cit., P. 80

The chief modes of this divine inspiration were, according to Suyuti, the following :

1. By the mediation of an angel coming to the Prophet, with a peculiar sound like the tinkling of bells.
2. By instillation into the heart of the Prophet, whispering, suggestion.
3. By the mediation of an angel in human shape.
4. By the appearance of an angel to the Prophet while asleep.
5. By direct communication from God to the Prophet in his waking or sleeping state.

The Quran is said to have been extant in the highest heaven from eternity, written on the Preserved Table near the throne of God, and from thence to have been sent down to the lowest heaven, in the month of Ramadan, in the night of Al Qadr (Night of the Decree) and stored up there in the Temple of Majesty, from whence it was revealed to Muhammad in smaller or larger portions in the course of twenty or twenty-five years.

Muhammad never undertook the task of collecting and systematically arranging his revelations in one book, and the Qur'an as we now have it, did not, therefore, exist in his life-time. The several portions had been written down from his lips, from time to time, by an amanuensis, or some friend or follower present, on any material that happened to be at hand such as palm-leaves, bones, stones, leather,

etc. For the space of about a year also after Muhammad's death no need was felt for collecting and arranging these portions, as they were preserved in the retentive memories of the many 'Readers' of the Qur'an. When however various readings crept into the holy text, and numbers of the readers who had learned the Qur'an from the Prophet's lips had fallen in the many battles that were fought in those times, it was felt by many that, if the various portions of the Holy Book were not collected and arranged, and the various readings sifted and the true text fixed and written down, much of the text might be lost, and the greatest confusion of various readings be the result of such neglect. 'Umar ibn al Khattab was the first to give expression to the want thus felt. He advised Abu Bakr, who was the Khalif. at the time, to order the Qur'an to be collected into one book. Abu Bakr hesitated at first, but at last he consented and ordered Zaid ibn Thabit to undertake the task. The various portions of the Qur'an were collected from the materials on which they had been written, and from the memories of men and written down by Zaid on 'sheets' and delivered to Abu Bakr who preserved them during his lifetime. But this collection was not in a single text. After the death of Abu Bakr this collection was preserved by Umar whose daughter Hafsa; one of the Prophet's wives, kept it with her after her father's death until Uthman asked her to hand it over to him.

Notwithstanding this attempt of Abu Bakr to fix an

authoritative text of the Qur'an, which would be generally received, and to do away with all "readings" differing from it, the differences in reading the Qur'an not only continued but increased and spread in the various countries subjected to the Muslim rule to such a degree that the greatest confusion ensued, and angry strife and controversy was the result thereof.

In consequence of the alarming spread of the differences in reading the Qur'an and the great confusion caused by the same, the Khalif 'Uthman was persuaded to have a new recension of the Qur'an made, which was to be accepted as the authorized and standard text of the Holy Book, and which was to do away with all readings differing from the same. At the end of 24 and the beginning of 25 A.H. Uthman appointed a committee to collect the Qur'an in a single text. This committee was composed of : (1) Zaid ibn Thabit, (2) Abdullah ibn Zubayr, (3) Sa'id ibn al-As, and (4) Abdul-Rahman ibn al-Harith ibn Hisham.

' The Prophet's revelation might have suffered the fate of other holy scriptures and become the cause of lasting and bitter controversy but for the resolute action of Uthman, Muhammad's third successor. Uthman had been one of his earliest converts and married no less than two of his

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2. a. Klein : Religion Of Islam, op, cit., PP. 2- 12.
  - b. Salem, Abdul-Razzaq : Writing of the Qur'an, published in 'al-Risala al-Islamiya ', a magazine issued in Arabic by the Ministry of Awqaf and Religious Affairs, No. 148, Feb., 1982, Baghdad, PP. 93 ff.
  - c. Ameen, Ahmad : Dawn of Islam, (in Arabic), 7th ed., Cairo, 1959, P. 195

daughters. Almost two decades after Muhammad's death, Uthman formed the committee, and their efforts led to a standardized copy of the holy book. Uthman then sponsored this as the official version of the Qur'an, the one that is read today. All other copies were destroyed.

Since no one was completely sure of the order in which the Prophet had received his revelations, the Quran's chapters, or suras, were arranged according to length. The longest ones, which were placed first, were the most legalistic and instructive ones, fundamental to the organization and regulation of Muslim life. After a seven-line introductory sura called "The Opening" (Arabic : Fatiha), which praised God as "Lord of the Universe", came the longest sura, "The Cow". Many of the suras were named after an incident or some striking word in them. "The Cow" took its title from a story about the sacrifice of a yellow heifer. Despite its title, it is devoted primarily to instructions on such diverse matters as the religious duties of Muslims, divorce and warfare. The short, ecstatic suras revealed in the first eruption of Muhammad's inspiration come at the end of the Quran; they are mainly concerned with warnings about Judgement Day and the awesome fate awaiting those who worshipped more than one god.<sup>(3)</sup>

In general the suras may be divided into :

1. Mecca Suras i.e., Suras revealed at Mecca, or more

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3. Desmond : Early Islam, op. cit., P. 33

correctly the Suras revealed before Muhammad's flight to Madina.

2. Madina Suras i.e., Suras revealed at Madina, or more correctly all Suras revealed after the flight to Madina, whether revealed in that city itself, or in some other place.

Commentators have laid down certain rules by which they say that the Meccan Suras can be distinguished from the Madina Suras such as :

1. What begins by "O ye believers" belongs to the later Madina Suras.
2. What begins with : " O ye sons of Adam, " or "O ye people" belongs to the Mecca Suras.
3. Passages in which the "by-gone generations" are referred to are of Meccan origin.
4. Passages which contain laws and ordinances belong to the later Madina Suras. According to Ibn 'Abbas, there are twenty-seven Madina Suras; the remainder are Meccan.

European Scholars, such as, Weil, Noldeke, Muir, Rodwell, and Palmer adopt different classifications, which vary in several points from that of the Muslim doctors. (4)

The language of the Qur'an is Arabic, which is the sacred language of Islam. As such, it occupies an even more fundamental position in Islam than do the various liturgical languages (Latin, Greek, Slavonic, etc.) in



Christianity. Its role is more comparable to that of Sanskrit in Hinduism or Hebrew in Judaism. It is significant that Arabic is the most archaic of all the living Semitic languages : its morphology is to be found in Hammurabi's code which is more or less contemporary with Abraham. The words of the Qur'an have been faithfully preserved in the form in which they were originally received, even down to the minutest points of detail, and their recitation constitutes a 'liturgical' act. For this purpose only the original Arabic may be used, as translations have no liturgical validity.<sup>(5)</sup>

The Qur'an cannot be translated. The result of the translation is not the Glorious Qur'an; that inimitable symphony, the very sounds of which move men to tears and ecstasy. The translation of the Qur'an can never take the place of the Qur'an in Arabic.<sup>(6)</sup> The translation of the Qur'an is not considered the Qur'an.<sup>(7)</sup>

The Uthman's compilation of the Qur'an remained to this day the authoritative word of God to the Muslims.<sup>(8)</sup> The Qur'an contains approximately 78,000 words,<sup>(9)</sup> and is believed by the Muslims to be the uncreated word of God.<sup>(10)</sup>

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5. Stoddart, William : Sufism, The Mystical Doctrines and Methods of Islam, GB., 1976, PP. 25 f.
  6. Pickthall, M.M. : Meaning of the Glorious Koran, The-, U.S.A., N.D., P. vii
  7. Zaidan, Dr. Abdul-Kareem (Professor at Baghdad University) : Concise of the Roots of Jurisprudence, The-, (in Arabic), Baghdad, Sixth edition 1977, P. 149
  8. Guillaume : op. cit., P. 58
  9. Stewart, D. : Early Islam, op. cit., P. 33
  10. Encyclopedia Americana, Vol. 15, P. 412

" While all Muslims agreed that the Qur'an was the speech of God, the Mu'tazilites asserted that it was created speech in contrast to most members of the general religious movement who held that it was uncreated speech. This appears to be a hair-splitting argument. Yet towards the end of his reign al-Ma'mun instructed certain governors to summon into their presence the judges and other ulema and to require them to profess publicly their belief that the Qur'an was created, not uncreated. This is known as the (Mihna) or 'Inquisition', and it lasted intermittently until about 848. The difference between created and uncreated speech appears to be in respect of the relation of the speech to the eternal nature of God. If the Qur'an is God's uncreated speech, then it expresses his eternal nature and must be unchangeable, whereas if it is created, he might presumably have created it otherwise than it now is. The implication in the latter case is that there would be no objection to it being overridden by the decision of a divinely inspired imam. The Inquisition as a political policy is thus seen to rise out of the tension between the autocratic and constitutionalist blocs. It is best regarded as an attempt at compromise. By denying the uncreatedness of the Qur'an it weakens the position of the Ulema, but it does not go all the way to accepting the Imamite doctrine of 'designation'. The Inquisition was finally abandoned not because one or two important men refused to make the public profession required but because, as a compromise, it

(11)

failed to satisfy either bloc. "

" Being the 'uncreated Word of God', it is the Qur'an, and not Muhammad, which is at the centre of the Islamic religion. This contrasts outwardly with Christianity, where it is Christ, and not the New Testament, who is at the centre. This contrast is purely outward, however, as in Christianity Christ is, precisely, the 'uncreated Word of God', and thus, in this respect, there is a far-reaching inward analogy. Herein lies the reason why an adherent of Christianity (which is centred on Christ) is called a 'Christian', whereas an adherent of Islam (which is not, in the first instance, centred on Muhammad) is not properly designated by the term 'Muhammadan', but is called a  
(12)  
'Muslim'. "

#### PART FOUR - THE SHARI'A :

There is not an organized priesthood in Islam, but it did develop a formidable army of religious scholars known as the ulama or ulema (meaning "The learned"). They fulfilled an important role, formulating and interpreting Islamic Law (or Shari'a); they also acted as judges and were intellectual and spiritual leaders of the community. (1)

The Muslims believe that Shari'a is as old as the world itself, going as far back as to the event of expulsion of Adam from the heaven which occasioned probably the use

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11. Watt : Majesty That Was Islam, op. cit., P. 116
  12. Stoddart, W. : Sufism, op. cit., P. 26
  1. Stewart, D. : Early Islam, op. cit., P. 31

of law for the first time in the history of mankind. This  
(2)  
divine law has not changed from that time up to now.

Qur'an and hadith form the basis of the shari'a, the Holy Law. This great corpus, lovingly elaborated by successive generations of jurists and theologians - where the law is seen as enacted by God and promulgated by a prophet, the two are not clearly distinguished - is one of the major intellectual achievements of Islam, and in many ways the fullest and richest expression of the character and genius of Islamic civilization. Unlike other systems of law, it does not rest primarily on the legislative acts of governments, though the decisions of the Prophet and of those who governed the Islamic community after him, as transmitted by tradition, contributed significantly to its development. Its source, for Muslims, is revelation, manifested through the Qur'an and hadith, and then amplified and interpreted through the work of the jurists. In the work, they relied on tried and tested methods of reasoning and interpretation. Since the doctors of the Holy law were not state officials but private citizens, their rulings were not formally binding, nor were they unanimous.

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2. Dalvi, Muhammad A. : Shari'a, Its Substance & Significance, (A study based primarily on an unpublished thesis for LL.M. degree submitted by the same author to the University of Poona in 1972, and entitled, "Islamic Law : Its content and application"), All India Institute of Islamic Culture, Pune, 1978, P. 4

The Shari'a covers all aspects of the public and private, communal and personal lives of the Muslims. In some of its provisions, especially those relating to property, marriage, inheritance and other matters of personal status, it is a normative code of law, which men were expected to obey and society to enforce, in others, more especially in its political prescriptions, it is rather a system of ideals towards which men and society were presumed to aspire and strive. Muslim scholars divided the law into two main parts, one concerned with the minds and hearts of the believers; that is, with dogmatics and individual morality; the other with external acts in relation to God and to man; that is, with worship and with civil, criminal and constitutional law. The purpose of both was to define a system of duties fulfilment of which would enable the believer to live a righteous life in this world and prepare himself for the next.<sup>(3)</sup>

The Islamic Law (Shari'a) as it exists today is the result of a continuous process of development during the fourteen centuries of the existence of Islam. According to the classical theory, it consists of the express injunctions of the Quran; of the legislation introduced by the 'practice' (sunna) of the Prophet; and of the opinions of lawyers. In certain cases the opinion of jurists may coincide on a point, and this is known as ijma or consensus; in others, it may not - this is called qiyas or analogical deduction. This

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3. Lewis, Bernard : in (The World Of Islam), op.cit., PP. 25 f.

theory requires modification in view of the latest investigations into the early history of Islamic jurisprudence. Islamic law is not a systematic code, but a living and growing organism; nevertheless there is amongst its different schools a large measure of agreement, because the starting point and the basic principles are identical. The differences that exist are due to historical, political, economic and cultural reasons, and it is, therefore, obvious that this system cannot be studied without a proper regard to its historical development.<sup>(4)</sup>

The law in Islam is called fiqh; it is the name given to the whole science of jurisprudence because it implies the exercise of intelligence in deciding a point of law in the absence of a binding nass (command) from the Quran or sunna. Fiqh literally means 'intelligence', and faqih is a 'jurist', a person skilled in the law. There is thus a difference between 'ilm, knowledge, and fiqh, which requires both intelligence and independent judgement. A man may be learned, 'alim (pl. 'ulama, commonly called ulema), but to be a faqih (pl. fuqaha), he must possess the quality of independent judgement, the capacity to discern between the 'correct' and binding rule of law, and the 'weak' or unsupported opinion of a classical author. The terms fiqh and fuqaha

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4. Fyzee, Asaf A.A. : Outlines of Muhammadan Law, Fourth Edition, Oxford University Press, New Delhi, Third Impression 1977, P. 1

may also have been suggested by the Latin terms (juris) prudentia and (juris) prudentes; for a study of the fiqh reveals that traces of Roman, Jewish and persian laws have been incorporated in it.

We have now to see how the Islamic lawyers have defined the term fiqh. Abu Hanifa's definition stresses the moral aspect : fiqh is the soul's cognizance of its rights and obligations. The Turkish Mejelle (Art. 1) defines it as 'the knowledge of practical legal questions'. Most Islamic authorities, however, define it in terms of its four basic constituents, and we may therefore say that :

Fiqh or the science of Islamic Law is the knowledge of one's rights and obligations derived from the Quran, or the sunna of the Prophet, or the consensus of opinion among the learned (ijma), or analogical deduction (qiyas).

This is the classical view and is said to be founded on the oft-quoted tradition of Mu'adh. The Prophet sent Mu'adh, one of his Companions, as governor of a province and also appointed him as the distributor of justice. No trained lawyers existed then and the Prophet asked :

'According to what shalt thou judge ?' He replied :

'According to the scriptures of God.'

'And if thou findest nought therein ?'

'According to the Tradition of the Messenger of God.'

'And if thou findest nought therein ?'

' Then I shall strive to interpret with my reason.'

And thereupon the Prophet said :

' Praise be to God who has favoured the messenger of  
His Messenger with what His Messenger is willing to approve. <sup>(5)</sup>'

The sources from which the doctrines and precepts of Islam are derived, or the foundations on which they rest, are the following four :

1. The Qur'an, (2) the Sunna, (3) the Ijma', (4) the Qiyas. <sup>(6)</sup>

1. The Quran is the first source of law, its importance is religious and spiritual, no less than legal, as it is, in Muslim belief, the Word of God. When a verse of the Quran is cited, the Muslim authors say : 'God says, Mighty and Glorious is He' or 'Says God, the Blessed and Exalted'. It is for this reason that the verses of the Quran (ayat), although only a few of them deal specifically with legal questions, are held to be of paramount authority. In interpreting the Quranic verses, one important principle has to be observed. Some verses are deemed to be the abrogating (nasikh) verses and some to be the abrogated (mansukh) ones. Generally speaking the earlier verses are deemed to be repealed by the later ones. The textbooks on Islamic law give a good deal of attention to problems of interpretation and discuss exhaustively the question of how the rule of law is to be deduced when several Quranic verses deal with the same or a similar problem, or when one verse affects another, directly or indirectly. <sup>(7)</sup>

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5. Ibid., PP. 17 ff.

6. Klein : op. cit., P. 1

7. Fyzee : op. cit., PP. 19 f.



2. (a) Sunna : The second source of law is the Sunna, the practice of the Prophet (his model behaviour). This source includes also the sayings of the Prophet (Hadith).

(b) Hadith is usually rendered as Tradition or Traditions (sometimes with a capital to indicate the technical sense). A simple example is : 'The Prophet said, " The Muslim is he from whose tongue and hand the Muslims are safe ."<sup>(8)</sup>'

3. The third source of law is ijma, consensus of opinion among the learned of the community. Although the Muslim legists give it the third place in descending order, modern critics consider it to be the most important element in Islamic Law, and an examination of the corpus of the fiqh reveals that a major portion of the law consists of the concurrent opinions of scholars on legal questions. Snouck Hurgronje considers it to be 'the foundation of foundations' and the movable element in the law.

4. The fourth and last source of law is qiyas, analogical deduction. It is derived from the Jewish term hiqqish, from an Aramaic root, meaning 'to beat together'. In Arabic usage the word means 'measurement' and therefore 'analogy'. The terms ra'y and qiyas are often used by lawyers and it is well to know their exact significance. According to Schacht, 'Individual reasoning in general is called ra'y, 'opinion'. When it is directed towards achieving systematic

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8. Watt : Majesty That Was Islam, op. cit., PP. 81 f.

consistency and guided by the parallel of an existing institution or decision it is called *qiyas*. When it reflects the personal choice of the lawyer, guided by his idea of appropriateness, it is called *istihsan* or *istislah*, 'preference'.

The exercise of opinion, the drawing of conclusions, and the use of discretion were used in the law of Islam from the earliest days, and in Sunnite law, the method of deduction forms the fourth and last source of law. There are other sources of law as well, often in the nature of judicial discretion exercised by English judges on matters of public policy, such as *istislah*, *istidlal*, *istis'hab*, and *istihsan*. They mainly reflect the difference of opinion among jurists in matters where discretion can be exercised and lead to refinements and distinctions which have become questions of controversy among the adherents of various schools. It may, however, be pointed out that all forms of *ra'y* and *qiyas* are entirely rejected by the Ithna 'Ashari (9) and the Fatimid schools of Shiite law.

The Society of the Muslim Brothers and Shari'a : a new trend-

" Given the necessity of the Shari'a, the next important consideration for the Brothers was its definition. Banna himself was restrained on this question. Confining himself to generalities, he felt no need to elaborate on the obvious; or, from another view, to discuss matters which would provoke

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9. Fyzee : op. cit., PP. 20 ff.

\* Banna - Shaikh Hasan Al-Banna : Founder of the Society.

divisiveness. He was undoubtedly less concerned than his followers about the intellectual assumptions of the movement, especially after 1952. He would agree that the shari'a was first and foremost a derivative of the Qur'an; that of about 6,000 verses in this, 500 are concerned with legislation on which was built the science of jurisprudence. To this would be added the deeds of the Prophet - the Traditions, 'purified' and taken from 'trustworthy' authorities. To emphasize Islam's 'flexibility', Banna recalled that the legist Shafi'i gave different rulings in similar-type cases in Egypt and Iraq, and that another famous judge decided differently from season to season.

Banna may have believed but never made it an issue, as did his followers, that the shari'a is not and never was inclusive of the four schools of law. Qutb, for example, notes the confusion between the shari'a and 'the historical origins of Islamic jurisprudence'. The rulings of the legists of the Islamic tradition are obviously inadequate, he says, for the needs of society through time. Because jurisprudence ceased developing when Islamic society failed, this does not mean the shari'a is dead. The most widely circulated 'legal' book among the Brothers deplores the confusion between the 'words of the legal scholars' and the shari'a, and connects this confusion with the decline of Islamic society.

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\* Qutb - Sayyid Qutb : was to become the chief spokesman of the Society, and its 'martyr' in 1966.

The legal scholars, as mujtahidun, are important historical and substantive guides to the present, but Muslims today are free 'to do as they did for our times and our situations'. The Brothers expressed themselves just as frankly about the corpus of exegesis transmitted from the past. Thus, without denying the validity of the exegetical legacy of Muslims, one Brother expressed the view that most of the works are irrelevant or meaningless, that the 'concise' exegesis are good 'dictionaries of the language', and the 'lengthy' studies are 'sources for researches', full of 'wearisome padding, tiring debate, and distorted repetition', and that neither type satisfies the need of the Muslim community for clear pronouncements about the 'vital meanings' of the  
(10)  
Qur'an. "

PART FIVE - SECTS AND POLITICO-RELIGIOUS DEVELOPMENT OF

ISLAM IN IRAQ :

The Caliphate - Through the activities of its founder-prophet, Islam was involved from its very beginnings with political power. The Muslim community of Medina was not just a community, but also a state; subsequent events made it the nucleus of an empire. In the Muslim view the ultimate repository of sovereignty was God, from whom the Prophet derived both his authority and his law. The Prophet was

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10. Mitchell, Richard P. (Associate Professor of Near Eastern History in the University of Michigan) : Society Of The Muslim Brothers, Oxford University Press, London, 1969, PP. 237 f.

the bearer of God's revelation, the messenger of God's purpose, the ruler, on God's behalf, of God's community of believers. Jesus had instructed the Christians to render unto Caesar the things which are Caesar's and unto God the things which are God's. During three centuries of struggle and persecution, this distinction was firmly established in Christian doctrine and practice, and the Christian religion created its own institutional structure, separate from that of the state - the Christian Church, law and hierarchy. The great change came with the conversion to Christianity of the Roman Emperor Constantine and the beginning of the uneasy linkage in Christendom between Church and State.

The dichotomy between the two powers does not exist in Islam at all; and indeed, such pairs of words as 'secular and religious', 'spiritual and temporal', have no equivalents in classical Arabic. In Rome, Caesar was God; in Christendom, God and Caesar shared power. In Islam, God is Caesar, and the head of the Muslim community is His vicegerent on earth.

When Muhammad died, his spiritual and prophetic mission was completed. His God-given task had been to restore the true monotheism taught by earlier prophets and then distorted and subverted; to abolish idolatry; to make known God's revelation embodying the true religion and the divine law. This he did during his life-time. In Muslim belief, he was the last of the prophets. When he died,

in 11 A.H./ 632 A.D., the revelation of God's will to mankind had been completed. There would be no more prophets and no further revelations.

However, though the spiritual function was at an end, the religious function remained; that of maintaining and defending the divine law and bringing it to the rest of mankind. The effective discharge of this religious function also required the exercise of political and military power -  
(1)  
in a word, of sovereignty - in a state.

Muhammad had ruled as an absolute monarch, and as a  
(2)  
Prophet of God in his own right. Islam's opportunities, and its difficulties, began immediately after the Prophet's death. He did not name a successor, nor did he establish a system for selecting one. While he could not be replaced in his role as Prophet, a temporal leader was urgently needed to guide the Muslim community. In the beginning the problem was resolved by roughly following the method used among Arab tribes in selecting a new chief; a group of senior Muslims simply chose the man they considered best qualified to rule.

Muhammad's authority thus passed, in turn, to four of the most respected Muslims, men who were his closest friends,  
(3)  
and who were linked to him by marriage.

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1. Lewis, Bernard : in (The World of Islam), op.cit., P.12
  2. Macdonald, Duncan B. : Development of Muslim Theology, Jurisprudence And Constitutional Theory, Lahore, ND., P.8
  3. Stewart, D. : Early Islam, op. cit., P. 53

The Prophet had, perhaps wisely, made no plans for the maintenance of his administrative functions except that he had appointed his chief lieutenant Abu-Bakr to conduct the prayers when he became too weak to do so before his departure. The Muslims of Medina wanted one of their number to succeed Muhammad, both because Medina was the centre of administration and because they had made an essential contribution to the growth of Muhammad's power. At length, however, they yielded to the argument that a man from Medina would be less able to hold the federation of tribes together than one from Mecca. Abu-Bakr was then appointed 'Caliph (deputy or successor) of the Messenger of God'. It was of course only Muhammad's temporal power to which he succeeded, since his function of 'Messenger of God' (or Prophet) depended on a divine initiative and could not be transferred by any human arrangement.

Abu-Bakr's caliphate lasted only two years until his death in 634. Most of this time was taken up with the so-called wars of the Ridda or 'apostasy'. These were revolts against rule from Medina by various tribes or groups of tribes in different parts of Arabia. Because entry into Muhammad's alliance or body politic involved acceptance of Islam, withdrawal from it involved repudiation of Islam,  
(4)  
and hence the name of 'apostasy'.

The appointment of Abu-Bakr as Caliph may be said to

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4. Watt, W. Montgomery : The Majesty that Was Islam,  
op. cit., pp. 7 f.

have implied two decisions; first, that the head of the Islamic state should come from the 'tribe' or 'clan' of Emigrants (Meccan Muslims who had gone to Medina with Muhammad), that is to say : from Quraish; and second, that Abu-Bakr was the best-qualified person among the Emigrants.<sup>(5)</sup>

Ali belonged to Muhammad's own clan of Hashim, and had married Muhammad's daughter Fatima. Because of this some of his contemporaries may have believed that he had inherited certain charismatic qualities from Muhammad. Later Shi'ism made much of this charisma, some branches even developing it into near-divinity; and it was claimed that Muhammad had designated 'Ali as his immediate successor, so that Abu-Bakr was a usurper. Despite these claims and the later rewriting of history it would appear that the charisma did not count for much during Ali's lifetime.<sup>(6)</sup>

The Shi'ites believe that the Prophet had declared Ali as his successor and to deny this " would mean to throw the blame on the Holy Prophet of all bloodshed and chaos created in the name of the succession to him. " There was none but Ali about whom the holy Prophet had said ' I AM THE CITY OF KNOWLEDGE AND ALI IS ITS GATE' "<sup>(7)</sup> :

Abu-Bakr was succeeded by 'Umar ibn al Khattab. His reign of ten years (634-44)<sup>(8)</sup> saw the first phase of the

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5. Ibid., PP. 20 f.

6. Ibid., P. 15

7. Ghaffari, Salman : Shia'ism, or Islam-Original, Tehran (Iran), ND., PP. 76-79

8. Watt : Ibid., P. 8



phenomenal expansion of the Islamic state. Umar was appointed by Abu-Bakr, and he proved to be the second founder of the Islamic State by his genius as a ruler and organizer and his self-devotion as a man. It was under Umar's leadership that Islam made its greatest conquests. Thus by the end of the reign of 'Umar in 644 the Islamic state extended to western Persia, the whole of Iraq, Syria and Lower Egypt, and some of the North African coast towards Cyrenaica.

With the death of 'Umar in A.H. 23 (A.D. 644) the Meccan aristocratic party of the family of Umaiya that had so long struggled against Muhammad and had only accepted Islam when their cause was hopelessly lost, had at last a chance. 'Umar left no directions as to his successor. He seems to have felt no certainty as to the man best fitted to take up the burden, and when his son sought to urge him to name a Khalifa, he is reported to have said, 'If I appoint a Khalifa, Abu Bakr appointed a Khalifa; and if I leave the people without guidance, so did the Apostle of God'. But there is also a story that after a vain attempt to persuade one of the Companions to permit himself to be nominated, he appointed an elective council of six to make the choice after his death under stringent conditions, which went all to wreck through the pressure of circumstances. The

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9. Macdonald, D.B. : op. cit., P. 14

10. Stewart, D. : Early Islam, op. cit., P. 57

11. Watt : Ibid., P. 9

Umayyads succeeded in carrying the election of 'Uthman, one of their family, an old man and also a son-in-law of Muhammad, who by rare luck for them was an Early Believer. After his election it was soon evident that he was going to rule as an Umayyad and not as a Muslim. For generation back in Mecca, as has already been said, there had been, according to tradition, a continual struggle for pre-eminence between the families of Umayya and of Hashim. In the victory of Muhammad and the election of the first two Khalifas, the house of Hashim had conquered, but it had been the constant labor of the conquerors to remove all tribal and family distinctions and frictions and to bring the whole body of the Arabs to regard one another as brother Muslim. Now, with a Khalifa of the house of Umayya, all that was swept away, and it was evident that 'Uthman - a pious, weak man, in the hands of his energetic kinsfolk - was drifting to a point where the state would not exist for the Muslims but for the Umayyads. His evil spirit was his cousin Marwan ibn al-Hakam, whom he had appointed as his secretary and who eventually became fourth Umayyad Khalifa. The father of this man, al-Hakam ibn al-'As, accepted Islam at the last moment - when Mecca was captured, and, thereafter, was banished by Muhammad for treachery. Not till the reign of 'Uthman was he permitted to return, and his son, born after the Hijra, was the most active assertor of Umayyad claims. Under steady family pressure, 'Uthman removed the governors of provinces who had

suffered with Muhammad and fought in the Path of God (sabil Allah), and put in their places his own relations, late embracers of the faith. He broke through the Constitution of 'Umar and gifted away great tracts of state lands. The feeling spread abroad that in the eyes of the Khalifa an Umayyad could do no wrong, and the Umayyads themselves were not backward in affording examples. To the Muhajirs (Emigrants) and Ansar (Helpers) they were godless heathen, and probably the Muhajirs and Ansar were right. Finally, the indignation could no longer be restrained. Insurrections broke out in the camp-cities of al-Kufa and al-Basra, and in those of Egypt and at last in al-Madina itself. There, in A.H. 35 (A.D.655). 'Uthman fell under the daggers of conspirators led by a Muhammad, a son of Abu Bakr, but a religious fanatic strangely different from his father, and the train was laid for a long civil war. In the confusion that followed the deed the chance of the legitimist party had come, and 'Ali, the cousin and son-in-law of the Prophet, was chosen. The Shi'ites considered the first three  
(12)  
Khalifs as usurpers.

Ali seems to have had the support of the most of the original Muslims of Medina. Their bid for power on Muhammad's death had come to nothing in spite that his adherents  
(13)  
proclaimed his right by the will and appointment of God to

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12. Macdonald, D.B. : op. cit., PP. 16 ff.

13. Watt : Ibid., P. 16

the successorship of the Prophet. As God had appointed Muhammad as Prophet, so He had appointed 'Ali as his helper in life and his successor in death. This was preached in Egypt as early as the year 32 A.H. But after the murder of Uthman, Ali was elected by the rebels. A more serious challenge to Ali came from Syria.

It will easily be seen that with such a following, uniting so many elements, his election could be brought about. Thus it was; but an evil suspicion rested upon him. Men thought, and probably rightly, that he could have saved the aged 'Uthman if he had willed, and they even went the length of accusing him of being art and part in the murder itself. Further, there were two other old Companions of the Prophet, Talha and al-Zubayr, who thought they had a still better claim to the Khalifate; and they were joined by 'A'isha, the favourite wife of Muhammad.

Then the civil war began. In the struggle with Talha and al-Zubayr, 'Ali was victorious. Both fell at the battle of the Camel (A.H.36), so called from the presence of 'A'isha mounted on a camel like a chieftainess of the old days. But a new element was to enter. The governorship of Syria had been held for a long time by Mu'awiya, an Umayyad, and there the Umayyad influence was supreme. There, too, had grown up a spirit of religious indifference, combined

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14. Macdonald : Ibid., P. 21

15. Watt : Ibid., P. 11

with a preservation of all the forms of the faith. Mu'awiya was a statesman by nature, and had moulded his province into an almost independent kingdom. The Syrian army was devoted to him, and could be depended upon to have no other interest than his. From the beginning of 'Ali's reign, he had been biding his time; had not given his allegiance, but had waited for the hour to strike for revenge for 'Uthman and power for himself. The time came and Mu'awiya won. We here pass over lightly a long and contradictory story. It is enough to note how the irony of history wrought itself out, and a son of the Abu Sufyan who had done so much to persecute and oppose Muhammad in his early and dark days and had been the last to acknowledge his mission, became his successor and the ruler of his people. But with 'Ali ends the revered series of the four "Khalifas who followed a right course" (al-khulafa al-rashidun), revered now by all orthodox Muslims, and there begins the division of Islam into sects, religious and political - it comes to the same thing.

The Umayyads themselves clearly recognized that with their accession to power a change had come in the nature of the Muslim state. Mu'awiya said openly that he was the first king in Islam, though he retained and used officially the title of Khalifa and Commander of the Faithful. Yet such a change could not be complete nor could it carry with it the whole people - that is clear of itself. For more

than one hundred years the house of Umaiya held its own. Syria was solid with it and it was supported by many statesmen and soldiers; but outside of Syria and north Arabia it could count on no part of the population. An anti-Khalifa, 'Abd Allah, son of al-Zubayr of whom we have already heard, long held the sacred cities against them. Only in A.H. 75 (A.D.692) was he killed after Mecca had been stormed and taken by their armies. Southern Arabia and Iraq, with its camp-cities al-Kufa and al-Basra, Persia and Egypt, were, from time to time, more or less, in revolt. These risings went in one or other of two directions. There were two great anti-Umayyad sects. At one time in Mu'awiya's contest with 'Ali he trapped 'Ali into the fatal step of arbitrating his claim to the Khalifate. It was fatal, for by it 'Ali alienated some of his own party and gained less than nothing on the other side. Part of 'Ali's army seceded in protest and rebellion, because he, the duly elected Khalifa, submitted his claim to any shadow of doubt. On the other hand, they could not accept Mu'awiya, for him they regarded as unduly elected and a mere usurper. Thus they drifted and split into innumerable sub-sects. They were called Kharijits - goers out - because they went out from among the other Muslims, refused to regard them as Muslims and held themselves apart. For centuries they continued to be a thorn in the side of all established authority. Their principles were absolutely democratic. Their idea

of the Khalifate was the old one of the time of Abu Bakr and 'Umar. The Khalifa was to be elected by the whole Muslim community and could be deposed again at need. He need be of no special family or tribe; he might be a slave, provided he was a good Muslim ruler. Some admitted that a woman might be Khalifa, and others denied the need of any Khalifa at all; the Muslim congregation could rule itself. Their religious views were of a similarly unyielding and antique cast, but with that we have nothing now to do. (16)

In al-Kufa Ali was assassinated on 24 January 661 A.D., 21st of Ramadan, 40 A.H. This date marks the end of the period of the four Rashidun or 'rightly guided caliphs', and the beginning of the Umayyad caliphate. (17) (18)

Mu'awiya at last succeeded in wresting political power, for which he had employed all possible means, fair as well as foul. Hasan, the eldest son of 'Ali, who was elected caliph after the assassination of his father, surrendered power to Mu'awiya on condition that after his death the next caliph would be elected by the Muslims. Mu'awiya accepted this condition only as an expedient and took no time to violate it by appointing his son Yazid as his heir apparent, in the style of the Byzantine and Sasanid rulers. It is also

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16. Macdonald : Ibid., PP. 21 ff.

17. Mahfood, Dr. Hussain Ali : History of the Shi'a, (in Arabic), Baghdad, 1958, P. 13

18. Watt : Ibid., P. 3

alleged that in order to pave the way for his son he poisoned Hasan who had surrendered power to him. Thus the Islamic caliphate ended in failure within a short span of time, and there began the dynastic rule of the Umayyads. Historically speaking, this was more in keeping with the genius of the peoples of the conglomerate empire of Islam and its historical development, whereas the concept of the Islamic caliphate was in keeping with the conditions in Arabia with its simple institutions (and absence of any powerful class of land-holding gentry) and relative egalitarianism. Once the vast conquered areas of the Roman and Sasanid empires, with their inbuilt institutions, were incorporated into the Islamic empire, based on the interests of land-holding nobility possessing military power, the success of the concept of the Islamic form of government became doubtful.<sup>(19)</sup>

The three early sects of Islam were the "Kharijites", the "Murji'ites" and the "Shi'ites", but their differences<sup>(20)</sup> were rather political than religious. The blood of the victims of Karbala transformed Shi'ism from a party to a<sup>(21)</sup> sect, from a faction to a religion.

THE SHI'ITES - The Arab scholar Shaikh Muhammad Abu Zahrah says in his book (The Islamic Sects, P. 51) that Shi'aism is

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19. Engineer, Asghar Ali : Origin and Development of Islam, The-, An essay on its Socio-Economic Growth, Pune, 1980, P. 178

20. Nadvi, Dr. Syed Muzaffar-ud Din : Muslim Thought And Its Source, Lahore, Fifth Edition, Reprinted 1979, P.29

21. Lewis B. : In (the World Of Islam), op. cit., P. 13



the oldest of the Political Islamic Sects. Some people are of the opinion that the sect of Shi'a emerged at the time of the Battle of the Camel, and some others opine its emergence taking place at the appearance of the Kharijites. Dr. Taha Hussain believes that the Shi'a as an organized political party came into existence at the time of al-Hasan son of Ali. But the Shi'ites believe that their history began at the time of the Prophet himself.

The word "Shi'a" is derived from the Arabic "Tashay'u" which means "to follow"; and is the proper name of the followers of Ali. Linguistically the word "Shi'a" means, 'followers and supporters'. The word "Shi'a" merely means 'Party', and during Ali's lifetime there was a body of close friends and followers who were known as shi'at 'Ali, 'the party of 'Ali'; but there is nothing to show that these men thought of 'Ali, ' as having any special charisma. There is indeed a story of some men who came to 'Ali and said they would be friends of those he was friend with and enemies of those to whom he was an enemy; but this willingness to accept 'Ali's judgement, and perhaps to recognize a measure of charisma, does not appear to have been widespread at that date, and the story might even be a later invention. Most sect names

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22. Maghniyah, Muhammad Jawad : Shi'ites and the Rulers, The-, (in Arabic), 3rd edition, Beirut, 1966, P. 16 f.

23. Hussain, Taha : Great Sedition, The-, (in Arabic), Cairo (Egypt), 9th edition, 1976, Vol. II, Ali and his Sons, P. 189

24. Maghniyah : Ibid., P. 17

25. Ghaffari : op. cit., P. 1

26. Maghniyah : Ibid., P. 14

are nicknames and connote something bad, but Shi'a and Shi'ite have a good connotation and are names people want to apply to themselves. As late as the middle of the ninth century of the Christian era we find Ahmad ibn-Hanbal (d. 855) claiming that he and his Sunnite Associates (whom he calls Ahl as-Sunna wa-l-Hadith) were the true shi'a of 'Ali, since they had due affection for the family of Muhammad and, in particular, recognized the rights of 'Ali. Nearly a century later a follower of Ahmad still distinguished the true Shi'ite from the heretical Rafidite; the former acknowledges Abu-Bakr as well as 'Ali and does not decide between 'Ali and 'Uthman, whereas the latter puts 'Ali above 'Uthman. Towards the end of the ninth century the Sunnite writer Ibn-Qutayba (d. 889) produced a list of Shi'a which excluded those he called Rafidites and included Ibrahim an-Nakha'i and other noted Sunnite scholars. It was presumably not till after the definition and consolidation of Imamite Shi'ism about the year 900 and the establishment of an Ismailite (Fatimid) state in 909 that the word Shi'ite came to have its modern sense.

The early, ill-defined form of Shi'ism may be said to be behind the risings of al-Hasan in 661, of al-Hussain in 680 and of al-Mukhtar from 685 to 687. There was also military action from 683 to 685 by a body known as 'the Penitents' who wanted to make reparation for having failed to support al-Hussain. After the utter failure of all these

attempts there was no rising of Shi'ite inspiration until 737 when the Umayyad caliphate was on the point of dissolution.<sup>(27)</sup>

The issue of succession, in fact, has ever since divided the Muslims:<sup>(28)</sup> A sword was never drawn in Islam on a religious basis as it was drawn for the question of Imam<sup>(29)</sup>at (Caliphate) in all ages.

Uthman misused and abused the power of his office as a Caliph with the result that the rebels from the garrisons of Fustat (Egypt), al-Kufa and al-Basra (Iraq) murdered him. After his death the rebels were bewildered; a new Caliph must be elected, but some of them wanted Ali, some others Zubayr, and a third party chose Talha. Finally Ali was compelled to accept the office under the pressure of the rebels on the one hand, and of the majority of the Emigrants<sup>(30)</sup> and Helpers on the other. Ali was innocent of the blood of<sup>(31)</sup> Uthman, and, contrary to the accusations directed to him by his opponents, he tried to reconcile the differences between the Caliph and the rebels but his good offices came to nothing due to the fact that both sides were stubborn. Again,<sup>(32)</sup> he tried to defend Uthman but he was helpless. When Ali

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27. Watt : Ibid., PP. 68 f.

28. Engineer : op. cit., P. 145

29. Shahrestani, al-, : Denominations and Sects, The-, (al-Milal wal-Nihal), in Arabic, Edited by Muhammad Sayed Gailani, Beirut, 2nd edition, 1975, Vol. I, P. 24

30. Hussain, Taha : Ibid., PP. 8 f.

31. Engineer : Ibid., P. 175

32. Hussain, T. : Ibid., P. 7

became the Caliph, he decided to remove Mu'awiya from the governorate of Syria but Mu'awiya contemptuously disregarded the order of the Caliph and raised a banner of revolt against him. Avenging 'Uthman's murder came in as a handy (33) issue. Undoubtedly Ali failed to extend his control over all the parts of the then Islamic empire, and with his failure to do so failed the institution of Caliphate as a (34) whole. Ultimately he was assassinated in Kufa. His son al-Hassan was poisoned in Medina, and his son al-Hussain was killed in Karbala (Iraq). And there was a long series of martyrs of the House of Ali in the history of Islam, that is to say; of the descendants of the Prophet through his daughter Fatima.

On the death of the Prophet the aristocracy of Quraish - or at least the majority of them - opposed the succession of Ali to the Caliphate because they were afraid of his progressive and revolutionary course in social life. When he became a Caliph, he wanted to bring about what is called in our modern parlance - a comprehensive revolution against the social and political situations which he was criticizing and opposing during Uthman's reign. He declared his intention to make drastic changes in financial distributions, and to abolish the class and racial discriminations. His policies scared the Aristocracy of Quraish among whose most

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33. Engineer : Ibid., P. 175

34. Hussain, T. : Ibid., P. 155

influential representatives in Medina were Zubayr, Talha, Abdullah son of Umar (the second Caliph), Sa'id son of al-As, and Marwan son of al-Hakam.<sup>(35)</sup>

Under the new Khalifs; the Umayyads, while victories continued to be won on the frontiers, in Spain (711-2) and elsewhere, in the centre of the Arab Empire spiritual decay proceeded with the growth of luxury and the re-emergence of pre-Muslim traditions in ethics and culture. Some of the Umayyad Khalifs surrounded themselves with a luxury entirely alien to the Spartan regime of the Prophet and his immediate successors. The general atmosphere of their court was far closer to that of the pre-Muslim Shahs of Persia than it was to that of the early Muslim zealots.

In his classical work, The Literary History of Persia (Vol. 1, P. 224), Professor E.G. Browne characterises the rule of the dynasty of Damascus as "the period of Arabian Imperialism and Pagan Reaction" adding :

" The triumph of the Umayyads was in reality the triumph of the party which, at heart, was hostile to Islam; and the sons of the prophet's most inveterate foes now, unchanged at heart, posed as his successors and legitimate viceregents and silenced with the sword those who dared to murmur against their innovations... "

In face of this wordly and lukewarm dynasty it cannot

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35. Amarah, Muhammad : Ali ibn Abi Talib, A new and modern view, (a book in Arabic issued by nine Arab writers), Beirut, 2nd edition, 1979, PP. 13, 27, 31

be wondered that zealous believers in the revelation of the Qur'an tended to go into opposition and to look back regretfully to the golden past when 'none were for the party and all were for the state'. And what more natural was it that this movement of conservative opposition to the epicurean degeneration effected by the Umayyads should solidify around the memory of Ali and the claims of his surviving descendants. Ali was the last Khalif of the 'heroic' period of Islam; and there was even some reason for thinking that Muhammad had intended him as his immediate successor. He was himself a figure not devoid of heroism with chivalrous qualities such as enjoy in all ages a wide popular appeal. Last, but the reverse of least, he was the husband of Fatima, the only daughter of Muhammad to leave behind offspring, who thus alone could claim descent from the most sacred figure in human history, the last and greatest of the prophets of God, Muhammad himself.

It was therefore quite natural that the growing opposition to the Umayyad secularisation of Islam centred around the living descendants of Ali, the last of the puritan Khalifs.

From the time of the massacre of Karbala onward, the adherents of Ali represented their own beliefs as the true doctrines of Islam and regarded the rest of the world of Islam as sunk in impiety, heresy, and schism; and since in a theocratic civilisation Church and State, theory and

practice, are inseparably united, the Shiah's henceforth not merely rejected in theory the claims of the Damascus dynasty to reign, but also plotted unceasingly to deprive them of the authority which they had usurped by their original revolt against Ali, maintained by their brutal suppression of the revolt of Hussain, and by other subsequent acts of impiety, such as the sack of the Holy City, Mecca, by the armies of the Khalif. (36)

The Shia's are holding Caliphate to be a matter of God's and Prophet's decree and ordination. All other sects who do not hold such ordination necessary are classed as Sunnis. (37)

The Shi'ites believe that the Prophet stated (Tradition) that there would be (twelve) Caliphs after him. The Prophet's successor is called by various names as Vicegerent, Imam, heir or Caliph. Imamate (office of the vicar of the Prophet, like apostleship) is general command and authority over the whole world in matters both spiritual and temporal, but it is invested by God in a person as successor of the Prophet. (39)

According to the sect of Ithna-'Ashariya (Ithna-'Asharites: Twelvers) the Twelve Imams are :

1. Ali ibn Abi Talib. He was martyred in A.H. 40 by a

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36. Ridley, F.A. : Assassins, The-, London, N.D., PP.10-13

37. Sahab, Maulana Syed Mohammed Son of His Holiness Maulana Syed Najmul Hasan Sahab : Islam In The Light Of Shiaism, being A Translation of The Shariatul Islam (Part I), Tr. by A.F. Badshah Hussain, Lucknow, 1934, PP. 66 f.

38. Sahab : Ibid., P. 69

39. Sahab : Ibid., PP. 65 f.

blow of a poisoned sword, and buried in Najaf (Iraq).

2. Hasan son of Ali. He was poisoned in A.H. 50 by Mu'awiya through one of Hasan's wives. Among his various epithets the most famous was Abu-Muhammad, and among his nicknames the famous were; al-Sebt, and al-Mujtaba. He was elder son of Ali and Fatima, and was buried in Medina.

3. Hussain. He was the younger son of Ali and Fatima, and killed in A.H. 61 at Karbala (Iraq).

4. Ali son of Hussain. His mother was the daughter of King Yazdgerd; the last pre-Islamic ruler of Iran. He was popularly titled as Zainul-'Abideen. He witnessed the massacre of Karbala, and lived 34 years after his father's death. He was poisoned in A.H. 95 and buried in Medina.

5. Muhammad son of Zainul-'Abideen. His epithet was Abu-Ja'afar. He was popularly titled as al-Baqir. His mother was Fatima; daughter of Hasan the Second Imam. He was poisoned in A.H. 114 (A.H. 116 ?), and buried in Medina.

6. Ja'afar son of the fifth Imam. His mother was Umm-Farwah; daughter of Qasim, son of Muhammad, son of Abu Bakr the first Caliph. His epithet was Abu-Abdellah, and he was popularly titled as al-Sadiq.

He taught the Traditions of the holy Prophet, commentaries on the holy Quran, 'Fiqh' (jurisprudence), philosophy, history, sociology, etc. In this way, the Shias received from him those Traditions of the holy Prophet which had



reached the Fifth Imam from the previous Imams. The Shias believe and practice those Traditions of the apostle of God which have reached them through the Holy Family of the Prophet. About 2/3 of the Shiah Literature is indebted to this sixth Holy Imam, for this cause the Shias are known as Ja'afari, i.e. the followers of Ja'afar al-Sadiq the sixth Imam.

More than four thousand students were taught by this Holy Imam, the famous religious doctors, such as Abu-Hanifah, were his disciples. The second Abbasid Khalif al-Mansur invited him to Iraq, then, sent him back to Medina apparently with honor. It was said that the tomb of the first Imam; Ali, was a secret known to the Imams only, and in this visit Imam Ja'afar al-Sadiq told al-Mansur about the place of the grave which is now the Holy Shrine of Ali in Najaf. The Imam al-Sadiq was poisoned in A.H. 148, and buried in Medina.

7. Musa son of the Sixth Imam. He was popularly titled as al-Kazim. According to an order from the fifth Abbasid Caliph Harun al-Rashid, the Imam was imprisoned in an underground cell in Baghdad, and, later on in A.H. 183, was poisoned and buried in the Quraish cemetery near Baghdad. The place is now known as the holy city of Kazimain, or al-Kazimiyah.

8. Ali son of the seventh Imam. He was popularly titled as al-Riza. The Imam was poisoned in A.H. 203, and buried near the city of Toos (Mesh-hed) in Iran.

9. Muhammad son of the eighth Imam. He was popularly titled as al-Taqi, and al-Jawad. The Imam was poisoned by his niece Ummul-Fazl in A.H. 220, at the age of 25 (28 ?), and was buried near his grandfather Musa al-Kazim at al-Kazimiya, near Baghdad.

10. Ali son of the ninth Imam. He was popularly entitled al-Naqi, and al-Hadi. The Imam was poisoned during the reign of the Caliph al-Mu'atazz in A.H. 254 at Samarra (near Baghdad), and buried there.

11. Hasan son of the tenth Imam. He was popularly entitled al-Zaki, and al-Askari. He was poisoned during the Caliphate of al-Mu'atamid in A.H. 260, and buried near his father's grave at Samarra.

12. Muhammad son of the eleventh Imam. His title is al-Mahdi. He was born in A.H. 256, and he allegedly disappeared in A.H. 260. He is considered the last and present Imam of the Ithna-<sup>(40)</sup>'Asharites, and called Muhammad al-Qa'im.

' Thus all these Imams (except our present Lord) suffered martyrdom at the hands of tyrannous enemies. Our Lords Ali and Hussain met their end with sword, and the other nine with poison. The 12th Imam lives to this day.

God in His wise providence has kept him hidden from men's eyes and he will appear when God thinks it opportune and desirable for him to do so.

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40. a. Ghaffari : op. cit., PP. 71-150

b. Sahab : op. cit., PP. 77-80

It is an article of belief that the world can never be for an instant without a living Argument of God, be he a Prophet or Imam, living openly among men or concealed from view.

All the Imams are sinless and infallible like the Prophet. The reasons and proofs for this in their case are the same as in the case of Prophets.

It is an essential duty for every Muslim to know the Imam of his time. The Tradition ( of the Prophet) is :  
" Whoever dies, not being aware of the Imam of his time, dies the death of ignorance" (i.e., in error).

It is incumbent on every man to love, and acknowledge the spiritual lordship of the Holy Imams (as in the case of the Prophet). The verse of the Quran : " Say I do not ask any recompense except that ye love my family " is a clear witness to this. It is a part of faith for every true believer. No act of virtue or worship and devotion to God will be accepted without this, and on it depends salvation in the next life. Thus whoever does not sincerely believe (41) in their Imamate will never enter Heaven. '

When the Bwayhids (A.D. 945-1055) captured Baghdad, they rendered the Abbasid Caliph an impotent ruler but they did not abolish the office. They were already Shi'ites when they first appeared in Persia, but it is not stated

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41, Sahab : op. cit., PP. 80 f.

what their Shi'ism involved. There were Zaydites in the neighbourhood of Daylam, the original home of the Buwayhids, but there is no evidence to show that the Buwayhids were interested in following any particular 'Alid leader. Nor is there anything to suggest that they were devoted to some hidden Imam, or that before 945 they subscribed to the Imamite creed. Though Imamism and Isma'ilism now had a rudimentary organization, Shi'ism in general, as Sir Hamilton Gibb expressed it, 'was more of a widely diffused emotional or intellectual tendency' which, because it was looser and vaguer, was more acceptable to some men than the organized Sunnism of the ulema. It was probably in this sense that the Buwayhids were Shi'ites; they highly esteemed the descendants of 'Ali, but the 'Alids had no special place in their policies. The idea of an 'Alid Caliph could easily have occurred, as the historians report, to men who had made and unmade 'Abbasid caliphs; but one of their advisers is then alleged to have said : 'no one seriously believes in an 'Abbasid caliph, and no one would object if you ordered his execution; but men would believe that an 'Alid caliph was divinely inspired, and would obey him if he ordered your execution. '

Some pro-Shi'ite acts are recorded of the Buwayhids, but these do not appear to be of deep significance. Soon after coming to power in Baghdad Mu'izz-ad-dawla separated

the 'Alids from the rest of the Hashimites (mainly the Abbasids) and gave them a separate naqib (Dean) - a senior member of the group who could represent its interests and exercise a certain power of jurisdiction. In 963 Mu'izz-ad-dawla encouraged the celebration of what later became the Imamite ceremonies of the mourning for al-Hussain and the feast of Ghadir Khumm (the commemoration of an incident in which Muhammad assigned a special rank to 'Ali). These actions seem to be pro-Imamite, even if the mourning ceremony owes something to Daylamite practice. The Buwayhids in general, however, were not firmly committed to these points, and the two ceremonies were for a time forbidden by 'Adud-ad-dawla and two later deputy-governors when it was found that they fomented rioting between the Shi'ites and Sunnites in Baghdad. Apart from the two ceremonies and the Sunnite imitations, this rioting became a constant feature of Baghdad's life, but it seems to have been a safety-valve for popular feeling rather than evidence of a serious political divergence.

The Buwayhids, then, do not seem to have been out-and-out believers in Imamism, but, in so far as the Imamites were organized, they sought their support and gave them some privileges. They may have found the Imamite intellectuals with their popular following a useful counterweight to the rigidity of the Sunnite ulema.<sup>(42)</sup>

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42. Watt : Ibid., PP. 212 ff.

The Saljuqs were Sunnis. Their leader Tughril Beg<sup>(43)</sup> made his entry into Baghdad on 19 December 1055. His march to Baghdad has often been viewed as a Sunni Crusade to<sup>(44)</sup> rescue the Caliph from his Shi'i oppressors. The Saljuqs placed first a decisive check on the Shi'i elements in Baghdad (where they carried out an intensive purge)<sup>(45)</sup> and second on the Shi'i-tinged Arab Amirs of Iraq.

After Hulagu's invasion of Baghdad, Iraq was under the rule of the Mongols (Ilkhans). The Mongol Ilkhan Ghazan<sup>(46)</sup> Khan was a Shi'ite. He was frequently visiting Iraq.

With the rise of Ottoman power, Sultan Bayazid adopted<sup>(47)</sup> the Islamic orthodoxy (Sunnism). But with the rise of Safawids power, the Shi'ites in Iraq got a new support, and the Shah himself came to visit the Holy Shrines of the Shi'i Imams in Iraq when his army captured the country. The Shah massacred some Sunni Scholars (Ulama) and got the tombs of<sup>(48)</sup> Sunni Imams destructed. The Ottomans could not tolerate the existence of the Safawids because of religious differences<sup>(49)</sup> and economic rivalry. Ultimately the Ottomans recaptured Iraq, and it was only natural that the Shi'ites

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43. Ibid., P. 237

44. Cambridge History Of Iran, Vol. 5, The Saljuq And Mongol Periods, Edited by J.A. Boyle, GB., 1968, P. 45

45. Ibid., P. 47

46. Longrigg : Four Centuries of Modern Iraq, Op.cit., P.13

47. Itzkowitz, Norman : Ottoman Empire, The-, in (The World of Islam), edited by Bernard Lewis, op. cit., P. 276

48. Longrigg : Ibid., P. 18

49. Itzkowitz : Ibid., P. 278

were reduced to the second-class citizens so that they were deprived of occupying any office in the government, especially to become officers in the army. The result of this Ottoman policy was that when King Faisal I came to power, he could not find among the Shi'ites qualified persons for positions in the newly formed state of modern Iraq. (50)

SUB-SECTS OF SHI'ISM : Some scholars said that the sub-sects of Shi'ism are thirty, some others stated that they are a little bit less, and a third party of scholars enumerated more than thirty. Historical sources mention that the number of the Imamite-Shi'ite groups (sub-sects) is (51) (82), but all those sub-sects had perished save the Isma'ilites whose majority now stay in India, Zaidites in Yemen, and a small group of Ali-Ilahi Shi'ites scattered here and (52) there.

Isma'iliyah (Isma'ili, Isma'ilites) : They believe in the first six Imams, namely; Ali, Hasan, Hussain, Zainul-'Abideen, al-Baqir, and al-Sadiq. But when coming to the Seventh, they differ with the Ithna-'Ashariya (Twelvers) in that the seventh Imam is Isma'il son of Ja'afar al-Sadiq, and that is why they are called the Seveners. They are three groups as follows :-

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50. Chadirchi, Kamil, al-, : From Papers of Kamil al-Chadirchi, (in Arabic), Beirut, 1971, PP. 63 f.
  51. Tamir, Arif : Imamate in Islam, Published in Arabic by Dar al-Katib al-Arabi-Beirut and al-Nahdha Bookshop-Baghdad, ND., P. 75
  52. Damalooq, Farooq, al-, : This Is Islam, (in Arabic), Dar al-Katib al-Jadid, Beirut, 1968, PP. 70 f.

a) The first group believes that the sixth Imam died before the death of his son Ismail, therefore, Isma'il must be regarded the seventh Imam.

b) The second believes that Isma'il died before the death of his father, but before his death Isma'il appointed his son Muhammad. This group is called Qarmatians.

c) The third believes that Isma'il died before the death of his father who had, and not Isma'il himself, appointed Muhammad son of Isma'il as the succeeding Imam.<sup>(53)</sup>

THE KHARIJITES (GOERS OUT) : At the battle of Siffin the army of Ali had nearly defeated the army of Mu'awiya. The leader of the Syrian army suggested to Mu'awiya to deceive Ali's army by lifting up on spears the Qur'an seeking arbitration to save the blood of the Muslims and to put an end to this conflict.<sup>(54)</sup>

Ali had in his army former nomads whose support was not so wholehearted. It was this group who brought pressure to bear on him to submit the question of the caliphate to arbitration, and to nominate Abu-Musa al-Ash'ari as one of the arbiters. They are commonly reckoned as the first of the Kharijite sect, and had as their slogan 'no decision but God's' (la hukm illa li-llah); by this they meant that the policies of the Islamic state, including the succession to

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53. Maghniyah, Muhammad Jawad : Shi'ites and the Shi'ism, The-, (in Arabic), Beirut, ND., PP. 31 ff.

54. Ameen, Ahmad : Dawn of Islam, op. cit., P. 256



the office of caliph, were to be decided on the basis of  
(55)  
God's word, the Qur'an.

The Kharijites asked Ali to confess that he was wrong and infidel (kafir), and to deny the agreement on arbitration that its result came to be against him and in favour of Mu'awiya. In only doing so, they can be united with him again and they will fight on his side. Ali refused according to the principles of Islam to revoke the agreement, and he rejected to confess of being infidel because he was not so. Consequently the Kharijites separated themselves from him and departed to a village near Kufa called 'Haroor'a'. Later on, Ali fought and defeated them at the battle of Nahrawan killing many of them. But, finally, they had assassinated him at Kufa.

The Kharijites remained a thorn in the side of the Umayyad Caliphate, and sometimes they were even very near from destroying it. They had two branches; one being in Iraq. Their most important center was Bata'ih near Basra. They captured Kerman and Persia, and threatened Basra. The second branch was in the Arabian Peninsula : they captured Yamama, Hadramout, Yemen, and Ta'if. The Kharijites had prolonged wars with the Umayyads, and they were weak when the Abbasids came to power.

The Kharijites were at the beginning merely a political party, but at the time of Abdul-Malik son of Marwan they

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mixed their political teachings with theology.

They were one of the opposition parties in early Islam. Their political views were representing a wide section of disaffected masses against the Caliphate. They were the Republicans of Islam and the democratic wing among the other Islamic parties. While the Sunnis view that the Caliphate must be the incumbency of a person from Quraish only, and the Imamites made it a monopoly to the House of Ali, the Kharijites stated that it is the very right of any Muslim to become a Caliph without taking into consideration his race or belonging provided only he is a good Muslim. They were the Bolsheviks of Islam and when they were rendered unable to continue their open revolution, they adopted the course of secret organization and movement. Professor Wellhausen is of the opinion that they were merely a politico-religious party. It is not so. Actually they were an expression of socio-economic discrepancies which were clothed with religion, but the outburst of these discrepancies occurred through the question of Caliphate. The Kharijites deserve to be labelled as a socialist-democratic revolutionary sect.

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They had two doctrines :

1. The Republican Theory of Caliphate, as it is mentioned above.

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56. Ameen : Ibid., PP. 256-259

57. Isma'il, Dr. Mahmood : Secret Movements in Islam, A modern view, (in Arabic), Beirut, 1973, PP. 15 f.

2. The doctrine that action - such as prayers, fast, equity, justice... etc. - is part of the article of faith. In the course of time they were divided among themselves into about twenty groups (sub-sects), each group having some differences in teachings from the others. The most important sub-sects of the Kharijites are the Ibadites, (58) Najadites, Azrakites and Safarites.

The Ibadites have remained in existence until the present day. It is the dominant form of Islam in the sultanate of Muscat and Oman (whence it spread to Zanzibar), and there are several small pockets of Ibadites in North Africa. They probably number less than half a million in all.

A true assessment of the Kharijites must see them not merely as fanatical heretics or rigid puritans but as men who in their zeal for a truly Islamic polity made an important contribution to the development of the Islamic community. Had it not been for men like them who insisted on a Qur'anic basis for administrative and judicial decisions, the Umayyad state would probably have slipped back into a more Arab way of doing things, and Islam would never have become a world religion. By insisting on a Qur'anic basis they were also insisting that the Islamic state should be a state pursuing a moral ideal. This was indeed implicit in their contention about the grave sinner; but to

exclude him from the community was not a feasible method of getting the community as a whole to accept the moral  
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ideal.

THE MURJI'ITES (POSTPONERS) : Of the main Islamic sects the Murji'ites are the most difficult to describe clearly. The collective noun Murji'a is a nickname, but it was used differently by different people. There is virtually no Sunnite scholar of the eighth and ninth centuries who was not dubbed Murji'ite by some opponent or other. The important Sunnite jurist Abu-Hanifa was regarded as a Murji'ite by other Sunnites, including al-Ash'ari. This caused serious difficulties to later writers about sects, since they regarded Murji'ites as heretics, and it was unthinkable that the founder of one of the legal rites could be a heretic. The doyen of the writers on sects, ash-Shahrastani (d. 1153), found it impossible to provide any tidy scheme of the subdivisions of the Murji'a; they seemed to overlap with other sects. So he spoke of Murji'a of the Kharijites, Murji'a of the Qadarites, Murji'a of the Jabrites (extreme determinists), and pure Murji'a. When he came to Abu-Hanifa and could not avoid noticing the assertion that he was a Murji'ite, he tried to escape from the impasse by saying that he and his disciples had been called the Murji'a of the Sunna. The following account is based on a critique of the sources.

It is generally agreed by Muslim scholars that the name is derived from a Qur'anic phrase (9.106/107), 'others are deferred for the command of God to see whether he will punish them or whether he will relent towards them.' This is said to refer to the three Muslims who without any reasonable excuse stayed behind from Muhammad's great expedition to Tabuk in 631. The word translated 'deferred' is arja'a (verbal noun irja'), whose basic meaning is 'to postpone, to place later or after; but irja', can also be the verbal noun of another word arja', to cause to hope'. This made it possible to interpret the nickname of Murji'a in several ways.

The first application of the idea seems to have been to the 'postponing' of a decision about 'Ali and 'Uthman, that is, not saying whether each was a believer or unbeliever, and so assigning him to heaven or hell. This 'postponing' implies a rejection of the Kharijite view that 'Uthman was an unbeliever and so excluded from the community, and probably also of the Shi'ite attitude of unreserved approbation for 'Ali. A poet of the Umayyad period expressed the Murji'ite position by saying that ' 'Ali and 'Uthman are two servants of God who did not associate any deity with him, and they will be rewarded according to their striving, which is known to God'. Thus the Murji'ites accepted both 'Uthman and 'Ali as rightful rulers of the community, and thereby showed their concern for the unity

of all Muslims. During the Umayyad period this acceptance of 'Uthman would also have the connotation that the Umayyads were the legitimate caliphs.<sup>(60)</sup>

The Murji'ites arose as a sect during and out of the civil war between the Shi'ites, the Kharijites and the Umayyads. All these parties claimed to be Muslims and most of them claimed that they were the only true Muslims and that the others were unbelievers. This was especially the attitude of the Shi'ites and Kharijites toward the Umayyads; to them, the Umayyads were godless heathen who professed Islam, but oppressed and slaughtered the true saints of God. The Murji'ites, on the other hand, worked out a view on which they could still support the Umayyads without homologating all their actions and condemning all their opponents. The Umayyads, they held, were de facto the rulers of the Muslim state; fealty had been sworn to them and they confessed the Unity of God and the apostleship of the Prophet. Thus, they were not polytheists, and there is no sin that can possibly be compared with the sin of polytheism (shirk). It was, therefore, the duty of all Muslims to acknowledge their sovereignty and to postpone until the secrets of the Last Day all judgement of condemnation of any sins they might have committed. Sins less than polytheism could justify no one in rising in revolt against them and in breaking the oath of fealty.

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60. Watt : Ibid., PP. 69 f.

But with the passing away of the situation which gave rise to Murji'ism, it itself changed from politics to (61) theology.

The nucleus of this sect was found among the Companions of the Prophet, such as Abu-Bakara and Abdullah son of Umar (The second Caliph) who refrained from taking part in the dispute between Uthman and the rebels, but it did not become a sect until after the appearance of Kharijites and Shi'ites. The Murji'ites considered the three groups (Shi'ites, Kharijites, and Umayyads) as believers. In this way they gave support to the Umayyad, but it is a negative support since that they did not fight on the side of the (62) Umayyad Caliphate.

Some of the present Arab scholars have a tendency to classify the Umayyads as 'rightists'; the Shi'ites as 'moderate leftists'; and the Kharijites as the ('extremist-leftists' in Islam. According to this classification, Dr. Mahmood Isma'il views the Murji'ites at their appearance as a mid-party and opportunist which renews its stances in accordance with its purposes and interests, like the other mid-parties in general. They were cautiously observing the struggle for power between Mu'awiya and Ali without taking the side of either. When Mu'awiya emerged victorious, they lent him their support justifying his caliphate and trying

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61. Macdonald : Ibid., PP. 123 f.

62. Ameen : Ibid., P. 280

to convince the Muslims to obey him. They did not oppose the Umayyad rule, and in this light it is possible to interpret why the Umayyad, oppressed all the Islamic parties save the Murji'ites. But they did not remain for a long time loyal to the rightists. The increasing disaffection of the masses on the one hand, and the successive blows of the leftists on the other made the collapse of the Umayyad rule unavoidable. It was under these circumstances that the Murji'ites changed their former justifying thought into a reforming ideology, which was influenced by the Kharijites' and Shi'ites' principle of revolution against inequity. As well as, the Murji'ites adopted some of the Qadarites' principles of freedom and humanity. This new form of Murji'ism attracted the non-Arab Muslims (Mawali who were regarded as inferior to the Arabs) who became the basic power of it, so that the Murji'ites started sharing the other parties in the political movements against the Umayyads. In short, Murji'ism in its new form became the third opposing party, beside the Kharijites and Shi'ites.

Kufa became the center of Murji'ism in its new form, and the Murji'ites took part in the revolution of Abdul-Rahman son of al-Ash'ath A.H. 80-84. Again they have taken part in the revolution of Yazid son of al-Muhallab A.H. 100-102. The masses of Murji'ites in Iraq blessed this revolution.

When the Umayyad Caliph Hisham son of Abdul-Malik



appointed Abdullah al-Qasri as the Governor of Iraq, al-Qasri ruthlessly suppressed the Murji'ites who found it better to assume underground activities changing their center from Kufa to Basra where they were met with failure. (63)

However, after the Umayyad period this sect mixed with the other sects and melted in them, and lost its discernible and independent existence. (64)

For the most part Murji'ism is an early form of Sunnism, though particular Murji'ites might differ from later Sunnite doctrine in respect of points which in their day had not been explicitly formulated. (65)

THE QADARITES : Some scholars said that this sect had first appeared in Iraq, and the proof of this is that it has connection with al-Hasan al-Basri who was staying in Basra. Some others said it had first appeared in Damascus. But it seems that it appeared simultaneously in both these two countries. (66)

The sect of the Qadarites had its origin in a philosophical necessity of the human mind. A perception of the contradiction between man's consciousness of freedom and responsibility, on the one hand, and the absolute rule and predestination of God, on the other, is the usual beginning of the thinking life, both in individuals and in races. It was so in Islam.

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63. Isma'il : Ibid., PP. 31-48

64. Ameen : Ibid., P. 281

65. Watt : Ibid., P. 71

66. Ameen : Ibid., P. 286

This sect of Qadarites derived its name from their position that a man possessed qadar, or power over his actions. One of the first of them was a certain Ma'bad al-Juhani, who paid for his heresy with his life in A.H.80. Historians tell that he with 'Ata ibn Yassar, another of similar opinions, came one day to the celebrated ascetic, al-Hassan al-Basri (d. 110), and said : " O Abu Sa'id, those kings shed the blood of the Muslims, and do grievous things and say that their works are by the decree of God. " To this al-Hassan replied, " The enemies of God lie. " The story is important only as showing how the times and their changes were widening men's thoughts. Very soon, now, we come from these drifting tendencies to a formal sect with a formal secession and a fixed name.

The Qadarites were political opponents of the Umayyads. Thus Ma'bad al-Juhani, allegedly the first Qadarite, supported Ibn-al-Ash'ath when the latter was in revolt from about 701 to 704 and was subsequently executed.

One of the most prominent of the early Qadarites was Ghaylan ad-Dimashqi, who had a position as secretary in the Umayyad administration at Damascus. During the reign of 'Umar II (717-20) he is said to have written to the caliph complaining of the deterioration of the state from a religious point of view and urging the caliph to give a lead in the restoring of religious principles. Part of his

complaint was about the luxury of the court at a time when many were going hungry; and 'Umar apparently gave him power to take certain measures to improve things. At the same time 'Umar was critical of Qadarism and warned Ghaylan that his sympathy for it was dangerous. At some point in the reign of the caliph Hisham (724-43), who was less friendly than 'Umar to the religious point of view, Ghaylan and a friend judged it prudent to flee to Armenia, but they were eventually apprehended and, after imprisonment, cruelly put to death, probably near the end of the reign of Hisham. The works on sects do not speak of the revolutionary implications of Ghaylan's teaching; but in dealing with this period the historians give the name of Qadarites to a group of opponents of the regime who took up arms and who eventually brought Yazid III to the throne in April 744 A.D. There are various indications that these men followed the doctrines of Ghaylan. Qadarism was only part of Ghaylan's position; thus he did not regard grave sinners as excluded from the community, and in this respect is reckoned a Murji'ite.

The Qadarites are often regarded simply as upholders of the freedom of the human will, but from what has been said about the political implications of the doctrine it will be seen that the central point was rather the denial that the acts of the Umayyads were divinely determined.

This point could be elaborated in various ways. Something of the subtlety with which it was developed can be seen from a Risala or epistle on the subject written to the caliph 'Abd-al-Malik by al-Hasan al-Basri (624-728), the leading religious thinker of the Umayyad period.

A transformation came over Qadarism in the generation after al-Hasan. One sign of this was the clear demarcation between Qadarites and non-Qadarites. In the circle of scholars round al-Hasan during his lifetime the upholders of different attitudes to Qadarism seem to have fraternized easily with one another. Later, however, even in Basra among men influenced by al-Hasan there was a cleavage between those who emphasized the Qadarite side of his teaching, like 'Amr ibn 'Ubayd, and those who emphasized the opposite aspects. Perhaps the violence associated with the Qadarism of Ghaylan helped to produce this cleavage. It must be remembered, however, that the change of dynasty in 750 affected the attitude to Qadarism. The 'Abbasids justified their rule on quite other grounds than the Umayyads. Hence it was no longer necessary to be a Qadarite to oppose the government, and to hold predestinarian views no longer had the connotation that one approved of wicked rulers. In short, Qadarism gradually ceased to have political implications, and this made it possible for Sunnite Islam to reject Qadarism. The basic reason was doubtless that it was felt to be at variance with the central Qur'anic vision of human

(68)  
life.

The Qadarites melted from the scene; some of their  
tenets passed into orthodox Islam, some into the new sect :  
the Mu'atazilites, who soon after them appeared on the stage,  
and were frequently called the Qadarite-Mu'atazilites.

As against the Qadarites, there appeared the sect of  
Jabrites who believed that Man is predestined having neither  
choice, nor ability to do other than what God had pre-arranged  
for him. The first preacher of this sect was Jahm ibn  
Safwan who participated in the revolution of al-Harith ibn  
Suraij. When that revolution ended into failure, Jahm was  
captured and executed at about the end of the Umayyad  
dynasty. Thus we find that Jahm was killed for a political  
matter, not for a religious reason.

Before the advent of Islam, a large section of humanity  
including the bulk of the Arabs believed in Fatalism, main-  
taining that 'God is an absolute monarch, He ordains all  
things good and bad, He does whatever He likes, and man is  
but a tool in the hands of the Divine Agency.' On the  
contrary, a section of men believed in the absolute liberty  
of action, holding that 'God has endowed man with powers  
and capacities, and man is free to use or abuse them at  
his sweet will.'

There are merits and demerits in both the theories. If  
the Fatalists have elevated the position of God to the

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69. Macdonald : Ibid., P. 129

70. Ameen : Ibid., P. 287

71. Ameen : Ibid., PP. 286 f.

highest of the high by ascribing to Him unlimited powers and absolutism of will, they have degraded human beings to the lowest of the low by denying them a share in moulding their destinies. Similarly, if the holders of absolute freedom of action have raised the status of mankind by conferring large powers and privileges and imposing great obligations and responsibilities on them, they have encroached on the rights and powers of the Supreme Being, rendering Him a weak, if not an impotent, Ruler.

Islam has adopted an intermediate course between the two extremes. It has sought to reconcile between Fatalism (or predestinarianism) and absolute freedom by levelling up the former and levelling down the latter. Islam, on the one hand, confirms the existence of unlimited powers in the Supreme Being and, on the other, recognizes the existence of partial liberty and responsibility on the part of man.

Verses of the Qur'an hold men responsible for their actions without the Divine powers of God being encroached upon.

It was mainly due to the controversy relating to the question of freewill that schools of thought began to spring up in the Muslim community. A large number of the early Arab Muslims, following the beliefs of their pagan ancestors, were in favour of Fatalism. The Umayyads who were Arabs first and Muslims afterwards pretended to be Fatalists. In order to justify their misdeeds they maintained ' that man is entirely helpless and cannot, therefore, be responsible

for his action. ' It was really pleasant for them to divert themselves of all responsibility by holding that view. "Jabr" (Predestinarianism), as a school of thought, was founded, by Jahm ., son of Safwan, who declared 'that man has no freedom of will, no liberty of volition and no choice of action; that man is entirely helpless, working as a machine does; and that man is not responsible for his deeds. ' Shahrastani has divided "Jabr" into two branches: one held 'that neither action nor the ability to act belongs to man,' whereas the other maintained 'that man has got ability which is not, however, effective.'

The Jabrites based their theory on those verses of the Qur'an which apparently assert the absolutism of the Divine Will, whereas they ignored those verses which affirm the existence in man of some liberty of will and action. (72)

Again, this sect also lost its independent existence and melted into other sects. (73)

THE NU'ATAZILITES (SECEDERS) : The story of its founding again connects with the outstanding figure of al-Hasan al-Basri. He seems to have been the chief centre of the religious life and movements of his time; his pupils appear and his influence shows itself in all the later schools. Someone came to him as he sat among his pupils and asked

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72. Nadvi : Ibid., PP. 13-19

73. Ameen : Ibid., P. 287

what his view was between the conflicting Murji'ites and Wa'idites, the first holding that the committer of a great sin, if he had faith, was not an unbeliever, was to be accepted as a Muslim and his case left in the hands of God; the other laying more stress upon the threats (wa'id) in the Book of God and teaching that the committer of a great sin could not be a believer, that he had, ipso facto, abandoned the true faith, must go into the (fire) and abide there. Before the master could reply, one of his pupils - some say 'Amr ibn 'Ubayd (d. 144), others, Wasil ibn 'Ata' (d.131) broke in with the assertion of an intermediate position. Such an one was neither a believer nor an unbeliever. Then he left the circle which sat round the master, went to another part of the mosque and began to develop his view to those who gathered round him. The name believer (mu'min), he taught, was a term of praise, and an evil-doer was not worthy of praise, and could not have that name applied to him. But he was not an unbeliever, either, for he assented to the faith. If he then, died unrepentant, he must abide for ever in the Fire - for there are only two divisions in the next world, heaven and hell - but his torments would be mitigated on account of his faith. The position to which orthodox Islam eventually came was that a believer could commit a great sin. If he did so, and died unrepentant, he went to hell; but after a time would be permitted to enter heaven. Thus, hell became for believers



a sort of purgatory. On this secession, al-Hasan only said " I'tazala 'anna " - He has seceded from us. So the new party was called the Mu'tazila the Seceders. That, at least, is the story, which may be taken for what it is worth. The fixed facts are the rise at the beginning of the second century after the Hijra of a tolerably definite school of dissenters from the traditional ideas, and their application of reason to the dogmas of the Qur'an. <sup>(74)</sup>

Mu'atazilism came into being at Basra, and has soon spread in Iraq. The Umayyad Caliph Yazid III has embraced it. During the Abbasid Caliphate there had been two schools of this sect; one being in Baghdad, the other in Basra. <sup>(75)</sup> The Mu'atazilites of Baghdad were in high favour at court from the reign of al-Ma'mun until the early years of al-Mutawakkil. Al-Ma'mun's policy of the Inquisition (Mihna) <sup>(76)</sup> was based on their theological views.

The Mu'atazilites, who evolved from the Qadarites, were the most rationalistic groups of Muslim thinkers. They founded the structure of their school on two principles - Divine Unity and Divine Justice.

By Divine Unity they meant that God is one, pure and simple. No shadow of dualism can attach to Him. He has no attributes apart from His Essence. His Essence itself

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74. Macdonald : Ibid. PP. 129 f.

75. Ameen : Ibid., P. 299

76. Watt : Ibid., P. 115

serves the purpose of all attributes. He is Omniscient and Omnipotent, not because He has qualities of Omniscience and Omnipotence apart from His Essence, but because His Essence itself comprises all that is understood by those qualities. He is Almighty as to His Being, He is All-Wise as to His Being (i.e., by virtue of His Essence). The Mu'tazilites, therefore, maintained that the Qur'an is the "work" of God, and so His creation, and not the "word" of God.

By Divine Justice they meant that God is ever just and can never be cruel. As a corollary to this belief they maintained that God has endowed man with freedom of volition and liberty of action. Man can make or mar his fortune according as he exercises that power in a right or wrong direction. Man is responsible for all his actions, getting reward for his virtuous acts and punishment for his misdeeds.

It is generally held by European scholars that Mu'tazilism owed its origin to Hellenic culture. They contend that the frequent visits of Christians to the Umayyad court, free religious discussions between Muslims and Christians, and the influence of Greek theology over the Muslim intelligentsia of the period were the real causes of the origination and development of Rationalism in Islam.

The Mu'tazilites called themselves "Ahl-ul-Tauhid-wal 'Adl" (Partisans of Divine Unity and Justice). In the

beginning the school focussed its attention on the question of freewill only, but later other principles were added, among which one was : " It is obligatory on every Muslim to try to enforce what is advisable and prevent what is undesirable. " The development of the school was mainly indebted to two scholars of very vast learning : Wasil ibn 'Ata and 'Amr ibn 'Ubaid. The former wrote a book in refutation of atheism, in which he advanced convincing arguments in support of the existence of God. He was perhaps the first person to declare that Muslim jurisprudence had four sources, - the Qur'an, Hadith, Consensus of Opinion (Ijma' ul-Ummat) and Analogy.

Towards the close of the Umayyad rule, the school gained strong ground, counting many nobles of the court, including Prince Yazid son of al-Walid, among its supporters. When Caliph al-Walid II (125-126 A.H.) transgressed all bounds in his debauchery and drunkenness, his son Yazid raised the banner of revolt against him. He took his stand on the Mu'tazilite principle of the enforcement of good and eradication of evil, and with a large army composed mostly of the Mu'tazilites marched against his father. The Caliph, al-Walid, was taken prisoner and killed, and Yazid was set on the throne. With Yazid's accession Mu'tazilism rose to power, and flourished greatly. 'Amr ibn 'Ubaid (already mentioned) took a leading part in Yazid's revolt.

With the advent of the 'Abbasids to power, the entire machinery of the government underwent a change. A strong Persian element was infused into the Muslim customs and institutions as opposed to the predominance of Arab customs under the Umayyads. The second 'Abbasid Caliph, al-Mansur (136-158 A.H.), was very liberal in his views and supported freedom of thought and belief in freewill, though he himself did not belong to any particular school.

Al-Mansur was the first Muslim ruler to encourage the study of foreign books on various topics. He had some of the philosophical and scientific works translated into Arabic. This royal patronage impaired the deep conservatism of the orthodox Muslim divines and inclined them to the study of the Mu'tazilite views. When they realized that their defence against foreign attacks lay in the cultivation of the argumentative power on the line of Mu'tazilism, they were constrained to follow the school in large numbers.

The school continued to thrive under the patronage of the Barmakides, though Harun al-Rashid himself was not in favour of it. It found strong supporters in the two learned doctors, 'Abul Hudhail and Ibrahim ibn Sayyar Nazzam.

To al-Ma'mun belongs the credit of making the Mu'tazilite School general throughout the Muslim Empire. He himself accepted its principles and doctrines and tried to enforce them. His aim was truth and enlightenment,

and perhaps he did more than anybody else to extend learning and culture. He formed a great debating society, to which flocked scholars of all creeds and shades of opinion, and himself presided at the discussion.

Non-Muslim scholars attacked the tenets of Islam on the philosophical grounds, and Muslim divines had to study the Mu'tazilite School in order to protect the Islamic doctrines against foreign criticism. From all records of the period under review it appears that the Muslim rationalists invariably won the day in controversies with non-Muslim scholars.

After Ma'mun two more Caliphs of Baghdad; al-Mu'tasim and al-Wathiq, patronized the Rationalistic School. Qadi Ahmad ibn Da'ud, who was a learned Mu'tazilite and who served as Chief Justice for the whole Muslim Empire during the reign of the two caliphs, propagated the Mu'tazilite principles throughout his jurisdiction. In this way the school went on advancing and in the fourth century of the Muslim era, a number of the commentaries of the Qur'an were compiled by learned Mu'tazilites justifying the Qur'anic injunctions on the basis of reason.

After the death of Caliph al-Wathiq, almost all Caliphs were opposed to Mu'tazilism, and some of them persecuted the Mu'tazilites for no other fault than that they were rationalists. The repressive measure of the government,

the moderate method of Scholasticism preached by Abul Hasan al-Ash'ari and the esoteric form of reasoning applied later by the mystically-minded scholars gave such a blow to Mu'tazilism that in course of a century and a half the school was well-nigh extinguished. (77)

ASH'ARISM (MUSLIM SCHOLASTICISM) : Ash'arism has rightly been characterized as a reactionary movement against Mu'tazilism. From the first rise of the rationalistic school in Islam, a section of the Muslim community, chiefly composed of divines, had viewed it with suspicion and disfavour. They contended that the Mu'tazilite doctrines were rather abstract for the general Muslim public, and apprehended that the masses might be led into the conclusion that religion was no longer binding and that they might rid themselves of its control as they liked. The apprehension may have been ill-founded, but it was genuine enough. They, therefore, sought to start a movement suited to the generality as against one which was suited only to the abstract-minded.

To this reaction impetus was given by the persecution to which non-rationalists were subjected by the authorities during the reigns of Ma'mun and his immediate successors. Ma'mun, a most cultured ruler, was a zealous persecutor. It is really a great blot on his character that he did not allow co-religionists of other schools that freedom of

thought and action to which they were entitled. Not only was he intolerant to those who held views contrary to his own, but he took vigorous steps to stamp them out. Scarcely was there any measure which he left untried for the elimination of other schools than Mu'tazilism from Islam. Ma'mun may have been inspired by good motives, but as a free-thinker himself he ought to have allowed others to think freely. The result of all this coercion and repression was what might have been expected in the circumstances. Ma'mun's strong measures far from producing the desired effect ended only in defeating his object.

To these two factors should be added a third, viz., a group of scholars with catholic attitude came forward with a mission of compromise. To put a stop to the dissensions in the Muslim ranks, they started a society of brotherhood with the object of harmonizing various schools of Islam. They worked out their scheme privately to avoid the displeasure of one section or another. These Brethren of Purity (or Ikhwan-us-Safa, as they were called) were peacemakers and exerted their energies in reconciling Reason with Revelation. With that object in view, they composed a large number of treatises (estimated at 51) on the burning topics of the day, and circulated them among Muslims of all shades of opinion. These pamphlets did a good deal to produce an atmosphere of goodwill. The chief merit of these treatises consisted in levelling up the

conservatism of the theologians and levelling down the abstract attitude of the Mu'tazilites to a point where they could meet.

While these three factors were operating for a reactionary movement one Abul Hasan al-Ash'ari (descended from Abu Musa al-Ash'ari who had been appointed an arbitrator on behalf of the Caliph 'Ali in the battle of Siffin); a disciple of the last great Mu'tazilite teacher al-Jabba'i, renounced Mu'tazilism in his fortieth year and offered himself as a champion of the Orthodox cause. He was born in 260 or 270 A.H. at Basra, and was trained in the Mu'tazilite camp. He grew a staunch supporter of his teacher's views, but being once dissatisfied with his (Jabbai's) answer to one of his questions he deserted to the hostile camp. The question and answer may briefly be stated thus :

" Ash'ari proposed to Jabba'i the case of three brothers, one of whom was a true Believer, virtuous and pious; the second an infidel, a debauchee and a reprobate; and the third an infant : they all died, and Ash'ari wished to know what had become of them. To this Jabba'i answered :  
" The virtuous brother holds a high station in Paradise; the infidel is in the depths of Hell, and the child is among those who have obtained salvation. " Suppose now, "  
said Ash'ari, " that the child should wish to ascend to the place occupied by his virtuous brother, would he be allowed to do so? " " No ", replied Jabba'i, " it would



be said to him : Thy brother arrived at this place through his numerous works of obedience towards God, and thou hast no such work to set forward." "Suppose then ", said Ash'ari, " that the child says : That is not my fault; you did not let me live long enough, neither did you give me the means of proving my obedience-" " In that case, " answered Jabba'i, " the Almighty would say : I knew that had I allowed thee to live, thou wouldst have been disobedient and incurred the severe punishment (of Hell); I, therefore, acted for thy advantage. " "Well", said Ash'ari, " and suppose the infidel brother were to say : O God of the universe : since you knew what awaited him, you must have known what awaited me; why then did you act for his advantage and not for mine ? " Jabba'i had not a word to offer in reply.

Abul Hasan al-Ash'ari, after renouncing Mu'tazilism started the scholastic school known after him as Ash'arism. He had this advantage that he had assimilated all the learning the Mu'tazilites could impart to him and mastered their logic, philosophy and science of reasoning. This vast learning he directed, after conversion, against those very persons who had furnished him therewith.

During the time under review two schools of Islam were prominent - Mu'tazilism (Rationalism) on the one hand and Sifatism (Attributism) on the other. Al-Ash'ari began his scheme by attempting a compromise between the views

of the two schools. He declared that the Attributes of the Deity are co-eternal with him, and that these Attributes are neither included in His Essence nor excluded from His Essence. Similarly, on the question of freewill, he took the intermediate course. The Sifatists, like the predestinarians, held that all actions are predestined by God and man has no liberty of action. Man is only a tool in the hands of the Almighty who forces him to do whatever He has predestined him to do. The Mu'tazilites maintained that human actions are free and man is wholly responsible for all that he does. Ash'ari, as a midway between the two views, taught that human actions are no doubt predestined by the Supreme Being, but man has got some power which enables him to finish his actions in the way assigned by God. Every action is pre-arranged by the Deity to be performed by a particular person who with some power of appropriation or acquisition (Kasb) of his own does it. Thus we see that the origination of an action has nothing to do with man, but its completion is partially due to his ability.

In this way Ash'ari founded his school on the basis of compromise between Rationalism and Attributism or between Heterodoxy and Orthodoxy. In the beginning he and his followers were opposed both by the Mu'tazilites and the orthodox Muslims. The followers of the four theological sects were also suspicious of the religious character

of the new movement. Sultan Tughril, founder of the great Saljuq dynasty, who was a follower of Imam Abu Hanifa, banished all the Ash'arites from his empire, and his minister Abu Nasr Mansur, a Mu'tazilite, persecuted a good many scholars of the Ash'arite tendency. This dual persecution of Ash'arism was, however, short-lived.

Al-Ash'ari began his creed with the following declaration : That the Qur'an, and every part of it, is uncreated and eternal, that everything on the earth and heaven, good or bad, comes into existence by the Will of the Supreme Intelligence, that man is unable to originate or create anything without the initiative of God; that God will revive the dead on the Day of Judgement; and that God will appear to human sight on the Day of Resurrection.

As the above views of Ash'ari conformed to those generally held by the followers of the four schools of theology, a large number of divines and theologians rallied to him. They saw in him an instrument of overthrowing Mu'tazilism and regaining their hold over the masses of the people. The acceptance of Ash'arism by the divines in block and its subsequent patronage by Sultan Alap Arsalan and his celebrated minister, Nizam-ul-Mulk, greatly facilitated its expansion and progress all over the Muslim world. It has never since lost its hold over the Muslim conscience, and the majority of the Sunnis even now adhere to the Ash'arite doctrines.

The real difference between Mu'tazilism and Ash'arism does not consist, as often supposed, in the fact that the former stands for reason and the latter is against it. As a matter of fact, both the creeds seek to utilize reason for what it is worth in their own way, but Mu'tazilism gives prominence to Reason, while Ash'arism attaches first importance to Revelation. The Ash'arites do not believe in the absolutism of reason as the Mu'tazilites do. (78)

SUNNISI (ORTHODOXY): Originally, by the word (Sunna) was meant the (Traditions) of the Prophet. But, later on, it has become the characteristic term for the theory and practice of the Catholic Muslims; who refrain from deviating from the dogma and practice. The expression is particularly used in this sense in opposition to Shi'a. (79)

By 'sects' are meant those systems of Islamic doctrines and beliefs which are repudiated by the orthodox generally and by one another as heretical. Within the orthodox community itself there have been and still are a number of different 'schools' (Hanafi, Maliki, Shafi'i, Hanbali) which are all mutually tolerated and in addition to these somewhat legal divisions there have entered into orthodox Islam many later practices and rituals, though not always without opposition. (80)

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78. Nadvi : Ibid., PP. 52-61

79. Gibb, H.A.R., and Kramer, J.H. : Shorter Encyclopaedia of Islam, Royal Netherlands Academy, Leiden (Netherlands), 1953, P. 552

80. Gibb, H.A.R. : Islam, op. cit., P. 81

The period from 850 to 945 A.D. saw a process taking place which may be called 'the consolidation of Sunnism'. It was a complex process, which is perhaps best described as the extension of areas of agreement. There was no single set of theological doctrines or legal principles which was generally accepted; nor was there any single body or organization which resulted from the process. There was not even a word for 'Sunnites' at this period. The nearest was a phrase like 'Ahl as-Sunna' (the people of the Sunna), or elaborations of this like 'Ahl as-Sunna wa-l-Istiqama' and 'Ahl as-Sunna wa-l-Jama'a' (the people of the Sunna and uprightness, . . . and the community). The last, however, was still being used as a party designation about the year 1000. In other words, various groups were moving closer together in fact, but none was yet ready to acknowledge the others as fellow-Sunnites.

Creeds occur in the Islamic world, but their function is different from the function of Christian creeds. There is no body in Islam comparable to the Christian ecumenical councils, which is capable of legislating on doctrinal matters. The Islamic creeds are therefore the statements of individuals, even though they may come to be regarded as authoritative within the man's theological or juristic school.

Further examination, however, shows that there is also an area of agreement, and this area of agreement might

be said to express the heart of Sunnism. Thus they are all agreed that the Qur'an is the uncreated speech of God, though they differ over whether man's utterance of the Qur'an is created or uncreated. From this some go on to discuss the attributes of God, such as his speech, power or omnipotence, will, hearing; and though they disagree in details, they agree that God has attributes distinct from his Essential Being and is not a bare unity. They are also agreed that God must in some sense will everything that happens, but the Hanafites tend at the same time to place more emphasis on man's responsibility than does al-Ash'ari.

In some ways the most important article in the creed is one the non-Muslims would not regard as theological at all, namely, that the best (or most excellent) in the community after Muhammad is Abu-Bakr, then 'Umar, then 'Uthman, then 'Ali. Yet this is the article which defines Sunnism over against Shi'ism. Both Imamites and Zaydites say that 'Ali was best and most excellent, though the Zaydites allow that Abu-Bakr despite his inferiority was truly Imam. Until about 850 A.D. too, it may be noted, even Sunnites were not agreed that 'Uthman was third, since some put 'Ali above him.

The period from 850 A.D. to 945 A.D. witnessed the last attempts to form new legal schools. Although Ahmad ibn Hanbal died in 855 A.D., the Hanbalite school does not seem to have taken shape until after that date.

The ending of the formation of new legal systems among the Sunnites may perhaps be taken as the beginning of another process by which the various schools or systems of rites came to be regarded as equally valid. In Arabic the Hanafites, Malikites, Shafi'ites, Hanbalites and the minor groups are each spoken of as a madhhab (Mazhab), and the word has so far usually been rendered as 'school'. This is appropriate in so far as each is based on a slightly different view of the principles of jurisprudence. Each madhhab, however, also has its distinctive practices, from detailed rules for inheritance to the details of the ritual words and acts of public worship or prayer; and from this point of view it is conveniently called a 'rite'. Nowadays, as has been the case for some centuries, each individual belongs to a specific rite (of the four named above), performs the prayer according to the forms of this rite, and when he dies has his inheritance distributed according to the rules of this rite. Usually the people of a region belong to the same rite; but in cosmopolitan cities men of different rites rubbed shoulders and became embroiled in disputes, which has to be brought before the courts. There were then further rules about which rite was to be the basis of the court's decision; and judges became qualified to give decisions according to more than  
(81)  
one rite.

A LAST WORD : The gap between the Muslim sects is not so seriously wide that it cannot be bridged as long as the whole body of the Muslim Community believes that God (Allah) is one, Muhammad is His Messenger, and the Qur'an is the Holy Book of the Islamic faith.

" The social, practical, dynamic character of the faith of Islam - in other words, the involvement of this faith within the processes of history - may be illustrated at many points. Salvation in Islam is, admittedly, by faith; not by works. Yet it is faith in the validity of works. It is faith in God, and in the obligatoriness of what He has enjoined. A Muslim is saved not in the final analysis by doing good works; but by recognizing that they are good, that he ought to do them.

Differences that have arisen within Islam, therefore, have concerned themselves less with what is true than with what is good. The sects of Islam have differed amongst themselves not on matters of theology so much as on questions of practice. There would seem to be no word in Arabic, or indeed in any Islamic language, meaning "orthodox." The word usually translated "orthodox", sunni, actually means rather "orthoprax", if we may use the term. A good Muslim is not one whose belief conforms to a given pattern, whose commitment may be expressed in intellectual terms that are congruent with an accepted statement (as is the case



generally in Protestant Christianity), but one whose commitment may be expressed in practical terms that conform to an accepted code. The counterpart to the Christians' intellectualist concept of "heresy" is the Muslims' procedural bid'ah (which might be translated "deviation").

Sectarian differences exemplify our point most readily in the case of the legal madhahib (schools). At this level divergencies are relatively minor. One comes nearer the heart of the matter with the great Sunni-Shi'ah dichotomy in Islam, which arose from a dispute as to how society should be organized, what sort of leadership it should have. The fundamental religious debates in Islam have been concerned essentially with what shall be the direction in which the on-going historical enterprises is to proceed.

The underlying notion is of a society in motion. In relation to this, the individual must not get out of step, must not turn deviatianist; while group leadership is responsible for seeing that the whole venture knows and follows the right direction. <sup>(82)</sup> "

" ISLAM after 1,400 years has suddenly emerged as a potent political force, taking on a new significance in a world that has previously been concerned to think mainly in terms of East-West and the Third World. Its recent

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82. Smith, Wilfred Cantwell : Islam In Modern History, U.S.A., 1959, PP. 27 f.

resurgence, which has gathered such spectacular momentum in the last 12 months or so, has been built in large measure on a sense of disillusion with Western materialism (83) and with the Communist alternative. "

PART SIX - CHRISTIANITY :

The Islamic culture is much the same of the Christian culture, but in an Arabic dress. Before the Arab conquest of the Fertile Crescent the chief bearers of culture were the Christians. In Egypt there was virtually no one else. In Syria there were also a few philosophically minded pagans, who came to be known to the Muslims as Sabaeans. In Iraq there were Zoroastrian clergy and scholars who in addition to their own literature possessed some Indian works in translation. The level of learning among the Christians of Iraq appears to have been higher than that elsewhere, for there were several colleges where Christian theology and Greek science were taught in the medium of Syriac. Once the disturbances of the wars of conquest had subsided, not much was changed for the ordinary Christians, including the scholars. Life continued to be tolerable or even enjoyable. In Baghdad round about the year 1000 Christian and Muslim (1) philosophers had a joint discussion circle.

It is disheartening that the basis of Islam's treatment of non-Muslims has generally been misconstrued as a

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83. Guardian, The-, printed in London and Manchester, Monday December 3, 1979, P. 11, under the title :  
(ISLAM)

1. Watt : Ibid., PP. 257 f.

result of careless study. The bias of writers has contributed to the unsympathetic attitude towards Islam.

Secondly, these writers and also the non-Muslims communities have ignored the authentic history of the conduct of the early Islamic state. The third reason is the wide gulf between the life actually lived by a Muslim today and the life which the tenets of his faith require him to live. The antipathy of non-Muslims is, therefore, partly due to the fact that a large number of Muslims fail to reflect what Islam stands for.

The general policy of Islam has always been to guarantee the rights of non-Muslim communities. Those subscribing to other religions received the appellation of Ahl-ul-Zimmah (protected minorities). The term implied those non-Muslims with whom Muslims were in agreement or the responsibility of whose life and property was undertaken by the Islamic state. The right of the Zimmis (protected minorities) to a peaceful, prosperous and secure life, was never denied to them while Muslims or their governments drifted down in path of the Quran and the Sunnah of the Prophet or while the Zimmis or other religious minorities were of good behaviour.

The system of granting civic rights to non-Muslims began with the Prophet Muhammad. The methods of treating Jews and Christians made a significant start at Medina,

where he successfully organized a city-state. His was a realistic government which secured minority interests by pledges, documents or mutual agreements. He created a healthy atmosphere for the spiritual and material development of the religious groups living under his rule. In order that all might benefit from peace, Muhammad issued what is known as the (Constitution of Medina, or al-Sahifa). This historical document resulted in the prevention of crimes and blood feuds among the tribes of Arabia composed of all creeds. " Equal rights were granted to the Jews who lived in large numbers in the suburbs of Medina, whilst they on their own side bound themselves to help Muslims in defending the city. " The contents of this charter reveal Muhammad as both a magistrate and statesman, unable to tolerate any of God's creatures suffering without valid reason.

As Muhammad's message was meant for " the totality of human beings, " its smooth propagation necessitated various agreements with the People of the Book, as the Quran calls the Jews and Christians. These pacts were honoured in both word and deed. He recognized that the inhabitants who did not subscribe to Islamic view of life had their own rights. Accordingly, the Prophet of Islam took the historic decision of abolishing social inequality. In particular, he undertook to safeguard the interests and religious feelings of the Christians. The sixth year of

Hijra was a year of emancipation for the followers of Jesus Christ.

In that year, the Prophet granted the famous charter to the Fathers of the Monastery of St. Catherine. By this document, Muhammad secured for the Christians some basic privileges and amenities. The followers of Islam were " prohibited under severe penalties from violating and abusing " the provisions of this charter. The Prophet himself took care to see that the Christians were protected from all injustices. He issued instructions to the distant Muslim governors not to tax them unfairly or force them to discard their own religion. Their churches or sanctuaries could not be pulled down and replaced by mosques or houses for Muslims. Moreover, Muslims were enjoined to cooperate with Christians so that " if Christians should stand in need of assistance for the repair of their churches or monasteries, or any other matter pertaining to their religion, the Muslims were to assist. "

The Prophet conferred upon the other religious groups sufficient " judicial autonomy " - a characteristic which is basic to the legal system of Islam. The pacts he made reveal his magnanimity and his insight into human character. But more important is the tenacity of purpose and sincerity with which he adhered to the pacts he made. The charter - with the Christians was scrupulously enforced and the upholding of the peace of Hudaibiyah and the treaty of

Taif, may well serve as an example to those working to  
(2)  
prevent war among nations.

A deputation from the Christians of Najran was sent to meet the Prophet. The delegation (composed of six men including a bishop) came to Medina and entered the Apostle's mosque as he was saying the afternoon prayers. The time of their prayers having come they stood and prayed towards the east in the Apostle's mosque. They were allowed to do so. The Prophet is stated to have told them : 'Conduct your service here in the mosque. It is a place consecrated to God.' All the members of the deputation were Byzantine Christians.

A discussion took place about the Apostle's view of Christianity, the main point of controversy being the Christian belief in the divinity of Christ. The Prophet read the Sura of the Family of 'Imran up to more than eighty verses. Those who are conversant with the Qur'an know the line of argument running through these verses. There is no associate of God in His authority. Jesus was one who was formed in the womb like all other children of Adam; how can he be a God when he springs from the womb ? God gave power to Jesus in matters of virtue such as raising the dead, healing the sick, enlivening birds of clay, and declaring the unseen; He withheld from him such

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2. Iqbal, Sheikh Mohammad : Mission Of Islam, The-,  
Delhi, 1977, 121 ff,

powers as the appointment of kings by a prophetic command, making the night pass into day and the day into night... Have they got an example and a clear proof that if he were a God all that would be within his power, while they know that he fled from kings and because of them moved from country to country ? And then there is mentioned in great detail how the virgin conceived in her purity. God 'created Adam from earth by that same power without a male or a female. And he was as Jesus was : flesh and blood and hair and skin. The creation of Jesus without a male is no more wonderful than this. '

They decided to maintain their religion and return home. They, however, made a request for a man who might be able to decide certain financial matters in dispute among them. The Apostle sent for Abu 'Ubayda ibn al-Jarrah, a firm and trusted man, and told him to 'go with them and judge between them faithfully in matters they dispute about. '  
(3)

The status of 'Protected minority' was open only to Ahl al-kitab or 'the People of the Book'. By these were understood believers in God who had a written scripture. In the first place Jews and Christians were intended, but the privilege was eventually extended to Zoroastrains, Buddhists and indeed most of the religions in the conquered

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3. Iqbal, Afzal : Diplomacy In Islam, Institute of Islamic Culture, Lahore, 3rd Edition, 1977, PP. 70 ff.

lands, even to Hinduism. On the other hand, pagan tribes in Arabia could not have this status; but in practice most of them were so keen to join Muhammad's federation that they were ready to accept Islam; and certainly long before the Umayyads came to power all the Arab tribes had become Muslims.<sup>(4)</sup>

Islam gave the Arabs pride, and provided them with a rallying point. Once the foreign invasions began, all the Arabs realized its importance and joined its ranks. Even the Christian Arabs were overwhelmed by the feeling of Arab nationalism, and joined the Muslims in fighting against the Sasanids or the Romans. When in Iraq the Muslims suffered an initial set-back, the Arabs took it as an insult to the nation and the Arab tribes from all directions came to the Caliph 'Umar to offer their services to avenge the insult. Shibli 'N'omani tells us that the set-back so greatly enraged the Arabs that even a Christian tribe of Arabs, the Taghlab, rallied around the Muslims. Its chiefs came to 'Umar and told him, " Today the Arabs are pitted against the non-Arabs (ajam). In this national expedition, we are also with You. " Even the border states of the Ghassanids and the Lakhmids, who were vassals of the Romans and the Sasanids, embraced Islam and joined their brethren in

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4. Watt : Ibid., PP. 47 f.



fighting against their former masters. They gained an opportunity to avenge themselves under the banner of Islam. Thus we see that for the Arabs Islam was a national revolution, more than anything else. The Arabs, who were considered to be an insignificant force living either in the desert or in small towns, now became the masters of a vast empire. It was perhaps for this reason that 'Umar considered it to be compulsory for the Arabs to embrace Islam, whereas for non-Arabs there was no such compulsion, as already shown above. Thus Tabari tells us : "Walid ibn 'Atba insisted that the Banu Taghlab (a Christian tribe) should become Muslim. He wrote to 'Umar about it. 'Umar replied as follows : 'It is very necessary for the people of the Arabian peninsula to embrace Islam. Arabs will have to become Muslims. Even then we can allow them to follow (their own religion) on condition that they do not continue their children in the Christian faith and whosoever wants to become Muslim (from the Banu Taghlab), his Islam should be accepted. ' Thus for the Arabs Islam was a national religion.

During the reigns of the first four Caliphs the Christians, as well as the Jews, were well treated but they were not employed in the governmental offices. This condition did not last for a long time. In the period of Mu'awiya's caliphate, they were employed by the government

(6)

and their influence increased.

The Christian theologian John of Damascus, for example, succeeded his father and grandfather in a high financial post, possibly the headship of the Diwan al-Nafaqat, which dealt with expenditure, retiring from this (7) during the caliphate of Hisham.

During the Abbasid Caliphate the majority of the Physicians at the Palaces (especially of the Caliphs) (8) were Christians.

A Muslim pilgrim from Spain visited Baghdad about A.H. 390 and has left us a record of the state of religious things there. He found in session what may perhaps best be described as a parliament of Religions. It seems to have been a free debate between Muslims of all sects, orthodox and heretical, Parsees and atheists, Jews and Christians - unbelievers of every kind. Each party had a spokesman, and at the beginning of the proceedings the rule was rehearsed that no one might appeal to the sacred books of his creed but might only adduce arguments founded (9) upon reason.

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6. Ameen, Ahmad : High Noon of Islam, (in Arabic), Cairo, 1962, 3rd edition, Vol. I, PP. 82 f.

7. Watt : Ibid., P. 51

8. Ameen, Ahmad : Noon of Islam, (in Arabic), Cairo, 1964, 7th edition, Vol. I, PP. 272, 325

9. Macdonald : Ibid., P. 194

At the beginning of the fourth century A.H. there were  
(10)  
about 50,000 Christians in Baghdad only.

Under the Ottoman rule, the Christians were known as  
a 'millet', as is the case of the other protected minori-  
(11)  
ties.

At present the Muslims and Christians live in Iraq as  
(12) .  
brothers loving one another.

#### PART SEVEN - JUDAISM :

Under the Islamic rule, the Jews enjoyed the same  
conditions of socio-economic and politico-religious life of  
Christians. Actually there is no bridge from Christian  
theology towards Islam, just as there is no bridge from  
(1)  
Jewish theology towards Christianity.

Christian Truth is the notion that Christ is God. From  
(2)  
this there arises the doctrine of the Trinity. In Islam,  
(3)  
Jesus Christ was only a servant of God and true Prophet.

In order to emphasize the individuality of the Ulti-  
mate Ego the Quran gives Him the proper name of Allah, and  
further defines Him as follows :

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10. Ameen : High Noon of Islam, op. cit., P.82

11. Watt : Ibid., P. 47

12. 'Aiwaz, Archbishop Zakka (Head of the Orthodox  
Christian Syriac sect in Iraq) in the weekly Iraqi  
magazine Alf Ba, (in Arabic), No.615, July 1980, P.28

1. Schuon, Frithjof : Islam and the Perennial Philosophy,  
N.P., 1976, P. 20

2. Ibid., P. 3

3. Ali, Abdullah Yusuf : Holy Qur'an, The-, Text, Transla-  
tion and Commentary, New Delhi, 4th Edition, 1978,  
P. 770

" Say; God is one;

God the mateless !

He begetteth not, and He is not begotten;

(4)  
And there is none like unto Him. " (CXII.1-4)

This is to negative the Christian idea of the godhead,

(5)  
" The Father ", " the only-begotten Son " etc.

In Christianity, man is born in sin. Unless this belief is held, atonement cannot follow, and atonement cannot follow unless Jesus Christ is believed to be God in man's attire. In Islam and Judaism, man is born pure (6) (sinless).

(7)  
Islam is more like Judaism than Christianity. The teachings of Islam bear considerable resemblance to that of the Old Testament. (8) The Qur'an agrees with the Holy Book of the Jews, especially in the stories of the Prophets, but the Qur'an does not go into the details since it is content with mentioning the moral lesson and warning contained in each event. Such being the case, the Muslim exegists of the Qur'an were frequently referring to the Old Testament and its exegises and to the Jewish scholars

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4. Iqbal, Sir Mohammad : in (Oriental Caravan, The-), Edited by Sirdar Ikbal Ali Shah, U.S.A., Second Printing, 1974, P. 237

5. Ali, A.Y. : Ibid., P. 1806, Commentary No. 6299

6. Azhar, Ahmad D. : Christianity in History, Lahore, Reprinted 1975, P. 170

7. Stewart, D., and Haylock, J. : New Babylon, op. cit., P. 79

8. Glubb, Lieutenant-General Sir John : Empire of the Arabs, op. cit., P. 19

in order to get more knowledge and information about the contents of the Qur'an. The influence of the Jewish thought (9) in the Islamic religion is obvious.

" One (kind of Qur'an interpretation) is traditional. It is based upon information received from the early Muslims. It consists of knowledge of the abrogating verses and of the verses that are abrogated by them, of the reasons why a (given) verse was revealed, and of the purposes of individual verses. All this can be known only through traditions based on the authority of the men around Muhammad and the men of the second generation. The early scholars had already made complete compilations on the subject. However, their works and the information they transmit contain side by side important and unimportant matters, accepted and rejected statements. The reason is that the Arabs had no books or scholarship. The desert attitude and illiteracy prevailed among them. When they wanted to know certain things that human beings are usually curious to know, such as the reasons for the existing things, the beginning of creation, and the secrets of existence, they consulted the earlier people of the Book about it and got their information from them. The people of the Book were the Jews who had the Torah, and the Christians who followed the religion of (the Jews). Now, the people of the Torah who lived among the Arabs at that time were

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9. Ameen, Ahmad : Noon of Islam, op. cit., Vol. I, pp. 327 ff.

themselves Bedouins. They knew only as much about these matters as is known to ordinary People of the Book (in contrast to learned rabbis). The majority of those Jews were Himyarites who had adopted Judaism. When they became Muslims, they clung to the (information) they possessed, such as information about the beginning of creation and information of the type of forecasts and predictions. That information had no connection with the (Jewish or Christian) religious laws they were preserving as theirs. Such men were Ka'b al-Ahbar, Wahb ibn Munabbih, 'Abdullah ibn Sallam, and similar people. The Qur'an commentaries were filled with material of such tendencies transmitted on their authority. It is information that entirely depends on them. It has no relation to (religious) laws, such that one might claim for it the soundness that would make it necessary to act (in accordance with it). The Qur'an interpreters were not very rigorous in this respect. They filled the Qur'an commentaries with such material, which originated, as we have stated, with the people of the Torah who lived in the desert and were not capable of verifying the information they transmitted. However, they were famous and highly esteemed, because they were people of rank in (their) religion and religious group. Therefore, their interpretation has been accepted from that time onwards. "

(10)

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10. Ibn Khaldun : Muqaddimah, The-, An Introduction to History, Tr. from Arabic by Franz Rosenthal, London, 1958, Vol. 2, PP. 444 ff.

At the beginning of Christianity, there was a vast Jewish community in Iraq. They were speaking the Babylonian Aramaic language. <sup>(11)</sup> The Synagogue, which was to play a crucial role in Jewish life everywhere, in all likelihood originated in Babylon. By the middle of the second century of Christian era the Babylonian Jewry was probably the most secure and flourishing of all Jewish communities and many Palestinian Jews sought permanent refuge there. In the second century the Jews established Jewish academies in Babylonia.

Many a locality in Babylonia had an exclusively Jewish population. So intense was the pride of Jewish leaders in their autonomous and intellectual community that some rabbis even attributed a special sanctity to Babylonian soil. With the rise of the great academies, some felt that it was forbidden to leave Babylonia even for Palestine. Certainly the historical circumstances which permitted the Babylonian academies to flourish for centuries after those of Palestine had closed or dwindled to inconsequentiality provided a transitional center for the young Jewish communities of Western Europe. Above all, however, it made the Babylonian Talmud, and its recension of the tradition, the normative canon for the whole Jewish world. Thus a Jewish community of the Diaspora mediated the tradition to scores of generations and

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11. Cohen, Gerson D. : in (Great Ages And Ideas Of The Jewish People), Edited by Leo W. Schwartz, U.S.A., N.D., P. 147

(12)

countries beyond its own.

" Jews, like the other inhabitants of the lands conquered by the Arabs, were deeply affected by the upheaval. The immediate effect did not appear to be great, but the several centuries of Muslim domination wrought changes which were of fundamental importance. One may venture the statement that they involved the creation of a new type of Jew.

Because of the exemption granted to adherents of revealed religions by the founder of the new confession, the Jews, as possessing a revealed Book, were not faced with the alternative of death or conversion to Islam. Muhammad's followers, now the masters of a vast empire, were perfectly satisfied with this arrangement, since the exemption enjoyed by Jews, Christians, Zoroastrians, and others also carried with it the duty of paying a head tax as a ransom. But these favored groups, while they were no doubt happy in their right to remain loyal to their faith, nevertheless resented this tax, as well as the imposts on the produce of farmers and landholders. Indeed, these taxes were such a great burden that they brought many people in the conquered territories over to at least a token profession of Islam. They probably produced conversions from Judaism as well, but to a lesser extent, since



relatively few Jews were farmers or landholders. At any rate, we hear of no wholesale apostasies from Judaism to Islam. True, our sources here are scanty, yet if such apostasy occurred echoes of it would surely have survived in the extant records. The probability is that the majority of Jews bore the economic burden and clung to their faith.

Despite the burden, the Jews welcomed the change to Muslim rule, for their lot under the Christians had not been enviable. The restrictions and disabilities they suffered under Byzantine, Visigothic, and African rule were hardly intended to make them well-wishers of the Christians in the latter's struggle with the Muslims, and their new masters left them pretty much to themselves. We know of only a few persecutions and of some hostile legislation which - save for some social discrimination, anyway - was only sporadically enforced. Until modern times, Islamic administrative policy was generally determined by practical considerations which led to toleration and, on occasion, even privilege. <sup>(13)</sup> "

Under Islam the Jews had their second encounter with the classical tradition, this time not directly but through the Arabic language. It is to the credit of the

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13. Halkin, Abraham S. : in (Great Ages and Ideas Of The Jewish People), op. cit., PP. 216 f.

Arabs that although they were the victors militarily and politically, they did not regard the civilization of the vanquished lands with contempt. The riches of Syrian, Persian, and Hindu cultures were no sooner discovered than they were adapted into Arabic. Caliphs, governors, and others patronized scholars who did the work of translation, so that a vast body of non-Islamic learning became accessible in Arabic. During the ninth and tenth centuries, a steady flow of works on Greek medicine, physics, astronomy, mathematics, and philosophy, Persian belles-letters, and Hindu mathematics and astronomy poured into Arabic.

Given this wealth of learning, the gradual shift from Aramaic to Arabic as the vernacular of the Jewish population was a change of radical importance. Not all, but a sizable minority of Jews developed a voracious appetite for the literature in Arabic, not only the imported part of it, but also the Qur'an and Muslim poetry, philology, biography, and history. Thus they became citizens of the great world. This naturalization in the culture of their environment was of prime importance. The vocabulary of the Islamic faith finds its way into Jewish books; the Qur'an becomes a proof-text. The Arabs' practice of citing poetry in their works is taken over by Jews. Jewish writings teem with sentences from the works of scientists, philosophers, and theologians.

Indded, Arabic literature, native and imported, becomes  
(14)  
the general background of all that the Jews write.

During the Abbasid Caliphate, most of the bankers  
(15)  
were Jews and Christians because Islam prohibits usury.

In 1165 A.D. there were about 1000 Jews in Baghdad  
(16)  
only. According to some historians, the Jewish population  
(17)  
in Iraq in A.D. 1185 (A.H. 581) was 600,000.

Under the Ottoman rule, the Jews were considered as  
a 'millet'. At present there is a small number of the  
Iraqi Jews who preferred to remain in their country. They  
have their Synagogue in Baghdad.

#### PART EIGHT - SABAEANISM :

The Sabaeans are Semitic people, and are nowadays  
called the Mandaean Sabaeans to distinguish them from the  
old Sabaeans of Harran. They speak the Mandaean language  
which is one branch of the Semitic languages and which is  
near to the Syriac language but it differs from the latter  
in its script and grammar. The Mandaean language was  
well-known in ancient times but now it is understood by  
only a few people because the clergymen don't permit the  
laymen to study it for fear that their power will be lost  
once the secrets of the religion will be accessible to  
the ordinary followers. Consequently the Iraqi Sabaeans

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14. Ibid., PP. 218 f.

15. Watt : Ibid., P. 102

16. Ameen, A. : Ibid., P. 325

17. Ameen, A. : High Noon Of Islam, op.cit., Vol.I, P.82

use the Arabic language in their daily life. More or less the Mandaean language by now became a liturgical one used for rituals and religious ceremonies of the social life such as marriage.

Originally, the Mandaean Sabaeans were Jews. At the appearance of John the Baptist, they believed in him. They believe that he is not a Messenger of God to all mankind, that he is exclusively the Prophet of the Sabaeans, that this Prophet was born on earth but after his birth he was lifted up to the Realm of Light (Almi Danhora), or Heaven, where he was fostered and brought up, and - in the due time - he was again sent to earth.

They believe that God is one having neither beginning nor end for His existence. He is beyond human perceptiveness. There is no access to Him. He begat none and he has not been begotten. He is the cause and creator of everything.

From the above description it can easily be noticed that there is similarity between Islam and Sabaeanism as far as God, His oneness, and His attributes, are concerned.

They believe that there are 360 characters living in Almi Danhora under the chairmanship of Mari<sup>\*</sup> Adarbotha. These 360 are next to God but are not gods, though they were given the ability to act as God acts. They are not

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\* Mari is a male.

saints because they are not human beings as is the case of the saints, nor are they Angels, though they are a category of them, because, unlike the Angels, some of these 360 are practicing the action of creation as is the case of Mari Adarbotha and Hibel Ziwa. These 360 were not created (made) by God, but just God called them by their names and they came into being, and they worship God. The Sabaeans believe in the story of Adam and Eve of the parents of mankind, in the story of the Deluge and Noah, in Abraham, and in the Resurrection and the Day of Judgement.

The Sabaeans are said to be worshipping the stars on the ground that there are several verses in their sacred books which indicate that they worship them, but the Sabaeans deny this claim for fear that they will be considered as pagans.

The place for worship is called, 'Mandi', and the ecclesiastical hierarchy from below upward is as follows: (1) Halali, (2) Tarmida, (3) Kanzibra who is the only person having the right to interpret the first sacred book "Kinza Rabba", (4) Arshama : this Mandaean word means 'Head of the Nation'. There is no Arshama among the Sabaeans of our time, and (5) Rabbani : in the history of Sabaeanism there was only one person who reached the rank of Rabbani, and he was John the Baptist himself.

The very important matter in the daily life in this religion is the running water (living water - as it is

called by them, and this means : water of rivers) for baptism. And that is why they usually stay near the banks of the rivers such as the southern part of Iraq where (living) water from the marshes and Tigris and Euphrates is abundantly available. They also live in Iran near the common border of Iraq and Iran. The modern generations of the Sabaeans no longer could stay where their prim ancestors lived near living water, and they have migrated to the various parts of Iraq and of the world, and it became imperative to solve the problems of availability of current water. The kanzibras worked out the solution that water from the tap is a current water on the basis that it is (1) originally taken out from the river.

After the conquests of the Muslims, the position of Sabaeans had little changed. The Umayyads confiscated abandoned lands to the state, but respected existing titles to land, left their administration to local officials and designated certain protected minorities, whose scriptures foreshadowed the Revelation of the Qur'an, in particular Jews and Christians, but also Zoroastrains and Sabaeans. They were allowed, with certain minor disabilities, to retain some of their places of worship, against payment of a land-tax and a poll-tax, and, initially at least, to be judged in their own courts. Conversion certainly took place, but the motives for it were generally

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1. Hasani : Sabaeans, op. cit., throughout the book.

not financial : indeed, eventually it had to be discouraged, since the convert could claim immunity to the land-tax, with a consequent drain upon revenue; the land-tax thus became exclusively territorial, irrespective of the owner's religion. Under the Abbasid rule, the Sabaeans were treated with toleration. Under the Ottoman rule they were considered as a 'millet'.

In modern Iraq, the Sabaeans enjoy full citizenship. In addition to the official holidays enjoyed by all the Iraqis, they are lawfully permitted to enjoy their religious holidays. In 1937 the government issued the amendment No.29 to amend the Law of Official Holidays of 1931, No. 72 stating that the Sabaeans enjoy their religious holidays as follows :

1. Four days for the Greater Feast 'Dahwa Rabba' : 7th, 8th, 9th, and 10th of August.
2. Two days for the Lesser Feast; 23rd, and 24th of November.
3. Five days for the Feast of al-Punja; 5th, 6th, 7th, 8th and 9th of April.
4. One day for the Feast of the birthday of the Prophet John the Baptist; 9th of June.

According to the Law of Official Holidays issued in 1972, and to its amendment issued in 1973, the religious

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2. Rogers, Michael : Spread of Islam, The-, Belgium, 1976, P.27

holidays of the Sabaeans became as follows :

1. Two days for the Greater Feast.
2. One day for the Lesser Feast.
3. Two days for the Feast of al-Punja (Feast of the Creation of the World).
4. One day for the Birthday of John the Baptist (The Feast of Wahba Yamana)<sup>(3)</sup>.

Unlike the Muslims, and like the Yazidis, though there is a wide difference between Yazidi casteism and Sabaean casteism, they have caste system in marriage only, so that a male from a particular caste cannot marry a female from another caste. This restriction is imposed on the laymen only. The clergymen are free to marry from any caste.

In Sabaeanism there is no divorce, but if it became unavoidable, then it takes place in the Islamic religious courts (Courts of Shari'a). If a Sabaean wants to re-marry his divorced wife, he can do it with support and help of his spiritual leaders under some conditions.

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3. Iraq (Republic of-) : a. Law of the Official Holidays No.110 of the year 1972, Published in the Official Gazette No. 2184, (in Arabic), September 19, 1972, Ministry of Information, Baghdad, PP. 1 f.
  - b. Law No.49 of the year 1973, Amendment of the Law of the Official Holidays No. 110 of the year 1972, published in the Official Gazette No. 2244, (in Arabic), May 7, 1973, Ministry of Information, Baghdad, P. 9



The distribution of inheritance is according to the Islamic Shari'a because they haven't their own system in this field except that the elder son of the deceased must be responsible for the maintenance of the deceased's dependents, spending on them from the inheritance. The distribution is ordered by the Muslim judges of Shari'a courts.

The majority of the Sabaeen youth of modern generation have abandoned the very difficult and complicated procedures of their religious marriage. They usually go to the Islamic Shari'a courts in order to conclude their legal marriages without resorting to their religious leaders. The Iraqi Sabaeans attend the Iraqi schools and universities getting the same education applied to the other Iraqis. At present there are Sabaeen physicians, pharmacists, engineers, professors, teachers, and governmental officials.

In March 1652, the French traveller Tavernier visited Basra, and he estimated the number of the Sabaeans dwelling there as 25,000 families. But now the whole population of the Iraqi Sabaeans is perhaps less than 15,000  
(4)  
persons.

PART NINE - YAZIDISM :

The Yezidis (Yazidis) are a religious sect of Western Asia whose majority lives in the hills and mountains situated to the north-east of Mosul and in the Jabal Sinjar

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situated to the west of the city. This sect has also its adherents in the province of Damascus, in the environs of Aleppo, in Baghdad and in Tiflis, and in the territories lying round this city. As it is generally and erroneously held, they worship the Devil. They are called Devil-worshippers. They call themselves Ezidis.

The religion of the Yazidis is monotheistic; still it recognises a certain number of semi-divine or avowedly divine beings who are somewhat like intermediaries between Supreme God and man, - a sort of angels or messengers of God - and who lend it a certain polytheistic character. It approaches by its general character rather Islam than all other great religions of Western Asia; still it has some practices in common with Christianity. It must have had originally closer affinity with the Iranian dualism; thus, for example, the worship of that being which is the Devil according to the beliefs of the Christians and the Muslims, but which is not that personage according to those of the Yazidis, is probably nothing else but the ancient worship of the principle of evil, peculiar to the dualism of Iran. On the other hand, many other practices of the Yazidis are of frankly pagan origin; still it cannot be asserted that they worship the sun and the moon, as it was upheld by some. These practices present some affinities with a few ideas of the old Muslim sect of the Ismailites, as also with those of the sect of the Druses, who worship

the Devil in the form of the Peacock. On the contrary, they do not seem to have had any relation with the paganism of the ancient Assyrians. The religion of the Yazidis partakes of the characteristic of other sects of the Near East, viz. Islamic, Christian and pagan sects; all these sects are eminently syncretic, with uncertain outlines, and full of contradictions; they never form a connected and closed system. They remind us frequently, by means of foolish combinations of ideas and by means of audacity of religious fancy, of the doctrines of the Gnostics which flourished in the bosom of the Christian church of the early centuries. The religious spirit lying at their basis is certainly the same.

But that which distinguishes the Yazidis from other religions and sects is the worship of a being, called by them Malak Taus, i.e. King or better Angel Peacock, who corresponds to the Devil in Christianity and Islam. In their doctrine, on the contrary, he is supreme among the angels, who, after his fall and repentance, has been re-installed by God in his original and pre-eminent position. Malak Taus is a good God; he is, in a certain sense, their real God, the active and efficient God, whereas the Supreme God is inactive and does not care for the world. He is their Christ. It is, therefore, thoroughly wrong to assert that they worship the Devil, the source of all evil. They are even so far away from such a worship that

they have not got at all the Devil in their religion; they deny downright the existence of evil, which, they say, is nothing else but the complex of those events and accidents which are unpleasant to man.

What are exactly the connections of religious ideas of Iran with those of the Yazidis? We are not in a position to establish. It seems to us at any rate difficult to deny them absolutely, and we are therefore inclined to assert that in the religious beliefs of the Yazidis the Iranian element has not played a small part, and that it is rather the basis, the fundamental substructure on which their doctrine developed itself later, approaching much nearer to Islam and partly also nearer to Christianity.

We know nothing or nearly nothing of the origin of the sect and its primitive beliefs. Yazidi or Ezidi and Izidi is the name by which the Yazidis call themselves in Kurdish which is their common language. The inhabitants of Mt. Sinjar know certainly some Arabic, but those living to the east of Mosul in Kurdistan, know no other language but Kurdish. The latter is an Aryan dialect, related to Persian, from which it has borrowed many words; among these Persian words there are also many derived from the Arabic and Turkish languages. Although a few expressions recur in the religious terminology of the Yazidis, which seem to have been derived directly from Arabic, without having passed through Persian, and although some peculia-

rities of their legends are not explained except by the Arabic language, it is very probable that the Yazidis spoke originally Arabic, and that they had migrated, if not all, a good number of them, from Syria and Babylonia, just as one of their traditions also makes an allusion to this. The name Yazidiyyah is certainly derived from the name Yazid which is common among the Arabs; and in fact one of the divinities of the Yazidis is precisely called Yazid. But it is certain that they began to speak among themselves of God Yazid only in order to explain the name Yazidiyyah; God Yazid owes his existence only to this name. He is surely not a primitive divine figure, from whose name they have derived their own actual name. They narrate also that Yazid was the founder of the sect; some identify him with the second Umayyad Caliph Yazid, son of Mu'awiyah, who reigned in Damascus from 60 to 64 A.H. (680 - 683 A.D.)

They relate that Yazid, son of Mu'awiyah, restored the religion and gave his name to the sect. Yazid did nothing but restore that primitive religion, which Sahid ibn Jarrah, son of Adam, had established and transmitted to his father Adam, and consequently to humanity. This Sahid was procreated without intercourse with any woman whomsoever. He became the head of their family from whom they are descended. Yazid abandoned Islam, the faith of his ancestors, in order to embrace the religion which was named after him. The new religion was spread in the whole

of Syria upto the moment when Sheikh 'Adi appeared on the scene. The latter received one day a divine revelation which told him to go to a Christian convent and occupy it. When 'Adi presented himself in the convent, the two monks who were the only persons to dwell in the cloister refused to give it over to him. Sheikh 'Adi did not wish to seize the convent from them by force, and therefore he went away and took refuge in a cave situated in its environs. But after some time the monks repented and gave up their rights on the convent in his favour. Then they requested him to communicate to them a spark of his power. Satisfied with their repentance 'Adi said : " I give to you this grotto for your habitation, and I confer on this ground the power of healing all diseases of the mouth. Whoever will rub his mouth with the dust of this place, invoking at the same time your names, will instantly obtain the cure". Thereupon 'Adi went to take possession of his convent.

They relate further of Yazid, son of Mu'awiyah, that he was originally Malak Taus. -He chose to guide on earth in human shape the people on the path of salvation, and then after his victory over Hasan and Hussain, he lived for three hundred years in Damascus. It appears from this that the Yazidis have a very vague idea of the real character of Yazid ibn Mu'awiyah. Their ignorance on this subject is really great. They say that after a lapse of

time that same Yazid came down on earth by means of metempsychosis with the name and in the shape of 'Adi in order to revive the faith of his people; he took possession of the temple of the Christians at Lalish, and dwelt in it for some time. He devoted himself wholly to the propaganda of the faith. He will come down on the earth again several (1) times by means of metempsychosis.

The Yazidis are an esoteric group which prevents its members from divulging the secrets of their faith, therefore, the researchers could not go beyond the guess and inference. Moreover, the secrets of the faith are monopolized by a very small number of religious leaders. At present there are three or four persons who know those secrets, and they are Baba Shaikh, Baba Kafan, and Baba Jawish.

In short, Yazidism is a mixture of Mithraism, Zoroastrianism, Manichaeism, Hinduism, Judaism, Christianity, and Islam. The Yazidis believe in pantheism and reincarnation, and there are elements of suffism in their religion.

The center of Yazidism is Lalish in the north of Iraq. Jerusalem and Mecca are sacred places, but next to Lalish in importance. The Prophet of the Yazidis is Shaikh, 'Adi ibn (son of) Musafir al-Umawi (the Umayyad).

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1. Furlani, Giuseppe : Religion of the Yazidis, The-, Religious Texts of The Yezidis, Translation, Introduction And Notes, Translated from Italian into English by Maneckji Unvala, Ph.D. (Heidelberg), Bombay, 1940, PP. 1-10

Caste system among Yazidis :

The caste system is completely alien to the Middle East. The Yazidi community is distinct by a rigid caste system so that no one can move up or down to another caste. The dogma strictly demarcates the functions, privileges, and responsibilities of each caste, of each group within a given caste, and of each family within a given group. It is possible that this system is the sign of influence of Hinduism on Yazidism. The Yazidi castes are being as follows :-

1. Amir : He is the representative of Shaikh Adi ibn Musafir on earth. The Amir must be a descendant of the family of Shaikh Adi. He is the head of the community having both the spiritual and secular powers. He is an absolute despot and responsible to none. He rules for life-term.

The members of the caste of Amirs are absolutely prohibited from literacy. The Amir Sa'id Beg Chol is considered the first from among the members of the family of Amirs who abandoned this restriction as he has sent his sons Abdul-Kareem, Yazid Khan, and Bayazid to governmental schools, and he admitted his two daughters Wansa and Qabarsa to the American School at Mosul. His son Abdul-Kareem became a governmental teacher.

2. Pismeer : It is the only caste which is allowed to marry from the caste of Amirs.



3. Shaikh : The Shaikhs are more or less the casuists and advisers of the community.
4. Pir : The Pirs direct the Yazidis in religious matters.
5. The Pools : They are the monks of Yazidism.
6. The Chanters (Qawwals) : Their function is to chant on religious occasions hymns, songs, and panegyric poems devoted to Adi ibn Musafir.
7. Kochaks : They are the servants of Shaikh Adi's tomb.
8. The common Yazidis : They are the (Harijans) of Yazidi community.

The name 'Yazidiyah' (Yazidism), indicating to a particular religion, did not come into being before the sixth century of Hijra. After the death of Shaikh 'Adi ibn Musafir in about A.H. 555 / A.D. 1160, the Yazidis appeared on the scene as the supporters of the Umayyads and opponents of the descendants of the Prophet Muhammad through his daughter Fatima in particular, and the bitter enemies of the Shi'as in general.

During the reign of the Ottoman Empire, the holy war (Jihad) against the Yazidis was regarded lawful according to the Ulama of the four schools of Sunnism. The Yazidis reached the peak of their strength and power during the reign of the Ottoman Sultan Sulaiman the Law-giver. In 1715 A.D. there was a Yazidi insurgence in Jabal Sinjar. The Yazidis were subjected in various times to repeated attacks, and mass massacres.

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2. Ahmed, Sami Said (Ph.D.), College of Arts/Univ.of Baghdad, :Yazidies, The-, Their Life And Beliefs, (in Arabic), op. cit., Two Volumes, throughout the book.

" The Ottoman government sought twice to recruit for its army soldiers of Yazidi origin. The first attempt was made in the year 1847, but it was frustrated through the intervention of Sir Stratford Canning. Another tentative was made in the year 1289 of the Hijra, which corresponds to 1872 and 1873 of the Christian era, during the reign of Sultan 'Abdul 'Aziz. The Sultan sent to Mosul the Major of the general-staff Muhammad Tahir Bey with the charge of recruiting among the Dasneans, inhabitants of the environs of Mosul, about 15,000 soldiers. The Major summoned their chiefs and syndics in Mosul and read to them the (firman) of the Sultan. They demanded ten days' time. At the end of the time-limit they brought to him the memorandum which is mentioned below.

As a source of study of the religion of the Yazidis this memorandum is very good, because it gives almost an official explanation of the principal traits of their religion. On the other hand, it confirms nearly all that the other most trustworthy writers and travellers have to relate concerning their most important doctrines.

" We, religious nation of the Dasneans<sup>\*</sup>, cannot, in accordance with our religion, enter the military service. We prefer to give money instead of men, as the Syrians and the Jews do. There are several motives which hamper us (from serving). We write here fourteen of them :

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\* also : Dasnaiys, Dasnaiyans.

1. According to our Yazidi religion every member of our sect, whether young or old, woman and girl, must visit the image of the Peacock Angel, - His existence is exalted! - three times every year, viz. for the first time from the beginning upto the end of the month of Nisan (April), according to the Roman calendar, for the second time from the beginning upto the end of the month of Ilul (September), for the third time from the beginning upto the end of the month of Tisrin at-tani (November). If he does not do it, he is an infidel.

2. If a member of our sect, whether young or old, does not visit the sanctuary of Shaikh 'Adi ibn Musafir - may God sanctify his sublime mysteries ! - once a year, viz. from the fifteenth upto the twentieth of the month of Ilul, according to the Roman calendar, he is according to our religion an infidel.

3. Every member of our sect must visit the place of sunrise every day at the time of the rising of the sun, on condition that neither a Muslim, nor a Christian, nor a Jew, nor any one else is present there. If any one of the sect does not do it, he is an infidel.

4. Every member of our sect must kiss every day the hand of his brother, that of the brother of the next world, i.e. of the servant of the Mahdi, and the hand of his Shaikh or of his pir. If he does not do this, he falls into infidelity.

5. It is an insupportable matter from the standpoint of our religion : When the Muslims begin their prayer in the morning, they say - May God protect us ! - " I take my refuge in God... etc.\*." If any one of us hears this, he must kill that man who is praying and himself; if he does not (do it), he becomes an infidel.

6. If at the time when some one of our sect is on the point of death, his brother of the next world, his shaikh or his pir or a qawwal is not near him, and if he does not recite over him three verses : " O, servant of the Peacock Angel - his being is exalted ! - thou must die in the religion of our adored one, who is the Peacock Angel, and (thou must) not die in the religion of another. If some one of the religion of Islam, or of the religion of the Christians, or of the religion of the Jews, or of the religion of some other religious nation comes to thee and talks to thee, (thou must) not put faith in him and (thou must) not believe him; and if thou puttest faith (in him) and believest in another religion, different from that of our adored Peacock Angel - his being is exalted ! - thou wilt die an unbeliever ", (he will die an infidel).

7. We have something which is called Benediction of Shaikh 'Adi, it is the dust of the sanctuary of Shaikh 'Adi- may his mystery be sanctified ! - Every member of our sect must have some of it near himself, placed in his pocket, and must eat (a little) of it every morning. If he

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\* I take my refuge in God from the cursed Shaitan; Satan (Devil).

does not do it intentionally, he will become an infidel. And likewise unto death, when death is near, if some of this blessed dust is not found on him, he will certainly die an infidel.

8. Peculiarities of our fast: Every person of our sect, if he wishes to fast, he must fast in his own dwelling, not in a place other than his dwelling, because every day of the fast at the time of morning he must go to the house of his Shaikh or of his pir and begin his fast. Then he must go also at the time of breaking the fast to the house of his Shaikh or of his pir. and must break his fast with the sanctified wine of that shaikh or pir. If he does not drink two or three glasses of this wine, his fast will not be valid, and he becomes an infidel.

9. If one of our sect travels to a place other than his dwelling and remains there at least for a whole year and then returns to his dwelling, then his wife is prohibited to him. None of us will give him a wife, and if any one gives her to him, he is an infidel.

10. Peculiarities of our clothes; just as we have already mentioned in the fourth article, that every person of our sect has a brother of the next world, so he has also a sister of the next world, and in consequence of this, if some one of us wished to have made for himself a new shirt, the above-mentioned sister of the next world must open for him with her own hands the neck of that shirt. If she

does not open the neck with her own hands for him, and he puts it on, he is an infidel.

11. If some one of our sect makes for himself a shirt or a new suit of clothes without dipping it in the blessed water which is in the sanctuary of Shaikh 'Adi - may his mystery be sanctified ! - he cannot put it on. If he puts it on, he is an infidel.

12. We must not put on dark blue clothes. We must never comb (the hair of) our head with the comb of a Muslim, of a Christian or of a Jew or of any one else. We must not shave our heads with the razor which somebody different from us might have used except that we wash it with the blessed water which is in the sanctuary of Shaikh 'Adi : if we then shave our heads with it, it is permitted. If it is not washed in that blessed water, and we shave our heads with it, we are infidels.

13. A Yazidi can neither enter a latrine nor can go into a bath, nor can eat with the spoon of a Muslim, nor drink from the glass of a Muslim or of another of other religious nations. If he enters a bath or a latrine or eats or drinks with the spoon of a Muslim or with those whom we have enumerated, he is an infidel.

14. As regards food, the diversities between us and other religious nations are great, as for example, we do not eat fish, cucumbers, bamiyah (marrow), beans, cabbage, and lettuce. Even we cannot dwell in a place where lettuce is planted.

For these motives and others different from these  
(3)  
we cannot enter military service. "

The Yazidis were not thoroughly peaceful peoples. From time to time they were attacking the Muslim villages and butchering their inhabitants. The Ottomans mistreated the Yazidis. In 1799 A.D. the wali (governor) of Baghdad Abdul-Aziz ibn Abdullah Beg al-Shawi attacked al-Shaikhan; one of the Yazidi centres, and looted 15 villages leading into captivity their women and children. In 1832 the carnage of Suran occurred. The two Ottoman Wazirs (viziers) Hafiz Pasha (1834 A.D.) and Muhammad Rashid Pasha (1835) attacked Jabal Sinjar and put to death 3/4 of its inhabitants. The Ottoman authority even tried to convert them to Islam by force, but this policy failed, and consequently the Ottoman government embarked on the policy of sending missionaries so that in 1892 A.D. a group of Ulama led by Mas'ud Afandi (Mufti of Diar Bakr) was sent to the areas of Yazidis to peacefully convince them to embrace Islam. This expedition also ended into failure. The government of Sultan Abdul-Hamid used both the harsh and flexible policies alternately against the Yazidis. During the First World War they were accused to be helping the Britishers. On 10 September 1918 the army of Hajj Ibrahim Beg attacked Jabal Sinjar. When the Britishers occupied the whole Iraq, they appointed the Yazidi Hamo Shiro as the administrator of

Jabal Sinjar, and, later on, many Yazidis became soldiers in the local (British) army; The Levy.

According to the constitution of the Kingdom (1925), the Yazidis were given full rights of complete citizenship on a par with the other Iraqis. But time did not pass without incidents and clashes. When the Iraqi government imposed the conscription in 1935, the Yazidis refused to serve in the Iraqi army justifying their action on the same grounds which were above-mentioned in their memorandum to the Ottoman authorities. The Iraqi government tried to facilitate the entry of Yazidis into the Iraqi army by agreeing to form special regiments for them, but they launched their insurrection which was suppressed by the Iraqi army that attacked them on 7 October, 1935. The army was led by Brigadier-General Hussain Fouzi Pasha, and the operations were over in a short span of time. When the government of the National Defence declared war on Britain, the Yazidis collaborated with the Britishers.

After the revolutions of 14 July 1958; and of 17-30 July 1968, the Yazidis enjoyed all the rights of full citizenship equally with the other Iraqis.

On 7th March, 1969, the Amir Bayazid ibn Isma'il Beg Chol was granted by the Iraqi government to open al-Umawi Bureau (The Umayyad Office) in Baghdad. The function of the Bureau is to look after the Umayyads (Yazidis) in Iraq; to show the originality of the Umayyads (Yazidis) being



Arabs from the tribe of Quraish (the tribe of the Prophet Muhammad); and to answer all questions about the reality of the Umayyads (Yazidis) which was distorted.

A declaration issued by the Bureau estimated the number of Yazidis living in Iraq to be tens of thousands.

The dogma of Yazidi faith did not allow the Yazidis to get education whatsoever, including literacy. The only family which has been permitted to get education is the family of Shaikh Hasan (d. 1246 A.D.). This Shaikh Hasan is considered as the actual founder of Yazidism as it is known at present, and he is the author of the sacred book (al-Jilwa). They have two sacred books; the aforesaid al-Jilwa (The Revelation) which was originally written in Arabic, and the Black Book which was originally written in Kurdish.

After the establishment of modern Iraq, some Yazidis dared to send their children to schools. In 1933 a Christian missionary opened an educational school at the areas of Yazidis. Later on, the Yazidis started attending the governmental schools. At present there is a lot of (4) them who became teachers and governmental officials.

In addition to the official holidays enjoyed by all the Iraqis, the Yazidis are lawfully permitted to enjoy their religious holidays as follows :

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4. Ahmed, S.S. : Yazidies, op. cit., throughout the book.

1. First Friday of December (Eastern).
2. First Wednesday of April (Eastern).
3. Four days (from 18th to 21st) of July. (5)
4. Seven days (from 23rd to 30th) of September.

PART TEN - BAHA'ISM :

A. Shaikh Ahmad al-Ihsa'i : (1166-1243 A.H.)

This man was a follower of Batinite sect in Islam. He was born in Ihsa'a (now in Saudi Arabia). At the age of forty he migrated to Karbala and Najaf to get more knowledge in religion and theology. He reached the rank of Mujtahid (religious scholar). He went to Iran in order to visit the shrine of Imam Riza, then he came back to Iraq. He had some new ideas, views, and interpretations, for which he was considered by the Iraqi Mujtahids as a dissident (or dissenter from the rest of the Shi'ites). When he found that no longer can he stay in Iraq, he migrated to Medina, and before reaching that city he died and was buried there. He is regarded as the founder of al-Shaikhiyah sect. Now the followers of this sect are living in various parts of Iraq. Their number is relatively small.

B. al-Sayyid Kadim (Kazim) al-Rashti (A.H.1205-1259/  
A.D. 1790-1843)

He was born in Iran and he migrated to Iraq to study in Karbala and Najaf. He attended the lectures of Shaikh Ahmad al-Ihsa'i at Karbala and became one of his most loyal

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5. Iraq (Republic of-) : Law of the Official Holidays  
No. 110 of 1972, op. cit., P.2

disciples, but he had some differences in opinion with his master whose death prompted al-Rashti to found a new sect which came to be known as al-Kashfiyah. Now the followers of this sect are living in Iraq. Al-Rashti died in Karbala and was buried there.

C. al-Bab; Sayyed Ali Muhammad al-Bab.

The word, 'Bab' means in Arabic, 'door; gate, entrance' and Sayyed Ali Muhammad was nicknamed (al-Bab), namely; the Door, or the gate, because he was repeatedly addressing himself to the peoples by saying, " Enter houses through the proper doors " (Qur'an 2:189); and by saying, " I am the city of knowledge and Ali is its gate. " (Tradition), hence the terms; Babism, and Babis.

The Bab has migrated in his youth to Iraq and attended the lectures of al-Rashti after whose death the Bab went back to Iran and declared his mission.

In A.D. 1847, the Bab was arrested by the Iranian government. In 1848 the Babis held a conference at Bedasht (in Iran) where they have decided to part company with Islam considering that Babism is not a reform in Islam; that it is a new religion and superior to Islam. In this very conference the disciples received their titles from the Bab from his prison. One of these disciples was Mirza Hussain Ali who came to be known after the new title given to him by the Bab in the conference of Bedasht as 'Bah'a

Allah' or 'Glory of God'.

According to the records of the Iranian government the Bab was executed in July 1849, but according to the Babis themselves he was executed on 9 July 1850 A.D.

After the death of al-Bab, his followers were divided into three groups. One section believed in the succession of Mirza Yahya Noor whose title, according to Bedasht Conference, was Subh Azal (Morning of Eternity); the second section believed in the succession of al-Bah'a (Bah'a Allah), hence the terms : Baha'is, and Baha'ism; the third section accepted neither of the two above-mentioned successors and remained loyal to al-Bab so that they were called the pure Babis.

D. Al-Bah'ā : After the death of al-Bab, al-Bah'a became the de facto leader of the Babis who decided to revenge the execution of al-Bab by assassinating the Sultan of Iran Nasir ad-Din Shah. The attempt failed and al-Bah'a was one of the accused. The brother-in-law of al-Bah'a was the secretary of the then Russian Minister Plenipotentiary. al-Bah'a met his brother-in-law and sought refuge at the Russian Legation. The Shah demanded the handing over of al-Bah'a, but the Russian Minister rejected the demand and advised al-Bah'a to go to the house of the Prime Minister of Iran to stay there. al-Bah'a, along with 22 of his followers, left to the home of the Premier wherefrom

they were arrested and imprisoned in "Siyah Chal" - Dark Pit - jail for four months. Here in this jail al-Bah'a claimed the start of receiving 'Revelation'. Ultimately the prisoners were banished to Iraq, and they arrived Baghdad on 8 April 1853 A.D. After sometime Mirza Yahya Noor Subh Azal, brother of al-Bah'a, migrated secretly to Iraq and stayed in Baghdad also.

The stay of the two brothers in Baghdad created troubles so that the Iraqi Ulama approached the Iranian Consulate requesting the government of Iran to open discussion with the Ottoman authority in Istanbul for the deportation of the two brothers from Iraq. On the basis of agreement between the Iranian authority and Ottoman authority, the government of Baghdad ordered the two brothers and their followers to prepare themselves for a long journey, and at the same time the government of Baghdad shifted the residence of al-Bah'a from al-Karkh (in Baghdad) to al-Rusafah (in Baghdad also). In his new residence at al-Rusafah, al-Bah'a stayed only twelve days. On the first day of these twelve days, al-Bah'a declared on Wednesday 21 April 1863 A.D. that he (al-Bah'a) is who was meant by the saying of al-Bab, 'who will be presented by Allah', that al-Bab announced the good news of his coming (coming of al-Bah'a himself) as John the Baptist announced the good news of Jesus coming. At present the Baha'is the

world over annually celebrate those twelve days of the stay of al-Bah'a at al-Rusafah regarding them as the Feast of Al-Rudwan. At the end of those twelve days, the two brothers and their followers were deported from Baghdad via Mosul to Istanbul at which they arrived on 16 August 1863.

Al-Bah'a had three wives from whom he got five sons and three daughters. One of his daughters is called Furughiya Khanum who got married with al-Sayyed Hasan Afnan al-Shirazi. The outcome of this marriage is Hussain Afnan who became the First Secretary of the Iraqi cabinet in the Kingdom's period.

The SACRED Place of BAHAI'S AT BAGHDAD :

When al-Bah'a reached Baghdad in 1853, he dwelt at first at al-Kazim city. Due to the smallness of his abode there, he shifted his residence to the locality of Shaikh Bash'shar at al-Karkh side in Baghdad where he remained for several years. His home at Shaikh Bashshar was composed of two flats, one being small and prepared to serve as a guest house; the other was reserved for his family. There is a complicated story of this residence which became later on what may best be termed as the 'Ca'aba of Baha'is'. It seems that the Baha'is got the ownership of it, but in 1900 A.D. an Iraqi claimed that he is the landlord of these two flats which were subject to dilapidation soon after the First World War. Abbas Effendi (or Abdul-Bah'a); the eldest son of al-Bah'a and his successor,

ordered from his Head Quarters at Akka (now in Israel) to renew the constructions of them in the same design as they were when his father occupied them. The people of Baghdad agitated against the reconstruction. Due to a law-case filed by the prominent residents of al-Karkh, the Ja'afari Qadi (religious judge of the Shi'ite sect) of Baghdad issued an order in February 1921 that a deputy must be appointed to assume the management of the two flats on behalf of the absentee. On 23 November 1921, a judge issued an order that the two flats are legally belonging to Jawad Kab and his sister Bibi. At the enthronment of King Faisal I, the British High Commissioner at Baghdad; Sir Percy Cox, received telegrams of protest from Europe and U.S.A. asking the British government to intervene in favour of the Bah'ais. Again, a court of law judged on 8 June 1924 that the two flats are legally belonging to Jawad Kab and Bibi.

Finally, this Ca'aba of Baha'is became a place of Shi'a sect called Hussainiya of Shaikh Bashshar. The Shi'ites in Iraq call such a place where they collect especially in the Muslim month of Muharram to commemorate and lament the martyrdom of Hussain as Hussainiyah (named after Imam Hussain). When the two flats became Hussainiya, the Baha'is approached the League of Nations requesting that the British Government must intermeditate between them and the Iraqi authorities on the basis that Iraq was under the mandate of Britain. The Committee of Mandate studied

the case and recommended the necessity of Britain's inter-mediation to satisfy the complainants. On 3 October 1932, Iraq became independent and a state-member of the League, consequently, there were negotiations between the League and the Iraqi government to solve the problem of the alleged Baha'i premises at Shaikh Bashshar with the result that the end of these negotiations was fruitless to the Baha'is.

The building at present is still a Hussainiya, but the Baha'is firmly believe that they regain it one day, (1) sooner or later.

In 1970 the government of Iraq issued the Law No.105 whereby Baha'i activity was prohibited in Iraq. This law was published in the Official Gazette No.1880. In 1979 the government issued the Law No.141 of the year 1979 to amend the aforementioned Law No.105. This amendment was (2) published in the Official Gazette No. 2741.

PART ELEVEN - HINDUISM, ZOROASTRIANISM, BUDDHISM :

A. Hinduism - Until the appearance of Zoroaster, the worship of the Hindu god Somnath was a widespread religion in Khurasan, Persia, and Iraq from Mosul to the borders of Damascus. After the appearance of Zoroaster, this religion

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1. Hasani, Sayyed Abdul - Razzaq al-, : Babis and Baha'is in their Present and Past, The-, (in Arabic), Sidon (Lebanon), 1962, throughout the book.
  2. Mustafa, Hamed : Directory of the Iraqi Legislation, (in Arabic), Baghdad, 12th edition, 1980, P. 27



receded, but it did not completely pass away. At the beginning of the Abbasid Empire there were some thinkers, such as Jarir ibn Hazim al-Azdi of Basra, who believed in (1) the tenets of Somnathism, especially reincarnation. The influence of Somnathism appears again in the beliefs of some of the sub-sects of the Shi'ites, who are called in Arabic 'Ghulat'; Extremists. They believed in metempsychosis. (2) Nowhere in Islam we find any trace of the idea of transmigration of souls, therefore, it is not a venture to suppose its appearance in the religious thought of Ghulat as a sign of the influence of Hinduism.

In Islam the protected minorities were Ahl al-kitab, or 'the People of the Book', but eventually this principle (3) included Hinduism also.

Mithra was worshipped by the Indo-Iranian peoples. The name appears in the form of Mitra among the gods of the (4) Vedic pantheon.

Mithra was worshipped at the city of Hatra in the north

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1. Ameen, Ahmad : Noon of Islam, op. cit., Vol. I, P. 241
  2. Samarra'i, Dr. Abdullah Salloom al- : Extremism and the Extremist Sects in the Islamic Civilization, (in Arabic), Series of Modern Books No.48, Directorate-General of Culture, Ministry of Information, Republic of Iraq, Baghdad, 1972, P. 129
  3. Watt : Ibid., PP. 47-48
  4. Encyclopaedia of Religion and Ethics, Edited by James Hastings, op. cit., Vol. 8, P. 752

of Iraq. In the Assyrian religion the name of this god appears under the form of Assara Mazash in an Assyrian list of divinities of about 650 B.C.; and in a tablet from the library of Assurbanipal Mithra is identified with Shammash (Sun).

At present the Yazidis worship the Sun (Shams). Though Mithra in India, unlike his position in ancient Iran, possessed no importance, his worship by the Yazidis indicates to the influence of Hinduism, and this means the survival of the remnants of Hinduism in Iraq up to now. Moreover, the Yazidis believe in reincarnation and in the Hindu god Vishnu, but they consider Vishnu as a Yazidi Prophet who carried out his mission in India; and regard Vishnu's soul as the Light from the lamp of Heaven.<sup>(5)</sup>

B. Zoroastrianism - The Zoroastrians think of their prophet Zarathushtra (or Zoroaster) being the first to teach monotheism as against Polytheism which was ordinarily followed prior to his time.<sup>(6)</sup> In Islam they were considered as a people of book, and hence a protected minority.

Zoroastrianism was the prevailing religion at the time of the Achaemenian Empire. The victory of Alexander the Great on it in 331 B.C. was a blow to that religion. But it was revived during the rule of the Sasanian Empire

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5. Ahmed, Sami Said : Yazidies, op. cit., Vol. I, P. 19; Vol. II, PP. 67, 100, 107, 256

6. Jhabvala, S.H. : Zoroastrianism, Bombay, 1934, P. 13

which adopted Zoroastrianism as its official religion up to the time of its collapse when the Muslim Arabs attacked it and occupied Iraq and Iran. Some of those Zoroastrians migrated to India, and at present they are called the Parsees whose majority are staying in Bombay.

Although Zoroastrianism after the Muslim conquest continued to exist for the first three centuries so that there was a Zoroastrian temple in every town and city of Persia, it was, especially in Iraq, gradually fading away. There was no suggestion of forced conversion, and for the most part it was only gradually that members of the minorities went over to Islam, usually because of some form of social pressure. It is noteworthy to state here that al-Fadl ibn Sahl; the Vizier of al-Ma'mun up to 818 A.D., was of Zoroastrian Persian stock.

At present there are no Zoroastrians in Iraq, but some elements of Zoroastrianism can be found in Yazidism.

C. Buddhism - Even in the ninth century A.D., the Muslims had very little knowledge of Buddhism. However, the Barmakids, whose ancestor was the Barmak or 'Superior' of a Buddhist convent near Balkh (close to the Oxus river), were wealthy and influential family at Baghdad, and they furnished several viziers. Under the Caliph Harun al-Rashid, this family was destroyed because of fear of their power. At present there are no Iraqi Buddhists in Iraq.

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7. Ameen, Ahmad : Dawn of Islam, op.cit., PP. 103.f.

8. Watt : Ibid., PP. 33, 118

9. Ahmed, S.S. : Yazidies, op. cit., throughout the book.

10. Watt : Ibid., PP. 134, 118

11. Webster's Biographical Dictionary, op.cit., P. 103

CHAPTER - V

NATURE OF THE POLITICAL SYSTEM IN IRAQ AT PRESENT

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PART ONE - CONSTITUTION :

The republican system of government in Iraq began after the revolution of 14th July 1958 when the kingdom, that was established by the Britishers after the First World War, collapsed. From the Revolution of July 1958 upto now there were only interim constitutions as follows :

a) The Constitution of 1958 - It was issued on 27th of July 1958. The first article declared that Iraq is a republic. The second article made it clear that Iraq is one part of the Arab nation. The third article stated that Arabs and Kurds are co-owners (partners), and the constitution confirms their nationalistic rights within the unity of Iraq.

b) Law of the National Council of 1963 - On 8th of February 1963, the first republic was overthrown. The National Council for the Command of the Revolution assumed authority. Declaration No. 15 allotted to the above-mentioned Council the supreme authority including legislation. On 4th of April, 1963, the National Council issued a consti-

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\* In order to avoid repeatedly mentioning the sources, I have here also followed the method of enlisting the references at the end of the chapter.

tution signed by the President and the Cabinet under the title, 'Law of the National Council for the Command of the Revolution'. Article 18 of that Law considered the same as a Constitutional Law.

c) The Constitution of 1964 - On 18th of November, 1963, there was a coup d'etat; and a new political regime was established in Iraq. The authority was organized by the Law of the National Council for the Command of the Revolution No. 61 of 1964. Article 15 of this Law revoked the Law of the National Council for the Command of the Revolution No. 25 of 1963. On 29th of April 1964, there was issued an interim constitution signed by the President and the Cabinet. The Constitution contains 106 articles distributed in six parts, and resembles to great extent the interim constitution of the United Arab Republic (U.A.R.) of 1964.

d) The Constitution of 1968 - It was issued by the Revolution Command Council after the Revolution of 17 July 1968; on 21st, September of the same year. It was an interim constitution, and it contains 91 articles distributed in five parts. In that constitution it was stated that the Republic of Iraq is a democratic and popular state that derives its democracy and popularity from the Arabian heritage and the spirit of Islam. Article 12 emphasized the socialist orientation of the regime.

d) The present constitution - The draft of the present constitution was prepared by a committee composed of four members; the chairman of the committee of legal affairs which is attached to the RCC (Revolution Command Council), two professors of the College of Law and Politics/Baghdad University, and the then Vice-Chairman of RCC (President Saddam Hussein at present) as the chairman of this draft committee. By the resolution No. 792 RCC issued it on 16.7.1970 as an interim constitution which "... shall come into force until the permanent constitution is promulgated." (article 63). In the National Action Charter it is stated that the transitional period is to be ended as soon as it is possible by preparing the draft of the permanent constitution, and by holding elections for the National Assembly (Parliament).

The present Interim Constitution contains 67 articles distributed in five parts as follows :

1. The Republic of Iraq; Articles 1-9.
2. Social and economic bases of the Republic of Iraq; Articles 10-18.
3. Basic Rights and Duties; Articles 19-36.
4. The institutions of the Republic of Iraq; Articles 37-61
5. General Provisions; Articles 62-67.

Ever since its issue this constitution was amended four times. The first amendment occurred on 8.7.1973,

according to the resolution of RCC No.567; the second on 11.3.1974, according to the resolution of RCC No. 247; and the third on 4.9.1977, according to the resolution of RCC No. 987. The fourth, and last, took place on 28th, June, 1982, according to the resolution of RCC No. 836.

Nature and peculiarities of the constitution :

1. Although it was prepared by a technical committee, it is actually issued by RCC; the real holder of authority in the country.
2. It is an interim constitution.
3. It adopted the republican system.
4. It adopted socialism. Article 1, " Iraq is a Sovereign People's Democratic Republic; its principal aim is to achieve the United Arab State and establish the Socialist System. "
5. The people is the source of power; Article 2, "The people is the source of power and its legality. "
6. It adopted the presidential system, but it did not follow the conventional separation of powers.
7. In the political field, it is a revolutionary constitution; Article 37, " The Revolutionary Command Council is the supreme Body in the State, which has undertaken since the 17th of July 1968 the responsibility of achieving the people's public will by stripping off the power from the reactionary, dictatorial corrupt system and restoring it to the people. "

8. It is a written constitution.
9. By comparison with the ordinary laws, it is a rigid constitution because " This Constitution shall not be amended except by the Revolutionary Command Council by the majority of two thirds <sup>\*</sup> its Members. " (Article 63, item b). In spite of that it can be considered as a flexible constitution on account that the question of amendment is left to RCC itself.
10. It establishes social and economic democracy alongside the political democracy.
11. The constitution did not mention how it is to be interpreted, with the result that there is no specialised legal body to examine the constitutionality of laws.
12. The constitution did not cancel the previous laws and former resolutions of RCC. Article 66, "All Laws and Resolutions of the Revolutionary Command Council enforced prior to the promulgation of this Constitution shall remain valid and they may not be amended or abrogated except through the manner provided in this Constitution ".

PART TWO - LEGISLATURE :

Article 37 of the present Interim Constitution states, "The Revolutionary Command Council is the supreme Body in the State, which has undertaken since the 17th of July 1968 the responsibility of achieving the People's public will by stripping off the power from the reactionary, dictatorial corrupt system and restoring it to the People.",

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\* ... two thirds (of) its members...etc.



but neither this constitution nor the constitution of 21.9.1968 explain how RCC, being the supreme body in the state, came into existence. The constitution of 1968 is content with saying that RCC is the revolutionary device which led the masses and armed forces on 17 July 1968, and nomination of its members comes about by Law, (Article 41).

RCC assumed the role of legislator and issued both the constitutions of 1968 and of 1970. In November 1969 a special law was issued according to which RCC contained 15 members. This number was reduced to 12 members in accordance with the constitution of 1970. The third amendment (resolution No. 987 dated 4.7.1977) increased the number to 22 members and considered all the members of the Regional Leadership of the Arab Ba'ath Socialist Party (ABSP) as members of RCC. There is no tenure of membership of RCC. According to the Fourth Amendment of the Interim Constitution, and in accordance with resolution of RCC No. 836, dated 28.6.1982, the number of the members of RCC was reduced to nine members, including its chairman; President Saddam Hussein.

Functions of RCC :

Article 38 : The Revolutionary Command Council shall exercise by the majority of two thirds <sup>\*</sup> its members the following jurisdictions :

- (a) Elect the Chairman from among its members and he shall be designated as the Chairman of the Revolutionary

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\* ...two thirds (of) its members...etc.

Command Council who shall, as a rule, be the President of the Republic.

- (b) Elect the Vice Chairman from among its members who shall be designated as Vice Chairman of the Revolutionary Command Council and shall take the place of the Chairman, as a rule, with his capacities defined in the previous paragraph in case of his official absence or his exercise of his constitutional jurisdiction becomes difficult or impossible, for any legal reason.
- (c) Select new members to the Council from among the Regional leadership of the Arab Ba'ath Socialist Party provided that its members shall not exceed twelve\*.
- (d) Decide on the resignation of the Chairman or the Vice Chairman or one of the Council's members.
- (e) Release any of its members from the membership of the Council.
- (f) Charge and send to trial the members of the Revolutionary Command Council, the Deputies of the President of the Republic and the Ministers.

Article 39 : The Chairman, the Vice Chairman, and the Members of the Revolutionary Command Council shall take the following oath before the Council :

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\* The latest amendment of the Interim Constitution dated 28.6.1982, reduced the number to nine members.

" I swear by Almighty God, by my honour and belief to preserve the Republican Regime and abide by its Constitution and Laws, foster the People's interests, safeguard the homeland's independence and safety and the integrity of its lands and endeavour with full sacrifice and loyalty to fulfil the Arab Nation's aims of Unity, Liberty, and Socialism. "

Article 40 : The Chairman, Vice Chairman, and the Members of the Revolutionary Command Council shall enjoy full immunity and any measure may not be taken against any-one of them except by prior permission from the Council.

Article 41 :

- (a) The Revolutionary Command Council shall convene at the invitation of its Chairman or Vice Chairman or one third its members. Its sessions shall be convened under the presidency of the Chairman or the Vice Chairman and the presence of the majority of its members.
- (b) Meetings and discussions of the Revolutionary Command Council are confidential; their disclosure shall be subject to constitutional inquiry before the Council. Announcement, publication and notification of the decisions of the Council shall be performed by the <sup>\*\*</sup>manners provided in this Constitution.
- (c) Laws and Resolutions shall be approved in the Council by the majority of its members, except in the cases otherwise provided in this Constitution.

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\* ... one third (of) its members...etc.  
\*\* manner

Article 42 : The Revolutionary Command Council shall exercise the following jurisdictions :

- (a) Promulgate Laws and Resolutions which have the power of the Law.
- (b) Issue Resolutions required by the necessities of applying the provisions of the enforced Laws.

Article 43 : The Revolutionary Command Council shall exercise, by the majority of its members, the following jurisdictions :

- (a) Approve the affairs of the Ministry of Defence and public security, make laws and adopt resolutions concerning them in respect to organization and jurisdictions.
- (b) Declare general mobilization, partially or fully, declare war, accept armistice and conclude peace.
- (c) Approve the draft of the general budget of the State and the independent and investment budgets annexed thereto and the credit of the final accounts.
- (d) Ratify international treaties and agreements.
- (e) Make the Statute of the Council, define its cadre, approve its balance, appoint its officials and specify remunerations and allowances of the Chairman, the Vice Chairman, the members and the officials.
- (f) Make rules for the trial of its members as regards forming the court and the procedures which must be followed.

- (g) Authorise its Chairman or the Vice Chairman, with some of its jurisdiction provided in this Constitution except legislative jurisdictions.

Article 44 : The Chairman of the Revolutionary Command Council shall undertake the following :

- (a) Preside over the sessions of the Council, represent it, administrate its sessions and order expenditure therein.
- (b) Sign all Laws and Resolutions promulgated by the Council and their publication in the Official Gazette.
- (c) Supervise the works of the Ministers and Institutions of the State, call the Ministers for conferring on the affairs of their Ministries, interrogate them when necessary and inform the Revolutionary Command Council therewith.

"The Revolution Command Council (RCC) promulgated on 15th, March, 1980, the National Assembly and Legislative Council Laws providing for the election of a national legislature for the whole of the Republic of Iraq and another legislative body for the Kurdish Autonomous Area. The drafts of both laws were published for eliciting public opinion in mid-December, 1979, and a number of amendments were made in the drafts after a month-long discussions on them.

The RCC highlighted the importance of the two laws in the Explanatory Notes attached to their texts. The Explanatory Note attached to the National Assembly Law says :

In pursuance of the principles of the Arab Baath Socialist Party and the policy lines of the democratic and revolutionary road followed by the July 17-30 Revolution of 1968, and as a complementary step for building up democratic institutions, for strengthening democratic practices in the new society which is being constructed by the Revolution, and also for implementing the guidelines contained in the Political Report of the Eighth Regional Congress of the ABSP this law has been promulgated.

Explaining the basic principles of the law the Explanatory Note points out that :

- (a) Equality of citizens, except those who adopt counter-revolutionary trends, has been guaranteed by the law.
- (b) unqualified equality between men and women has been ensured.\*
- (c) the content and not merely the form of democratic practice has been emphasised upon in consonance with revolutionary principles; and
- (d) efforts have been made to ensure that the experience of the new National Assembly in Iraq constitutes a model, to be emulated by the Arab revolutionary movement in general, so that the Arab nation may build a new life guided by its aspirations of Unity, Freedom and Socialism.

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\* These provisions are analogous to provisions in the Indian Constitution under Articles 14 and 15 providing for equality before the law and equal protection of the laws.

(e) by exercising the powers of supervision over State institutions and by participating in legislative functions beside the Revolution Command Council (RCC), the National Assembly will usher in a developed stage in the society's democratic reconstruction undertaken by the July 17 Revolution and will strengthen the other formulas that are being translated into practice during the whole course of the Revolution's march.

An article-wise discussion of the National Assembly Law No. 55 of 1980 will justify the expectations of the framers of the law as outlined in the foregoing Explanatory Note.

Article 2 provides for (a) free and direct election (b) Universal franchise and (c) secret ballot. Article 13 covers the widest conceivable strata of electorate by fixing the minimum age-limit of a voter at 18 years, and Article 12 extends right to vote to women, and the second part of Article 14 allows members of the armed forces to stand as candidates after acceptance of their resignation, the three above-mentioned principles of Article 2 assume an extraordinary dimension in the political life of Iraq as well as of the Arab nation. These Articles, inter alia, guarantee broadest popular participation in the legislative process of the country as well as in ensuring accountability of government functionaries. The process goes a long way to fulfil the task of democratising the society

as visualised by the Arab Baath Socialist Party.

However some limitations have been placed on the candidate under Article 14. In most instances, they are universally accepted limitations which do not, in any way, make the system less democratic. The accumulated political wisdom of mankind has it that those few who are likely to constitute a threat to democracy itself should be debarred from participating in the democratic process. Besides, when a successful revolution seeks to transform the hitherto existing society radically it becomes imperative that the traces of social backwardness are removed and the forces that seek to perpetuate such backwardness are uprooted.

Keeping this overriding revolutionary obligation to people in view Article 14, inter alia, provides that a candidate who shall not be below 25 years of age :

- shall believe in the principles and objectives of the nationalist and socialist July 17-30 Revolution.

- shall not be an expropriated landlord whose excess land has been acquired under the Agrarian Reform Law.

- shall not be an expropriated property holder whose property has been confiscated or nationalised except for those who had been share holders of joint stock companies.

- shall not be married to a foreigner.

- shall not be convicted, after the July 17-30 Revolution, of crimes related to the internal or external security of the State, jeopardising of public confidence



in the soundness of national economy and financial stability of the State, and crimes against State property, public morality and public order, and

- shall not be convicted with imprisonment of premeditated murder.

In guaranteeing free and fair elections utmost care has been taken under a system of three-tier election supervision : An independent Higher Election Commission will supervise the elections on all-Iraq basis. The commission will hear appeals against the decisions of regional Election Supervising Committee which will, for its part, hear complaints against the decisions of local Election Committee. An aggrieved candidate or even a voter can seek redress to these bodies under Article 16, 28, 29, 30 and 31. A candidate whose candidacy is rejected by the Higher Election Commission on grounds of disqualification clauses of Article 14, may seek redress under Article 18 to the Revolution Command Council, the highest repository of authority in the State.

The National Assembly, which has a membership of not less than 250 (Article 1), shall elect a Speaker, a Deputy Speaker and a Secretary from amongst its Members by secret ballot (Article 55) at its first session. Although it has no reason to be a carbon copy of the Westminster Parliament, its functions will be transacted on parliamentary lines and for this purpose Rules of Procedure of Business and

Rules of Conduct of Members will be framed by the Assembly (Article 50) which will also appoint Standing and Ad Hoc Committees (Article 49) for smoothly transacting the business in the House, subject to the provisions of the Interim Constitution of the Republic:

The functions of the Assembly shall, inter alia include, under Article 47, the following :

- Discuss bills and pass laws.
- Approve Budget and National Development Plans.
- Ratify treaties and agreements.
- Debate domestic as well as external Government policies.
- Hear Ministers' answers to Members' questions.
- Propose relieving any Minister of his Cabinet responsibility; and
- Accept resignation of Members.

As is evident from the foregoing, the National Assembly will function, subject to the provisions of the Interim Constitution, completely independently within its own jurisdiction. This independence will be strengthened by the provision that it will approve its own budget, earmark its cadres and appoint its officials (Article 48). Similarly, legislative independence has further been enshrined in Articles 7 and 8. Under Article 7 Assembly Members enjoy immunity from arrest for their opinion expressed in the House. And Article 8 provides that no Member shall be

arrested or sued in connection with an alleged offence during the Assembly session or outside the Assembly sessions, without the permission of the Speaker, except under certain conditions.

However, a check has been provided in Article 60 against any imbalance that may occur in the functioning of the Assembly. The Article states that for the proper functioning of Republican institutions, the Revolution Command Council (RCC) may dissolve the National Assembly.

The sessions of the National Assembly shall be held in Baghdad or elsewhere in Iraq and a decision to the effect shall be taken by the President of the Republic (Article 52). The Assembly shall be summoned by a Republican Decree within 15 days from the date of the announcement of election results (Article 53). The Assembly will hold its first session on the first Saturday of April and continue up to the end of May. The second session will commence on the first Saturday of November and end by the close of December. The President of the Republic may extend the duration of the sessions to a maximum period of one month for completing the task necessitating such extension, if the Assembly adopts a resolution by majority vote to this effect. President may also summon an extraordinary session of the Assembly whenever he deems it necessary. Such a session shall transact the business for which the session has been summoned (Article 57). The Assembly shall be elected for

a four-year term with effect from the date of its first session and ending on the concluding day of the last session of the fourth year (Article 56).

The National Assembly Law which came only after 22 years since the overthrow of the monarchical regime that had perpetuated backwardness and collaborated with neo-colonial exploitation, is a bold revolutionary step towards the fulfilment of the Arab Baath Socialist Party's ideals of a socialist society based on the pillars of democracy. Much ground work had, therefore, to be done before the final decision to initiate a parliament was taken. However, in order not to stagnate the development of experience in this field, the National Assembly has been authorised to draw up another law in accordance with constitutional provisions for replacing the present law (Article 61). The Article guarantees that in the light of the experience gained through the functioning of the first ever legislature in the country, elected directly on the basis of universal adult suffrage, new steps may be taken which will further strengthen the democratic foundations of the society. "

The general elections of the National Assembly took place on June 20, 1980, and six million Iraqis voted.

As regards women, 16 out of 21 candidates won their seats. This means that 76% of female candidates won in the elections as compared with 30% of male candidates. The number of those female representatives is far bigger than

that of any Assembly in any other Arab country.

The National Assembly was inaugurated on 30th June 1980, and it was intended to be alongside the RCC for undertaking the legislative tasks, and this means that RCC did not abandon the role of legislator after the general elections of the National Assembly.

In an interview with President Saddam Hussein he was asked " will the National Assembly which you intend to establish be a continuation of a previous phase or beginning of a new one in which popular democracy will be introduced? Will opposition have a role in the parliamentary life in Iraq?

Answer : It is a continuation of the development which began before, it is at the same time a new case in that it is emerging from a continued case but with new formula. Regarding the second part of your question on opposition, every opinion in the National Assembly and outside it will be permitted, provided that the Revolution remains the tent under which everyone takes shelter in his central principles. However, any opposition trying to take shelter under a foreign tent is not acceptable, whether in the National Assembly or outside it. This is a general principle. Differences of opinion and not bickering is permitted for any opposition which keeps before its eyes the basic aim of serving the Arab nation; because opposition here implies difference in view points between two persons or more,

between two parties or more, between two cases or more or how best to serve Iraq, and in the ultimate analysis, the Arab nation, with a better formula which increases Iraq's strength, its progress, prosperity and potentials and immunizes it against internal, social and political defects. Such an opposition would serve the Arab nation in more effective ways. Therefore, differences as I referred to above are permitted and are necessary and we want them, because such differences are dictated by life for a better approach. Whereas wrangling in the National Assembly or in the ranks of the people is a cover for foreigners to stretch their arms for Iraq and the Arab nation and we do not permit such a practice in and outside the National Assembly. "

As a legislator, the National Assembly will function as follows according to the Interim Constitution :

Article 51 : The National Assembly shall consider the draft Laws proposed by the Revolutionary Command Council within a period of fifteen days from the date of their arrival to the bureau of the National Assembly's Presidency. If the Assembly approves the draft, it shall be submitted to the President of the Republic, to promulgate it. But if the Revolutionary Command Council insists on its opinion in the second reading, the draft shall be returned to the National Assembly to be presented in a joint sitting of the Council and the Assembly. The decision issued by the majority of two thirds shall be considered as final.

Article 52 : The National Assembly shall consider, within a period of fifteen days, the draft Laws forwarded to it by the President of the Republic. If the Assembly rejects the draft it shall be returned to the President of the Republic right with the statement of the reasons of rejection. But if the Assembly accepts the draft, then it shall be submitted to the Revolutionary Command Council and if it approves the draft, then it shall be liable for promulgation. But if the National Assembly amends the draft, it shall be submitted to the Revolutionary Command Council, and if it approves the draft, it shall be liable for promulgation.

But if the Revolutionary Command Council rejects the amendment or makes another amendment, it shall be returned again to the National Assembly within one week. If the National Assembly adopts the opinion of the Revolutionary Command Council, the draft shall be submitted to the President of the Republic for its promulgation. But if the National Assembly insists, in the second reading, on its opinion, then a joint sitting of the Council and the Assembly shall be held, and the draft adopted by the majority of two thirds shall be considered as final, and it shall be submitted to the President of the Republic for promulgation.

Article 53 : The National Assembly shall consider the draft Laws submitted by one quarter of its members in affairs

other than military, financial and public security affairs.

If the Assembly approves the draft Law, it shall be forwarded to the Revolutionary Command Council for consideration within fifteen days from the date of its arrival to the bureau of the Council. If the Revolutionary Command Council approves the draft, it shall be submitted to the President of the Republic for its promulgation.

But if the Revolutionary Command Council rejects the draft, it shall be returned to the National Assembly.

If the Revolutionary Command Council makes amendment in the draft, it shall be returned to the National Assembly. If the latter insists on its opinion, in the second reading, then a joint sitting of the Council and Assembly shall be held under the Presidency of the Chairman of the Revolutionary Command Council or his Deputy, and the draft adopted by the majority of two thirds shall be considered as final, and shall be submitted to the President of the Republic for its promulgation.

#### PART THREE - EXECUTIVE :

Iraq has adopted the Presidential system so that the President is the head of the state and the head of the government as well. Besides, the president is the Commander-in-chief of the Armed Forces. But the President ought to be obedient to RCC which is the supreme authority having the total powers in the Republic of Iraq. There is no other authority which is above, or equal to, it. The



whole structure of the Republic, including the President as the head of the State and head of the government, is subordinate to RCC. Activities of RCC are above any sort of supervision.

In the Interim Constitution there are no particular conditions for the office of Presidency, but from the articles 38 and 62 it can be inferred that the President must be a member of the Regional Leadership of ABSP. According to the article 38 the chairman of RCC becomes automatically the President of the Republic from the moment of his election as chairman, and remains President as long as he is in charge of chairmanship of RCC. That means there is no fixed tenure of Presidentship in Iraq. In case of absence of the President, or vacancy of his office for any reason, the Vice-Chairman of RCC, and not the Vice-President, assumes the powers of the President, or becomes the President as the case may require. .

According to President Saddam Hussain RCC is the supreme legislative and executive authority in the state of Iraq. Presidency is subordinate to chairmanship of RCC which its members elect from among themselves their Chairman. When a member of RCC is elected as its chairman, he becomes virtually President of the Republic. On this basis the legislative power and executive power are interwoven with each other in a Supreme Body in the state called RCC.

Functions of the President according to the Interim Constitution :

ARTICLE 56 : (a) The President of the Republic is the Head of the State and the Commander-in-chief of the Armed Forces, and shall exercise the executive power directly or with the assistance of his Deputies and Ministers in accordance with the provisions of this Constitution.

(b) The President of the Republic shall promulgate the necessary ordinances for exercising his powers prescribed in this Constitution.

ARTICLE 57 : The President of the Republic shall exercise the following jurisdictions :

(a) Preserve the independence of the country and the integrity of its lands, protect its exterior and exterior security and foster the rights and freedoms of all citizens.

(b) Declare full or partial emergency and terminate it in accordance with the Law.

(c) Appoint Deputies of the President of the Republic and the Ministers and relieve them from their posts.

(d) Appoint Judges, Qadhis ( Justices) and all civil and military officials of the State, promote them, terminate their services, retire them and grant medals and military ranks in accordance with the Law.

(e) Submit the draft of the general budget of the State and the independent and investment budgets annexed to it, accredit the final accounts of these budgets and refer

them to the National Assembly for discussion.

(f) Submit the general plan of the State in all economic and social affairs which are launched by the concerned Ministries, and refer it to the National Assembly.

(g) Conclude and grant loans and supervise organizing and administering currency and trust.

(h) Supervise all public utilities, official and semi-official institutions and public sector organizations.

(i) Direct and supervise the work of the Ministries and State Organizations, and co-ordinate them.

(j) Hold negotiations and conclude international agreements and treaties.

(k) Accept diplomatic and international representatives in Iraq and demand their withdrawal.

(l) Appoint and accredit Iraqi diplomatic representatives to the Arab and foreign capitals and to international conferences and organizations.

(m) Issue special amnesty and ratify capital punishments.

(n) Supervise the good application of the Constitution, laws, resolutions, judicial judgements and development projects all over the Republic of Iraq.

(o) Authorize one or more of his Deputies with some of his constitutional powers.

ARTICLE 5<sup>d</sup> : Deputies of the President of the Republic and the Ministers shall be held responsible before the President

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\* Emphasis is mine.

of the Republic for their works, and he is entitled to refer any one of them to trial, in accordance with the provisions of the Constitution, for functional errors committed, for taking advantage of, or abusive use of, his powers.

ARTICLE 59 : Deputies of the President of the Republic and the Ministers shall take the following oath before the President of the Republic before proceeding their official tasks :

" I swear by Almighty God, by my honour and faith to preserve the Republican Regime, abide by its Constitution and Laws, preserve the People's interests, safeguard the country's independence, its safety and the integrity of its lands and endeavour with full sacrifice and loyalty to achieve the aims of the people. "

PART FOUR - JUDICIARY :

According to the Interim Constitution :

ARTICLE 60 : (a) Jurisdiction is independent and no power shall be exercised over it except the Law.

(b) Right to litigation shall be guaranteed for all citizens.

(c) The Law shall define the manner of courts formation, their grades, jurisdictions, stipulations for appointing the judges and Qadhis (justices), transferring and promoting them, litigating and retiring them.

ARTICLE 61 : The Law shall define the posts of the Public

Prosecution, its stipulations for appointing Public Prosecutors and their deputies and the rules for transferring and promoting them, litigating and retiring them. "

The courts are established throughout the country. According to the article 9 of the Law of Judiciary No. 26 of 1963, the Civil Courts are as follows :

- a. The Court of Cassation.
- b. Courts of appeal
- c. Courts of first instance and peace courts.
- d. Criminal Courts.
- e. Courts of Shari'a.

A. COURT OF CASSATION :

This court is situated in Baghdad. It is composed of a Chairman, sufficient number of his deputies, no less than fifteen permanent judges, and as many delegated judges and reporting judges or reporting justices (Qadhis) as necessity requires. The reporting judge is to scrutinize the cases assigned to him, and to write a report to the Court summarizing the case and clarifying the legal points on which the demand of cassation was based.

The court of cassation is a supreme body that supervises all the civil courts of Iraq. There are four boards in this court :

- 1. The general body of the Court.
- 2. The board of Civil and Commercial cases.
- 3. The board of personal status. This board examines the judgements of Shari'a courts.

4. The board of penal code.

The Court of Cassation has the right, as a supreme court, to confirm, cassate, and correct the judgements of the other civil courts. Its Chairman has the right to organize the judiciary and to suggest to the minister of justice to reform it.

B. COURTS OF APPEAL :

There are six courts of appeal; two in Baghdad, one in Basra, one in Babylon, one in Mosul, and one in Kirkuk. The courts of appeal examine the resolutions and judgements of the courts of first instance in civil and commercial cases, and other cases which come to be within their jurisdiction according to the law.

C. COURTS OF FIRST INSTANCE, AND PEACE COURTS :

The courts of first instance are divided into two categories : with unlimited powers, and with limited powers. There are 16 courts of first instance with unlimited powers, and 150 courts of first instance with limited powers. Both the categories are being courts of single judges.

There are peace courts having peace court jurisdiction only wherever there are courts of first instance.

D. CRIMINAL COURTS ; .

For criminal matters there are, in addition to the court of cassation, four categories of criminal courts :

1. Court of sessions. It is presided over by the chief justice of the court of appeal in the concerned district,

or by one of his deputies. Every member of the court of appeal in a given district, and every judge of the court of first instance situated within the jurisdiction of a particular court of sessions are considered members of that court of sessions. At present there is one of such a court in every governorate in Iraq. It examines cases to which death sentence or punishment of rigorous imprisonment for more than seven years are applied.

2. Courts of first class judges.
3. Courts of second class judges.
4. Courts of third class judges.

At every court of first instance there must be a criminal court of a first class judge.

E. COURTS OF SHARI'A :

Shari'a Courts (canonical courts with jurisdiction in marital and family matters) are available at all places where there are civil courts, constituted in some places of specially appointed Qadhis (religious judges), and in other places of the judges of the civil courts.

There are also the office of Attorney General (Public Prosecutor), the office of judicial inspection, the office of Examining Magistrate, juvenile courts, and labour courts.

' Judiciary Institute Law No. 33 of 1976 has granted the woman the right to be a member of the Institute and hold posts of a magistrate or deputy prosecutor general.

Women eventually held important legal posts including the posts of legal investigator, notary public, judges etc.

The woman in Iraqi society has contributed substantially to the social, economic, cultural and political transformations that have taken place in Iraq following the July 17 Revolution. The Party and Revolution pay social attention to ensure that women enjoy their legal rights. During the years of the Revolution the Iraqi women have held several high posts and performed different kinds of work in which they proved to be efficient and capable. As magistrates also they have been successful.

As is well known, the incumbent of a magistracy has to be very witty, farsighted, wise and judicious. Persons in authority under the old regimes had the conviction that such merits or qualifications are available in man only. But the subsequent years proved that they were wrong. Today, thanks to the Revolution which has reversed all obsolete traditions, a woman has become a magistrate in courts, passing judgement and verdicts on both men and women.

Mrs. Suad Abdul Wahab Mohammed (29) is a magistrate. This relatively young lady is a calm, cool, and smiling personality. She carefully scrutinises the cases put before her for judgement.

She says : " I studied law and politics to be a lawyer and a jurist. I graduated in 1974 and practised law



for one year after which I was appointed at the Ministry of Justice for posting in the courts. After two years of service at the Ministry of Justice I joined the Legal Institute which imparts higher legal education to judicial officers for promotion to higher posts. After studying in this Institute I was appointed a magistrate on January 2, 1979. I was the first woman who holds such a post because these posts were in the past reserved for men only.

In the Misdemeanour Court of al-Adhamiya, there sits another woman judicial officer, named Sajidah M. Mahmoud (29). She says : " Having graduated from Law and Politics College in 1973, I was appointed as legal assistant at the Ministry of Justice and worked for three years after which I joined the Legal Institute where I studied law, social sciences and politics in addition to criminology, criminal psychology and other important subjects. After graduation I was appointed a magistrate. "

The other magistrate is Bakiza Abdul Qadir Mohammed Ali (30) in the Court of First Instance, Karkh. About people and law and the problems she faces, she says :  
" There is no problem or obstacle in the actual sense, but there may be some difficulties, sometimes, with certain people who still do not like to accept a woman to be their judge; but such reaction we take calmly and handle the cases with confidence as we are sure that the Revolution, the new society and right all are with us. "

At present the Iraqi women have simultaneously attained proper legal and human position, by virtue of the clear vision of the Arab Baath Socialist Party (ABSP) and July 17 Revolution under the leadership of President Saddam Hussein who says, " To free the women is part of changing the society and women cannot be freed in isolation from the society " .'

" President Saddam Hussein stressed the importance of upholding human values, so as to maintain the essence of man's care. ' The function of judges is to ensure dispensation of justice without delay and protection of human cause', the President said. He was speaking at an enlarged symposium organised by the Ministry of Justice at Khuld Hall on August 11, 1979.

The President said, 'How do we view the law in the leadership? Do we consider the application of the law as being the application of justice in an absolute manner always ? We do not see that justice implies the application of absolute law always, nor do we see that achieving justice passes through the application of law in a superficial manner, as contained in the books with which you deal. We see that justice is more than this. The law is a fundamental means for the application of justice and a basic tool at the hands of the judge, enabling him pick up the human essence of cases in front of him and interact with it so as to arrive at the real justice and not the

subjective justice. If we agree on this concept, which is not only derived from our judiciary applications in Iraq, but basically from our rich heritage among which the humane concept occupies a prominent place, terms of the application of justice as embodied in the history of the glorious Arab nation, especially in the early age of the Islamic Mission. But does the judiciary man give this aspect the attention it deserves ?...

It is not only important that agriculture should flourish or industry should be developed; such a progress now exists in societies but they lack many values. It used to exist in ancient societies, but they used to lack many of these values. The important thing is that human values should prevail in a way protecting the essence of man's welfare. Therefore, the judge is not only called for applying the law only, but he should also ensure the realisation of justice and protection of human values. This cannot take place without caring for the two fundamental issues to which I referred - understanding the theory of ABSP and understanding your Arab Islamic history in particular with all its lessons...

We are not calling for the application of the ancient outlook, but our call is centred on the outlook of heritage whereby the human essence of this history is applied in our life. It would not have been possible to apply the theory of the jewish religion unless the society in which

this religion was applied was Jewish. This is applied to Christianity also. Similarly, it would not have been possible to apply the theory and essence of the Islamic religion if the political authority did not express the essence of the Islamic religion\*. "

PART FIVE - ADMINISTRATION AND LOCAL GOVERNMENT :

When one wants to write in English about the administration in Iraq, he may get into a mess if he declines to use the system of transliteration. This is so due to the fact that there are no exactly corresponding words in English for some of the Arabic nomenclature of divisions and subdivisions of the Iraqi administrative units. Even the interested Iraqi and British scholars neglected this point. For example, Brigadier S.H. Longrigg is the author of several books on Iraq and Middle East. After First World War he was appointed by the British government in Iraq where he lived for nearly 30 years, working first as a Political Officer and then with Iraq Petroleum Company (IPC). In his writings about the administration in Iraq, Longrigg uses the terms of Liwa' and Nahiyah, for instance, in accordance with the arrangements of transliteration instead of translating the concerned terms into proper English words.

After consulting several Arabic-English dictionaries, mostly composed by Arab scholars, I have decided to put it this way :

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\* Emphasis is mine.

1. Liwa'a (or Liwa') : Province.
2. Majlis al-Liwa' : Provincial Council.
3. Mutasarrif (Chief administrator of Liwa') : Provincial Governor.
4. Muhafada (or Muhafaza) : Governorate.
5. Muhafid (or Muhafiz) : Governor. It is the title of the Chief Officer of a Governorate.
6. Qada'a (or Qada' or Qadha'a or Qadha') : District.
7. Qai'm-maqam (or Qai'mmaqam) : (Administrative Officer at the head of a Qada') approximately : District President.

Actually the expression; 'Qai'm-maqam' in Arabic means 'the one who acts on behalf of...' or 'the one who is standing in the position of ...', and since the Qai'mmaqam is, administratively speaking, under the Governor, acting within the boundaries of his district (A Qai'mmaqamiyah) as the governor himself acts, that is to say that the Qai'mmaqam is (standing in his district in the position of a Governor), then I opine that the best translation for the term Qai'mmaqam is : sub-governor. But I have no objection to the choice of the German scholar Hans Wehr, viz., District President.

8. Nahiyah (or Nahiya) : According to Hans Wehr, 'Nahiya' is roughly corresponding to a country. According to (New Webster's Dictionary of the English Language, College Edition), "Country - in U.S.A. - is the largest geographic

division for administrative purposes within a state. One of the main administrative, judicial, and political divisions of Great Britain and Ireland; one of the larger local administrative units, as in Canada...". thus we find that Professor Hans Wehr was not very much fortunate in giving the meaning of Nahiya in English. Nahiya is exactly corresponding to (Taluka) in the administrative parlance of India. Nahiyah is smaller than Qada'(District), and consisting of a small town and several villages.

9. Mudir al-Nahiyah : Nahiyah - director, or administrative chief of Nahiyah.

When the British forces captured Iraq in the First World War, the Government of India, supported by the majority of the ruling Britishers in Iraq, desired to annex the two (wilayats) of Baghdad and Basra to the administration of India, but the British ministry of war decided that the British Government, and not the Government of India, will assume the administration of the occupied lands on the grounds that Basra will be under the direct British administration, and that in Baghdad there must be either an arabian state with a governor, or a local government subordinate to the British protection.

The British military rule, with military officers and military laws, prevailed in Iraq upto November 1920. At that time the Britishers preferred to apply to Iraq the Indian Laws and the Indian administrative organizations.

But on 25.10.1920, the first Iraqi cabinet (Provisional Government) was formed, and with formation of that provisional government, which was actually the outcome of the revolution of 1920, the British military rule was ended; and the self-rule was begun. On 23.8.1921, King Faisal I was enthroned on the condition that Iraq, as the State of Iraq is known at present, must be a constitutional, parliamentary, and democratic state. And then the first constitution of modern Iraq, which was called the Organic Law, was issued. The articles from 109 to 112 were assigned to the subject of administration of the Provinces.

In 1927 the Law of Administration of the Provinces was issued. This Law was repealed and replaced by the Law No. 16 of 1945.

Iraq was divided into 14 provinces (Liwa's). Each Liwa' is administered by Mutasarrif, and is subdivided into Qadha's (under Qai'mmaqams) and Nahiyahs (under Mudirs).

In 1931 the Law of Administration of the Municipalities was issued. And this law was annulled and replaced by the Law No. 165 of 1964. In 1957 the Law No. 16 of administration of the villages was issued.

Neither the revolution of 1958, nor the revolution of 1963, nor the regime of Arif brothers have made any change in the form of the administrative apparatus. So, the system of administration of the kingdom period continued upto the Revolution of July 17-30, 1968.

This system was that of 'Centralization'. The Provincial Governors are subordinate to the Minister of Internal Affairs, and District-Presidents and Mudirs are subordinate to the Provincial Governors. The office, duties, and responsibilities of the three types of administrators are almost the same in nature but they are different in size in accordance with hierarchy.

The present Interim Constitution does not make any difference between the government and administration. According to the Resolution No. 567 of RCC, which was published in the Official Gazette No. 2262 and dated 22.7.1973, the Cabinet practices the administration of the country, directly in some cases, and indirectly in some others.

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Article 60 of the Interim Constitution :

- (a) The Council of Ministers shall consist of the  
\*\*  
Ministers and presided over by the President  
of the Republic.
- (b) The President of the Republic shall call the  
Council of Ministers for meeting and undertake  
conducting its sessions.

Article 61 :

The Council of Ministers shall exercise the following jurisdictions :

- (a) Organize draft laws and refer them to the competent legislative authority.
- (b) Issue administrative regulations and decision in

\* According to the Resolution of RCC No.567, Amendment to the Interim Constitution.

\*\* ... and be presided over...etc.



accordance with the Law.

- (c) Appoint civil officials of the State, promote them, in accordance with the Law.
- (d) Submit the general plan of the State
- (e) Submit the general budget of the State and the budgets annexed to it.
- (f) Conclude and grant loans, and supervise organizing and administrating currency.
- (g) Declare full or partial emergency and terminate it in accordance with the Law.
- (h) Supervise general utilities and official and semi-official institutions.

In 1969 there was issued the Law of Governorates No. 159. This Law preserved the former triple divisions of the administration but it changed only the name of Province (Liwa'); into Governorate (Muhafada). Article 2 of this Law states that the Republic of Iraq is to be divided into Governorates, the Governorate into qada's, and the qada' into nahiyahs. Each of the three has its own artificial personality.

Articles 4 - 13 of this Law state that Governorate is to be created by a republican decree issued on the basis of a suggestion introduced by the Minister of Internal Affairs, This suggestion must get the consent of the Cabinet and be approved by RCC. A qada' and a nahiyah

are to be created by republican decrees issued on the bases of suggestions introduced by the Minister of Internal Affairs and consent of the Cabinet. The Minister suggests the creation of a qada' or of a nahiyah on the grounds of resolutions adopted by the Council of the Governorate. The administrative unit is to be divided into quarters (mahalla, pl., - t) if it is situated within the borders of the municipality, or into villages if it is outside the borders of the municipality. The division of the unit into quarters and villages is to be declared by the Minister of the Internal Affairs on the basis of demand made by the governor; and the governor bases his demand on a resolution adopted by the concerned administrative unit. Neither the quarter, nor the village have artificial personalities. The quarter's chief is the Mukhtar (chosen personality), and the chief of the village is the Mayor (Umdah).

The council of the administrative unit is its representative. The head of the council is its representative in the Courts of Law and government's offices, The head of the unit is the head of its council.

The Governor is appointed, promoted, transferred, and relieved by a republican decree based on the suggestion of the Minister of the Internal Affairs, and on the consent of the Cabinet. The deputy-governor, qai'mmaqam, and mudir are appointed by a republican decree based on the suggestion of the Minister of the Internal Affairs; that is to

say, assent of the Cabinet in these cases is not necessary.

In his study of governmental units, the American Professor Anderson has identified seven characteristics : (1) territory, (2) population, (3) organization, (4) separate legal identity, (5) a degree of legal independence, (6) authority to exercise governmental powers, and (7) the power to raise revenue. All these characteristics are available in the Iraqi administrative units.

In Iraq the governorates, districts, and nahiyas have their own councils. The members of these councils are of two types; appointed members, and elected members.

According to the Article (2) of the Regulation of the Ministry of the Interior No. 11 of the year 1969, the Minister is assisted by two under-secretaries of whom one assumes the responsibility of the local government. Of late, there was a new development, and a new ministry under the name, 'Ministry of the Local Government' was established. On 28th of June, 1982, Mr. Sa'adi Aiyash Uraim was appointed as the Minister of the Local Government. At present Iraq is divided into the following governorates:

Governorate	Total Population	Area in Sq.kms.	Density per sq.km.
Nineveh	1105671	41320	27
Salah Al-Deen	363819	21326	17
Ta'meem	495425	9426	53
Diala	587754	19047	31

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Baghdad	3189700	5023	635
Anbar	466059	89540	5
Babylon	592016	5503	108
Kerbela	269822	52856	5
Najaf	389680	26834	15
Qadisiya	423006	8569	49
Muthanna	215637	49206	4
Thi-Qar	622979	13568	46
Wasit	415140	17922	23
Maysan	372575	16774	22
Basrah	1008626	19702	51
Autonomous region:			
D'hok	250575	6374	39
Arbil	541456	14428	38
Sulaimaniya	690557	16482	42

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The municipalities are bound to follow the orders and instructions of the central authority, and this means the cancellation of the essence of decentralization.

THE POPULAR COUNCILS :

The popular councils were established in Iraq after the revolution of 17-30 July, 1968. According to the Law of Reformation of the Legal System No. 35 of 1977, the popular councils must be found at all levels of administrative units to assume local activities in the economic,

social, and cultural fields; and to take share in the preparation of the economic plans and the budgets of the administrative units. The popular councils are the practical formula of popular democracy.

The political leadership has given an exceptional attention to the reconstruction of the state and is aware that the 'rightists' still have a significant reservoir in the administrative apparatuses which do not concede to the directions issued by higher authorities. The Party tries to appoint its cadres in key positions of governmental offices in order to revolutionize the apparatus of the administration. To achieve this goal, President Saddam Hussein directs the Party cadres to transfer the 'traditions of the party' to the apparatuses of the state, and not to borrow the traditions of the state into the Party.

PART SIX - AUTONOMOUS RULE FOR THE KURDISH PEOPLE :

It was thought that the Kurds in Iraq, in order to secure an acknowledged position as national minority, meet with decided opposition on the part of the dominant ethnic group.\* "The Arab Baath Socialist Party's view of the Kurdish Question and its attempts to solve it stems from the following basic considerations:

1. The Kurdish national movement in Iraq, despite some

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\* Akzin : State And Nation, P. 108

historical circumstantial errors and reactionary isolationist trends, some of which were on openly good terms with imperialism and reactionary circles, is essentially a legitimate national movement so long as it works within the framework of national rights for the Kurdish people within the Republic of Iraq. Autonomous Kurdish rule is realistic and justified. And the movement as such is considered a basic part of the national movement in Iraq.

2. The Arab Baath Socialist Party is national, humane, socialist and democratic in its tenets. It is only natural that it should understand and recognize the legitimate rights of the Kurds and their struggle for their fulfilment. The Party, having been in power since July 17-30th 1968, bears responsibility for guaranteeing these rights in constitutional, legal and procedural forms.

3. The basic and constant course adopted by the Party to guarantee and safeguard those rights is the peaceful and democratic course through sincere and positive cooperation with the national and progressive forces of the Kurdish masses and within the framework of joint national action as represented in the popular national and progressive front.

In the light of these considerations the Arab Baath Socialist Party has worked, with all the means at its disposal since July 17-30th 1968, to find a solution for the Kurdish Question. Admittedly the problem has become

very complicated because of foreign interventions, the chauvinistic and dictatorial attitudes of the former reactionary regimes towards the Kurd's legitimate rights, protracted armed fighting over many years and because of the state of the Kurdish movement itself, together with many other factors.

Indeed, the Kurdish Question has been the most difficult problem confronting the Party and the Revolution in past years. The Party had to find a solution, theoretical and practical, that would satisfy the national aspirations of our Kurdish masses while protecting the territorial unity of the land and the unity of the national progressive movement without conflict with the aims of the Arab struggle.

The Party found the ideal formula which was integrated theoretically, politically and practically. The formula was expressed in the great historic document of March 11, 1974 which is considered a turning point in the struggle of our Kurdish masses and the struggle of our people in Iraq as a whole for the building of a democratic progressive and prosperous society. "

Resolution No. 247 of RCC :

" In accordance with paragraph (b) of Article (63) of the Interim Constitution; the Revolutionary Command Council has decided, in the Name of the People, in its session convened on 11/3/1970, to amend the Interim Constitution promulgated on July 16, 1970 as follows :

Article (1) - The following paragraph shall be added to Article (8) :

" C - The area, whose majority of population is from Kurds, shall enjoy autonomy in accordance with what is defined by the Law. "

Resolution No. (248), in the name of the people, the Revolutionary Command Council : In accordance with paragraph (a) of Article (42) of the Interim Constitution, The Revolutionary Command Council have decided, in the Name of the People, in its session convened on 11 March 1974, the promulgation of the following law; No. (33) of 1974, Law of Autonomy for Kurdistan Region.

Article (1) :

(a) Kurdistan Region shall enjoy Autonomy, and it shall be referred to as (the Region) wherever it exists in this Law.

(b) The Region shall be delimited as wherever the Kurds constitute the majority of its population, and the general census shall decide the Region's borders in accordance with the provisions of March 11 Manifesto. The records of 1957 Census shall be deemed as the basis for defining the national nature of the absolute majority of population in the places where the general census shall be performed.

(c) The Region shall be deemed as one administrative unit which has a body corporate enjoying autonomy within the framework of the legal, political and economic unity of the Republic of Iraq. Administration divisions in it shall be



performed under the provisions of Governorates Law and with observation to the provisions of this Law.

(d) The Region is inseparable part of the land of Iraq and its people is inseparable part of the people of Iraq.

(e) The City of Arbil shall be the Autonomy's administrative centre.

(f) Bodies of Autonomy shall be part of the Bodies of the Republic of Iraq.

Article (2) :

(a) The Kurdish language shall be, beside the Arabic language, the official language in the Region.

(b) Kurdish shall be the language of education for Kurds in the Region. -Teaching of Arabic language shall be compulsory in all educational levels and utilities.

(c) Educational utilities shall be established in the Region for the Arab nationals, where education therein shall be in Arabic language and the Kurdish language shall be taught compulsorily.

(d) All nationals of the Region shall have the free option to choose the schools they want to receive their education in, apart from their mother-tongue.

(e) Education in all its levels, in the Region, shall be subject to the General Educational Policy of the State.

Article (3) :

(a) Rights and liberties of the Arab nationals and the minorities in the Region shall be maintained in accordance

with the provisions of the Constitution and the Laws and Resolutions issued therefor, and the Autonomy's administration shall abide by ensuring their practice.

(b) Arab nationals and the minorities in the Region shall be represented in all the Bodies of Autonomy by their proportion to the Region's population; they shall also participate in undertaking the public posts in accordance with the laws and resolutions organizing them.

Article (4) :

Jurisdiction is independent and it shall not be subjected except to the Law; its formations in the Region are inseparable part of the judicial organization of the Republic of Iraq.

Article (5) :

The Region is an independent financial unity within the State's Financial Unity.

Article (6) :

(a) The Region shall have a special budget within the unified budget of the State.

(b) The same rules and principles, followed in preparing the unified budget of the State, shall be followed in preparing and organizing the budget of the Region.

Article (7) :

The budget of the Region shall consist of the following items :-

1. The ordinary budget.

2. The annual investment budget of the Region.
3. The budgets of productive establishments and organizations of the local nature constructed in the Region.
4. The budget of local administrations and municipalities in the Region.

Article (8) :

Revenues of the Region's budget shall be constituted of the following elements :

(a) Autonomous revenues which consist of :

1. Tax and dues incomes defined for municipalities and local administrations under the competent laws.
2. Values of sales and service charges.
3. The specified quota from the profits of establishments and organizations involved in the Region's budget.
4. Basic and additional real-estate tax within the region.
5. The agricultural land tax and the share of agrarian reform of the output.
6. Estate tax.
7. Inheritance tax.
8. Real-estate registration dues.
9. Courts dues and fines imposed by them.
10. Revenue stamps.
11. Automobiles' registration dues and the dues from relaying their title deeds.

(b) What shall be specified in the ordinary budget of the State and the annual investment programme from the National

Development Plan for covering the expenditure of the Region's budget in the way ensuring its growth and development balanced with all the Republic of Iraq over.

Article (9) : The Region's accounts shall be subject to the comptrolling of the financial comptrolling and Inspection Office.

The Region has two councils; the Legislative Council and the Executive Council (Articles : 10-15). The Region's Governorates shall be attached to the President of the Executive Council. The following administrations are to be attached to the Executive Council :

1. Education and Higher Education Administration.
2. Works and Housing Administration.
3. Agriculture and Agrarian Reform Administration.
4. Interior Affairs Administration.
5. Transportation and Communications Administration.
6. Culture and Youth Administration.
7. Municipalities and Summer-Resorts Administration.
8. Social Affairs Administration.
9. Economic and Financial Affairs Administration.
10. Awqaf Affairs Administration.

The relationship between the Central Authority and the  
Autonomy's Administration.

Article (16 ) :

Save the jurisdictions exercised by the Autonomy's bodies in accordance with the provisions of this law, exercising of power in all the Republic of Iraq over shall

be maintained by the Central Bodies or whoever represent them.

Article (17) :

(a) Police, Security and Nationality formations in the Region shall be attached to their Directorates General in the Ministry of Interior and all their personnel shall be ruled by the provisions of laws, regulations and instructions applied in the Republic of Iraq.

(b) The President of the Executive Council, or whoever from the Council's members he authorizes, is entitled to entrust the formations, provided in paragraph (a) of this Article, with duties within the Region in the limits of its functions and within the framework of the general policy of the State.

(c) Directors of the formations, provided in paragraph (a) of this Article, shall be appointed and transferred by an order issued by the Minister of Interior after consulting the President of the Executive Council.

(d) Police officials shall be transferred within the Region by an order issued by the Trustee of Interior Affairs

Administration or whoever he authorizes and with observation to what is provided in paragraph (c) of this Article.

Article (18) :

(a) Offices of the Central Authority in the Region shall be subjected to the Ministries to which they are attached, and shall exercise their work within the limits of their competences. The Bodies of Autonomy are entitled to submit reports about them to the Ministries they are attached to.

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\* ... or whomever from...etc.

\*\* ... or whomever... etc.

(b) The Central Authority is entitled, within the limits of its jurisdictions, to generally direct the local Administrations provided in Article (14) of this Law.

(c) The Central Authority shall assign a Minister of State who shall co-ordinate between the activities exercised in the Region by both the Central Authority and the Bodies of Autonomy, and he is entitled to attend all the meetings of these Bodies. The Central Authority is entitled to depute any of the other Ministers to undertake the same task.

(d) Resolutions of the Autonomy's Bodies shall be notified to the Minister of State promptly after their issuance.

(e) The President of the Executive Council shall attend the meetings of the Council of Ministers.

The organization of administration of the Kurdish region in accordance with the 'Law of Autonomy for Kurdistan Region' is greatly different from the organization of administration of the governorates according to the 'Law of Governorates', and this is so due to the fact that the principle of 'decentralization' is prominent in the administration of the former.

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CHAPTER - VI

THE PRESENT POSITION OF RELIGION IN IRAQ .

STRUCTURAL ORGANIZATION ( AWQAF ) .

Part one - Islamic waqfs :

Like Turkey; when Mustafa Kemal Ataturk declared, after First World War, Islam to be the Turkish State's religion, modern Iraq has constitutionally adopted Islam as the religion of the State. Article (13) of the Organic Law stated that Islam is the official religion of the State. Article (4) of the present Interim Constitution declares that Islam is the religion of the State. This does not mean that a non-Muslim can not occupy higher positions in the government. It is true that at the top of the structure of the Iraqi State there were always Muslims only. The Royal Family during the kingdom period, the members of the Council of Sovereignty which ruled on behalf of the President at the establishment of the republican regime after the Revolution of 14 July, 1958, the consecutive Presidents upto to-day, and the premiers, were all Muslims. As far as the premiership is concerned, it did not matter whether the Prime Minister was a Sunni or a Shiite. For example, Salih Jabr, a Shiite, became Prime

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1. Bachal, Dr. V.M. : Freedom of Religion and The Indian Judiciary, op. cit., P. 26

2. Official Directory of IRAQ of the year 1936, op.cit., P. 124

Minister in 1947, and al - Sayyed Muhammad al- Sadr, a  
Shiite also, held the Premiership in 1948. The majority of  
the premiers were Sunnis; and the Royal Family were Sunnis  
also though they were Hashimites. Regarding present situa-  
tion, President Saddam Hussein is a Sunni by creed, but he  
is a descendant of Ali ibn Abi Talib; the fourth and last of  
al-Rashidun Caliphs.

Except for the above-mentioned positions in the machi-  
nery of the state, the non-Muslims did participate in every  
aspect of public life in the country including that of being  
Ministers. It is not out of place to mention that there is  
no any statement in the constitutions of modern Iraq which  
prevents a non-Muslim from becoming a Prime Minister. In  
order to show that a non-Muslim citizen of modern Iraq has  
every good opportunity to occupy a higher position in the  
State, we may remember that in 1920 Sasun Hisqail, a Jew by  
religion, became Minister of Finance. Again in 1921, the  
same Sasun Hisqail was Minister of Finance in a new Cabinet,

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3. Hasani, Sayyed Abdul-Razzaq al-, : History of the Iraqi  
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tion, Beirut, 1974, PP. 176, 314

4. Official Directory of Iraq, 1936, op. cit., P. 4

5. Eskandar, Dr. Ameer : Saddam Hussein - A Struggler,  
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France, 1980, P. 21

6. Hasani : History of the Iraqi Ministries, op. cit.,  
Vol. 1, revised 2nd edition, Sidon-Lebanon, 1965,  
P. 9

and Dr. Hanna Khaiyat, a Physician by profession and Christian by religion, became Minister of Health. This is to mention only some examples of the past. At present, it is a well-known fact that Mr. Tareq Aziz, a Revolution Command Council member and Deputy Premier, is a christian by religion.

According to my personal experience, I cannot claim that the Iraqi society is a religious one, but it is obviously enough that it is a society of believers. The Iraqis, in general, firmly believe in the existence of God, and this fact was one of the major factors that interpret the defeat of communism in Iraq. I lived in Iraq for (45) years, and during that long time I failed to find a single Iraqi atheist.

Such being the case, it seems absolutely natural that waqfs, as a religious aspect, play a significant role in the public life of the Iraqi society. The word (Waqf) is singular in Arabic language, and the plural being (Awqaf). But the plural of (Waqf) as it is used in English is (Waqfs). Since the word (Awqaf) is being used in Iraq, I will use in this chapter both the terms WAQFS and AWQAF to signify the same meaning.

Waqf : its meaning

" Waqf literally means dedication. It is perhaps the most prominent form of charity amongst the Muslims.

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It is defined as 'the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable... One essential feature of Waqf is that 'it is made with a religious motive - a desire to approach God. An approach to God may be made only by an act that is meritorious in Islam. Waqf may strictly be made for any object not prohibited by Islam. The requirement of a valid Waqf is substantial dedication of the usufruct of the property to religious or charitable purpose as understood in Muslim law. The dedication may take any form but the transfer of ownership to God is of course only notional...

The person who dedicates his property for the Waqf is called the founder, settlor or Waqif. The property dedicated is called the Waqf property and the persons who benefit from the Waqf are known as the beneficiaries... The person entrusted with the fulfilment of the object of the Waqf is called the Mutawalli.

Under Muslim Law, the moment a Waqf is created, all rights of property pass out of the Waqif and they are vested in the Almighty God. As we have already noted before, the property is vested in God in the notional or figurative sense only. Usually the founder or the settlor appoints a Mutawalli to manage or administer the Waqf. His primary duty is to fulfil the objects of the Waqf for

which it is created. The Waqif may appoint himself as the Mutawalli... When the office of the Mutawalli is hereditary, a minor may be appointed as a Mutawalli but the court in such a case appoints another person to discharge the duties of the Mutawalli during the minority of this person. A female is not disqualified for being appointed as a Mutawalli. The founder may appoint even a non-Muslim as Mutawalli provided the Waqf does not involve the performance of any religious duty.

Where the Mutawalli is to perform religious or spiritual duties, neither a female nor a non-Muslim can be appointed as a Mutawalli, as they are not competent to discharge these duties. There is no legal prohibition against a woman holding a Mutawalliship when by its nature it involves no spiritual duties such as a woman could not properly discharge in person or by deputy. <sup>(8)</sup> " The position in Iraq is similar. But the waqif can reverse the Waqf <sup>(9)</sup> and regain its ownership.

( 'Waqf' or 'Habs' is an Arabic 'masdar' <sup>\*\*</sup> meaning " to prevent, restrain " . In Muslim legal terminology it

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8. Bachal : Ibid., P. 200-202

9. Kubaisi, Dr. A. Al-, (Assistant Professor at Baghdad University and lecturer at Al-Mustansiriya University - Baghdad) : Personal Status, Vol.2, (in Arabic), Second Edition, Baghdad, 1974, P. 327

\* Habs : detention; holding or keeping back.

\*\* masdar : infinitive.

means primarily to "protect a thing, to prevent it from becoming a property of a third person".

Joseph Schacht in his paper " Early Doctrines on Waqf " says : " The origin of the institution of waqfs cannot be traced to any single source. It is, as Heffening and Santillana have seen, the result of combination of several factors and various elements which were intimately fused during the formative period of Muhammadan Law. "

Under the doctrines finally evolved under the Hanafi School the conditions required for the validity of a waqf are --

- (a) the wakif must possess requisite capacity to dedicate the property;
- (b) the property to be made wakf must be tangible. It can be movable or immovable;
- (c) the property must be declared wakf by the owner. No particular form is necessary and the declaration may be either oral or written. Declaration is sufficient and delivery of possession to the mutawalli is not an essential condition of validity;
- (d) the dedication must be irrevocable, unconditional and permanent;
- (e) the object of the wakf must be charitable in the general sense capable of gaining favour (Sawab\*) with the

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\* Sawab : better to be pronounced as (thawab)

Almighty. ' The Charitable purpose of the wakf serves as its legal justification and constitutes the basic condition of its validity ' .

It is necessary, says Fyzee, to consider briefly the three dominant characteristics of a wakf. In the first instance, the motive must be religious; a merely secular motive would render the dedication a gift or a trust, but not a wakf. Secondly, it is a permanent endowments; a pious gift, which is not a permanent foundation, may be a Sadaqa<sup>\*</sup>, but cannot in law be termed a wakf. And lastly, (10) the usufruct is to be utilized for the good of mankind.)

Awqaf in Iraq :

Under the Ottoman rule Iraq was, as it was mentioned in the previous chapters, administratively divided into three 'wilayats'; Baghdad, Basra, and Mosul. In each of these three provinces 'wilayats' there was a special office for the administration of Awqaf within the purview of that province. And these three offices were attached to the office of administration of Awqaf in Istanbul; the then capital city of the Ottoman Empire.

When the British forces occupied Basra in 1914, the British authority re-established the office of Awqaf but

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\* Sadaqa : alms, charitable gift, charity.

10. Husain, S. Athar; and Rashid, S. Khalid : Wakf Laws and Administration In India, Lucknow, Second Edition, 1973, PP. 7, 10 f.



they put it under the control of the Department of Finance. In 1917, the occupation of Baghdad was consummated, and the British authority established a particular administrative office for Awqaf in Baghdad to which the office of Awqaf's administration in Basra was attached. This administrative office for Awqaf in Baghdad was directed to approach the department of Justice in important matters. In 1918, the British army entered Mosul and, once more, the British authority remodeled in Mosul an office for the administration of Awqaf, and this office was, like that one of Basra, attached to the main office in Baghdad which, from that time upto now, administered all the affairs of Awqaf throughout the country. When the provisional government was constituted in 1921, a Ministry for the administration of Awqaf was established and headed by a minister who was a member of the Cabinet. In 1929 the Parliament decided to revoke the Ministry of Awqaf and to form a directorate-general instead, and this directorate-general must be attached to the office of the Prime Minister. At present there is a Ministry of Endowments (Awqaf) and Religious Affairs.

Laws for administration of Awqaf :

1. In 1929, Law of Administration of Awqaf No.27 of the year 1929 was issued. Article (14) of this law revoked

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11. Directory of the Republic of Iraq of the year 1960, (in Arabic), Edited by Mahmood F. Darwish; Dr. Mustafa Jawad; and Dr. Ahmed Sousa, issued under the auspices of the Ministry of Guidance in accordance with Council of Ministers' decision dated 17th Jan. 1960, Baghdad, 1961, PP. 269, 271

the Regulation of Awqaf's Administration of 19th Jumada II, 1280 A.H. Amendments to this Law were made as follows :

- a. No.39 of the year 1947, Act of Amendment of the Law of Awqaf's Administration No.27 of the year 1929. It was published in the Official Gazette No. 2499 dated 27.7.1947.
  - b. No. 19 of the year 1955 Act of the Second Amendment of the Law of Awqaf's Administration No.27 of the year 1929. This amendment was published in the Official Gazette No.3574 dated 8.3.1955.
  - c. No.36 of the year 1958, Act of the Third Amendment of the Law of Awqaf's Administration No.27 of the year 1929. This amendment was published in the Official Gazette No. 4161 dated 23.6.1958.
  - d. No.42 of the year 1961, Act of the Fourth Amendment of the Law of Awqaf's Administration No.27 of the year 1929. This amendment was published in the Official Gazette No. 543 dated 29.6.1961.
2. Law No.27 of 1929 along with its above-mentioned four amendments was nullified by a new Law of Awqaf's Administration No.107 issued in 1964 and published in the Official Gazette No.981 dated 29-7-1964. This Law was amended one time only in 1965 by the Act No.144 and the amendment was published in the Official Gazette No.1183 dated 18.10.1965.

3. In 1966 the government issued the Law of Awqaf's Administration No.64, and thereby the previous Law was repealed. The new Law was published in the Official Gazette No. 1293 dated 31.7.1966, and considered to be in effect from the date of its publication in the Official Gazette. This new Law was amended five times as follows :

- a. Act of the First Amendment No. 173 in 1967, published in the Official Gazette No.1516, dated 27.12.1967.
- b. Act of the Second Amendment No.50 in 1969, published in the Official Gazette No.1718, dated 20.4.1969.
- c. Act of the Third Amendment No.160 in 1969, published in the Official Gazette No.1791, dated 20.10.1969.
- d. Act of the Fourth Amendment No.167 in 1970, published in the Official Gazette No.1914 dated 30.8.1970.
- e. Act of the Fifth Amendment No.168 in 1970, published in the Official Gazette No. 1914, dated 30.8.1970.<sup>(12)</sup>

This Law, along with its above-mentioned five amendments, was annuled in 1977 by the Law of Ministry of Awqaf No.78 which was published in the Official Gazette No.2538.<sup>(13)</sup> Once more, this new law was abrogated by the Law of Ministry of Endowments (Awqaf) and Religious Affairs No. 50 of the year 1981.<sup>(14)</sup>

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12. Iraq (Republic of-) : Laws, Regulations, and Directions of Awqaf, The-, prepared by Diwan of Awqaf, (in Arabic), Baghdad, 1972, PP. 17 f.
  13. Hamed : Directory of the Iraqi Legislation, op.cit., P.89
  14. Iraq (Republic of-): Official Gazette No. 2833, Ministry of Justice, Baghdad, June 8, 1981, P. 527

According to the Regulation of Diwan of Awqaf No.44 of the year 1970, The President of the Republic of Iraq is the Supreme Head of the Diwan of Awqaf. The President himself is responsible for all the affairs of the said Diwan, and he supervises the execution of the laws and regulations pertaining to the administration of Awqaf; and the resolutions, orders and directions of the Diwan are issued by him or by a person authorised by him to issue them on his behalf. This Regulation was rescinded by the Regulation of Ministry of Awqaf No.8 of the year 1977 which was published in the Official Gazette No.2571. Again, this new Regulation was cancelled according to the Article (18) of the Law of Ministry of Endowments and Religious Affairs No.50 of the year 1981, and replaced by the Inner Regulation of the Ministry of Endowments and Religious Affairs which was published in the Official Gazette No.2836, dated June 29, 1981.

Ministry of Endowments (Awqaf) and Religious Affairs :

With a view to develop the apparatuses of this Ministry, in order to increase its activities and efficiency

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15. Hamed ; Ibid., P, 89

16. Iraq (Republic of-) ; Official Gazette No.2833, op. cit., P. 530

17. Iraq (Republic of-) : Official Gazette No.2836, Ministry of Justice, Baghdad, June 29, 1981, PP. PP. 616-619

in such a way as to enable it to perfectly and with highly flexible manner perform its tasks, and so as to carry out the resolution of R C C to take care of the Iraqi pilgrims to Mecca and to look after the affairs and welfare of the recognized religious minorities in Iraq; the government issued in 1981 the Law No. (50) of the Ministry of Endowments and Religious Affairs which was approved by the National Assembly (Parliament) on 28th, April, 1981.

Article (1) of this law states that this Ministry aims at :

1. augmentation of Islamic awareness, and propagation of the Islamic culture and of the essence of the heavenly message.
2. taking care of the Holy Shrines, organizing their administration, and maintenance of them.
3. securing the best requisites for the ideal performance of pilgrimage.
4. taking care of the religious and charitable establishments, and developing their administrative, technical, financial and organizational aspects.
5. taking care of the affairs of religious minorities in general, and organizing matters pertaining to their endowments and places of worship in particular.

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18, Official Gazette No. 2833, op. cit., P. 530

19. Ath-Thawra No, 3989, Wednesday 29 April 1981, P.6

6. organizing the administrative affairs of the (Islamic) endowments, inspecting these endowments and supervising them.
7. utilizing the Awqaf's property and possessions in such a way as to preserve and develop them within the framework of the general principles of National Development Plan.
8. attending to the execution of the settlers' conditions which realize social solidarity and intend the advancement of the society.
9. cementation of the religious connections with the nations of the Islamic world in particular, and with the nations of the world in general.

Article (3) :

The Minister is the supreme head of the Ministry of Awqaf and Religious Affairs and the first responsible for carrying out its policy; directing its actions; and supervising the execution of laws, resolutions, regulations and orders pertinent to the planning, technical, administrative, financial, and organizational affairs of his ministry. He is allowed to concede some of his authority to the secretary-general of the administration of Awqaf's affairs in the autonomous region of Kurdistan, to the two under-secretaries of the ministry, and to the directors and heads of the departments at the centre of the ministry.

Article (7) :

At the main office of the ministry in Baghdad a council

called 'Council of Awqaf and Religious Affairs' is to be established. Its members are as follows :

- a. The Minister - as its chairman.
- b. the Secretary-general of the administration of Awqaf's affairs in the autonomous region of Kurdistan.
- c. the two under-secretaries of the Ministry.
- d. Heads of the departments of the Ministry.
- e. Representative of ABSP.
- f. Representative of the Ministry of Planning at the rank of no less than a director-general.
- g. Representative of the Ministry of Higher Education and Scientific Research at the rank of no less than a Dean (of a college), or director-general.
- h. Three eminent Ulama specialized in religious affairs. They are to be chosen by the Minister for a tenure of three years capable to be renewed.

The Minister is permitted to depute one of the two under-secretaries of the Ministry to preside over the Council in case of his absence. For every original member there is a reserve-member to occupy his chair in case of his absence from the meeting of the Council. In short, the tasks of this Council are to discuss and decide the functions, plans, programmes, draft laws and regulations, the annual budget of the Ministry, and its policy.

According to the Article (11); in this Ministry there

are two under-secretaries. One is in charge of religious affairs, and the below-mentioned departments are attached to his office :

1. Department of Guidance and Religious Information.
2. Department of the Religious Establishments.
3. Department of the Pilgrimage's Affairs.
4. Department of the Religious Minorities.

The other under-secretary is in charge of Awqaf's affairs, and the below-mentioned departments are attached to his office :

1. Department of the Legal Affairs.
2. Department of Planning and Follow-up.
3. Department of Enterprises and Constructions.
4. Department of Administrative and Financial Affairs.  
(20)
5. Department of the Electronic Computer.

According to the Article (15) of the Inner Regulation of the Ministry of Endowments and Religious Affairs; in every Governorate there must be a directorate-general of endowments and religious affairs headed by a functionary whose office is attached to the Department of Administrative and Financial Affairs at the Ministry in Baghdad.  
(21)

Previously the Shiites Awqaf were out of the purview

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20. Law of the Ministry of Endowments and Religious Affairs, published in the Official Gazette No.2833, op.cit., PP. 527-530

21. Inner Regulation of the Ministry of Endowments and Religious Affairs, published in the Official Gazette No.2836, op. cit., P. 619



of central authority of Awqaf in Baghdad. However, the government enacted the Law of Administration of the Holy Shrines No.25 of the year 1966 according to which a permanent Directorate for Administration of the Holy Shrines is to be established at the Diwan of Awqaf. For the enactment of this Law, it was taken into consideration the sanctity given by the Islamic world to these sacrosanct places. It was deemed necessary to reconstruct, repair, and maintain them. This Directorate is also to conduct the administration of Ja'afari Awqaf. The expenditure of this Directorate is to be subsidized by the State Budget in addition to its own incomes.

By the -'The Holy Shrines ' are meant :

1. The Holy Shrine of Imam Ali ibn Abi Talib in Najaf.
2. The Holy Shrines of Imams Hussain and Abbas in Karbala.
3. The Holy Shrine of Imam Musa al-Kazim in al-kazimiyah near Baghdad.
4. Al-Rouza Al-Askariyah (The Holy Shrines of Imam Ali al-Hadi, and of Imam al-Hasan al-Askari) in Samarra.
5. The Tombs of the Imams from the House of the Prophet (Al, or Ahl al-Bait) whether these tombs were inside or outside the gates of the above-mentioned Holy Shrines.

The below-mentioned tombs are attached to the Holy Shrines, and are to receive the same care :

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22. Laws, Regulations, and Directions of Awqaf, op.cit.,  
PP, 19, 22

1. Mausoleum of al-Hurr in Karbala.
2. Al-Hussaini Camp (where Imam Hussain had camped before his martyrdom) in Karbala.
3. Mosque of Kufa and whatever is attached to it - in al-Kufa.
4. Mausoleum of Maitham al-Tammar in al-Kufa.
5. Mausoleum of Muslim ibn Aqil in al-Kufa.
6. Sacred place (Maqam) of Zain al-Abideen in Najaf.
7. Mausoleum of Kameel ibn Ziyad in Najaf.
8. Mausoleum of Zaid ibn Ali in al-Kefel.
9. Mausoleum of al-Sayyed al-Shareef al-Razii in al-Kazimiya.
10. Mausoleum of al-Sayyed al-Shareef al-Murtaza in al-Kazimiya.
11. Mausoleum of Imam al-Sayyed Muhammad ibn Ali al-Hadi in Balad.
12. Mausoleum of al-Hamza al-Gharbi in al-Mad'hatiya near Hilla.
13. Mausoleum of al-Qasim ibn Musa ibn Ja'afar, in Hilla.
14. Mausoleums of the two sons of Muslim ibn Aqil in al-Musaiyab.
15. Mausoleum of al-Hamza al-Sharqi in al-Hamza province near Diwaniya.
16. Mausoleum of Awn ibn Abdullah in Karbala.

The religious establishments attached to the Holy Shrines are : the mosques, religious schools, libraries,

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and Hussainiyat (plural of Hussainiya) which were created by Waqifs, or which are to be created by Awqaf Ministry, (23) and which aim at charity or public utility.

The Minister of Endowments and Religious Affairs is the concerned authority before whom the Custodian (Saden) is responsible for the administration of a Holy Shrine. The Custodian is to be appointed by a decision of the Minister of Awqaf. There are some requisite conditions for this incumbency. These are that the Custodian ought to be an Iraqi nationality, wise, and habitant of the locality in which the Holy Shrine is located; that he must have inherited the services of custody from his ancestors, and he has to be more than twenty years old; that he should have a medical report testifying his safety from infectious diseases, and bodily and mental disabilities which prevent him from discharging his duties; that he must not be a governmental official or employee, or a member of any administrative or legislative council, or affiliating himself with any political party, or practicing a profession which encumbers him to accomplish his tasks; and that he must be pious, of good behaviour and reputation, and he was not sentenced for a crime or disgraceful misdemeanor. The Custodian can be removed by the Minister of Endowments

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\* For the meaning of Hussainiya : See P. 366

23. Iraq (Republic of-) : Regulation of the Holy Shrines No. 21 of the year 1969 which was amended by The Regulation No. 11 of the year 1977, A Pamphlet in Arabic, Printing Press of Awqaf, Baghdad, ND., PP. 1, 15

and Religious Affairs if he lost one of the above-mentioned conditions, or in case of being unable to fully shoulder his responsibilities because of Health's reasons. The Custodian must possess a certificate of intermediate study (three years after six years of primary school) at least, otherwise he will be subject to an examination in the following matters :

1. Grammars of Arabic language, and Islamic history.
2. History of the concerned Holy Shrine, and of biography of the Imam buried therein.
3. General knowledge.

✓ If the Custodian was a graduate, then, he will be given the minimum salary given to the similar degree-bearer at the beginning of appointment in a governmental job. In case of vacancy (by death or removal or resignation) the elder son of the ex-Custodian is to be appointed as his successor, and if this elder son was unqualified, someone of his brothers will be appointed. If the new appointee was under the required age, a proxy, who must be a member of the same family, will be appointed to conduct the administration of the Holy Shrine until the legal custodian will complete his twentieth of age. If the ex-Custodian has not a qualified son to occupy the vacant office, the nearest kin of his will be appointed, and if this kin was not available, then, the best one from among those who had previous services at the concerned Holy Shrine will be appointed.

DUTIES OF CUSTODIAN :

1. To preserve wealth and possessions, movable and immovable, belonging to the Holy Shrine, including silver, gold, and antique books.
2. To register the gifts donated to the Holy Shrine.
3. To supervise the cleanliness of the Holy Shrine, the correction of its clocks, and timing of calls to prayers (Azan).
4. To keep the sanctity of the Holy Shrine intact.
5. To watch the behaviour of the servants of the Holy Shrine, and to supervise the treatment cartered by them to the visitors.
6. To open the door of the Mausoleum to the visiting Kings, Presidents, Ameers, and other dignitaries recommended by the Minister of Awqaf, and to perform the ceremonies of the visit (Ziyarat) by reading the relevant hymns for these VIPs.
7. To open and to close the doors of the Holy Shrine in scheduled times.

THE SERVANTS :

They are of two categories (1) Official servants appointed by the concerned authority; and (2) honorary servants. The same requisite conditions required for the appointment of the Custodian are required for serving at a Holy Shrine except that the servant must be above twenty

five years of age, and that the school's certificate is not necessary, so that to be literate is enough. The servants must wear religious uniforms. (24)

The term 'religious and charitable establishments' means : (1) Masjids; (2) Takias; (3) Religious institutes and religious schools; (4) upbringing's homes (Tahzeeb) which are like a small and primitive school teaching Quran, Islamic principles and Islamic way of life; (5) Libraries; (6) Watering places (Siqaya); (7) Orphanages; (8) Asylums; and other establishments which are created by Waqifs, or by Diwan of Awqaf, or by other parties, and which aim at charity or public interest. (25)

In India the Takia usually develops into what is known as Khanqah. This development does not take place in Iraq, and Takia remains as Takia. (26)

In Islam there are two kinds of mosques : Masjid Jami' (al-Masjid al-Jami'); and Masjid. In the former the prayers of two 'ids' and the prayer of Friday are held, while in the latter the daily five prayers are performed. (27) The tradition goes as it is mentioned above, but the people shortened the term "Masjid Jami'" into "Jami'" only. So, (28)

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24. Ibid., PP. 2-8

25. Laws, Regulations, and Directions of Awqaf, op.cit., P.8

26. Bachal : op. cit., P. 202

27. Laws, Regulations...etc., op. cit., P.24

28. Badri, Shakir al-, : Guide of Worshipper to the System of Worship's Places, (in Arabic), Baghdad, 1970, P.12

we have at present Masjid and Jami'.

Throughout the Republic of Iraq the Masjids fall under three categories :

(a) first grade masjids, to which an Imam, Orator (Khatib) and Teacher are appointed.

(b) second grade masjids to which an Imam, Orator, and Teacher are appointed.

(c) third grade masjids to which only an Imam is appointed. At the time of appointment the candidate can not be appointed but only in a third grade masjid. No one can be transferred from a third grade masjid to a second grade masjid unless he has stayed at least three years in his post at the third grade masjid. And no one can be transferred from a second grade masjid to a first grade masjid before the lapse of six years at least. <sup>(29)</sup>

The religious offices are : (1) Teaching; (2) Imamate and Oratory (being Imam-leader of prayer- and orator at the same time); (3) Imamate (being an Imam only); (4) Preaching (Preacher and Guide); (5) Recitation of Qur'an; (6) Service and call to prayer (being a servant at a mosque and caller to prayer - Mu'azzin - at the same time); (7) Service; and (8) Call to Prayer (Azan).

A religious official is prohibited from occupying any non-religious post as long as he is a religious

official. He is not permitted to occupy two religious offices simultaneously, except teaching and (Imamate and Oratory) if the Council of Awqaf took a decision to this effect. No one can be appointed as a religious official unless :

- (1) He is an Iraqi;
- (2) He has completed the eighteenth year of age;
- (3) He is free from infectious diseases; and bodily and mental disabilities which hamper him to perform his duties;
- (4) He is of good behaviour and reputation; and he was not sentenced for a non-political crime, or for a disgraceful misdemeanour;
- (5) He possesses the necessary educational certificate required for the vacant post.
- (6) He has completed, or was exempted from, or postponed from, the compulsory military service.

It is conditional that the Teacher or the (Imam-Orator) must have the degree of B.A. from the College of Imam A'azam or equivalent. The Imam and (Preacher-Guide)<sup>(30)</sup> must have graduated from an Islamic Institute.

#### MOSQUES :

Before Hijra the Muslims had not a certain place for worship in Mecca, so that they were together performing their religious ceremonies wherever it happened that they met the Prophet for this purpose, otherwise they were

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30. Ibid., PP. 23 ff.



isolatedly praying at their own homes. After Hijra the Prophet ordered the Muslims in Medina to construct a Mosque and he himself, may peace be upon him, took part in erecting it. <sup>(31)</sup> Ever since the construction of this Mosque of the Prophet at Medina, the Muslims started erecting mosques wherever they happened to be staying.

A mosque " is a place where all Muslims are entitled to go and perform their devotions as of right, according to their conscience. In *Jangu v. Ahmadulah*, the Allahabad High Court observed that a mosque must be mosque for all, it must be a building dedicated to God without any reservation. It cannot be used only by particular persons holding particular views of the ritual.

There are, however, religious communities, Jammats, possessing property and places of worship and the courts have recognised mosques for the exclusive use, or at any rate, in the exclusive management of particular Jammats. Yet, as a matter of practice, no one who is not a member of a particular Jammata ever enters the mosque belonging to it, without being invited to do so or by obtaining leave.

The general result of the decisions of the courts in this connection has been that the courts do not favour sectarian mosques, or reservations in dedications excluding other Muslims from the right to pray in any mosque under some special circumstances. The courts have presumed

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31. Badri : op. cit., P. 26

that any Muslim has the right in good faith to enter any mosque and offer prayers according to his own religious tenets, so long as he has no intention of causing and does not, in fact, cause any disturbance to others. <sup>(32)</sup> "

In Iraq there are no such Jammats (or groups) whose existence in India is reported above by Dr. Bachal, however, what was observed by Allahabad High Court in the case of Jangu v. Ahmadulah is the absolute rule in Iraq. At present there are in the city of Baghdad only, let aside the whole area of Baghdad Governorate, 274 mosques (both Masjids, and Jami's) <sup>(33)</sup> and 36 Takias. <sup>(34)</sup> These figures give an approximate idea about the high degree of devotion of Iraqi Muslims.

" The word mosque comes from the Arabic masjid, literally a place of prostration. The primary purpose of the building was indeed communal prayer. But it would be misleading to describe the mosque as the Islamic equivalent of the Christian church or the Jewish synagogue. As a place of worship, of weekly public prayer, the mosque is indeed the equivalent of these. But, in another sense, it is the successor of the Roman forum and of the Greek agora. The mosque was not only a place of public prayer

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32. Bachal : op. cit., P. 204

33. Samarra'i, Shaikh Younis Ibrahim, al- : History of Modern Mosques in Baghdad, Baghdad, 1977, PP. 321-334.

34. Ibid., PP. 298-304.

but also the centre of Muslim society, especially in the new towns created by the Muslims after the conquests. The pulpit, minbar, of the mosque was the platform from which important decisions and announcements were proclaimed, such as the appointment and dismissal of officials, the first appearance of new rulers or governors, statements of policy, important news of war and conquest and other major events. In the earliest cities, the mosques, the government offices and the military cantonments were all grouped together in a sort of central citadel, and it was the ruler or governor in person who made important pronouncements from the pulpit. It was customary for the speaker in the pulpit to hold a sword, staff or bow, symbolizing the sovereignty and supremacy of Islam.

As the state authority increased and became more complex, the political role of the mosque diminished but never quite disappeared. Appointments, including the accession of a new caliph, were still proclaimed from the pulpit, and the weekly khutba or address from the pulpit was still politically significant, especially that part of it consisting of the bidding prayer in which the names of the ruler and governor were mentioned. This was one of the recognized tokens of sovereignty in Islam.

The mosque is not open only at official prayer times. It is always open for meditation, study and spontaneous prayer and also for other business of various kinds. In

early times it often served as a court of justice, since the law of Islam was the holy law, and law and religion were inseparably intermingled. The mosque also served as a place of study, a school, and later was frequently linked with a seminary in which not only the Qur'an but the rest of Muslim learning was taught. From the earliest times, many mosques had schools attached to them and the practice arose of maintaining these by pious endowments called waqf.

The interior of the mosque is simple and austere. There is no sanctuary and no altar, since the Islamic religion has no sacraments, no mysteries, no priestly office. The Imam is a leader in prayer, and any Muslim knowing the prayers and the ritual may act in this way. If one may speak of the mosque as the equivalent of the church in the sense of a building and a place of worship, there is in Islam no equivalent of the Church as an institution. "<sup>(35)</sup>

Some of the Muslim mosques played an important role in the history of theology generally, and of Islam particularly, such as Al-Azhar (The Splendid) which was originally a congregational mosque, but ibn Killis; vizir of the Fatimid Caliph of Egypt al-Aziz who reigned from 975 to 996 A.D., suggested turning it into a teaching

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35. Lewis, B. : in (The World of Islam), op.cit., P.26

mosque. Al-Azhar was to remain for a thousand years the greatest teaching institution in the Muslim world, a religious university. Now, Al-Azhar University in Cairo is very famous throughout the world.

The Establishment of Awqaf is officially a governmental office of the Republic of Iraq. The salaries and allowances given to the officials and employees of the administration of Awqaf, including the officials and employees of the Directorate of the Holy Shrines, are from the State Treasury. The income and expenditure of Ministry of Awqaf is subject to the supervision of the Ministry of Finance.

#### KINDS OF WAQF IN GENERAL :

" Broadly, wakfs can be of two kinds : public and private. But the most accepted is its three-fold classification-public, quasi-public and private.

Public trusts are those which are dedicated to the public at large having no restriction of any kind regarding its use, e.g., bridge, well, road, etc.

Quasi-public wakfs are those, the primary object of which is partly to provide for the benefit of particular

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36. Stewart, Desmond : Great Cairo, Mother of the World, First published in Great Britain, 1969, printed in U.S.A., PP. 67, 69

37. Directory of the Republic of Iraq of the year 1960; op. cit., P. 271

38. Laws, Regulations...etc., op.cit., P. 9

individuals or class of individuals which may be the settlor's family; and partly to public; so they are partly public and partly private.

Private wakfs are those which provide benefit to private individuals, including the settlor's family or relations. Such a wakf is termed as wakf-alal-aulad. The mutawalli manages the wakf but he can not alienate the property. He is, however, more than a manager or superintendent, as he has not to hang on the pleasure of anybody else or to account to anybody.

Under Muslim Law a private wakf is subject to the same restrictions as any public wakf as the Law makes no distinction between public and private wakfs. Both are subject to the rules of divine property where the rights of the wakif are extinguished and it becomes the property of God. Both the wakfs are created in perpetuity and the property becomes inalienable. Like public wakfs, a private wakf can under no circumstances fail and when the line of descent becomes extinct, the entire corpus goes to charity. (39) " to charity. "

#### KINDS OF WAQF IN IRAQ :

The same above-mentioned three kinds of waqf are existent in Iraq. The public waqf is called charitable waqf (waqf khairi), the quasi-public is called common waqf (waqf mushtarak), and the private waqf being called

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39. Husain, S. Athar; and Rashid, S. Khalid : op. cit., PP. 110 f.

(40)  
offspring's waqf (waqf zur'ri)

DIVISION OF WAQF IN IRAQ :

The charitable waqf (both public and quasi-public) is divided into two classes, namely, (a) accurate waqf (waqf mazboot); and (b) attached waqf. (41)

The attached waqf is that which is under the administration of a Mutawalli and its income, or part of it, must be given to religious and charitable establishments. It includes private (family) waqf which is administered by a Mutawalli, and its income must be distributed among the beneficiaries whom the Founder pointed to. It also includes the charitable wills of the departed which can (42) be considered as a waqf.

The accurate waqf covers the following categories :

- a. correct waqf; which was originally a private property and made waqf by the proprietor, and the Founder did not make a condition for Mutawalliship at the time of creating the waqf, or he made the condition but Mutawalliship (43) is no more in existence for any reason.
- b. incorrect waqf; is originally a state land that was made waqf by the ex-Rulers such as the kings and sultans,

40. Khateeb, Dr. Ahmad Ali al-, (Teacher at the College of Law - Baghdad University): Endowments and Wills, two kinds of voluntary charity in Islamic Shari'a, (in Arabic), First edition, Baghdad, 1968, P. 154

41. Directory of the Republic of Iraq, 1960, op.cit., P. 269

42. Laws, Regulations...etc., op. cit., P. 8

43. Ibid., P. 7

whether they made this waqf themselves or somebody else made it on their behalf and with their permission.

(44)  
Actually this waqf is a state land, and the Ministry of Awqaf has on it only the right of usufruct.

- c. any waqf that was administered for fifteen years by Ministry of Awqaf, or by the erstwhile Directorate - General of Awqaf, or by the former Diwan of Awqaf.
- d. Awqaf that were endowed for Al-Haramain Al-Sharifain; viz., Ka'aba and Mosque of the Prophet at Medina.
- e. Charitable endowments which belonged to the Diwan of Awqaf as a result of issuing the Ordinance of Permission to Liquidate Family Waqf, or which are to belong to the Diwan as a result of any other (Act) that can be issued to replace the above-mentioned ordinance.

The Ministry of Awqaf directly assumes the administration of :

1. Accurate Awqaf.
2. Attached Awqaf if the Mutawalliship was over, or the Mutawalli was suspended in accordance with a decision taken by the Ministry of Awqaf or by Shari'a Court. In this case the Ministry deducts 20% of the total income of the Attached Awqaf for performance of administration of the said Awqaf during the period of Mutawalli's suspension. (45)

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44. Khateeb : Ibid., P. 155

45. Laws, Regulations...etc., op.cit., PP. 7 ff.



The family waqf is called in Iraq 'al-waqf al-Zurri', and the Iraqi term means in english 'Waqf for the offspring'. The liquidation of this type of waqf was the bone of contention in the Islamic and Arab world because the economists, sociologists, and some Ulama held that it became harmful to the economy and development of the country, and pernicious to the welfare of the society. The majority of the Ulama supported its retention on the strength of its being an Islamic heritage. Ultimately the first group emerged victorious and the government of Lebanon issued a law to liquidate it in 1947. Syria followed in 1949, and Egypt in 1952. In Iraq some members of the Chamber of Representatives suggested to the government in 1929 to enact a law to eliminate the private waqf, but the suggestion met with so strong opposition that the government dismissed the idea. The matter was revived in 1952, and this time the government formed a committee to prepare the draft law. In 1954 the law was issued and it was based on the above-mentioned Syrian and Egyptian laws. In 1955 this law was repealed due to some difficulties in application and the government of Iraq issued The Ordinance of Permission to Liquidate the Family Waqf No.1 of the year 1955. According to this Ordinance, if anyone of

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46. Ani, Muhammad Shafeeq al-, (member of the Court of Cassation, and delegated Director-General of Awqaf) : Rules of Awqaf, (in Arabic), Baghdad, 1955, PP.48 f.

the beneficiaries requested the Court to eliminate their Waqf, then the Court has to do so. The cognizance for liquidating the family waqf is of the Court of First Instance located in the same area of the concerned waqf. (47)

Resolution of RCC No. 1490 of the year 1978 permitted some waqf land to be privately owned by workers, peasants, small fry of governmental office-bearers, and some other poor people who earn their living by doing small and free jobs, if they transgressively constructed their own homes and shops on waqf land before 15.4.1978 provided that all the conditions prescribed in the Resolution are available in the transgressor, the transgressed land, and the construction and its area. (48)

TASKS OF THE INSTITUTION OF AWQAF IN IRAQ : are

1. to preserve, maintain, develop, and utilize the estates which were endowed to be kept in mortmain, and to execute the conditions of the founders of Waqfs.
2. to take care of the Houses of Allah (Mosques) and to arrange their administration; to spread the Islamic religion and culture; to inculcate Qur'an in the minds of the peoples, or to let them learn it by heart; to graduate actively working Ulama; to spread preachers and guides; to establish charitable organizations; and to take care of the (49)

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47. Laws, Regulations...etc., op.cit., P. 39

48. Iraq (Republic of-) : Resolution of RCC No. 1490 of the year 1978, published in the Official Gazette No. 2686, December 4, 1978, Ministry of Justice, Baghdad, PP. 1469 ff.

49. Directory of the Republic of Iraq, year 1960, op.cit., P. 272

(50)  
Holy Shrines.

Mutawalli in Iraq according to the Regulation of Mutawallis  
No. 46 of the year 1970 :

In correct Waqf mutawalliship comes into existence in accordance with the legal rules to whom they were stipulated in Waqfiyah\* (Waqfnama), or according to constant usage backed by a rule; and only when the competence of the Mutawalli designate was realized and his goodness was affirmed. In Public Waqf (Charitable Waqf and Common Waqf) the Mutawalli is nominated by Sharia' Court and the nomination will be decided over by the Academic Council at the Diwan of Awqaf and, finally, the sanction of Supreme Council of Awqaf is necessary. The candidate can be proved to be competent and qualified by an examination held at the Diwan of Awqaf by the academic Council. Topics of the examination are administration and accounting of Waqf; Sharia' rules; and State's Laws and regulations by which waqf is govered.

DUTIES AND RIGHTS OF MUTAWALLI :

a. DUTIES :

Mutawalli is responsible for the administration of waqf in accordance with stipulations of the Settlor, and according to Sharia' rules, and Laws and regulations enacted and issued by the government. His duties are :

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50. Laws, Regulations... etc., op.cit., P. 20

\* Waqfiya : the document of founding the waqf.

1. to supervise and maintain the waqfs, to prevent any transgression against them, and to remove it when it happens.
2. to preserve waqfiyah (Waqfnama), notifications, and all the official documents pertinent to the waqfs under his administration.
3. to register all the relevant documents relating to the waqfs he administers, including the charts of the said waqfs.
4. to keep registers numbered in sequence and attested by the Awqaf office in order to record in them the units of movable and immovable properties in mortmain in full details, and to mention any action made to these properties and to note down the income and expenditure of the Waqf under his administration.
5. In paying salaries to the employees working at the Awqaf which are under his administration the Mutawalli must abide by the rates of salaries adopted to the Accurate Awqaf. If the income does not permit to do so, the Mutawalli has to approach the office of Awqaf in order to arrange for him the rates of payments appropriate to the limits of the income.
6. He should make profitable use of charitable Awqaf. He must repair or reconstruct the dilapidated waqf from what remains of the income after making the necessary payments. If the waqf became totally useless, or if its expenditure exceeds its income the Mutawalli has to exchange it for another estate or for cash money, whichever more profitable in either case may be.

7. Both the Diwan of Awqaf and Mutawalli must approach the Sharia' Court for getting permission to spend money resulting from selling out or exchanging the attached Awqaf if they (the Diwan and Mutawalli) want to purchase other estates to be attached waqfs, or if they want to use that money in constructing buildings on lands which are Attached Waqfs or Accurate Waqfs.

8. Mutawalli must keep the money belonging to Waqf at the office of Awqaf. This money is of two types; (a) Advance payment of rent when Mutawalli leases a waqf for the coming years. In this case he is allowed to withdraw every year whatever money was allotted to that year for making the annual expenditure. In addition to that he is permitted to borrow some of this money if the interest of the waqf necessitated this action, but in this case the sanction of the Diwan of Awqaf is vital. (b) the rest of the income after making the annual expenditure. Mutawalli can withdraw this money at the time of necessity on the condition that a prior sanction of the Diwan is available. If Mutawalli failed to deposit the above-mentioned cash within one month from the date of attesting his accounting without having an acceptable alibi, the Diwan of Awqaf has to put the concerned waqf under its direct control and to commit the Mutawalli to the Committee of Accountability situated at the office of Awqaf.

9. Mutawalli has no right to lease the waqf under his administration for more than three years in advance unless he is permitted by the Council of Awqaf to do so.

10. Mutawalli is bound not to change the way of exploitation of waqf unless the change is decided by the Supreme Council of Awqaf.

11. Mutawalli is allowed to borrow money if the interest of waqf necessitated, and if the Sharia' Court permitted the Mutawalli, to do so.

12. Mutawalli ought to pay salaries to the employees at the waqf under his administration, beside excises and taxes and other necessary expenses for the waqf, in due course. If he refrained from paying, he will be notified to pay within ten days, and if he insisted on not paying without having an accepted excuse, Diwan of Awqaf will put the concerned waqf under its direct authority; and Mutawalli is subject to appear before the Committee of Accountability.

b. RIGHTS OF MUTAWALLI :

If Waqfiya (Waqfnama) was void of any mention as to how much money the Mutawalli should receive from the income of waqf for his services in administrating it, the authority of Awqaf decides his remuneration on the condition that it will not exceed 10% of the total income of the waqf. Mutawalli has the right to appoint a proxy, or more than one, but the sanction of the Diwan of Awqaf for

this appointment is necessary. In this case Mutawalli has to make the payment of salary to the proxy. If Mutawalli was rendered incapable to properly administer the waqf because of health reason or any other prohibitive reason, and he did not appoint a proxy, the waqf will come under the authority of the office of Awqaf up to the time of disappearance of the reason which caused his incapability. Mutawalli has the right to purchase, construct, and repair estates, and construct buildings for the waqf from its income. Prior consent of Diwan of Awqaf is necessary unless the cost of repair is less than one hundred Iraqi dinars (about Rs. 300). But if the Mutawalli was the settlor himself, he is then exempted from getting authorization from Diwan for the said purposes. The Mutawallis ought to produce their account books to the Diwan of Awqaf annually during the months of April, May, and June. If they failed to do so without legitimate reason, the Diwan will capture the waqfs without notifying the concerned Mutawallis, but the waqf properties will be returned back to these Mutawallis after checking their account books up if it is found that there is nothing detrimental to <sup>the</sup> interest of the waqf. Exemption from producing the account books during the above-mentioned months, and from the consequences resulting from failure to do so is meted out to the Mutawalli if he was the Founder himself. The Mutawalli has the right to protest before the Council of Awqaf against

any resolution passed by the Committee of Accountability within ten days from the date of receiving a notice from the Committee.

REMOVAL OF MUTAWALLI :

Except for family waqf, Mutawalli is to be removed from office by a resolution passed to this effect by the Committee of Accountability and sanctioned by the authority of Awqaf at the realization of one of the following reasons:

1. if he freely acted as if he were the owner of the waqf.
2. if he claimed the ownership of the waqf.
3. if he neglected the administration of the waqf in such a way that his negligence was detrimental to the waqf unless he has an acceptable alibi. Before his removal he will be warned by the office of Awqaf, and if he did not duly respond after the lapse of thirty days from the date of receiving the notice of the office, the removal, then, will be brought about.
4. if he has done without getting permission, more than one time and in spite of a previous warning, any action that requires a prior permission from the concerned authority.
5. if he has been late, more than one time and without having a legitimate plea, in producing his account books during the legal period, or if he refrained unreasonably from producing those account books despite the fact that the office of Awqaf imposed its direct authority on the concerned waqf.



6. if it was proved to the Committee of Accountability that he concealed the reality of, or demonstrated untruth of, the actual course of things in his book-keeping in a way that causes detriment to the waqf or brings about profits to Mutawalli at the expense of the waqf.
7. if he leased the waqf to himself, or to his wife, or to one of his agnates up to the fourth degree.
8. if he was sentenced for an ordinary (non-political) crime, or for disgraceful misdemeanor.
9. if he perpetrated an act which, according to the rules of Sharia', necessitates his removal.

Removal of Mutawalli from one waqf disqualifies him to be a Mutawalli of any other waqf. It is not allowed that a mutawalliship is being directed to a formerly removed Mutawalli.

In case of death, when the office of Awqaf comes to know that the Mutawalli has passed away, it promptly puts the waqf under its direct control up to the date of appointment of a new Mutawalli. The concerned administrative authority of the State, as well as the Mutawalli's inheritors, must inform the office of the Awqaf about the incident within seven days from the date of its happening. The office of Awqaf has to ask the inheritors to submit whatever money belonging to the waqf remained in the departed Mutawalli's debt.

RELIGIOUS EDUCATION : Beside the administration of waqfs, the Ministry of Awqaf and Religious Affairs in Iraq is to shoulder the responsibility of spreading Islamic education. For this purpose, in 1969, the Regulation of College of Imam A'azam No.66 was issued. According to this regulation a college by the name of Imam A'azam ( The Grand Imam; viz., Abu Hanifa) is to be established in Baghdad, and it is possible to open its branches in various parts of the country. The specialisation of this college is the Islamic studies from the points of views of dogma, Sharia, and behaviour. The subjects to be taught at this college are: (1) Disciplines of the Holy Qur'an; (2) Islamic Jurisprudence (Fiqh) and its sources (u'sul al-Fiqh); (3) Grammars of Arabic Language (Syntax and morphology); (4) Tradition and its convention. (5) History of Legislation and Islamic history; (6) Intonation (art of recitation of Qur'an; Tajweed); (7) Logic and Polemics; (8) Science of Kalam and Philosophy; (9) Exegesis of Qur'an (interpretation of, and commentary on, the Qur'an; Tafseer); (10) Religion of Islam; (11) Origins of the Call (da'wa) and Psychology; (12) Comparative Jurisprudence; and (13) Rhetoric and (literary) Criticism.

Bearers of Religious S.S.C. or equivalent are to be -admitted to this college. Basically the medium is Arabic, but it is left to the Council of the College to decide teaching in another language.

The Supreme Head of Diwan of Awqaf (now the Ministry of Awqaf) grants, on the basis of decision issued by the Council of the College, the graduates a degree called, 'Ijaza in Islamic Studies'. Literally 'Ijaza' means 'Permission or licence, or the academic degree of a licentiate', and the implication of the name of this degree seems to be that the graduate is considered as 'a learned person or a well-versed one' in Islamic studies to the extent that he is permitted (licenced) to give education in these studies. The Ijaza Degree is equivalent of B.A. Degree awarded by the Iraqi Universities, and the bearer of Ijaza has the same rights of a bearer of B.A. Degree. The duration of study is five years.

Council of the college prepares its budget. Council (Majlis) of Awqaf confirms it within the general budget of Awqaf. Finances of the college are constituted of :

1. Whatever money annually allotted to the college by Ministry of Awqaf;
2. annual governmental subsidy. The amount of this subsidy is to be decided by the government within the framework of the State Budget;
3. College's income from royalty of its capital, costs of its publications, and fees of its services;
4. Whatever comes in to the college as a charity such as gifts, aids, presents, donated according to the wills of the departed, and waqfs.

Dean of the college is to be nominated by the Supreme Head of Awqaf, and his appointment to the office must be

based on a Republican Ordinance. The tenure is three years capable to be renewed. The Dean must be a University Professor or an outstanding scholar renowned for his deep knowledge in the field of Islamic studies. He is authorized to have powers of a director-general according to the Iraqi rules. He is the legal representative of the college before the administrative and judicial authorities...etc. in the country.

The teaching staff are nominated by the Council of Awqaf, and graded as follows :

1. Teacher - He must be having a Ph.D. Degree or equivalent, otherwise he has to have an M.A. Degree or equivalent with three-years-experience in practicing teaching. If these degrees (Ph.D., or M.A.) are not available, then the candidate must bear the degree of (al-Alamiya) from Al-Azhar University in Cairo, or he must be licenced in religious disciplines.
2. Assistant Professor - The above-mentioned qualifications required for the post of a teacher are required also for this post in addition to that the candidate should have practiced teaching at a recognized university or college for at least four years and published valuable researches, and that his services in teaching were excellent.
3. Professor - The above-mentioned qualifications as described in the case of an assistant professor are required for this post beside that he must have stayed at the rank

of an assistant professor for at least five years, that he has published original academic researches, and that his teaching's services were excellent. It is possible that (Readers) being appointed on the condition that they got M.A. Degree or equivalent.

Decisions taken by the Council of the college must be signed by the Head of Awqaf for getting legitimacy. On the grounds of a decision taken by the Council of the college and confirmed by the Head of Awqaf, the curriculum of the college can be changed by cancelling some of the subjects or adding some others. <sup>(52)</sup> Beside the establishment of the College of Imam A'azam, the Authority in Iraq ( RCC and the Ministry of Endowments and Religious Affairs) decided to establish the Islamic University in Baghdad after the fashion of Al-Azhar University in Cairo.

THE ISLAMIC UNIVERSITY :

One of the most important goals of Diwan of Awqaf (now: Ministry of Awqaf and Religious Affairs) is the preservation of the Islamic heritage; the performance of serving the mission of Islam by teaching the Islamic disciplines and calling to the Islamic way of life; by means of preparing active scholars who must have Islamic and academic education, who ought to be of excellent efficiency in Arabic language and who should have the ability to guide the individual and society to the sublime principles of Islam so as to render the best services to the national and

nationalistic aims, and to the cause of humanity. For these purposes RCC issued on 1.11.1972 by its Resolution No. 803 the Law of the Islamic University No. (116) of the year 1972.

According to this law Diwan of Awqaf (now Ministry of Awqaf) had to establish in Baghdad the Islamic University which was, at the time of its establishment, composed of the following colleges :

1. College of Shari'a, \*
2. College of Usul al-Din. \*\*
3. College of al-Dirasat al-Arabiyah.

But this University was permitted to establish higher institutes, colleges and other establishments, and allowed to annex to its administration any institute or college or establishment attached to Diwan of Awqaf. The medium of teaching is Arabic but Council of the University is free to decide teaching some subjects in a non-Arabic language. The University has a legal personality, and is independent in its administrative, educational, financial and organizational affairs, but its financial accounts are subject to the supervision of the Diwan of Financial Comptrollership and Financial Inspection at the Ministry of Finance. This University concerns itself with preparing specialized

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\* College of the Sources of Religion.

\*\* College of the Arabian Studies.

leaders in spreading the religion of Islam as an ideology, legislation, and civilization; and with enhancing academic and cultural ties with other universities and academic bodies, whether they are Arabian or Islamic or otherwise, with a view to realize its mission.

The Islamic University has two councils - Council of the Trustees, and Council of the University. Council of the Trustee is consisted of (1) Minister of the Higher Education and Scientific Research, (2) Minister of Education, (3) Chairman of Diwan of Awqaf (now Minister of Awqaf and Religious Affairs), (4) Chancellor of the University itself, (5) Three from among the members of the Council of the University provided that they are chosen by the rest of the members of their Council, and (6) Two experts in universities affairs. Council of the University is consisted of (1) Chancellor of the University, (2) His deputy (or deputies), (3) Deans of the University's colleges, and (4) Three professors or assistant-professors from among the teaching staff of the University.

The chancellor is to be appointed by a Republican Ordinance for a three-year term capable to be renewed. He has the authority of a Minister as far as the laws and regulations pertinent to the affairs of the University and its officials and employees are concerned, and he has the authority of the Minister of Finance in relation to the application of laws of civil service and personnel.

He must be an Iraqi or an Arab and at the rank of Professorship.

The University grants B.A., M.A., Ph.D., and honorary degrees. Revenues of the University is consisted of :

1. whatever money allotted to it by Diwan (Ministry) of Awqaf; 2. annual subsidy that the government decides its amount in the State Budget; 3. profits of the University's property, and prices of its publications; 4. whatever the University receives as gifts, aids, wills... etc. (53)

On the strength of the article (17) of the Law of Administration of Awqaf No.64 of the year 1966, Regulation of Religious Primary, Intermediate, and Preparatory Schools No.44 of the year 1967 was issued. According to this regulation Diwan of Awqaf is to establish the above-mentioned religious schools. And religious associations or authorized academic bodies can establish the same provided that these association and bodies will abide by the rules of the said Regulation No. (54) 44.

In 1970 Regulation No.44 of the year 1967 was revoked. In accordance with the Item (c) of the amended Article (50) of the Interim Constitution, and with the provisions of Article (17) of the amended Law of the Administration of Awqaf No.64 of the year 1966, and pursuant to the Resolution of RCC; Regulation of the Islamic Institutes No.40 of

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53. Iraq (Republic of-) : Official Gazette No.2200, November 22, 1972, Ministry of Information, Baghdad, PP. 1-4

54. Iraq (Republic of-): Official Gazette No.1501, dated 26.11.1967, P. 10



the year 1970 was issued. This Regulation was amended two times - first amendment in 1972 under No.34, and second amendment in 1976 under No.8.

According to the new regulation the Islamic Institute is a religious institute composed of the combination of two schools or more which are attached to the mosques. The tasks of these Institutes are to prepare highly religiously educated youths; to make them able to hold positions in the Islamic Institutes, places of worship, and mosques; and to qualify them to instruct the people and acquaint the citizens with religious matters. Duration of study is six years and to be equally divided into two - three years for the intermediate schooling, and three years for the preparatory (secondary) schooling. Each year of these six is to be considered as a school class.

At the time of seeking admission the student must not exceed sixteen years of age. He ought to produce the elementary school certificate; and pledge to devote all his time to religious study, to behave in accordance with Islamic morals, to perform religious rites and Islamic duties; and to wear the religious uniform inside and outside the institute. Number of the students to be admitted each year to anyone of these institutes is subject to the decision of both the Ministry of Awqaf and the institute itself on the basis of financial capability of the two to sustain such a number. However, number of students in

each class must not exceed thirty. It is permissible to transfer a student from the public intermediate schools to the religious institutes, but, in this case, special written and oral examinations are to be held so as to decide the class to which the transferred student is to be admitted.

As far as recruiting is concerned the certificate of the intermediate study at these religious institutes is equal to that of the intermediate school of the Ministry of Education and Teaching. But this religious certificate does not qualify its bearer to participate in the public examination of the Ministry of Education and Teaching for preparatory schools. Bearers of religious intermediate and preparatory schools are qualified to occupy religious offices of the Ministry of Awqaf, and they enjoy preference at the colleges and institutes administered by the Ministry of Awqaf to the exclusion of their counterparts who got their certificates from the Ministry of Education and Teaching in case of competition. A unified public examination at the end of the two stages (intermediate and preparatory) ought to be held by the Ministry of Awqaf. Examinations other than the above-mentioned one are to be conducted by the institute itself.

Administration of the institute is assumed by a principal to whom an assistant can be appointed in case of necessity. The teaching staff is composed of teachers

appointed according to the Law of Service at the Religious Establishments, but it is allowed to appoint some specialized teachers or lecturers (who were originally appointed in accordance with the provisions of Laws other than the Law of Service at the Religious Establishments) in order to teach some subjects.

Regulations and instructions applied to the intermediate and preparatory schools by the Ministry of Education and Teaching are to be applied to the religious institutes so long as they do not contradict the laws and regulations of the Ministry of Awqaf. These regulations and instructions are pertinent to : (1) duties of students; (2) discipline; (3) rights and duties of the principal and of the teaching staff; (4) daily attendance and time-table of periods.

Subjects to be taught are, " The Holy Quranic Sciences- Intonation - Exegesis - Method of Exegesis - Islamic Jurisprudence - Method of Islamic Jurisprudence - Islamic Doctrine - Monotheism - Tradition - Method of Tradition - Biography ( of the Prophet) - Rites - Philosophy - Logic - Literature of Search - Arabic Language Text - Syntax - Etymology - Writing - Rhetoric - Composition and Speech - Literary Criticism - Literature and Literary Text - Arabic Prosody - Calligraphy and Dictation - English Language - General Sciences - History and Geography - Arithmetic and

(55)  
Measurements ".

On 28th of April 1981, the National Assembly approved  
(56)  
a new regulation for the religious schools in Iraq.

The full data given in the preceding pages about the religious institutes and religious education in Iraq make it extremely clear that these educational establishments aim at creating new generations of peaceful and highly educated religious guides; and at bringing into being excellently qualified Ulama, both armed with principles, spirit of Islam, and strong desire to serve humanity at best, so that contribution of the Iraqi society in general, but of the Muslim community in Iraq in particular, to stem the tide of materialism will be an outstanding example to be followed by the like-minded peoples of other communities the world over.

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55. a. Iraq (Republic of-): Iraqi Gazette No.(6),  
Baghdad, 10.2.1971, PP. 10-14  
b. Iraq (Republic of-): Iraqi Gazette No. (33),  
Baghdad, 14.8.1974, PP. 7 f.

N.B.

1. The above-mentioned (Iraqi Gazette) is the same (Official Gazette) but in English.
  2. Regulation of Islamic Institutes No.40 of the year 1970 was published in the Official Gazette No.1902, dated 30.7.1970.
  3. Regulation No.34 of the year 1972, First Amendment to the Regulation of the Islamic Institutes was published in the Official Gazette No.2193, dated 25.10.1972
56. Ath-Thawra No. 3989, Wednesday 29, April, 1981,  
P. 6

ECONOMIC ROLE OF MINISTRY OF AWQAF :

In modern Iraq, but especially after the Revolution of 14 July, 1958, Diwan of Awqaf embarked on the policy of utilizing its incomes to increase its richness, power, and influence in order to serve Islam in a better way. On the grounds of this new policy Diwan has abandoned the previously adopted methods of exploiting its estates, for example, Diwan had farms and orchards of which some are situated outside the towns and cities, and when municipalities have widely broadened their boundaries after Second World War, the Diwan helped in urbanizing the rural areas by constructing buildings on the lands of its farms and orchards inside and outside the towns and cities. In 1958 the Diwan enacted the statute No.76 according to which a relatively big amount of money was allotted for construction enterprises. The new policy was a beginning to fresh fields of activities such as erecting hospitals, establishing printing-presses, enlarging urbanization and reviving the Islamic heritage. This was the starting point in preparing a prosperous and most respectable life for religious Ulama.

LIBRARY OF AWQAF - contains thousands of manuscripts written in Arabic, Persian, and Turkish; and some few

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57. Directory of the Republic of Iraq, 1960, op.cit., PP. 284 f.

58. Qasim, Nafi' : in an introduction to the 'Laws, Regulations...etc.', op. cit., P.4

manuscripts written in Kurdish language as well. These valuable manuscripts were collected by Ministry of Awqaf (59) in 1928 from various mosques and Takias. At present there are 30,000 volumes in this library. The emphasis is on Islamic religion and Islamic-Arabic history. The library (60) also publishes a magazine called Al-Risala Al-Islamiya (The Islamic Message).

Part two - Waqfs of religious minorities :

After defeating the Turkish forces, the British rule declared in 1917 the Announcement of the Establishment of Courts No.6, dated December 28, 1917, according to which the Shari'a courts decides the cases of personal status of Sunni Muslims only. As for Shi'ite Muslims and non-Muslim citizens the competent court to decide cases pertinent to their personal status is the civil court. After the Revolution of June 1920, the Britishers deemed it necessary to transfer the Authority to a national government, consequently they declared on 25th, Oct., 1920 the formation of the Provisional Government under the Dean of the Notables of Baghdad; Mr. Abdul-Rahman al-Gailani, which continued to rule Iraq up to the enthronement of King Faisal I on 23rd of August, 1921. After the establishment of the kingdom, the Shi'ite personal status

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59. Directory of the Republic of Iraq, 1960, op.cit., P. 275

60. World of Learning 1980-1981, The-, 31st Edition, Vol.I, England, P. 706

came under the jurisdiction of Shari'a court. Article (76) of the Organic Law states that Shari'a court decides all the cases pertinent to the personal status of the Muslims including their Awqaf. Article (77) signifies the existence of Sunni and Shi'ite Shari'a courts. Article (75) divides the Religious Courts into Shari'a Courts, and Spiritual Courts for the Religious Minorities. According to Article (78) by the 'religious minorities' was meant only the Jews and Christians. As for the religious minorities other than the aforesaid ones the civil courts are the competent courts to examine the cases of their personal status as it was mentioned in the Law of Organizing the Religious Courts of 1947.<sup>(1)</sup> However, the non-Muslim religious courts were not sufficiently capable to survive, and the administration of their Awqaf, including the problems of Mutawalliship, remained the cognizance of the civil courts, as it was mentioned in the Article (11)<sup>(2)</sup> of the Announcement of the Establishment of Courts in 1917, until recently. According to the Article (16) of the Law of Ministry of Awqaf and Religious Affairs No.50, 1981; the phrase 'Minister of Awqaf and Religious Affairs' ought to replace the phrase 'Minister of Justice' wherever the latter was mentioned in the laws, regulations, and directions relevant to religious minorities'

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1. Kubbah : Judicial Organizations and the Legislative Movement in Iraq, op. cit., PP. 21, 28, 75 f., 213 f., 236

2. Kubaisi : Personal Status, op.cit., P. 369

affairs except for judicial and jurisprudential affairs. This is a new development as far as the administration of religious minorities' Awqaf is concerned.

A. CHRISTIAN WAQFS :

Generally the religious minorities in Iraq have special laws and regulations for administration of their waqfs. Each Christian Sect has its own sectarian waqfs and their regulations. The income of waqfs is to be spent on religious establishments, such as churches and religious institutes, as well as, for charitable purposes such as orphanages and financial aids to be distributed among the poor and needy people of the Sect.

The Orthodox Syriac Christians have (21) Parishes in various parts of the world including India. Three Parishes out of the said twenty one are situated in Iraq; one in Mosul under an archbishop, and its waqfs are administered by a special committee under the guidance of the same archbishop. The second Parish is located in the famous Convent of Mar Matta on Jabal Maqloob near Mosul. This convent has its own real estates, orchards, and vineyards as waqfs for the maintenance and socio-religious activities of the convent which directly administers its waqfs. The third Parish is an official vice-patriarchate for Baghdad and Basra. They have in Baghdad a charitable association. The supreme head of the sect in Iraq is the



Vice-patriarch in Baghdad who supervises all the religious affairs, including waqfs, of the sect.

The Catholic Syriac Christians are a small minority in Iraq. In the city of Mosul they have a Cathedral, some waqfs, and a charitable association to maintain the poor and needy people of the sect, and to take care of the orphans and sick people. In various parts of Nineveh Governorate they have villages, churches and waqfs. Their parish is located in Baghdad and its archbishop is the grand head of the Sect in the country who supervises all its religious affairs including waqfs.

The Chaldean Christians were over 86,000 souls in 1960. The majority of them are staying in the north of Iraq, and the rest are dwelling in various parts of the country, but especially in Baghdad and Basra. They have many churches, convents, charitable associations, religious schools, and waqfs. They have sectarian councils for the administration of their waqfs.

B. JEWISH WAQFS :

Jewish minority's supreme head is called in Iraq the Grand 'Hakham', namely; the Grand Rabbi, who presides over the General Council of the community which was to be composed of (60) members elected, including the Grand

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4. Directory of the Republic of Iraq, 1960, op.cit., PP. 423 ff.

5. Ibid., PP. 439 f.

Hakham himself, every four years. Under the General Council there were other two Councils :

1. The Spiritual Council.
2. The Corporal Council.

The latter Council assumes the responsibility of supervising the administration of Jewish waqfs, charitable establishments and religious institutes. The administration of waqf is shouldered by a Jewish Mutawalli appointed in accordance with the conditions laid down by the Founder of waqf. They have (41) Synagogues in various parts of the country, and the oldest Synagog among them is the Grand Synagogue which was established in about the fifth century B.C.

In 1931 the government of Iraq enacted the Law No.77 for the Formations of the Jewish Sect, and this law was followed by the Regulation No. 36 of the year 1931. In 1950 the Iraqi government issued the Law of Depriving the Jews of Iraqi Nationality on the basis of the Jews' desire to migrate to Israel. Consequently the Jewish population in Iraq was reduced to about 5,000 souls. According to the 'Directions of Formations of the Jewish Sect' issued by Ministry of Justice and published in the Official Gazette No.4104, dated 25th of February, 1958; a committee of five members from among the remaining Jews staying in

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6. Official Directory of Iraq of the year 1936, op.cit., PP. 726 ff.

Baghdad must be formed. The membership is of two-year tenure capable to be renewed, and elections are to be held by a secret ballot. This committee should conduct the administration of charitable waqfs which was under the administrative and Mutawalliship of the ex-Corporal Council or any other former body.<sup>(7)</sup>

As for other religious minorities in Iraq, the Baha'i activities were prohibited by law as we have stated in chapter four. The Yazidis, a minority which is relatively big in number, are extremely isolated and confined almost absolutely to their villages and very small towns, so that they are firmly controlled by their Ameer in addition to the fact that they have not the same, or at least similar to, complicated systems of waqfs, which Muslims, Christians, and Jews have. Whatever endowment dedicated to their holy shrines is directly controlled by their Ameer as we have seen in the previous chapters. The Sabaeans are so small in number that the religious supreme head of the community; namely, the Kanzibra, can easily directly handle the religious affairs of his people as it was indicated to in the former chapters also.

On the basis of the item (a) of the Article (57) of the Interim Constitution, and on the strength of clause (First) of the Article (17) of the Law of the Ministry of Awqaf and Religious Affairs No.50 of the year 1981,

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7. Directory of the Republic of Iraq, 1960, op.cit.,  
P. 434

RCC issued on 19th of September, 1981, the Regulation of Taking Care of the Religious Minorities No.32 of the year 1981. Article (1) of this regulation states that the Ministry of Awqaf assumes to organize and administer the affairs of the religious minorities as follows :

1. to prepare the drafts of laws, regulations, resolutions, and directions germane to taking care of the religious minorities, and to make efforts to execute them after their affirmation and legislation.
2. to facilitate performance of religious rites exercised by the religious minorities.
3. to pay attention to, and look after, places of worship of the various religious minorities.
4. to equally patronize the clergymen of various religious minorities<sup>\*</sup> within the framework of the laws, resolutions, and regulations.
5. to conduct the necessary procedures for the appointment of the religious heads of the religious minorities in Iraq after having been chosen by their peoples, and in accordance with the stipulations of the settlers of their Awqaf, and according to the documents of waqfs (waqfiyas; waqfnamas) issued by the competent courts.
6. to construct and repair the churches and temples of the religious minorities.

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\* Emphasis is mine.

7. to support the religious minorities so as to enable them to serve the causes and aspirations of the nation.
8. to supervise the informational materials and religious publications issued by the religious minorities.
9. to supervise and administer the Awqaf of the religious minorities in accordance with the rules and conditions of each religious minority, and remove the setbacks which prevent these Awqaf from smoothly functioning.
10. to fully take part in the membership of the religious councils, bodies, and committees of the religious minorities.

Article (2) : A supreme corps of the religious minorities must be formed at the Ministry of Awqaf and Religious Affairs, and headed by the under-secretary of the Ministry for the religious affairs as its chairman. The members of this corps are :

1. Head of the Department of Religious Minorities at the Ministry of Awqaf.
2. the officially recognized Head of each religious minority, or the foremost representative of it, or the Head's deputy, or whomsoever the Head delegates.
3. one or more specialized persons to be chosen by the Minister of Awqaf.

The head of the Department of the Religious Minorities is the vice-chairman of the corps and replaces the chairman at his absence. In case that the representative of the religious minority is legitimately absent, his deputy

has to attend the meetings of the corps. The representative (whether head or otherwise) of the religious minority has no right to vote if the case under consideration is irrelevant to the affairs of his minority.

Article (3) : the below-mentioned matters are under the jurisdiction of the corps (1) to discuss the affairs of the religious minorities in general; (2) to discuss the suggestions produced by the religious minorities in relation to the construction and maintenance of the places of worship, and to introduce the required recommendations therefor; (3) to discuss the problems of each religious minority, everyone by itself, and to find out the resolutions; (4) to discuss and study the recommendations to grant aids and material support to the followers of the religious minorities; (5) to examine the plans of the Ministry of Awqaf about the waqfs of the religious minorities without violating the stipulations of the waqifs or tampering with the judgements issued accordingly; (6) to make recommendations to the Ministry of Awqaf for buttressing the religious minorities and upholding their affairs; (7) to consider whatever matter committed to it by the Minister of Awqaf. Article (9) : after their affirmation, resolutions of the corps are obligatory to both the Ministry of Awqaf and the religious minorities. This shows that the new regulation is more liberal than the previous ones.

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8. Iraq (Republic of-) : Regulation of Taking Care of the Religious Minorities No.32 of the year 1981, published in the Official Gazette No.2852, dated November 5, 1981, PP. 981 f.

CHAPTER - VII

THE RELATION BETWEEN RELIGION AND THE POLITY

IN IRAQ AT PRESENT

Part one - Nature of the relationship :

Actually this thesis is intended to discuss the relation between 'Religion' and 'State' in the politics of modern Iraq. But in the context of this research what do we exactly mean by the term 'Politics' ? D.D.Raphael says, "modern writers on political science tend to distinguish between 'government' and 'politics'. 'Government' concerns the institutional framework of rule in a State, that is to say, the structure and procedure of the legislative body, of the executive and administrative bodies (roughly, the cabinet, other holders of ministerial office, and the civil service), and of the analogous institutions in local government. 'Politics' concerns the behaviour of groups and individuals in matters that are likely to affect the course of government, e.g, in voting, in forming and running political parties, or in exerting influence in other ways on those responsible for the conduct of government. I shall be using the term 'politics' more widely so as to cover 'government' as well, and for this purpose I include - under 'government' the institutions for interpreting and enforcing the law in addition to those for making and

(1)  
applying it. " This broader sense of the term 'politics' expressed by Professor Raphael was adopted for this research.

Article (4) of the Interim Constitution declares that Islam is the religion of the State, without any further elaboration in regard to Islamic schools of thought or Islamic sects, whereas the Constitution of the Islamic Republic of Iran, as a latest development in Islamic Politics, asserts in article (12) that Islam is the official religion of Iran; that the sect (Mazhab) of Ja'afari Ithana 'Ashari is the official sect of the state; and that this (article 12) cannot be changed for ever. Other schools; namely, Hanafi, Shafii', Maliki, Hanbali, and Zaidi enjoy full respect, and followers of these schools are free to (2) pursue the rules of their respective jurisprudences.

The Iraqi Minister of Endowments and Religious Affairs, Mr. Nouri Faisal al-Shahir, declared in New Delhi that the Iraqi 'government or the ruling Ba'ath Party did not accord (3) any special treatment to any sect or community' in Iraq. The Iraqi President Mr. Saddam Hussein is of the opinion that the Iraqi peoples are free in their religions, sects, (4) and beliefs; and that the State is not an (Imam of Jami');

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1. Raphael, D.D. (Professor of Philosophy in the University of London); Problems of Political Philosophy, revised edition, First Indian edition by Macmillan, 1977, P.27
  2. Islamic Constitution of the Islamic Republic in Iran, The-, (in Arabic), Iran, ND., P. 21
  3. Times of India, No.131, Vol. CXLIV, Bombay, Tuesday, May 12, 1981, P. 1
  4. Al-Jumhuriyah, No.3899, April 25, 1980, Baghdad, P.3



that is to say, the State has nothing to do with Islamic sects, and this, in a way, coincides with the opinion of the Prime Minister of India, Mrs. Indira Gandhi, as she expressed that the traditions of tolerance must be promoted without allowing politics and religion being mixed up. (5) But it seems that the present Iranian regime firmly believes that " Islam looks on this world as absolutely controlled by a power which though strict and stern is good and favourable towards men, so that when a man submits to this power his life is satisfactory... " (6) According to Ayatollah Muntazari of Iran, ever since the emergence of the Religion (Islam) it was not separated from politics, and the concept of separation between religion and politics was brought by colonialism and non-Muslims. (7) The Iraqi regime does not cling to the religious attitude of the Iranian regime despite the fact that both the constitutions of Iraq and Iran declare Islam to be the religion of the State; and in spite of the reality that the Iraqi President, Mr. Saddam Hussein, said that 'We did not feel that there is difference between the spirit of the religion and the spirit of al-Ba'ath' Party. (8) If one of the implications of secularism, at least to some extent, is contained in the above-mentioned opinion of the Prime

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5. Indian Express, Vol. XLIX : No.313, Bombay, Saturday, October 17, 1981, P. 1

6. Watt, W.Montgomery : What is Islam?, op.cit., P.10

7. Al-Shaheed, Voice of the Islamic Revolution, An Iranian magazine published in Arabic, No.67, August 5, 1981, Teheran-Iran, P.8

8. Al-Jumhuriyah, No.3723, October 15, 1979, Baghdad, P.7

Minister of India, then, the general policy of the Iraqi State regarding religion agrees with the opinion of the Indian leader because the Ba'athist State in Iraq is, (9) practically, a nationalist and secular state.

General criteria of secularism - In the West there was a (10) revolutionary shift from Religion to Technology, this shift had its contribution in breeding secularism in the Western World.

" ... a Church may also say that there is no aspect of life that falls outside the scope of religion. Consequently it is possible for a Church to maintain that political decisions are subordinate to religious judgement, and that the rules of the Church are more authoritative than those of the State.

This is what was claimed by the Pope in the Middle Ages. The conflict between Pope and Emperor was one in (11) which each side claimed to be the superior authority. " This has not been the case of modern Iraq with regard to adoption of secularism in its modern meaning due to the fact that it was not necessary for Iraq to re-traverse the tortuous course already traversed by Western countries to separate the State from religion. There were no conflicts,

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9. Eskandar, Ameer : Saddam Hussein, op.cit., P. 158
  10. Toynbee, Arnold : An Historian's Approach to Religion, Second edition, GB., 1979, P. 191
  11. Raphael : op. cit., P. 57

claims, and counter-claims by the state and religion, therefore, it can safely be said that the conception of secularism was brought to Iraq as a ready-made rule for conducting the political affairs of the modern Iraqi state.

' Though secularism emerged as a reaction against excessive religiosity, a secular state need not be conceived as an anti-religious state. The influence of religion on man's mind is so pervading that even highly developed materialist societies in the West have not been able to free themselves completely from it...

It can be admitted that in an ideal sense, a secular state would imply the creation of non-interfering spheres of action for both state and religion. It would be too ambitious, for that matter, to say that any state in the world has been able to create an ideal secular state based on absolute separation of state and religion. The reason is that though on a theoretical or hypothetical plane it is possible to postulate mutually exclusive spheres of action for state and religion, it would practically be far from easy and even unnecessary.

While 'law and order' is the province of the state, freedom of conscience is the province of religion. Those religious activities or practices arising out of or linked with freedom of conscience and those which affect adversely law and order cannot be permitted by the state and state intervention in the form of the imposition of restrictions

on such behaviour becomes inevitable. Perhaps a more important aspect to be noted is that the state cannot be a passive spectator to social evils including those having religious sanction. Almost every religion carries with itself some ritual, practices, superstitions which gradually become anachronistic and even pernicious in the context of changing circumstances. A doctrine of literal or strict separation between state and religion overlooks " the ubiquity of religion, its pervasiveness in social patterns and institutions and its inflexibility seems strangely at odds with accepted canons of constitutional interpretation ". Such a strict separation would prevent the state from striking down arrangements which are socially harmful or would amount to giving constitutional protection to social injustice, exploitation and cruelty in the name of religion and in the ultimate analysis it would nullify the objectives of secularism...

An important determinant of a secular state is freedom of religion, individual as well as denominational or institutional, but freedom as qualified above and not an unrestricted one. In addition to this, another equally important determinant is equality. This implies that in a secular state all religions are equal before the state and that no citizen is discriminated against on the ground only of religion and that citizenship is unrelated to religion. ' (12)

These criteria are available in the Iraqi constitution -

Generally speaking, if we take it for granted that the implications of the above-quoted paragraphs are the criteria for the theory of secularism, then, we can assuredly decide that Iraq is a secular state in view of the below-mentioned articles of the Interim Constitution :

5. (a) Iraq is part of the Arab Nation.
- (b) The People of Iraq is formed of two principal nationalities, the Arab nationality and the Kurdish nationality. This Constitution shall recognize the national rights of the Kurdish People and the legitimate rights of all minorities within the Unity of Iraq.
10. Social solidarity is the foremost foundation for the society. Its implication is that every citizen shall fully perform his duty towards the society and that the society shall ensure to the citizen his full rights and freedoms.
19. (a) Citizens are equal before the Law, . . . . .  
without discrimination because of race, origin,  
language, social category or religion\*.
- (b) Equal opportunities for all citizens shall be guaranteed within the limits of the Law.
22. (a) Dignity of Man is maintained. Exercise of any form of physical or psychological torment shall be prohibited.

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\* Emphasis is mine.

(b) No one may be arrested, detained, imprisoned or searched except under the provisions of the Law.

(c) Homes are inviolable. They may not be entered or searched except under the rules defined by the Law.

25. Freedom of religions, beliefs and exercise of religious ceremonies shall be guaranteed, provided that this should not contradict the provisions of the Constitution or the Law and should not infringe the morals and public order.\*

28. Education shall aim at raising and developing the general cultural level, developing the scientific thinking, kindling the spirit of research, fulfilling the requirements of economic and social development programmes, creating a free nationalist and progressive generation solid in structure and character, which esteems his People, his homeland and his legacy, sympathizes with the rights of all his nationalities and struggles against the philosophy of capitalism, exploitation, reaction, zionism and colonialism, for achieving the Arab Unity, Freedom and Socialism.

29. The State shall endeavour to provide the means of enjoying the achievements of modern civilization for the masses of the People and generalize the progressive outputs of modern civilization to all citizens.

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\* Emphasis is mine.

30. (a) Public Post is a sacred trust and a social service, whose stature is the loyal obligation aware of the interests of the masses, their rights and freedoms in accordance with the provisions of the Constitution and the Law.

(b) Equality in filling public posts shall be guaranteed by the Law.\*

32. (a) Work is a right which the State shall undertake to provide to every citizen capable of it.

(b) Work is an honour and a sacred duty imposed on every capable citizen. It is required by the necessity of participation in building the society and its protection, development and prosperity.

(c) The State shall undertake to improve conditions of work and promote standard of living, expertise and culture for all working citizens.

(d) The State shall undertake to provide wider social insurances for all citizens in case of sickness, disability, unemployment or old age.

(e) The State shall endeavour to organize the programme and ensure the necessary means which enable the working citizens to spend their leaves in an atmosphere that helps them to improve their health standards and develop their cultural and technical gifts.

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\* Emphasis is mine.

35. Payment of financial taxes is a duty imposed on all citizens. Financial taxes may not be imposed, amended or levied except by a Law.
36. Any activity which contradicts the aims of the People defined in this Constitution and any act or conduct aiming at crumbling the national unity of the masses of the People, provoking racial or sectarian or regional bigotry among their ranks or violating their progressive gains and achievements, shall be prohibited.

But Islam is not left behind - ABSP, the ruling party in Iraq, is basically a nationalist party but it adds to its nationalist essence the theory of secularism. This, certainly, does not mean that Islam was forgotten, or left behind. The prominent ideologist of ABSP, Dr. Elyas Farah, says, " The birth of Arab ideology is the fruit of intellectual gestation and militant activity; its crystallization was favoured by the four factors listed below :

1. The national heritage and the historic value of the Arab Nation's militant experience, particularly that of Islam, which concretized in the Arab past, both the deepest spiritual experience and the most radical intellectual, social and political revolution.
2. Contemporary revolutions, which were set in motion by religious reform, and culminated in the Socialist Revolution of 1917. They helped to situate the problem of the



oppressed masses and that of divided, persecuted nations  
(14)  
and peoples...etc. "

The Founder-Leader of ABSP; Professor Michael Aflaq, says, " The Islamic movement represented in the life of the Holy Prophet is not merely a historical incident for the Arabs, only to be interpreted in terms of time and place, causes and consequences. On the contrary, it is directly and absolutely related to the life of the Arabs in all their depth, force and expansion. It is a truthful representation and a complete and eternal symbol of the nature of the Arab mind, its rich possibilities and its real directions. It would be, therefore, correct to consider it possible to revive its spirit permanently and not merely its outward shape of words. Islam is a vital spur which activates the hidden potentials of the Arab nation and influences life with warmth and vitality overcoming traditional impediments and the limitations of phrases. The original source of its contact is related to the deepest meanings of the universe which evoke wonder and dedication through the use of fresh expressions and glorious actions. It does not revert to, at its inception, the imposition of any limitations but on the other hand, it opens up a vista before the other nations for thought and action thus encompassing within its fold a universality... The life of the Prophet is a representation of the Arab State in its

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14. Farah, Elyas : Evolution Of Arab Revolutionary Ideology, published by ABSP, Madrid-Spain, 1978, P.50

absolute reality which it is not possible to understand intellectually but only as a vital living experience... An Arab personality received the divine message and he issued a call to the whole of humanity to accept it. Since at that time his audience was only the Arabs, only a small number around him rallied to the call while many of them opposed the call. He migrated with a band of the faithful when persecuted by the infidels until in the end truth emerged victorious and all of them came to believe in it. The Islamic struggle cannot be isolated from its scene of action which is the Arab land. Its heroes and exponents were all Arabs. The infidels of Quraish were a necessity for the successful realisation of Islam as also the band of the faithful. Those who fought the Holy Prophet also participated in the victory of Islam just like those who supported it and helped it. It was possible for God to reveal the Qoran to His Prophet in a single day but actually it took more than 20 years. God was all-powerful to give victory to His religion and make all the people seek guidance from it all at once but this process took no less than 20 years for completion. God had the power to reveal Islam before the Prophet's appearance by several centuries and to any other nation but God revealed His religion at a pre-determined time and selected the Arab nation and the Arab hero, the Holy Prophet for it. There is God's wisdom in all this. None but the sticklers can

deny the fact that the selection of the Arabs for the revelation of Islam was because of the basic and distinguishing characteristics they had in them. " (15)

ABSP's socialism - ABSP is a socialist party aiming at establishing the socialist system not in Iraq only but throughout the Arab homeland. The staunch Indian Bohra reformist, Mr. Asghar Ali Engineer, sees that Islam has affinities with socialism. The social teachings of Islam work against Capitalism, but there is 'no communism in Islam' according to the legal opinion (fatwa) of the great Muslim university Al-Azhar. In addition to that 'no Muslim nation or no substantial section of any Muslim nation dreams of exchanging Islam for Communism'. The basic difference between Islam and Marxism is that Islam is a monotheistic religion which has depended upon revelation from a Supreme Being (Allah) who controls the entire universe, whereas communism refutes this belief and regards the universe from a purely materialistic and

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15. Aflaq, Michael : Remembering The Arabian Prophet, A pamphlet published in English by The Arab Organisation for Studies and Publications-Beirut, printed in New Delhi, 1975, PP. 4 ff., 8 f.
  16. Indian Express, Vol. XLVIII : No.45, Bombay :Saturday, December 22, 1979, P.7, Column 3.
  17. Hussain, Mirza Mohammad : Islam versus Socialism, Lahore, New edition, 1970, P.38
  18. Rodinson, Maxime : Islam And Capitalism, Tr.from French into English by Brian Pearce, Penguin Books, U.S.A., 1974, P. 26
  19. Hakim, Khalifa Abdul : Islam and Communism, Lahore, Fifth Impression, 1976, PP. 106 f.

atheistic viewpoint. The Muslims of Middle East still retain their original belief in Allah, and usually they try to solve their problems by referring to their book of guidance; the Holy Quran.<sup>(20)</sup>

Iraq is a Muslim country, and the ruling party there is a socialist one, therefore, one is entitled to wonder : what is the way of socialism adopted by ABSP and attempted to be applied by the Ba'athist state in Iraq ? To fitly answer this question it is better to quote President Saddam Hussein as saying, " Concerning our attitude to socialism and private property... Generally speaking, all the theories of heaven and earth meet on general principles, yet both heaven and earth have their own particularities. In every nation, despite general agreement on certain principles concerning socialism, we find that each nation has its own particular programme in the theory and practice of socialism. In general principles, the basis of all socialist theories is the rejection of exploitation and of the crushing of one group or class of people under pressure, privilege, or distinction of another group or class of people.

The net result of all the technical aspects of socialism is that man should be happy and satisfied with his condition on the human level. So, we do not understand socialism as the system which answers the material

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20. Idris, Haji Abu : Communism Islam And You, Lahore, Reprinted, 1978, Pp. 33 ff.

needs of man, or fills his stomach. It is rather the system which satisfies man, that is the majority of people, even if there is a small group which does not like this system. Therefore, you find that we have basic differences in our theory and practice of socialism from other socialist systems and other political and ideological movements in the world.

On these bases we do not believe in abolishing private property. We think and believe that private property accompanies socialist activity indefinitely. They work together, on the same level and in the same society. In the theory and practice of our Party, private property does not play a role at a certain stage then it comes to an end. The role of private property does not depend on a divided attitude, based on what is technically feasible in one particular stage, where we need to employ the private sector, then to put an end to private property when we no longer have a need for private sector investments.

Private property will continue, provided it is socially acceptable. That is when such property does not have a material basis capable of having a political influence in favour of a minority, at the expense of the people, the majority. It should not have a social influence capable of spoiling the socialist system. In nature and size, this is a movable state, taking its own dimension with every stage. That is not to say that private

property is a state unstable and constantly contracted or expanded in short periods of time. We mean this in the general historical sense of movement in the socialist society. We believe that socialist activity without private property cannot make a happy society, cannot answer the human need of the society. It may fill man's stomach, but it cannot satisfy man.

At the same time, we believe that a private activity ungoverned by these controls cannot fill man's stomach or ensure his humanity in any field. We believe that private activity should extend in all fields : in services, production, agriculture, and in industry, in the fields and extent decided by the general socialist programme. We think that private activity is a constant state; therefore, we do not believe there will be a surplus in goods and services which will affect the basic increments to wages and salaries we have recently introduced. The socialist sector draws up a prices policy which cannot be violated without punishment.

We believe in holding the central links and letting the remoter elements move freely to serve man in commerce, industry, agriculture and services. We do not want to run small shops for the socialist sector, and spoil the humanity of man while filling his stomach. Therefore you find art in our country sponsored by the State and the socialist activity without pressure. We sponsor art to

give it a chance to grow and develop faster. You may find something strange in this country's conceptions in that the socialist sector encourages private activity, not by offering it chances to exploit, but to help it in the service of socialist society through financial aid, service facilities and other forms of help extended by the socialist state : roads, telephones, electricity etc. We encourage the private activity to grow on loans and assistance by the banks of the socialist sector.

This attitude is not based on need for the private sector's money to be invested in speeding up development plans. It is rather based on the need for experience in the private sector to reach certain parts in the society which the socialist sector cannot and should not be pre-occupied with. Therefore you find our society happy... Every Iraqi has a permanent source of living now : the widow incapable of work, the handicapped, the mentally retarded; the orphans, the disabled. Every Iraqi who can work has an open chance. Those Iraqis who cannot work receive a salary equal to that of the unskilled labourer, though they stay at home.

On these principles, we have our own concept of exploitation. In Marxist literature, exploitation begins with the surplus value. We may have surplus value without exploitation. The Iraqi who declines the State's opportunities and works with the private sector is not exploited. Exploitation is when the State has not yet provided

work opportunities and laws to protect the citizen. When a person works with the private sector he does so according to the conditions of that sector, which aims at higher gains whenever there is a chance. The person then works under what is called "submissive terms", where the worker's ability is at a disadvantage. But now, when a citizen is asked by the private sector to work under certain conditions and he refuses, he will not starve, since he has an open chance with the State at all times. Therefore we are living in a socialist society. This is, briefly, the theory of our Party, and these are the applications of that theory. (21) "The ABSP's socialism is a scientific socialism. Some people wrongly thought that scientific socialism is nothing but Marxism with all its peculiarities. (22) The socialism adopted by ABSP does not (23) mean Marxist socialism.

Now it appears clear that the 'Ba'athist' socialism is not that socialism which is supposed to lead, in the long run, according to the Marxist ideology, to the establishment of communism. It is true that the Communist Party in Iraq was given a licence to publish a political

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21. Hussein, (President) Saddam : Iraqi Policies In Perspective, Published by : Translation & Foreign Languages publishing House, Baghdad, 1981, PP. 14-18
  22. Razzaz, Dr. Munif al-, : Socialism of al-Ba'ath (ABSP), Some Aspects of Theory and Practice, A pamphlet in Arabic published by Ath-Thawra Newspaper, Baghdad, 1979, P. 10
  23. Hussain, Sahib : Socialism of al-Ba'ath (ABSP), (in Arabic), Ministry of Culture and Information, Republic of Iraq, Baghdad, 1979, P. 10



and cultural monthly under the name of al-Thaqafa al-Jadida (The New Culture); and it was also licenced to publish a weekly al-Fikr al-Jadid (The New Thought), and a political daily Tariq Ash-Sha'ab (The People's Road),<sup>(24)</sup> but the communist education and thought are rejected in Iraq, especially at the Iraqi universities.<sup>(25)</sup> It is worth noticing that even the communist attempt to erase the impact of religion from social life has been unsuccessful as can be seen from the revival of the patriarchy in the USSR in 1944.<sup>(26)</sup> The view of the Iraqi leaders is that religion is a necessity and a concomitant for the human psychology, and it is eternal.<sup>(27)</sup> They believe that the revival of heavenly values must take place through the principles of al-Ba'ath Party because these principles are inspired by those values.<sup>(28)</sup>

We have given above an approximate idea about the brand of socialism in Iraq, but what about Islam? Some Arabs think that the Arab nationalist movement is a secular movement, whereas what is happening in Iran is an irrational return to Islam.<sup>(29)</sup> The Iraqi leaders believe that the

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24. ABSP : Political Report adopted by the Eight Regional Congress of ABSP, The-, in English, Baghdad, 1974, P. 122
  25. Opinion of President Saddam Hussein expressed by him at the meeting on the working paper for the sector of education, published in Al-Jumhuriyah, No.4325, July 5, 1981, P.3, Column 3
  26. Bachal : op.cit., P.2
  27. Aflaq, Michael : A speech published in Ath-Thawra, No.3967, Tuesday, 7, April, 1981, P.3, Column 4.
  28. A speech made by President Saddam Hussein in Najaf and published in Al-Jumhuriyah, No.3726, October 18, 1979, P.3, Column 1.
  29. Indian Express, Vol.XLVIII: No.308, Bombay:Monday, October 27, 1980, P.6, under the title, 'Arab Middle Classes Feel shock waves of war' by Martin Woollacott.

revival of our heritage does not mean to return back to  
(30)  
the past. The institution of Caliphate had passed away  
and it cannot come back to life under the guise of 'Imam'  
or 'Ruhollah' or 'Ayatollah'.<sup>(31)</sup> The Iraqi ambassador to  
India, Mr. Fadhil S.M. Al-Azzawi, said in New Delhi that  
'... Iraq had adopted a scientific outlook. It believed  
that religion was a personal matter and should not inter-  
fere with State policy'<sup>(32)</sup>. According to President Saddam  
Husseini, religion must not be politicized by the State.<sup>(33)</sup>\*

A summary - To summarize, we may say that there is a  
socialist system in Iraq but it is distinguished from the  
materialistic socialism, or (Scientific) socialism as it  
came to be known by the Marxists, in the sense that socia-  
lism in Iraq does not lead to communism, and does not  
abolish the private property; that it believes in the  
existence of God and in heavenly values; and that it  
promotes religion. The Iraqi leaders maintain that the  
State is not to turn back to a non-socialist system.<sup>(34)</sup>  
So far as Islam is concerned, the State believes in, and  
promotes, Islamic principles and values, but the State is

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30. Eskandar, A. : op.cit., P. 159

31. Ibid., P. 157

32. Times of India, No.97, Vol. CXLIV, Bombay : Wednesday,  
April 8, 1981, P.1, column 6, under the title 'Neutral  
Mission For Gulf Today'.

33. Eskandar : op. cit., P. 162

\* Emphasis is mine.

34. Hussein, President Saddam : In a speech made by him  
and published in Al-Jumhuriyah, No.3962, July 4,  
1980, P. 1

not a fundamentalist State. The Muslim fundamentalists plead for a radical change by the criteria of the fundamental values of Islam. Islamic fanaticism is, for politeness, called fundamentalism or revivalism. The Iraqi state is not a fanatical Muslim State. " The Iraqis are considerably more secular than their neighbours. Religion is a private matter and does not hold such drawing power for them. The Shi'as who constitute (55) per cent of the Iraqi population may legitimately complain of a meagre share of senior political and administrative posts. But they cannot accuse the Sunni-dominated government of oppression. Official government policy forbids discrimination on religious or sex grounds. The secretary general of the ruling party is a Christian. There are Christian and Shia ministers in the cabinet. " The religious freedom is granted and guaranteed to all the citizens of Iraq so that we can say that the Iraqi state is in reality a secular one.

Part two - Contribution of the State in promoting Religion in Iraq :

Promotion of religion by the Iraqi state can be put under two headings; viz., (1) religious education, and (2) State's actions stimulated by religious considerations. Herebelow these two topics will be discussed.

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35. Radiance Viewsweekly, Vol.XV, No.32, Delhi, Sunday, December 23, 1979, P.10, column 2.

36. Indian Express, Vol.XLVIII : No.65, Bombay : Tuesday, January 15, 1980, P.7, Column 5

37. Singh, J.D. : in The Times of India, No.305, Vol.CXLIII, Bombay : Sunday, November 23, 1980, P.9, column 4

1. RELIGIOUS EDUCATION :

Taking into account the historical background of Iraq in religious matters, it does not seem strange that the Iraqi society of to-day focuses its attention on religion. History tells us that Abraham had migrated from Ur in Iraq and he 'must have been a tribal sheikh who, guided by divine inspiration, foresook his old home in ancient Iraq and went in quest of new pasture lands and a new destiny for himself and his offspring'<sup>(1)</sup>.

" According to Walter Lowdermilk, eleven civilizations were born and have perished in Iraq during the past seven thousand years. Though now vanished, these civilizations have embellished man's history with exciting legend and reinforced it with enduring achievement. Tradition has it that the Valley of the Twin Rivers-The Tigris and the Euphrates-is the cradle of civilization, the scene of the Great Flood, the seat of the Garden of Eden. According to an American historian, the concept of the synagogue, the church, the mosque came out of ancient Babylon, in what is now Iraq, not from the Babylonians, but from the Jews whom the Babylonian King Nebuchadnezzar had driven as captives to his capital. The gatherings of the Jews for worship and religious discussion were the origin of communal worship as we know it today in the Jewish,

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1. Hindus, Maurice : In Search Of A Future, London, 1949, P. 161

(2)

Christian, and Moslem religions. "

The important role of Iraq in developing theology during the Abbasid time cannot be overlooked. "Baghdad in the days of Harun-al-Rashid-A.D. 786-809-was a city of two million. No other city could vie with it in prosperity or culture. In writing of that once mighty Arab Empire, Sir Mark Sykes presents a vivid portrait of the extraordinary quality of its civilization :

" The Imperial Court was polished, luxurious, and unlimitedly wealthy : the capital Baghdad, a gigantic mercantile city surrounding a huge administrative fortress, wherein every department of state had a properly regulated and well-ordered public office; where schools and colleges abounded; whither philosophers, students, doctors, poets, and theologians flocked from all parts of the civilized globe..." (3) The part played by the Iraqis in development of Christianity, especially in the theology of the Eastern Church is not small. Ctesiphon, for example, during the period of the Sasanian Empire A.D. 266- 640 was the center of Nestorian Christianity. (4) This historical background greatly justifies the much care and attention given by the Iraqis of nowadays; both the Authority and the peoples, to religion.

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2: Ibid., P.162

3: Ibid., P.163

4. Columbia Encyclopedia, op.cit., P. 519

In modern Iraq the State mantled the responsibility of imparting religious education in public schools. The Iraqi public-school system is essentially democratic in character, affording a large measure of equality of opportunity to students. Pupils and students of all creeds and races are admitted to these schools. Religious instructions given in any school is the religion of the majority of the students; minority-group students are excused from attending classes for religious instruction.

Presently, one of the goals to be achieved through the philosophy of education, in theory and practice, is to believe in the existence of God, to support Islamic principles, to strengthen the Arabian values and the spiritual values, and to back the values of humanism. The education is unified and accessible to all the Iraqis regardless of race, religion, social status, sex, and the place which the student has come from.

The educational ladder :

The educational ladder in Iraq is based on a primary school, which children enter at the age of six and attend for six years. The secondary school is of six years duration and of two levels : an intermediate school of three years, then one-year-general-secondary school plus

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5. Matthews, Roderic D. (Professor of Education, University of Pennsylvania); and Akrawi, Matta (Director General of Higher Education, Iraq): Education In Arab Countries of The Near East, published by The American Council on Education, Washington 6, D.C., U.S.A., 1949, P. 134

6. Ibid., P. 147

7. Iraq (Republic of-): Education Under The Wing Of The Revolution, issued in Arabic by the Ministry of Education, Baghdad, 1978, throughout the book.

8. Ibid., P. 39

two years for preparatory school in which the student specializes either in scientific studies, or in literary studies, or in vocational and professional studies. The three years' duration of the intermediate school is an approximation of the American junior-high school, and the two-year preparatory school is a version of the American Senior-high school. At all these levels religious instruction is given to the pupils and students as it will briefly be explained below.

A. FOR MUSLIMS - In the primary school there are two periods weekly for religious education from the first grade to the sixth grade inclusive.

At the first grade the pupils are to memorize the five foundations of faith (Iman) which are to believe (1) in God, (2) in His Angles, (3) in His Scriptures, (4) in His Apostles, (5) and in the Resurrection and the Day of Judgment. And the pupils are also to learn by heart the five pillars of Islam which are (1) the Confession (Shahadah) that there is no God but God (There is only one God) and Muhammad is His Messenger, (2) the performing of Prayer, (3) the giving of Alms (Zakat), (4) the keeping of the

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9. Ibid., PP. 72 f.

10. Matthews and Akrawi : op. cit., P. 431

11. Iraq (Republic of-) : Curriculum of the Primary School Study, (in Arabic), Ministry of Education, Sixth edition, Baghdad, 1979, P. 13

Fast of Ramadan, (5) and the performance of the Pilgrimage where there is a possibility of doing so. The teacher is to explain the meaning of the Profession (Shahadah), and to teach the Islamic Feasts and occasions which are : (1) the Hijra new year, (2) birthday of the Prophet, (3) Lesser Bairam (Id-al-Fitr), (4) and Greater Bairam (Bakr<sup>id</sup> Id as it is called by Indian Muslims in some places). He is also to teach the biography of the Prophet : families of his parents, his posthumous birth in the year of the Elephant, his fosterage at Bani Sa'ad tribe, and his profession as a shepherd as a divine bodily preparation for the hardship to come in the days of prophecy. The teacher must, as well, let the pupils commit to memory from the Holy Qur'an : (1) Sura I : Al-Fatiha, and (2) Sura CX : An-Nasr. He must choose three Traditions which can be understood by the pupils at this age, and which have bearing on the daily actions,

At the second grade there must be concentration on the names of Allah which are mentioned in the verse 22; Sura LIX: Al-Hashr. As for prayer, there ought to be concentration on the social meaning of the verse,

"... and He forbids all shameful deeds, and injustice and rebellion : He instructs you that ye may receive admonition" (Sura XVI; An-Nahl, Verse 90).

Timing of the daily five prayers has to be taught in addition to the night of Isra'a (the mystic vision of the Ascension of the Holy Prophet : he was transported from



the Sacred Mosque (of Mecca) to the Farthest Mosque of (Jerusalem) in a night and shown some of the Signs of God.), and the night of Al-Qadr (Night of God's Revelation, Night of Power or Honour), as well as, the following topics from the biography of the Prophet : his engagement in trade, his worship in the cave of Hira', his participation in replacing the Black Stone. From the Holy Qur'an the pupils have to memorize Sura XCVII : Al-Qadr; and have to read Sura XCIII : Dhuha (The Morning Hours), and to read the first verse of Sura XVII. The pupils are also to be taught three Traditions which are appropriate to their ability of understanding and are easy to be learned by heart. And these selected Traditions must have relation with the implications of the verses allotted to this grade.

At the third grade the pupils study that there are Angles and Holy (Heavenly) Scriptures, but emphasis must be put on Muhammad and Qur'an; and Jesus Christ and the New Testament (called in Arabic : Injil). They must study the Prayer in detail. The explanation of the social meanings and implications of the below-mentioned should be amplified : (1) Shameful deeds, injustice, rebellion; (2) Verse (238) of Sura II; and (3) Be steadfast in prayer, practice regular alms (Zakat), and spend secretly and openly out of what (We:Allah) have bestowed for your sustenance.

The pupils have to study some of the biography of

the Prophet : his participation in Al-Fuzul Pact, his marriage from Khadija, and the beginning of Revelation with the verses (1 - 5) of Sura XCVI.

From Qur'an they should read verses (17-31) of Sura LXVIII : Qalam; verses (9-12) of Sura LXVI : Tahrim; Sura CVI : Quraish; and Sura XCIV : Inshirah.

The teacher is to choose four Traditions which are short, easy to be memorized, and consistent with the implications of Sura CVI and Sura <sup>(12)</sup>XCIV.

From the fourth grade of primary school up to the sixth standard of secondary school there are textbooks for religious education. These books are of quarto size (23 cms x 16 cms).

For the fourth grade there are two textbooks; one is dedicated to Islamic education, the other being devoted to the Holy Qur'an and its interpretation.

The textbook of Islamic education is of (56) pages, and is divided into five sections : 1) lectures on the Holy Qur'an. This section contains five lessons; each lesson begins with some verses from the Qur'an, then comes the explanation of the difficult words mentioned in these verses in a dictionary-style, then comes the 'general meaning' of the verses, that is to say, the paraphrase of the verses, accompanied by the background (or reason) of their revelation. Finally the usefulness of the wisdom and moral

lesson contained in the verses to us is being mentioned at the end of the lesson as a conclusion. 2) Traditions. This section contains five lectures (five Traditions) along with their general meaning (paraphrase) exactly in the same manner of treatment of the Qur'anic texts.

3. Faith : two lectures on stories of the past prophets. In this section the story of Ibrahim (Abraham) is narrated, as well as, are mentioned the names of the prophets Adam, Idris, Nuh (Noah), Ismail (Ismael), Aiyub, Saleh, Yusuf (Joseph), Musa (Moses), Yahya (John the Baptist), Zakariya, and Isa (Jesus). 4. Worship : two lectures; one is on Fast, the other being on the social and moral purport of Fast. 5. Three lectures about the biography of the Prophet. (13)

The textbook of the Holy Qur'an and its interpretation is of (110) pages. It contains (564) verses of (37) Suras. These Suras are : Naba'a, Nazi'at, 'Abasa, Takwir, Infitar, Tatfif, Inshiqaq, Buruj, Tariq, A'ala, Ghashiya, Fajr, Balad, Shams, Lail, Dhuha, Inshirah, Tin, 'Alaq (or : Iqra'a), Qadr, Baiyina, Zilzal, 'Adiyat, Al-Qari'a, Takathur, 'Asr, Humaza, Fil, Quraish, Ma'un, Kauthar, Kafirun, Nasr, Lahab, Ikhlas, Falāq, Nas. (14)

Taking into consideration the age of the pupils at

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13. Khateeb, Dr. Ahmad Ali al-, et al : Islamic Education for the Fourth Grade, Ministry of Education, Republic of Iraq, Baghdad, 1980, throughout the book.
  14. Iraq (Republic of-) : Holy Qur'an and its Interpretation for the Fourth Grade, The-, Ministry of Education, Baghdad, 1979, throughout the book.

this stage, the textbook looks heavily loaded, though the verses mostly being short ones. Each lesson begins with the verses of the Sura, then follows explanation of individual words in a dictionary-style, then comes the paraphrase under the title, 'General meaning'.

For the fifth grade there are also two books; Islamic education, and Holy Qur'an and its interpretation. The textbook of the Islamic education is of (78) pages, and is divided into : 1. chapter one; with seven lectures on Qur'an in the same manner as described about the textbook of Islamic education for the fourth grade : each lecture starts with verses from Qur'an then follows the explanation of individual words in a dictionary-style, then comes the paraphrase and commentary. 2. Chapter two; with ten lectures totally containing ten Traditions. The explanation is carried out in the same manner of that of Qur'an; namely, the Tradition, individual words, and the general meaning. 3. Chapter three, with two lectures on dogmas such as Resurrection, ability of the Creator (Allah) to resurrect the dead. 4. Chapter four; with three lectures on worships (Ibadat), and here the topic of worship is Alms or charity (Zakat). 5. Chapter five; with four lectures on the biography of the Prophet, such as his migration to Medina...etc. 6. Chapter six, with two lectures on the biographies of the prominent personalities in Islam. In this book, for example, very short

biographies of the Companion Ammar ibn Yasir and of the  
(15)  
Companion Mus'ab ibn 'Umair were given.

The textbook of the Holy Qur'an and its interpretation is of (144) pages containing (431) verses of (11) Suras. These Suras are : Mulk, Qalam, Haqqa, Ma'arij, Nuh, Jinn, Muzzamil, Muddathir, Qiyamat, Dahr, and Mur-  
(16)  
salat.

For the sixth grade there are two books; Islamic education, and the Holy Qur'an and its interpretation. The textbook of Islamic education is of (100) pages and is divided into six chapters. The first chapter contains six lectures on Qur'an treating the commentary and giving the general meaning paraphrased in the same manner as above-described. The second chapter deals with Traditions and contains ten lectures on them (ten Traditions). The third chapter concerns with dogma having three lectures. The fourth chapter deals with worships and has, here, four lectures on Hajj. The fifth chapter is about the biography of the Prophet and contains six lectures. The sixth chapter is under the title 'Biographies of the Prominent Islamic Personalities', and it has two lectures on Huzaifa  
(17)  
ibn al-yaman and Abu Zarr al-Ghifari respectively.

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15. Iraq (Republic of-): Islamic Education for the Fifth Grade, Ministry of Education, Baghdad, 1980, throughout the book.
  16. Iraq (Republic of-): Holy Qur'an and its interpretation for the Fifth Grade, Ministry of Education, Baghdad, 1979, throughout the book.
  17. Khateeb, Dr. Ahmad Ali al-, et al, Islamic Education for the Sixth Grade, Ministry of Education, Republic of Iraq, Baghdad, 1980, throughout the book.

The textbook of the Holy Qur'an and its interpretation is of (280) pages containing (536) long verses from the following Suras : Zariyat (31-60), Tur, Najm, Qamar, Rahman, Waqi'a, Hadid, Mujadila, Hashr, Muntahana, Saff, (18) Jum'ah, Munafiqun, Taghabun, Talaq, Tahrir.

At the intermediate school study stage, the religious education aims, in short, at spreading the Islamic principles, so that the Muslim student clings to the Islamic values in his daily life. The teacher is to explain to the students the role of Qur'an and Tradition in asserting the Human Rights, and he is to show to them an approximate picture of the happy Islamic society that was there in Medina at the time of the Prophet. There is one period a week for religious instruction in first, second, and third standards of the intermediate school. (19)

For the first standard of the intermediate school there is one textbook of Islamic education. The book is of (98) pages, and is divided into two sections; the first section has two chapters, one on Qur'an, the other on Tradition. The second section has also two chapters; one on the biography of the Prophet, the other on the biographies of some of the Companions. The first chapter

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18. Iraq (Republic of-): Holy Qur'an and its Interpretation for the Sixth Grade, Ministry of Education, Baghdad, 1979, throughout the book.

19. Iraq (Republic of-): Curriculum of the Intermediate school study of the Year 1979, Ministry of Education, Baghdad, 1979, PP. 4-9

of the first section contains nine lectures on Qur'an and the manner of explanation is the same as described before. The Qur'anic texts to be taught are : 1. Verses (3-8) from An-Nahl Sura, to be interpreted and memorized. 2. Verses (92-95) from Al-Hijr Sura to be interpreted only. 3. (125-128) An-Nahl; for interpretation and memorization. 4. (41-46) Al-Furqan; interpretation only. 5. (32-44) Al-Kahf; interpretation only. 6. (49-56) Al-Mu'minun; interpretation and memorization. 7. (12-19) Luqman; interpretation and memorization. 8. Verse (45) of Al-'Ankabut Sura; for interpretation only. 9. (16-25) Ar-Ra'd; interpretation only. The second chapter contains ten Traditions; some for explanation only, and some other for memorization as well.<sup>(20)</sup>

The textbook of Islamic education for the second standard is of (104) pages and is divided into two sections; the first section contains two chapters on Qur'an and Tradition respectively, and the second section is composed of two chapters also; the first being about the biography of the Prophet, the second about the biography of some of the Companions.

The first chapter of the first section contains eight Qur'anic texts as follows :

1. (41-50) Maryam; interpretation and memorization.

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20. Iraq (Republic of-) : Islamic Education for the First Standard of Intermediate School, Ministry of Education, Baghdad, 1980, throughout the book.

2. (144-148) Al-i-'Imran; interpretation and memorization,
3. (166-175) Al-i-'Imran; interpretation only. 4. (55-64) Al-Anfal; interpretation and memorization. 5. (111-115) At-Tauba; interpretation and memorization. 6. (26-29) Sad; interpretation and memorization. 7. (70-77) Al-Isra'a, or Bani Isra'il (children of Israel); interpretation only.
8. (90-91) An-Nahl; interpretation and memorization. The second chapter of this section is constituted of ten Traditions partly prepared for explanation only, and partly for both explanation and memorization. (21)

The textbook for the third standard is of (90) pages and is divided in the same manner of the previous two books. It contains ten Traditions and the following Qur'anic texts :

1. (97-112) Al-Anbiya'a; interpretation and memorization.
2. (45-53) An-Nahl; interpretation only.
3. (123-126) An-Nisa'a; interpretation and memorization.
4. (148-152) An-Nisa'a; interpretation and memorization.
5. (19-22) At-Tauba; interpretation and memorization. (22)
6. (31-38) Sab'a, interpretation only.

At the fourth standard of general secondary school, and the fifth and sixth standards of secondary school

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21. Kubaisi, Dr. Hamad 'Ubaid Abdullah al-; Aloosi, Prof. Abdul-Jabbar Abdullah al-, and Hamid, Dr. Abdul-Sattar: Islamic Education for the Second Standard of Intermediate School, Ministry of Education, Republic of Iraq, Baghdad, 1980, throughout the book.
  22. 'Ulaiyan, Dr. Rushdi Muhammad; Hamid, Dr. Abdul-Sattar; and Hasan, Sadiq Ja'afar : Islamic Education for the Third Standard of Intermediate School, Ministry of Education, Republic of Iraq, Baghdad, 1980, throughout the book.



(preparatory), both literary and scientific sections, (23)  
there is only one period in a week for Islamic education.

The textbook of Islamic education for the fourth-general-secondary-school-standard is of (236) pages, and is divided into two sections. The first one contains two chapters of which the first chapter is dedicated to the Qur'anic text, and the second being devoted to the Tradition. It contains ten Traditions discussed in full detail. The second section is composed of four chapters distributed as follows : 1. The Call to Islam; in Mecca, in Medina...etc., that is to say, history of the beginning of Islam. 2. Discussion of moral principles such as Right, Justice...etc. 3. The Islamic Society; a comparison between the pre-Islamic (Jahiliyah) and Islamic societies. 4. Family system in Islam; such as marriage, divorce, rights and duties of the couple, inheritance...etc.

The Qur'anic texts are : 1. (177) Al-Baqarah, interpretation and memorization. The aim of studying this text is to show : what the good deed really is; and what the qualities of the real believer are. 2. (15-16) Al-Ahqaf; interpretation and memorization. Aim : to be kind to one's parents. 3. (9-11) Al-Jum'ah; interpretation and memorization. Aim : to pursue to always remember Allah; and the mid-day prayer of Friday is very important so that

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23. Iraq (Republic of-): Curriculum of the Preparatory School Study of the year 1979, Ministry of Education, Baghdad, 1979, P. 5

it cannot be left behind for any reason, whatsoever.

4. (125-128) An-Nahl; interpretation and memorization. Aim: Moral and humane principles of the Call to Islam; not to use force in converting others to Islam, and not to exaggerate in punishment. 5. (135-136) An-Nisa'a; interpretation and memorization. Aim : explaining the meanings of Justice and Faith. 6. (22-26) Ash-Shura; interpretation only. Aim : The Believers shall occupy the best places in Paradise because of their goodness in this life. 7. (6-10) Al-Hujurat; interpretation only. Aim : to intermeditate to put an end to a dispute; to promulgate peace among people. 8. (30-36) Fussilat, or, Ha-Mim; interpretation only. Aim : Straightness and its essential requirements from the angles of politeness, kindness, and patience. <sup>(24)</sup>

The textbook of the Islamic education for the fifth standard of secondary school (for both the sections of scientific and literary studies) is of (128) pages and is divided into two sections of which the second one is a research on the theory of State according to Islamic principles. The first section is divided into two chapters; the first one of these two chapters deals with Qur'an, and the second treats ten Traditions. The Qur'anic texts of the first chapter are : 1. (30-33) Al-Baqarah; interpretation and memorization. 2. (65-70) Isra'a (Bani Israil);

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24. Iraq (Republic of-): Islamic Education for the General Fourth Standard of Secondary School, Ministry of Education, Baghdad, 1980, throughout the book.

interpretation only. 3. (20-26) Al-Anfal; interpretation only. 4. (102-108) Al-i-'Imran; interpretation only. 5. (122-125) At-Tauba; interpretation and memorization. 6. (12-13) Al-Hujurat; interpretation and memorization. 7. (36-43) Ash-Shura; interpretation and memorization. 8. (58-59) An-Nisa'a; (displaying the essential principles and goals of an Islamic government); interpretation and memorization.

In the above-mentioned Qur'anic text of series No. 8 (58-59; An-Nisa'a), political intention speaks for itself, and the second section of the textbook deals with Islamic politics. It contains three chapters as a sort of short research on the Islamic State in theory and practice. The first chapter is an introduction including, among other topics, the philosophy of rule (governing) in Islam. The second chapter treats the institution of 'Council of Consultation' or 'Majlis Ash-Shura', that is to say, the Parliament in the parlance of modern politics. The third and last chapter discusses the Headship (say : Presidency, (25) for example) of the Islamic State.

If one wants to make comparison between the qualifications of the Head of State as mentioned in the textbook and the qualifications of the president mentioned in the Constitution of the Islamic Republic of Iran, he will

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25. 'Ulaiyan, Dr. Rushdi; and Abdul-Qadir, Muhammad Abdul-Wahhab : Islamic Education for the Fifth Scientific and Literary Standards of Secondary (Preparatory) Schools, Ministry of Education, Republic of Iraq, Baghdad, 1980, throughout the book.

positively find striking similarities. In the textbook we find that : 1. Headship is not inheritable. 2. A 'man' must be the Head. The female can elect but cannot be elected for this position. 3. He must be a 'Muslim', 4. He must be well-known for his straightness and justice. 5. He must be a good thinker, wise, and fully able to manage the State and to preserve the Religion (Islam). 6. He must be well-versed in Qur'an, Sunna, positive laws, and cognizant of culture of his time. 7. The nation is entitled to disqualify the Head and consequently to remove him from office.

In the article (115) of the Constitution of the Islamic Republic of Iran we find that : 1. The Head is a president, that is to say, the incumbency is not inheritable. 2. The president must be from among the 'men'... etc., that is to say, the president cannot be a female. 3. He must be fully able to manage the State's affairs (Mudir, Mudabber...etc.). 4. He must be believing in the principles of the Islamic Republic, that is to say, he must be a 'Muslim'. 5. Since article (12) of this Constitution states that Islam is the religion of the Republic of Iran and this article (12) is unchangeable, then the positive inference derived from the combination of article (12) and article (115) is that the president ought to preserve the Islamic religion. 6. Practically we have witnessed that the president of Iran, Mr. Banī Sadr, was disqualified and removed.

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\* See : Page 487.

The textbook of Islamic education for the sixth (Scientific and literary) standards of secondary (preparatory) school is of (232) pages and is divided into two sections. The first section is divided into two chapters; one being dedicated to Qur'anic texts, the second being devoted to explain ten Traditions of which some are for explanation only, and some others are for explanation and memorization as well. The Qur'anic texts are : 1. (267-271) Al-Baqarah; interpretation and memorization. 2. (29-32) An-Nisa'a; interpretation only. 3. (33-35) At-Tauba; interpretation and memorization, 4. (5-8) An-Nisa'a; interpretation only. 5. (65-69) An-Nahl; interpretation and memorization. 6. (33-36) Ya-Sin; interpretation and memorization. 7. (35-37) Sab'a; interpretation only. 8. (18-23) Al-Hijr; interpretation only.

The second section of the textbook is constituted of short researches distributed in nine chapters. These researches are dealing with the theory of 'Economics' in Islam, or, Islamic Political Economy, such as the concept of the Islamic Economics, private property, public property, social function of the Capital, economic role of the State, labour, rights and duties of workers, trade-unions...etc. (26)

Thus, we find that a Muslim student graduating from

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26. 'Ulaiyan, Dr. Rushdi Muhammad; Shareef, Azhar Jawad; and Atwan, Ismail Hamood; Islamic Education for the Sixth Scientific and Literary Standards of Secondary (Preparatory) School, Ministry of Education, Republic of Iraq, Baghdad, 1980, throughout the book

an Iraqi secondary school must have studied more than half of the Qur'an, and committed to heart a lot of Qur'anic texts in addition to a sufficient number of Traditions which the combination of these two divinely revealed and inspired texts is supposed to help him cope with the problems of his daily life in accordance with the Islamic principles and thoughts. Besides, he should have studied also the political and economic foundations of an Islamic State and Islamic Society.

Schooling in Iraq is free of charge according to the resolution of the Revolution Command Council No.(102) of 1974. And according to the resolution of RCC No.284 of 1975, there must be no private schools so that these schools are to be put under the administration of the Ministry of Education as public schools. It was planned that schooling should be compulsory up to the sixth grade of primary school, and there are attempts to expand the compulsory education up to the third standard of intermediate school. (27)

If these considerations are to be taken into account, it may rightly be inferred that every Iraqi Muslim young, boy or girl, willy-nilly, studies a tremendous amount of religious thought at the primary school at least. And this brightly shows the role of the Iraqi State in inculcating the religious orientation in the mind of its peoples.

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27. Education Under The Wing Of The Revolution, op.cit., PP. 40 f., 13

B. FOR CHRISTIANS :

There are six textbooks in five volumes for religious instruction for Christian pupils attending the primary school. The size of each book is quarto (24 cms x 17 cms). A committee of three clergymen; Parish-priest (Khuri) Father Sulaiman Dawood, Parish-Priest Dr. Michael Sa'igh, and Priest Jabrael Kassab, was requested by the Ministry of Education to write these books whose teaching to the Christian pupils universally in the Iraqi public schools was approved by the Headships of various Christian Sects. The contents of these books represent the essential teachings of Christianity which are unanimously agreed upon without exposing peculiar sectarian views. Usually each lesson begins with a text from the Bible, then comes the explanation, then follow questions on the subject, and at the end of the lesson there is what is called as 'Religious activity'.

For the first and second grades there are two books in one volume which is of (58) pages; out of that only (20) pages are allotted to the first grade containing (13) lectures. The first lesson begins with the beginning of Torah of Moses, " In the beginning God created the heaven and the Earth " 1:1, then comes the explanation that God created this universe and many things from nothingness. He need no instruments and tools to create as He creates by 'Word' only, while a human being can make things only but cannot create.

Then comes the section of questions which contains six as follows :

1. What had Allah created at the beginning?
2. How had Allah created the universe?
3. Can a human being create?
4. What is Allah?
5. Does Allah see us and know our deeds?
6. Why should we refrain from doing what insults Allah?

The fourth question is too difficult to be directed to, and to properly be answered by, a child at the age of six, though the answer must be in the form, 'Allah is the Creator of the universe.' Another remark worthy to be mentioned is that the name 'Allah', which is an Arabic and Islamic name for God, is used here, as elsewhere in the rest of the textbooks, whereas in the Arabic version of the Bible the names 'Rabb and Ilah' are usually being used for God. And this is perhaps an indication to attempts to unify, as much as it is possible, the monotheistic religions.

At the end of the lecture there is the 'Religious activity' according to which the teacher is bidden to let the pupils memorize, 'By the name of the Father, the Son, and the Holy Ghost, the One God, Amin' in order to read it when they cross themselves before sleeping and after getting up, before and after eating, and at the beginning of the class.

The second and third lectures are based on the account of 'Genesis' about the creation of Adam and Eve and their



Sin in Paradise. Lecture four treats the Conception of the Virgin (Mary). Lectures (5-12) deals with the career and teachings of Jesus. Lecture (13) contains five short texts from Psalms (Old Testament).

The textbook for the second grade contains (15) lectures out of which (14) deal with the career of Jesus, and the last lecture (No.15) mentions ten short texts from the Bible (both Old and New Testaments).  
(28)

The textbook of the Christian Religion for the third grade is of (42) pages and (16) lectures. The first five lessons discuss the story of the creation of the world and Adam and Eve and their sin, and the story of the Deluge. Lessons (6-8) discuss the story of Abraham and Isaac, and the Sacrifice. Lecture (9) explains the meaning of the fact that Jesus sacrificed himself. Lectures (10-15) describe the qualities to be acquired by a Christian. The examples of these qualities are extracted from the stories of the Bible. Lecture (16) contains the text of the Canon of Faith (Articles of Faith).  
(29)

The textbook of Christian Religion for the Fourth grade is of (70) pages and of (25) lessons containing mostly enlarged repetition of the contents of the previous

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28. Iraq (Republic of-): Book of the Christian Religion for the First and Second Grades, Ministry of Education, First edition, Baghdad, 1973, throughout the book.
  29. Iraq (Republic of-): Book of the Christian Religion for the Third Grade, Ministry of Education, Baghdad, 1980, throughout the book.

books. Lessons (1-17) deal with the Conception of the Virgin; birth of Jesus; his hidden life; his public life; his miracles; and his Crucifixion, Ressurrection, and Ascension to heaven. Lessons (18-23) contain short stories based on accounts of the Bible to show moral examples to be followed by a good Christian in his daily life. Lesson (24) contains a summary of the Canon of Faith, and lesson (25) contains (16) verses from the Bible. <sup>(30)</sup>

The textbook for the fifth grade is of (66) pages and of (21) lectures. First lesson introduces the Holy Book (Old Testament and New Testament) to the pupils stating in brief what we do mean by these two terms; Old Testament and New Testament, and mentioning the contents of each one and inklings about their writers. Lesson (2) mentions the prophecies made in the Old Testament about the coming of Jesus Christ. Lessons (3-5) explain the testimonies on Jesus that were made by his contemporaries such as Johan the Baptist... etc. Lesson (6) states that Jesus materialized by his person the qualities of the Christ prophesied by the Apostles of the Old Testament. Lesson (7) discusses the concept of (Unity and Trinity) stating that the Christians believe that there is only one God (Unity), but God is spirit. He did reveal Himself to His people such as Abraham and Mosés, and also He talked to us through

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30. Iraq (Republic of-): Book of the Christian Religion for the Fourth Grade, Ministry of Education, Baghdad, Third edition, 1980, throughout the book.

His Son Jesus Christ, thus, there are three hypostases :  
Father, Son, and Holy Ghost; hence, Trinity. Lessons  
(8-13) contain biographies of some of Jesus disciples.  
Lessons (14-21) deal with the institution of Church and  
(31)  
discuss its Seven Sacraments.

The textbook for the sixth grade is of (52) pages and  
of (21) lessons. Lectures (1-8) treat the concept that  
Jesus is the ideal example to be followed by the Christians  
according to his teaching, his career, and his social beha-  
viour as a human being. Lectures (9-11) discuss the  
institution of Church; its history, and its functions.  
Lesson (12) talks about Resurrection and Day of Judgement.  
Lectures (13-15) mention and explain the Ten Commandments.  
Lessons (16-17) discuss the Ceremony of Jesus on the  
Mount of Olives and describe it as the Constitution of the  
Christian life. Lectures (18-20) treat some essentials  
of Christianity such as Faith, Love, Charity...etc. Finally,  
(32)  
Lesson (21) contains (2) verses from the Bible.

C. FOR OTHER MINORITIES :

The Jews had some schools; kindergartens, primary and  
secondary (intermediate and preparatory) schools, and the  
curriculum of the Ministry of Education were taught in

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31. Iraq (Republic of-) : Book of the Christian Religion  
for the Fifth Grade, Ministry of Education, Baghdad,  
1980, throughout the book.
  32. Iraq (Republic of-) : Book of the Christian Religion  
for the Sixth Grade, Ministry of Education, Baghdad,  
Fourth edition, 1980, throughout the book.

(33)  
these schools except for religious instruction, of course. The medium of teaching in the Iraqi schools is Arabic, and English is taught as a second language, but in the Jewish Schools Hebrew and French languages were taught also in addition to Arabic and English. The pupils and students of these schools had to appear in the public examinations held by the Ministry of Education.

Presently the number of the Jews became so small that it is too difficult to get sufficient information about them, but to the best of the personal knowledge of the writer there are some schools, especially in Baghdad, for the Jews; and the curriculums of the Ministry of Education are applied in these schools which are subject to the inspection of the said Ministry. Religious instruction is naturally based on the Old Testament. The writer, as a personal experience, had seen some of the religious textbooks taught at the Jewish schools.

As for Yazidis, they try to keep their religion secret, and the government respected their feelings in this regard so that the Yazidi gets religious instruction at home as is the case of the Sabaeans who are so small in number, and so scattered in many places in the country that, practically, it is not easy to prepare for them religious

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33. Directory of the Republic of Iraq, 1960, op.cit., P. 494

34. Obaidi, Ghanim Said al- : Private Education In Iraq, Its Primary And Secondary Stages (Development And Problems), M.A. Thesis in Education, Baghdad University, (in Arabic), Baghdad - Iraq, 1970, P. 45

textbooks to be taught in the Public Schools, therefore, they receive religious instruction at home.

ISLAMIC RELIGIOUS EDUCATION AT THE UNIVERSITY LEVEL :

In order to show the vital role played by Islam in the Iraqi society, it may be indicated to the reality that religious education at the level of the University is inevitable in some cases. For example, the University of Baghdad is a State institution, as is the case of any other Iraqi University, and the College of Education is one of its colleges in Baghdad. In this college the student at the Department of Arabic Language has to study, as an essential part of the syllabus, the following :-

1. (a) in the first half of the first academic year; Interpretation of Qur'an and the Qur'anic Disciplines, (b) in the second half of the first academic year; (I) Interpretation of Qur'an, and (II) Disciplines of Tradition.
2. (a) in the first half of the second year; (I) Interpretation of Qur'an, and (II) Tradition. (b) in the second half; interpretation of Qur'an.
3. (a) in the first half of the third year; Islamic Systems and Worships. (b) in the second half; Islamic Systems and Elements of Shari'a.
4. (a) in the first half of the fourth year; Sources of Shari'a and Dogmas. (b) in the second half; the same as in the first half.

Again, at the Department of Arabic Language in the College of Arts, which is one of the Baghdad University's colleges also, the student ought to study, among other subjects, of course, the following :

1. In the first year; Qur'an and Tradition. (36)
2. In the second year; Interpretation of Qur'an.

2. STATE'S ACTIONS STIMULATED BY RELIGIOUS CONSIDERATIONS:

The Iraqi State cannot overlook the Islamic Shari'a in the process of Legislation. For example, Item (2) of the Article (1) of the Civil Code considers the Islamic Shari'a as a source to which the Judge may refer if he did not find a legal text in the Code to be applied to the 'Case' that he examines. (37)

Based on the approach of Prof. Raphael mentioned at the beginning of this chapter to the term 'Politics', it cannot be said that 'Religion' has no political power in Iraq of to-day, although it does not wield governmental power such as armed forces. After all, the leaders of Iraq are believers, and, therefore, they pay much attention to religion in the public life. In order to further probe the nature of the relationship between the State and Religion in Iraq at present, we may study the attitudes and opinions of the leaders of the State and the ruling party toward religion inside and outside the country.

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36. Ibid., P. 415

37. Iraq (Government of-): Civil Code No.40 of the year 1951, The-, (in Arabic), Baghdad, ND., P. 9

A. INSIDE IRAQ :

President Saddam Hussein said, " We have to respect our Islamic religion and respect other religions which our people believe in. We should not, however, make of the authority a new base for dispute between religions and sects, because this would lead to disintergration of our people. Surely you have historic evidences substantiating this point and you may have a chance now, or in future, to see that those who advocate this belief only intend to inflict harm on humanity. By this, I only mean that we ought to learn from history and the glorious heritages of our nation and its Arab-Islamic history, what benefits us. It should not be interpreted in any other way.

Ever since its inception, our Party said and confirmed that we are not neutral between belief and atheism. We are faithful, as we have always been, but we will not include\* ourselves in ritual beliefs as an authority trying to impose on the people certain beliefs. We only concern ourselves with picking up the human essence and derive lessons that help build our society and consolidate the new human values... It would not have been possible to apply the theory of the Jewish religion unless the society in which this religion was applied was Jewish. This applies to Christianity also. Similarly, it would not have been possible to apply the theory and essence of the Islamic

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\* involve

religion if the political authority did not express the  
(38) \*  
essence of the Islamic religion. "

Iraq is the only country in the world where there are so many Islamic holy shrines. They spread all over the country which (39) "... occupies a prominent position among Islamic countries. It has long been the inspiration for prophets, religious leaders and hermits who have found it worthwhile to visit the country and its mosques to beseech God's blessing. There is no doubt that the past and present religious contentment in Iraq has created the right environment for the development of the Moslem human being. This is reflected in the abundance of religious art in the mosques and holy shrines of Iraq.

A number of holy cities in Iraq enjoy a unique and honourable tradition that makes them a focus for Moslems to visit, care for and respect. One of these is the city of Najaf which has the honour of being the burial place of Imam 'Ali Ibn Abi Talib, the fourth of the first four caliphs. It became the nub of Islamic culture throughout the history of Arab civilization. The Mosque of Al-Haydariyah\*\*\* made it the third sacred Islamic city after Mecca and Medina. In this it resembles the city of Karbala which

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38. Iraq Today, No.97, Vol. IV, September 16-30, 1979, PP. 9 f.

\* Emphasis is mine.

39. Iraq Today, No. 127, Vol. VI, Dec., 16-31, 1980, P.11

\*\* Conviction.

\*\*\* Holy shrine of Imam Ali, Haydariyah.



is famous for its Al-Husayniyah\* and Al-'Abbasiyah\*\* mosques.

The city of Al-Kufa was the first Arab capital to be established with the advent of Islam. It was designed by the great Companion of the Prophet Sa'd Ibn Abi Waqqas and its mosque still stands today.

Baghdad itself, the centre of Islamic sciences, has seen a proliferation of mosques and shrines, notably the Mosque of Al-Qadiriah which embraces the tomb of the great sheikh 'Abd Al-Qadir Al-Gailani. In Baghdad's suburbs there are the mosques of Al-Kazimiah as well as the shrine of Al-'A'zamiyah, which contains the tomb of Imam Abi Hanifa Al-Nu'man Ibn Thabit. The hearts of Moslems turn towards the city of Samarra, where the tombs of Imam 'Ali Al-Hadi and Imam Al-Hasan Al-'Askari lie in the Mosque of Al-'Askariyah.

From the earliest times, a large number of prophets chose the land of Iraq as the centre for spreading their messages. Among them were Adam and Noah, who lie buried in the Mosque of Al-Haydariyah in Najaf; Dhu Al-Kafil who is buried in the governorate of Nineveh; Al-'Aziz who is buried in the governorate of Basra; Joshua who is buried in the governorate of Baghdad; Sheath, Yunis and Girgis who lie buried in the governorate of Nineveh. There are also a number of shrines for other prophets in the Mosque of Al-Kufa. At the point where the rivers Tigris and

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\* Al-Hussainiyah

\*\* Al-Abbasiyah

Euphrates converge at Al-Qarna, Basra, there is a holy tree said to be the tree whose fruit Adam ate. Its trunk continues to attract many pilgrims.

For centuries, all holy shrines and places of worship in Iraq have been the subject of loving care, and now the leadership of the Ba'th Party is responsible for strengthening the links between the present day and the glorious past, thus expressing its identification with the religion of Islam.\*

All religious occasions are celebrated and there is continuous care of, and protection for, the holy shrines and places of worship.

The 1969 Law of Holy Shrines is confirmation of the interest felt in the welfare of these sacred places. The Endowments Law heralded the equality of scholars and servants of the holy shrines with secular employees. An amendment to the Holy Shrines Law increased their salaries, raised their grades, and allocated extra income for repairs and furnishings.

Iraq has continued to lavish its care of the maintenance of its holy and sacred shrines and places of worship, and to spend huge amounts of money on their upkeep. Iraq is proud of its domes, minarets and tombs of righteous imams and welcomes all Moslems who want to visit and pray in them...

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\* Emphasis is mine.

It is difficult to enumerate all historic mosques, but special mention should be made of the following : the Mosque of Imam Abi Yusuf, the friend of Imam Abi Hanifa, which is built inside the courtyard of Al-Kazimiah; the Mosque of Sheikh Ma'ruf Al-Karkhi, where prayers, religious ceremonies and celebrations are held; the Mosque of the Sufi scholar, Sheikh Siraj Al-Din, in Baghdad; the Mosque of Nur Al-Din Zanki, the Mosque of Bratha, and the Mosque of the Sufi scholar, Sheikh 'Abd al-Karim Al-Jili, in Baghdad...

Sacred mosques in Iraq are part of the Arab achievements and are a source of national pride. Under our revolutionary rule, they welcome all Moslems, irrespective of sect or country. <sup>(40)</sup> "

Thus we find that the Iraqis do believe that Adam, Father of mankind, and Noah were some days in the remote past in Iraq; that the Deluge had taken place in Iraq; that Abraham had migrated from Iraq...etc. So, it does not seem strange if the Iraqis, in general, look like religious-minded peoples.

" In Baghdad, steps are being taken to renovate the surroundings of Imam Musa al-Kazim Shrine and the adjoining mosque and Sheikh Abdul Qader al-Ghailani Shrine and the mosque at a cost of ID<sup>\*</sup> 142 million. Religious houses, an underpass, and modern roads will be built at Bab al-Sheikh - area where al-Gailani Shrine is situated.

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40. Iraq (Republic of-): Holy Islamic Places in Iraq, A tract in English issued by the Ministry of Culture and Information, Baghdad, 1981

\* Iraqi Dinar

Al-Khulafa (The Caliphs) Mosque will also be so expanded as to hold 50 thousand people. Markets, Baghdadi houses, minarets, domes and study halls will be constructed in and around the mosque.

Besides, four mosques have been built in various suburbs of Baghdad. Extensive maintenance work has been done to the mosques and other religious houses in Al-Thawra township. A new mosque in the same area will be constructed bearing the name "Ahmed Bin Hanbal."

The following projects have been completed in Baghdad:

Al-Mansour Mosque and the adjoining building. The College of Imam al-Azam (Imam Abu Hanifa), Sheikh Abdul Qader Building, five mosques; Al-Taji market, Hajaj Halls, Kiblanin Market, Kamriya Houses.

In Babylon province, maintenance work has been completed of the burial places of Imam Al-Qasim bin Mousa Ibn Jaffar and ibn Aqueel's sons.

A minaret for Imam Al-Hamza Shrine and domes for the burial places of Al-Khidhir, Ahmad Ibn Mousa, Ibn Jaffar, and a religious centre for the Ulama (Religious scholars) have been built elsewhere in the province.

In pursuance of President Saddam Hussein's instructions, a sum of ID 19 million has allocated<sup>\*</sup> to expand and improve Imam Hussain and Imam Abbas Shrines in Karbala province. The money will also be used to enlarge the burial place of Al-Hur al-Shaheed, renovate the grave of

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\* has been allocated

Al-Shaheed Habeeb bin Muzhar and embellish the walls and the floor of Al-Hussaini Camp with marble.

Work is underway to decorate in a typical Islamic style of architecture the rampart and walls of Imam Ali Shrine, pave the floor of Al-Sahn<sup>\*</sup> al-Shareef<sup>\*\*</sup>, build a new graveyard and reconstruct the graves of Sayid Issa and Muhammad Ibn al-Hamza, repair the graves of Ibrahim bin Abdulla bin al-Hassan al-Muthanna and Al-Hamza al-Sharqui. The cost of these works has been estimated at ID 1.96 million.

In Basra, some ID 16.300 million has been allocated to reconstruct the religious houses and holy shrines there.

In addition, ID 7 million has been appropriated to build 35 new mosques and maintain 7 mosques in the provinces of Mineveh, Ta'meen, Arbil, Babylon, Dohuk, Saladin, Sulaimaniya, Diyala and Anbar.

Also under construction are a rest house for the pilgrims in Zakho (northern Iraq), and 11 religious schools.

On the other hand, the Ministry of Awqaf (Endowments) and Religious Affairs is currently printing 5 million copies of the Holy Quran to be distributed to the Islamic communities, institutions, and societies all over the world. It has also issued a law that defines the qualifications of the imam, the preacher, and the orator (Khateeb) and

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\* courtyard.

\*\* honorable.

increase their salaries by 50 per cent. They have also been granted the same rights and allowances as enjoyed by ordinary government officials.

These measures illustrate clearly the Iraqi Leadership's keen interest in spreading Islamic teachings over the globe with a view to promoting goodness, peace and love among the nations of the world.\*

Work is going on in pursuance of President Saddam Hussein's instructions to improve the city of Najaf where the shrine of Imam Ali Bin Abi Talib lies and to develop the shrine which is known as Haydariya Shrine.

Governor of Najaf, Mr. Mezban Khudr Hadi, stated that work is going on to install central cooling system in the premises of the shrine and also to fix expensive chandeliers to the shrine. The chandeliers were gifts of President Saddam Hussein to the shrine.

The floor of the Haydariya shrine has been paved with Italian marble that cost quarter of a million of Iraqi dinars. Other repairs cost ID 15 thousand. ID 185 thousand was spent to erect a fence as a first stage. Work on the second stage will start soon.

The Governor pointed out that President Saddam Hussein had paid great attention to the improvement of the residence of Imam Ali in the city of Kufa. The residence will be repaired and the road leading to it will be asphalted. "<sup>(41)</sup>

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\* Emphasis is mine  
41. Iraq (formerly Iraq Today) No. 140, Vol. VI, July 15, 1981, PP. 27-30

B. OUTSIDE IRAQ :

" Iraq is an Islamic country where the Moslems form the overwhelming majority. It is a member of the Islamic Conference Organization whose task is to look after the affairs of Moslems throughout the world. It is also a member of the Islamic World Congress which holds its meeting annually.

As such, Iraq maintains excellent relations with many Islamic Organizations and associations that spread all over the world, notably :

The European Islamic Council, the Islamic Councils and Associations in the United Kingdom, Yugoslavia, Denmark, Canada, United States, Austria, Federal Germany, Australia and Belgium. It has also similar relations with the Islamic Associations in Japan, Thailand, Indonesia, Malaysia, Sri Lanka, Maldive Islands, India, Pakistan and Bangladesh. Iraqi ties with African countries are very good, too.

As for Islamic conferences, Iraq has never missed one without making an important contribution to it. In the Islamic Information Conference which was held in Indonesia and attended by 60 countries, for instance, Iraq was represented by a high level delegation headed by the Under-Secretary of the Ministry of Awqaf (Endowments) and Religious Affairs. It was the only country that submitted a working paper to the Conference. The paper was unanimously endorsed as the best of its kind. "

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42. Iraq Today, No.126, Vol.VI, Dec., 1-15, 1981, P.13, under the title, 'Iraq's Humble Service to Islam on Global Scale' by Hussein al-Husseini.

Inaugurating the Foreign Ministers Conference of the Islamic Countries held at Baghdad from 1st to 6th of June, 1981, President Saddam Hussein said, " The emergence of the Organization of the Islamic Conference is an eminent event in the contemporary history of the Islamic countries. For the first time in this age, such an organization has emerged within whose framework the officials of the Islamic countries permanently meet to discuss all issues of co-operation, solidarity and issues of supporting the causes for which the Islamic peoples struggle, namely the causes of freedom, independence, progress, justice, and backing up the principles of the Righteous Religion, in addition to clarifying the glorious teachings of Islam, getting the peoples all over the globe acquainted with these teachings and protecting the Islamic institutions and the Moslems' affairs throughout the World... Our forefathers struggled under the Banner of the Prophet Mohammed (Peace be on him) and under his Caliphs and Disciples against corrupt tyrannic empires and brought the principles of Islam, namely the principles of freedom, justice and equality to the four corners of the world. Now we, the descendants of those great men who believed in this glorious message, shoulder the responsibility of 'Jihad' within the terms of our age and within the framework of the particular circumstances of the age, for the same principles and lofty objectives for which our glorious ancestors struggled. "

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43. Hussein, President Saddam : Inaugurating The Foreign Ministers Conference Of The Islamic Countries, Baghdad, 1981, PP. 3, 5



" In a brief interview, Mr. Noor Mawlood Dhiban, the Under-Secretary of the Ministry of Awqaf and Religious Affairs, says : Iraq has not only been paying a lip-service to the Moslem's cause, but it also offers them all assistance including financial backing.

President Saddam Hussein once contributed a sum of one million Iraqi dinars for building an Islamic University in Bangladesh and a big Mosque in Tokyo. Besides, Iraq extended material support to Moslems of other countries as well, Below is a brief account of these aids : A quarter of a million of Iraqi dinars to the Japanese Islamic Council (One Iraqi dinar equals \$ 3.370); Fifty thousand dollars to Moslems of Mali Republic in Africa; Five hundred dinars for building a Mosque at Al-Sheikh Quarter in Syria; Thirty thousand dollars for the reconstruction of Shahi Mosque in India; Five thousand dollars for the Falah Islamic School in Sri Lanka; Six thousand dinars for an Islamic Association in Pakistan; Ten thousand dollars to the Association of Supporters of Islamic Religion in Senegal; Two thousand dollars for completing the construction of an Islamic Hospital and School in Uganda; Twenty thousand dinars to the Moslem Youth Association in the People's Republic of Benin; Six hundred dinars a year to the Islamic Solidarity Association in Morocco (on permanent basis); Eighty-six thousand dinars for the construction of "Saddam Hussein Mosque" in Jordan and 500 dinars for the construction of a mosque at

the village of Mahmud Muhammad in Jordan; Twenty thousand dollars to the International Federation of Arab and Islamic Schools; Ten thousand dollars to the Arab-Islamic College in Sri Lanka; Five thousand dollars for completing the construction of Al-Noor Mosque in Sri Lanka; One hundred dinars to the Islamic Association in Yugoslavia; Five hundred thousand sterling-pounds for the construction of "Saddam Hussein Mosque" in Birmingham (Britain). It is worth mentioning here that about 16 thousand Moslems live there but they did not have a mosque before; Twenty thousand dollars to the Moslems of Greece; Two thousand dinars to the Moslems Association in Ghana; One hundred thousand dollars to the Moslems of Miami <sup>(44)</sup>, and one million American dollars to the Islamic Solidarity Fund. <sup>(45)</sup>

" On the other hand, Iraq has been playing an effective role in increasing world's awareness of Islamic culture by publishing hundreds of books and periodicals and distributing them all over the world and all the year round. Following is a resume of Iraq's achievements in this field :

1. The Iraqi Ministry of Awqaf and Religious Affairs is in the process of printing 5 million copies of the Holy Quran with a view to distributing them among the Moslems of the world in installments. The Ministry is also undertaking the publication of the Quran Interpretation (Tafseer)

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44. Iraq Today, No.126, Ibid., PP. 13 f.

45. Ahd, Al-, A magazine issued in Arabic at Doha-Qatar, No.272, May 27, 1980, P. 8

for the same purpose. Besides, the Ministry has its own journal, "Al-Risala al-Islamia" (The Islamic Message) published monthly. It has also published monthly a series of books on Arab Islamic heritage, distributed on gratis both inside and outside the country. It is still publishing similar books on Islamic Heritage in addition to printing the Quran "Suras" (verses) in neat editions for distribution both at home and abroad. It is this keen interest to promote Islamic literature that led Iraq to participate in every Islamic book exhibition held by Islamic organizations in the various parts of the world. The latest of these exhibitions, "The International Exhibition of Al-Hijra Century", was held in Bahrain this year on the occasion of the advent of the 15th Al-Hijra century. Iraq's publications on Islamic heritage won the first prize of the exhibition owing to the great variety of historical and Islamic books it displayed... Iraq has presented more than 24,000 copies of Quran distributed in various parts of the world.

About the Ministry's future plans, the Under-Secretary has this to say : About a half million copies of the series 'On Arab Islamic-Cultural Heritage' have already been published. The series consists of 37 volumes. More religious books commemorating the 15th Hijra century are currently at the press and they will be distributed as presents from the Iraqi Government to interested organizations and associations... Iraq plays a very prominent role in

deepening Islamic religious consciousness, whether by enriching Islamic literature with more books, periodicals and other publications or by expanding, constructing and re-constructing religious homes, mosques and educational institutions throughout the world. The figures stated above are unquestionably the best evidence that proves Iraq's service to Islam. " <sup>(46)</sup>

Maulana Mohammad Nuruzzaman of Bangladesh said " Iraq is giving all kinds of support to the causes of Islam, to socio-cultural and economic development all over Moslem world, and Bangladesh holds Iraq in high esteem for its help in all the aforesaid fields. " <sup>(47)</sup>

" An Australian Moslems delegation headed by Sheikh Khalid Zidan, Imam of the Australian Moslems, and a Latin American Moslems delegation, headed by Sheikh Mohammed Abu Faris, Assistant Secretary-General of the Latin American Higher Islamic Council, called on the Minister of Endowments and Religious Affairs in Baghdad on Jan. 22, 1981, and discussed with him various aspects of cooperation among Moslems.

The two delegations praised Iraq's policy under the leadership of President Saddam Hussein, particularly the great attention it paid to religious dignitaries and holy

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46. Iraq Today, No. 126, Ibid., PP. 14, 33

47. Iraq, No. 141, Vol. VI, August, 1, 1981, P. 21

places inside Iraq and abroad...

The two delegations arrived in Baghdad in mid-Jan. at an invitation of the Ministry of Endowments and Religious Affairs. The invitation was accorded in pursuance of the Ministry's plan to contact Moslem societies abroad and render them all possible help. (48) "

At Tokyo Iraq has erected a mosque, and there in the presence of the Iraqi Minister of Awqaf and Religious Affairs (14) Japanese were converted to Islam. (49) And Aziz Pasha; the Secretary-General of the Union of the Islamic Associations in Britain and Ireland said that Iraq supports the Islamic causes and spreads Islam everywhere in the world. (50)

A LAST WORD :

In this chapter we have discussed the reciprocal influence of religion and state on each other, and, thus, it became absolutely clear that religion cannot be ignored in Iraq by the State at all due to the fact that religion commands great influence on the Iraqi society itself.

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48. Iraq Today, No. 130, Vol. VI, Feb. 1-15, 1981, P. 10 .

49. Alef. Ba, No. 612, June 18, 1980, P. 38

50. Alef. Ba, No. 670, July 29, 1981, PP. 30 f.

CHAPTER - VIII

CONCLUSION

There are four patterns of relationship between State and Religion :

1. Ecclesiastical religious State.
2. English model.
3. Jurisdictionalist model.
4. Separatist model (Secular State).

THE ECCLESIASTICAL RELIGIOUS STATE :

The concept of secular state as interpreted in the West owes its origin to the beginnings of Christianity. Christianity is characterised by its recognition and teaching of basic duality - spiritual and temporal, each with its appropriate set of loyalties. This duality was reflected in the famous gospel of St. Mark recording the Sermon of Christ :

" Render unto Caesar the things that are Caesar's and unto God the things that are God's. "

In this conflict, the Church symbolised the spiritual power while the State represented the temporal power. There was frequent conflict between the loyalties of the Christians to the state (in practice, to the king) and to their Church. The sermon of Christ had far-reaching implications and effects. It implied that the religious

aspect of man's life was distinct from the material one and though the king could have jurisdiction over the material relations, he could not have any authority over the religious sphere of human life. This implied the creation of two powers, each with its corresponding jurisdictions which were so far vested in a single authority, viz., Caesar. Thereafter, the jurisdictions were defined and delimited and these institutions were to enjoy authority over their respective jurisdictions.

Later, Emperor Constantine was converted to Christianity and the relationship between the state and the church assumed a different aspect. It was now the turn of the Christians to persecute the followers of rival religions and non-Christian places of worship came to be closed. For a time, the Christian State symbolised by the Christian Emperor and the Christian Church symbolised by the Pope worked in close co-operation. This co-operation, however, could not last long and conflict became apparent.

In the fifth century, Pope Gelasius preached the doctrine of two swords implying the dual organization of human society. The Church was expected to conserve the spiritual interests and to mediate eternal salvation, and the state was supposed to maintain peace, order and justice in temporal affairs.

From humble beginnings, Christianity acquired gradually the status of the religion of the Roman Empire and

ultimately it became, more or less, the world religion. Christianity was able to realise this stupendous success because it could fill up the vacuum in Europe created by the fall of the Roman Empire by 476 A.D. On Christmas Day in 800 A.D., Charles the Great (Charlemagne) was crowned the Holy Roman Emperor by the Pope. He led about fifty military campaigns to subjugate barbarians and in his mission of propagating Christianity, he did use brute force.

In the years that followed, there prevailed a conception of Universal Christianity. The Church was viewed as something much more than the voluntary association of Christian believers it had been in the first century. The myth of the Holy Roman Emperor was of deep significance and it commanded the loyalty of people in a vast empire and promoted unity with the bonds of Christianity.

Pope Boniface VIII (1294-1303) marks the turning point in the history of church-state relations. In 1296, Pope Boniface in his Papal Bull declared that laymen have no jurisdiction over the clergy, 'over both the persons and goods of ecclesiastics' without prior papal permission, and that no mundane authority was permitted to levy taxes on Church property, nor was the clergy permitted to pay them; the imposition of such taxes without papal approval was put under the sanction of excommunication from the Church.

Both England and France refused to obey the Papal



Bull and challenged the interference by the Pope in their sovereign power of controlling finances. In 1300, the first Christian Jubilee was celebrated with unprecedented pomp and Pope Boniface appeared in public in the garb of Pope and Emperor, wearing the imperial sceptre and crown, displaying two swords, and proclaiming himself Pontiff, Caesar and Emperor. In 1302, the Pope issued the Bull UNAM SANCTUM proclaiming : " One sword, moreover, ought to be under the other and the temporal authority to be subjected to the spiritual... both swords are in the power of the church, the one by the hand of the priest, the other by the hand of the kings and knights, but at the will and sufferance of the priest. "

In the fourteenth century, Marsilio of Padua in his famous treatise, 'Defensor Pacis' (Defender of Peace - 1324) made a significant contribution to the idea of secularism and the secular state. His most revolutionary doctrine which influenced Protestantism is of 'the congregational authority in the church'. It implied that the church is a community of believers and, as in the political community, the only source of authority is the body of its members. He criticised the doctrine of Papal plenitude of power and maintained that ' all bishops are of equal authority immediately through Christ, nor can it be proved by divine law that there is any superiority or subjection among them in spiritual or temporal affairs, the Church

has no coercive authority, spiritual or temporal over either clergy or laymen. ' He even goes so far as to say that for practical purposes, the church becomes a department of the state and the civil authority has the power to regulate the number of churches and temples. He made a clear distinction between divine and human law and asserted that temporal compulsion cannot be used to enforce conformity in religious beliefs. He proclaimed : " The rights of citizens are independent of the faith they profess, and no man may be punished for his religion. "

This statement clearly expressed the basic content of the idea of a secular state. This, however, was merely the formulation of an idea which took centuries to take root and develop.

The protestant reformation resulted in the breakdown of the medieval *Respublica Christiana* and the consequent emergence of independent princely states which did not necessarily contribute to the rise of a secular state. ' In matters of church-state relations internally, the Protestant states were not very different from the Catholic states. The state and the church still remained interlinked. Religious uniformity as the basis of political homogeneity was enforced in these states as vehemently as in the *Respublica Christiana*, although, the religion in this case was Protestantism. '

THE ENGLISH MODEL :

In England, however, the medieval concept of church-state relations was continued with the acceptance of a Church with King as head, the only difference being that while the medieval European church was a universal or imperial church, the English church was the accepted national church. The congregationalists in England, however, advocated a new conception of the church and conceived the church as a voluntary association of like-minded believers grouped in autonomous congregations. These congregations considered religion as a matter of inward spiritual faith and conscience and they did not identify the membership of the church with that of the state and managed their affairs in a self-regulated way.

The degree of religious toleration and religious liberty in England varied from time to time even under the reign of Queen Elizabeth and during the period that followed. Various Acts defined the nature of toleration to the various sects and the Catholics in particular suffered numerous legal disabilities which continued even during the first half of the nineteenth century. On the theoretical front, modern liberalist John Locke who considered religion as being outside the scope of civil government was not tolerant towards the Catholics and atheists, nevertheless, his firm belief in the concept of individual liberty opened up new vistas in the context of religious

liberty in relation to the state.

After the Protestant Reformation and the consequent multiplicity of faiths, there emerged in Europe two distinct patterns. Under the first, a particular church was established and was recognised as the religion of the state. The other churches were granted freedom, the degree of which varied from country to country. The established church of the state enjoyed certain benefits and privileges which were denied to the other churches. The state subsidised it and at the same time, controlled and regulated its affairs. The United Kingdom belongs to this pattern, where the Church of England is an established church and its affairs such as the forms of worship, organization of the church, its finances and properties etc. are controlled by the state.

THE JURISDICTIONALIST MODEL :

The second pattern is known as Jurisdictionalism under which the state maintains equal status for the confessions within its domain. It is founded on the principle of equality of churches and therefore grants freedom to all religious groups, and equal liberty to conscience and worship to all citizens. The jurisdictionalist states are not separated from the churches but are intertwined with them. They exercise a vigilant supervision of the activities of various churches. Jurisdictionalism 'does not

necessarily prevent one religious body from having special forms of recognition from a state where its membership is in the large majority, but it does assure that the state shows its fostering care for and equal protection to all important religious bodies which it believes loyal to its higher interests. '

Most of the European states have adopted either of these two patterns, but, the state under both of these systems is not secular, because the state is not separate from religion.

THE SEPARATIST MODEL (SECULAR STATE) :

The Constitution of the U.S.A. could be considered the first secular Constitution of the world in the modern sense of the term. Madison, one of the founders of the Constitution of the U.S.A., felt that 'since religion is exempt from the authority of society at large, still less can it be subject to that of the legislative body whose jurisdiction is both derivative and limited... Since religion is not within the cognizance of Civil Government... its legal establishment cannot be said to be necessary to Civil Government. ' This is well reflected in the Constitution of 1789 which does not contain any reference to God. Article 6, clause 3, of the Constitution makes it unconstitutional to deny some one public office because of his religion. The best expression of the principle of separation of church from state is found in the First

Amendment to the Constitution of the U.S.A. It states :  
" Congress shall make no law respecting an establishment  
of religion, or prohibiting the free exercise thereof, "

This amendment ushered in a new era in the relations  
between state and religion by creating a wall of separa-  
tion between Church and State. It was in 1802, that  
President Jefferson used these words which have become the  
guiding principle in deciding cases regarding freedom of  
religion in the U.S.A. He wrote : " I contemplate with  
sovereign reverence that act of the American people which  
declared that their legislature should make 'no law respe-  
cting an establishment of religion or prohibiting the free  
exercise thereof' thus building a wall of separation  
between the church and the state. "

What Jefferson called the wall of separation between  
church and state has been regarded by many constitutional  
jurists as the basic principle of a secular state.<sup>(1)</sup>

#### Political culture of Iraq :

Iraq is considered as the cradle of civilization, and  
her ancient capital; Babylon, is held to be the oldest  
city in the world. Etymologically there is no unanimous  
agreement on the origin of the term 'Iraq', but the majo-  
rity of the Arab Scholars are of the opinion that it is an

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1. Bachal : op. cit., PP. 14 - 22

arabized name. By the classical world the country was known as Mesopotamia; country between two rivers, due to the fact that she is the valley of Tigris and Euphrates. Probably the country came to be known as 'Iraq' in the 7th century A.D.

Iraq is situated in what is conveniently termed as Middle East; a region which is overwhelmingly populated by Muslims. North to Arabia proper (the Arabian Peninsula): which is the homeland of the Semitic peoples including the Arabs, as well as the cradle of Islam, lies a better - watered land appearing as a semi-crescent figure; hence, called the Fertile Crescent which includes Iraq, otherwise; namely, with the exclusion of Iraq, the Fertile Crescent is politically called the Levant comprising Syria, Lebanon, Palestine (Israel), and Jordan. Iraq is situated in the south-west of Asia, and at the north-west end of the Persian/Arab Gulf; and bounded on the North by Turkey, on the east by Iran, on the south-east by the Persian/Arab Gulf, on the west by Syria and Jordan, and on the south by Kuwait and Saudi Arabia. Although reputable authorities give strangely varying measurements, the total area of Iraq, according to the figures given by the Ministry of Planning in Baghdad, is 438,446 sq.km. The population is more than 13 million souls, therefore, it may be said that Iraq is one of the least populated countries of the Middle East.

Four major regions can be identified in Iraq :

1. The Mountainous Region.
2. The Terrain Region.
3. The Desert Plateau.
4. The Alluvial Plain; this region comprises the central and southern Iraq, and it is formed by the deposition of sediment from the rivers Tigris and Euphrates. It is the main agricultural region of the country, and divided into the upper valley and lower valley. The latter is situated at the southern end of the alluvial plain and forming extensive marshlands.

The climate is severe, especially in summer, but neither unhealthy nor dangerous. Rainfall occurs mostly during winter, particularly from December to March.

The most prominent crops of Iraq are wheat, barley, cotton, tobacco and legums. Iraq, as well, is considered the foremost country in the world in dates production as the number of date-palms exceeds (19) million in the whole of Iraq, and the country produces about 80% of the total world supply of dates.

Natural resources of Iraq are petroleum, phosphates, sulphur, chromite, copper, iron, lead, zinc, a little coal (under 2,000 tons per annum), salt, and gypsum. Iraq's oil reserves are considered among the richest in the world, and they are second only to Saudi Arabia. According to some estimations Iraq is the sixth largest (possibly the



second largest) oil stock in the world.

Iraq is basically an agricultural country, but she slowly started after First World War developing light industries such as textiles, leathers, detergents...etc. After the Revolution of 17th, July, 1968, and under the leadership of Arab Ba'ath Socialist Party, Iraq ushered in a new era; that of an industrial revolution, establishing and developing petro-chemical, engineering, and heavy industries, and nuclear energy.

Iraq was a meeting place of so greatly different peoples and races that she may be in this respect a unique phenomenon in history. It came to pass that on her soil strode the Sumerians, Akkadians, Babylonians, Assyrians, Chaldeans, Hebrews, Persians, Gutis, Kassites, Hittites, Mittanians, Greeks, Seleucids, Parthians, Romans, Kurds, Arabs, Mongols, Turks, Armenians, Georgian women in slavery, Africans, and, finally, the Britishers with an Indian Army in the First World War. In spite of that, Iraq has, for ever, been arabized, and he who preferred to stay on her soil became just an Iraqi begetting Iraqis loyal to the country.

At present the population of Iraq consists mainly of the dichotomy of Arabs and Kurds. The Arabs form the overwhelming majority, and the Kurds are second only to the Arabs in number. But there are also some other ethnic groups. They are : (1) Christians, (2) Jews, (3) Yazidis, (4) Shabak and Sarliyas, (5) Assyrians, (6) Sabaeans,

(7) Turkomans, (8) Armenians, (9) Persians, and (10) Lurs.

The majority of the Iraqis are Muslims (95%), and the followers of other religions are 5%. It was estimated that approximately 75% of the Arabs in Iraq belong to Shia sect, along with 50 - 60 per cent of the Kurdish population. From this it becomes apparent that Shias outnumber the Sunnis. It is the Kurds who tip the numerical balance in favour of the Sunnis, therefore, it can be said that Iraq is almost evenly divided between Shias and Sunnis. Generally speaking, the Shias probably form about 55 to 60 per cent of the Muslims in Iraq. Other religious minorities are Christians, Jews, Yazidis, Sabaeans, and a small number of Bahais.

In Iraq, as elsewhere in the Arab world, the local spoken dialects of Arabic are used in the daily life. The literary language, used in all serious writings and for all official purposes, is essentially the classical Arabic of the Qur'an, with a modernized vocabulary adopted to the necessities of present-day life. Arabic is constitutionally the official language and medium of education, but in the Kurdish region the Kurdish language, beside Arabic, is the official language; and in that region Kurdish is the medium of education but teaching of Arabic is compulsory.

#### Historical Retrospect :

Political history of Iraq is, for convenience, divided as follows : (1) ancient; (2) Islamic, up to the Mongol invasion; (3) dark ages, and (4) modern, up to the present time.

1. Ancient : (A) Sumerians (4500 B.C.- 1950 B.C.) :

The development of agriculture took place in about 9000 BC. in the Tigris - Euphrates valley. The lower reaches of the plain, beginning near the point where the two rivers nearly converge, can be labelled Babylonia which in turn encompasses two geographical areas - the delta of this river system in the south (which is known as Sumer - land of the Sumerians), and the north (which later came to be known as Akkad). It was within this delta that the first civilization appeared.

The archaeologists have labelled the first known settlers in Iraq 'Sumerians', a name referring not to a nationality, nor even to a specific migratory group, but to the speakers of a common language. The Sumerians were non-Semitic people, and their origin and homeland from which they have migrated are unknown. The outstanding achievement of this society was the invention of writing, a development dating back to 4000 B.C.

In about 1750 B.C. the Sumerians ceased to exist as a political, ethnic, and linguistic entity. But for some time after the Sumerians have vanished, their language continued to be taught.

" The Sumerian civilization had never died at all... "

" To be sure, all this was five thousand years ago and may seem of little relevance to the study of modern man and culture. But the fact is that the land of Sumer witnessed

the origin of more than one significant feature of present-day civilization. Be he philosopher or teacher, historian or poet, lawyer or reformer, statesman or politician, architect or sculptor, it is likely that modern man will find his prototype and counterpart in ancient Sumer. Admittedly the Sumerian origin of the modern offshoot can no longer be traced with directness of certainty : the ways of culture diffusion are manifold, intricate, and complex, and its magic touch is subtle and evanescent. Even so, it is still apparent in a Mosaic law and a Solomonic proverb, in the tears of job and a Jerusalem lament, in the sad tale of the dying man-god, in a Hesiodic cosmogony and a Hindu myth, in an Aesopic fable and a Euclidean theorem, in a zodiacal sign and a heraldic design, in the weight of a mina, the degree of an angle, the writing of a number.\* "

Here is Sir Leonard Wolley's final appraisal of the Sumerian contribution to world culture :

" Their civilization, lighting up a world still plunged in primitive barbarism, was in the nature of a first cause. We have outgrown the phase when all the arts were traced to Greece, and Greece was thought to have sprung like Pallas, full-grown from the brain of Olympian Zeus. We have learnt how that flower of genius drew its sap from Lydians and Hittites, from Phoenicia and Crete, from Babylon and Egypt. But the roots go farther back; behind all

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\* Emphasis is mine.

these lies Sumer\*.

The military conquests of the Sumerians, the arts and crafts which they raised to so high a level, their social organization and other conceptions of morality, even of religion, are not an isolated phenomenon, an archaeological curiosity; it is as part of our own substance that they claim our study, and in so far as they merit our admiration we praise our spiritual forebears. "

(B) Akkadians :

The principal builders of Mesopotamian culture and history were two peoples of quite different origin, creators of the great artistic and literary monuments of that region : the Sumerians and the Akkadians. These two peoples lived so mingled together, that Mesopotamian culture and history is the product of a synthesis in which it is often impossible to distinguish clearly the two main components.

Before appearing upon the political scene, the Semitic groups had already filtered into Mesopotamia in sufficient numbers to give their name to the region around modern Baghdad.

King Sargon of Akkad united Akkad with Sumer by conquest. Strategically located between the high civilization to the south and the barbarism of outlying regions, the Akkadians could draw on both barbarian military skill

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\* Emphasis is mine.

and civilized technology.

For 150 years the Akkadian empire brought unity to Sumer and trained contacts that reached, as Sargon boasted, "from the lower sea to the upper sea" (the Persian Gulf to the Mediterranean). Then it too succumbed to attacks by tribes from the Zagros mountains and the upper Tigris. A dark age of a century ensued.

(C) Babylonians : (1) The Amorites -

Babylon was an obscure village on the Euphrates. At the time of Hammurabi, in about 1760 B.C., it became the capital of the Babylonian empire. This empire was established by the Amorites who were South-Syrian Arabs or Palestinians from (Amurru : The West).

The Babylonian king Hammurabi was preceded by five princes, but it is uncertain which of the five did most to establish the little state as a first-class power. When Hammurabi, the sixth ruler, came to the throne he found himself in control of a prosperous federation of cities, corresponding in its boundaries approximately to the ancient Akkad.

Hammurabi is best known for his law code, which contained nearly three hundred laws touching on economic, social and moral life. Hammurabi's objective was " to cause justice to prevail in the land, to destroy the wicked and the evil, to prevent the strong from oppressing the weak... and to further the welfare of the people. "

Mathematics and astronomy :

Like the Sumerians before them, the Babylonians used a system of counting based on a unit of 60. The tablets recovered from Babylonia contain tables for multiplication and division and for square and cube roots. In addition to solving linear and quadratic equations, the Babylonian mathematicians worked geometry problems to determine the areas of circles and polygons. They were also the first to employ a sign for zero and to give numbers a definite value according to their position.

Shortly after 1600 B.C., and in the time of the eleventh and last monarch of Hammurabi's dynasty, Babylon was stormed and sacked by fierce Hittite mountaineers from Anatolia, and when they withdrew, leaving the city in ruins, the vacant throne was appropriated by a Kassite king whose successors were to rule there for six hundred years. In the middle of the Kassite period a new state called Mitanni appeared on the north-west frontier of Iraq. The Mitannians also were a product of Indo-Europeans and amongst the gods they worshipped were at least three Indian deities.

(D) Assyrians :

While the Kassites held sway in Babylonia, a Semitic nation was coming to the fore in northern Mesopotamia : The Assyrians. Assyria was above all a military power, and owed its prestige principally to its army's high degree of organization and of discipline.

Assyria was the name given to the district which had been called " the land of Assur ", or Ashur, by its own inhabitants. Assur, however, had originally been the name, not of a country, but of a city founded in remote times on the western bank of the Tigris, midway between the Greater and the Lesser Zabs.

In 612 B.C. Nineveh; the capital city of the Assyrians, was attacked by an army of Medes under Cyaxares, and Nabopolassar and his Babylonians were not far off. The Assyrian king Sin-shar-ishkum seems to have sent to the Scythians for aid, hoping that they would tackle the Medes while he held the Babylonians in check. But they betrayed him. Promises of rich plunder induced them to join Cyaxares in besieging Nineveh.

(E) Neo-Babylonians : (2) The Chaldeans -

Soon after the death of the Assyrian king Ashur-bani-pal, when little opposition was to be expected from Assyria, the Sea-landers had at last succeeded in seizing Babylonia, and a Chaldean called Nabopolassar had made himself king. He founded a Chaldean dynasty in south Iraq, which lasted for seventy years after the fall of Nineveh and temporarily revived the glories of Babylon. With the invading Medes for the moment halted in Assyria, the new Babylonian kings took their turn at conquest in the west, and rapidly created what is usually known as the Neo-Babylonian empire.

Continuing the work of the Mesopotamians in mathematics and astronomy, the Chaldeans observed the heavens and,



without any telescope or accurate time-recording instruments, worked out detailed tables of the movements of the sun, moon and planets, using mathematics to figure the velocity, acceleration, and positions of these bodies. They were able to predict eclipses, and one astronomer computed the length of the year to within twenty-six minutes.

" The period of forty years during which Nebuchadnezzar ruled over Babylon constituted one of the most brilliant reigns in human history. "

In 539 B.C., the Persians, under Cyrus the Great, conquered Babylon. This was the end of the Babylonian greatness.

(F) Achaemenians : 559 B.C. - 330 B.C. -

The Achaemenian empire of Persia was created by Cyrus who was, till 552 B.C., a petty king of Anshan, a principality north of the Persian gulf. He was a gifted soldier and under his able leadership, and that of his son, Cambyes, four great kingdoms of the Eurasian world, namely, Media, Ludia, Babylonia and Egypt were welded into the Achaemenian empire within a period of two generations. The conquest of Babylon began in 540 B.C., and was completed by the late summer of 539 B.C.

(G) Macedonians :

Alexander's approach to Iraq was eventually eastwards from the Der-ez-Zor to the Tigris which he crossed some

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\* Emphasis is mine.

way above Mosul. In 331 B.C., he occupied Iraq after defeating Darius III, the last Achaemenian monarch. Babylon surrendered to him peacefully. And here, in Babylon, he died in 323 B.C., and after his death his empire broke into a number of kingdoms under his leading generals.

Seleucus was a Macedonian general under Alexander the Great, and Satrap (Governor of a Province) of Babylon (321 B.C. - 312 B.C.), and king of Babylon (312 B.C. - 280 B.C.). He made Babylon independent, and founded Seleucia on the Tigris; and the Seleucid dynasty (312 B.C. - 64 B.C.) which, at height of its power, ruled over Bactria (Balkh), Persia, Babylonia, Syria, and part of Asia Minor. Seleucus shifted the capital from Babylon to Seleucia-on-the-Tigris which he built on the right bank of the river about twenty miles below modern Baghdad.

(H) Parthians :

Parthia was a part of north-eastern Persia roughly corresponding to the modern province of Khurasan. It became a satrapy after Alexander's death, but with the diminishing control of his successors, its satraps soon followed the example of their colleagues in even more remote Bactria, and assumed the title of king. They took Hecatompylos, one of the cities newly founded by Alexander, as their capital and ruled for some time merely on sufferance. But when an early Parthian king, Tiridates, actually succeeded in defeating a Seleucid army, and

another Mithridates, after conquering Media, moved his headquarters to the more celebrated city, Ecbatana, they felt more safely established. It was Mithridates also who captured Seleucia-on-the-Tigris, and extended the Parthian kingdom eventually from the Oxus to the Euphrates.

Among the chief cities of the Parthians were Ctesiphon and Seleucia. Ctesiphon is near Baghdad on the left bank of the Tigris opposite Seleucia, and at the mouth of Diyala. After 129 B.C., it was the winter residence of the Parthian kings. The Romans captured it in warring against Parthia. It became the capital of the Sassanians in 266 A.D.

(I) Sassanians : 226 A.D. - 640 A.D. -

The founder of the new dynasty, Ardashir, was of distinctly plebian origin, his mother being a tanner's daughter and his father a common soldier, called Sassan. He had served with distinction in Artabanus's army at Nisibis, rose to power presumably through his own personal qualities, and championed a dissatisfied Persian minority against their Parthian overlords. These he defeated in a succession of three great battles, and was proclaimed king in Khurasan. He chose Ctesiphon as its focal point, but established a summer capital for himself at Ecbatana. He then turned an aggressive eye on his neighbours.

Ctesiphon was occupied by the Arabs in 636 A.D., and Iraq fell under the power of the Muslim Arabs in 640 A.D.

The last Sassanian king was Yazdagard III, who began to reign in 632. He died a fugitive in 651. His struggle against the Arabs ended in entire defeat in 640 A.D.

## 2. Islamic Iraq :

The Prophet died in 632, the acknowledged ruler of the Arabian Peninsula. In the twenty five years following his death, the Arabs burst out of their native deserts to overthrow simultaneously the two greatest military empires of that time; Byzantium and Persia. At the death of the Prophet Iraq was under the Persian rule of the Sassanian empire. The conquest of Iraq started in the caliphate of Abu Bakr and was completed in the caliphate of Umar who was the first Muslim ruler to make a beginning of decentralization. In his time, Iraq was administratively divided into two provinces; Kufa province and Basra Province.

The migration (Hijrah) of the Prophet from Mecca to Yathrib (Medina) shifted the political centre of Arabia from Mecca to Medina which rose to be the first capital of Islam. The first three caliphs; Abu Bakr, Umar and Uthman, continued to govern Islam from Medina, but Ali (the fourth caliph) abandoned it. He went to reside at Kufa which became the second capital of Islam.

Muawiya ibn abi Sufian; the governor of Syria, refused to recognize the caliphate of Ali, and civil war broke out. Ali controlled from Kufa Iraq and Persia, and

Muawiya chose Damascus as his capital and governed Syria, Palestine and Egypt. On the 20th of January, 661, Ali was assassinated in Kufa, and this event caused the whole empire to fall under the control of Muawiya.

The Umayyad Caliphate : 661 - 750 A.D. -

Hasan, the eldest son of Ali, was elected to the vacant Caliphate by the unanimous suffrage of Kufa and its dependencies, but the inconsistency of the volatile people that had wrecked the hopes of the father soon drove the son to abdication. Hardly had the new Caliph been seated on the pontifical throne when Muawiyah invaded Iraq. Hasan was thus compelled to take the field before he had either strengthened himself in his position or organized the administration thrown into confusion by the death of his father. Sending forward a general of the name of Kais to hold the Syrians at bay, he proceeded with his main force to Madain. Here a false report of the defeat and death of Kais excited a mutiny among the young Caliph's troops; they broke into his camp, plundered his effects, and even thought of seizing his person and making him over to the enemy. Thoroughly disheartened, Hasan retraced his steps towards Kufa, firmly resolved to resign the Pontificate. Mistrust of his Iraqi supporters, so lavish of promise so faithless in performance, led him to lend a willing ear to the proposals of Muawiyah. The

negotiations resulted in a treaty by which the Caliphate was assigned to Muawiyah for life; upon his death it was to be left to the Muslims to choose the new caliph. After his abdication Hasan retired with his family to Medina, but did not long enjoy the pension secured to him under the compact, as many years did not pass before he was poisoned at the instigation of Yezid the son of Muawiyah.

Upon the abdication of Hasan, Muawiyah became the de facto ruler of Islam on 30 July 661 A.D., Shawwal 41 A.H. Under the instigation of Mughira, the governor of Basra, Muawiyah conceived the design of nominating his son Yezid as his successor to the throne. This was in direct breach of his covenant with Hasan, but he was supported in his design by Ziyad ibn Abih who then ruled as his lieutenant over Iraq and Khurasan. The Iraqis were bribed, cajoled, or coerced to take the oath of fealty to Yezid; the Syrians, of course, followed Muawiyah's lead.

In the year 51 A.H. Muawiyah proceeded to Medina and Mecca to secure the covenant of the people of Hijaz. Here, too, his menaces or his arts were partially successful. Four men, then foremost among the Muslims - Hussain the son of Ali, Abdullah the son of Umar (the Caliph), Abdur Rahman the son of Abu Bakr, and Abdullah the son of Zubair, refused to take the oath on any condition, and their example gave heart to the Hijazians. Abdullah the son of Zubair, whom Muawiyah called " the crafty fox of

Quraish ", had himself an eye to the Caliphate; the others were actuated by abhorrence of Yezid, whose wickedness was notorious.

Muawiyah died in the month of Rajab 60 A.H. (April 680), and on Muawiyah's death, Yezid ascended the throne according to his father's testament in Shaban 61 A.H., April 680 A.D. The accession of Yezid gave the death-stroke to the republican principle that " the Commander of the Faithful " should be elected by the plebiscite of the people - a principle to which the Arabs were so devoted, and which had led them to ignore the right of the Prophet's family to the spiritual and temporal headship of Islam. Henceforth the ruling sovereign nominated his successor, whose reversion he endeavoured to assure during his lifetime by the oath of fealty of his soldiers and grandees.

Consequently, Hussain; the younger brother of Hasan, revolted, and left Medina to Iraq where he was martyred in Karbala on 10th October 680 A.D. (10th Muharram 61 A.H.)

There was a civil war which lasted twelve years from the rebellion of Hussain and then that of Abdullah ibn Zubair to the final establishment of Abdul Malik ibn Marwan as sole Khalif.

In January 695, Abdul Malik wrote to Medina to Hajjaj ibn Yusuf al-Thaqafi, the man who had defeated Abdulla ibn Zubair in Mecca, to proceed immediately as governor of Kufa and Basra. Later on, Hajjaj was promoted by the

Khalif to be viceroy of all Iraq and Persia. Hajjaj founded a new city on the Tigris. He called it Wasit (Central) because it was equidistant between Kufa, Basra, and Ahwaz. From Wasit Iraq was governed by Hajjaj and his successors until the fall of the Umayyad Caliphate in 750 A.D.

The Abbasid Caliphate - 750 - 1258 A.D. :

There was a revolution against the Umayyads led by the Abbasids; the descendants of Abbas the paternal uncle of the Prophet. Abu al-Abbas al-Saffah was proclaimed in Kufa as the first Abbasid Caliph at the end of October, 749 A.D. and he ruled up to 754 A.D., 132-136 A.H. On 25th January, 750, the decisive battle was fought on the river Zab, eighty miles south of Mosul, and the Umayyad army was defeated by the Abbasid army.

" In 762, Al Mansur; the second Abbasid Caliph, laid the foundation stone of his new capital, Baghdad. As if called into existence by a magician's wand, this city fell heir to the power and prestige of Ctesiphon, Babylon, Nineveh, Ur and other capitals of the ancient orient, and attained a degree of prestige and splendour unrivalled in the Middle Ages, except perhaps by Constantinople. "

It is better, for the purpose of clarity, to divide the history of the Abbasid Khalifate into five parts.

A. The period of the great Khalifs, from the foundation of the dynasty in (132 A.H./750 A.D.) to the death of



Mamoon in (218 A.H./833 A.D.). It includes the Khalifs : Saffah, Mansoor (Mansur), Mahdi, Hadi, Haroon al-Rasheed, his first son Ameen (Amin), and his second son Mamoon (Mamun). This period forms the most brilliant epoch of Muslim history; the Caliphs were then great warriors and sovereigns.

B. The period during which the tyranny of the Turkish Soldiers took place. It is ending in (A.H. 334/A.D.946).

On the death of Mamun and the accession of his brother Mu'tasim, the riots caused by the Turkish body-guard ultimately forced that Caliph to betake himself to Samarra, which now became the capital of the Caliphate. Here Mu'tasim, and after his death six Caliphs in turn, reigned and built palaces, while successive captains of the guard controlled the affairs of the empire at their pleasure.

C. The third period (A.H. 334/A.D.946), its outset being marked by the advent of the Buwayhid Prince Mu'izz-ad-Dawlah in Baghdad. The period of the Buwayhid supremacy lasted for more than a century. The Buwayhid princes were Persian by descent and Shi'ah by sympathy.

In this period the Turkish soldiers had lost all power since the return of the khalifs from Samarra to Baghdad.

D. The fourth period witnessed the Saljuk supremacy beginning with Tughril Beg, who entered Baghdad in (A.H. 447/A.D. 1055), and ending with the death of Sultan

Sanjar, the last of the great Saljuks in (A.H.552/A.D. 1157). The Saljuks were sunnis.

E. The period of decline and fall, which ended with the Mongol conquest under the leadership of Hulagu, the sack of Baghdad in (A.H. 656/A.D. 1258), and the death of the last Abbasid Khalif Mustasim.

On 13th February, 1258, Hulagu took Baghdad, massacring all the inhabitants, men, women and children. The Khalif Mustasim was killed by being trampled under the hoofs of Mongol horses. Baghdad, once the world's greatest city, was reduced to heaps of smoking rubble. On 20th February, 1258, Hulagu marched to Tabriz.

### 3. The Dark Ages - 1258 - 1869 A.D. :

When the Great Khan died, Hulagu was called back to Persia to become the new Great Khan. He assumed the title 'Ilkhan', which became hereditary. So, under the dominion of a series of Ilkhans, Baghdad was reduced to being capital of a province. The last Ilkhan embraced Islam and the Mongols gradually merged in the general body of the population to disappear as a separate entity altogether.

Tamerlane (Timur, Timur Lung, Timur-i-Lung, Timur-Leng; Timur The Lame) repeated the disasters of Hulagu's invasion. In October, 1393, he took Baghdad. The ancient palace of the Caliphs became the scene of a massacre whose extent can be judged by Tamerlane's command that

on the ruins of the town 120 pyramids made of 90,000 human heads should be built. Not a house in the town was to be left standing - nor any building except mosques, schools, and hospitals.

If the scenes and losses were less dreadful than those of the ruin of the Caliphate, it was that Baghdad had not the same pride to be humbled and the same materials for atrocity. ' The next conqueror who, after Timur's death, almost casually conquered Iraq, was Kara Yusuf, chieftain of the Turkoman kingdom of the 'Black Sheep', based on Van in Anatolia. 'In the rough manner of the time, he sold or bestowed its governorship, received the homage or bore the turbulence of the tribes. But almost at once a rival dynasty of Turkomans, the 'White Sheep', came to power with their capital at Diarbekr, and the whole process in Iraq was repeated. When these in turn succumbed to superior force, it was ' to the new monarch of a Persia revived and re-inspired ', Shaikh Safi, whose general, Lala Hussain, captured Baghdad almost without resistance. The Turkoman regime in Iraq generally was short-lived and fantastically insecure, yet traces of it are still to be seen today in the small but racially pure communities of Turkomans, which have survived, for instance, at Tell Afar and in the Kirkuk area.

That Iraq was long since habituated to disorder; to poverty, to change and bloodshed, to alien rulers need

not be said. For eight generations, each year had seen the country sink further back into tribalism, insecurity and dependence. Each month had brought news of dynastic rise and fall, to herald a fresh governor to Baghdad. Each day saw a new outrage of robbers on the roads, or the seizure of some riverside city by a tribesman usurper. So Lala Hussain was accorded a welcome stale by repetition.

Shah Ismail, the founder of the new Sufawid dynasty in Persia, was a pious descendant of the seventh Shiah Imam. So that here, after two-and-a-half centuries of semi-pagan Asiatics, was at least a truly Muslim power once more assuming control of the destinies of Iraq.

As soon as Iraq had been added to his conquests, Shah Ismail paid a personal visit to Baghdad. His Shi'a tendencies at once became evident. The tombs of several Sunni saints were desecrated, a number of Sunni leaders put to death.

The Ottoman Turks were Sunnis. After securing their position in Europe, they could not but feel irritation at the rise of an (unorthodox) Shia power on their flank (Persia), and the irritation was changed to active hostility by the capture of Baghdad and the indignities laid upon the orthodox residents. Baghdad also began to grow restive, and the oppressed Sunni and non-Muslim elements began to raise their heads.

Sultan Sulaiman I (A.D. 1520-1566), who is known to

the Europeans as Sulaiman The Magnificent, and to the Muslims as Sulaiman Kanouni (Sulaiman the Lawgiver), led his armies against the Persians in several campaigns (1533, 1534, 1535, 1548, 1553, 1554), during which the Turks often suffered severely through the difficult nature of the countries through which they traversed, as well as through the bravery and activity of the enemy. But the Sultan effected many important conquests. He added to the Ottoman Empire large territories in Armenia and Iraq, and the strong cities of Erivan, Van, Mosul, and above all of Baghdad, which the Orientals call " The Mansion of Victory. " The heart of Islam had shifted to Istanbul, and Baghdad itself had sunk to the level of a decaying provincial town.

In 1621 the Persian Shah Abbas wrested Baghdad from the loose control of the Ottomans, and the story of his seizure of the city is a thoroughly unpleasant one.

On the 15th November, 1638, the Ottoman standards appeared before Baghdad under the leadership of Sultan Murad IV himself, and the last siege of this great city commenced. On the third day (Christmas Eve, 1638) Baghdad was captured by the Ottomans, and the story of butchery was repeated once more.

After Sultan Murad had left, there had been a long series of Pashas appointed by Istanbul as governors in Baghdad. They were serving brief terms and changed. One

of these Pashas laid the foundation of the so-called 'Mamluk' rule, from the Arabic name applied to the white slaves. The Mamluks were actually independent, paying only nominal allegiance to the capital Istanbul. In the time of the Mamluk governor of Iraq; Sulaiman Pasha, was the establishment in Baghdad of a British Trade Agency, as a branch of the Basrah Office of the East India Company.

At the accession of Kuchuck Sulaiman (1808-1811), the British Resident in Baghdad had been granted consular rank, and during Said's time this position was filled by the celebrated Mr. Claudius James Rich, whose thirteen years ' raised the British position to that of the unquestioned second in the town, ranking only after the Sarai itself. '

The last and most remarkable of the Mamluk governors was Dawood Pasha, whose governorship lasted from 1817 to 1831. Sultan Mahmud II had decided to put an end to the rule of Mamluks.

#### 4. Modern Iraq :

The Iraqis of today agree almost unanimously that the modern history of Iraq began from the time in which the great reformer and statesman Midhat Pasha assumed the office of Governorship in Baghdad during 1869-1872, due to the serious attempts made by him to make reforms in the country.

There is little to tell of the local political history of Iraq during the remainder of the nineteenth

century. Its single motif is, 'the maintenance of an uneven balance between the Sarai, representing an absolute medieval officialdom vainly struggling to bring itself up to date, and the British Residency, representing the restless commercial energy of the new West. '

In the First World War, Iraq was captured by the Britishers. After the British occupation, Iraq started embarking on a period of economic expansion and political progress unknown since the golden days of the Abbasid Caliphate. The Turkish officialdom was supplanted by Anglo-Indian officials, and the administration was rearranged after the fashion of the Indian administration.

It was generally believed that Iraq, for the time being, is incapable of self-government, therefore, the mandate was recommended. It was advised that Great Britain should assume the Mesopotamian Mandate on account of Iraq's nearness to India and her close connections with Arabia, and because of work already done by the Britishers in the territory.

At the end of June, 1920, the Iraqis rebelled against the British rule. When Mr. Percy Cox (who later on became the British High Commissioner in Baghdad) was on his way to London, the Revolution in Iraq began. At his arrival he found that the public opinion in London was deeply and extremely disturbed by the rebellion, so that some British newspapers demanded that Great Britain must leave Iraq. Consulted about the matter, Cox rebuffed the

idea of evacuation of Mesopotamia, and, instead, he suggested the establishment of a national government if there is no other alternative. The British government accepted his suggestion and entrusted him to establish the Iraqi national government under the care of the British Government. On 20th August, 1920, Cox left London to Baghdad.

Out of the four sons of Hussain ibn Ali, the Grand Sherif of Mecca, Faisal was considered as the best leader whom the British need. Churchill on his return from Cairo was of the opinion that Faisal has to be the King of Iraq. On 23rd August, 1921, Faisal was enthroned in Baghdad as the First King of The Iraqi Kingdom, though not without any objection on the part of the Iraqis. Faisal was confided to the Iraqi throne on two conditions. : first he must accept the British mandate, and second he ought to avoid any hostile action against France in Syria. In addition to that he was advised to pretend to be independent showing that he is not a puppet in the hands of the British Government.

The Kingdom - 23.8.1921 - 14.7.1958 :

It was a constitutional monarchy, after the fashion of the British monarchy in appearance. The State of Iraq was independent and free, with Baghdad as the capital. The monarchy was inheritant. The form of Government was Parliamentary and of two chambers. The Chamber of Elders was composed of twenty members appointed by the king who



chooses also the Prime Minister and signs the laws. As for the Lower Chamber, there had to be one representative for every 20,000 males.

Independence :

On 3rd, October, 1932, by the vote of fifty-two States.- members, Iraq was admitted to membership of the League of Nations as an independent country. The League's decision, one of the most peaceful in its history, was coupled with a resolution to terminate the mandate, and thus Iraq was immediately raised from dependency to full-fledged international status.

On 8th, September, 1933, King Faisal I died at Berne in Switzerland, as a result of heart failure. In Baghdad, the Cabinet held a meeting immediately after the news was received, and two hours later Amir Ghazi, Faysal's only son, who was acting as Regent during his father's absence, was sworn in before the members of the Cabinet and proclaimed King Ghazi I. King George V sent a message of condolence to the new King congratulating him on his accession.

In 1936, there was a military coup de'etat and General Bakr Sidqi ruled the country until he was assassinated on 11th, August, 1937. In 1939 King Ghazi I was killed, and Emir Abd Al-Ilah; brother of Ghazi's widow, was named Regent for the infant crown prince Faisal; the only son of Ghazi.

In spring of 1941, Iraq declared war on Britain. On May 2, the Anglo-Iraqi war began. On the evening of May 30th, the British were preparing to enter Baghdad. The Iraqi army was defeated.

The entire period from Autumn of 1941 until 14th, July, 1958, may be regarded in the Iraqi political history as the era of Nuri Pasha al-Said. General Nuri predominated the scene. During this era the Arab League was formed, of which Iraq became a member; the partition of Palestine and the establishment of Israel took place and Iraq participated in the war of 1948 against Israel; some leaders, including the Secretary-General, of the Iraqi Communist Party were hanged; Baghdad Pact, a northern tier of defence for the Middle East against USSR, was established; King Faisal II was enthroned; a Hashimite Federal Union between Iraq and Jordan was formed; and a National Front, composed of the opposition parties, including Arab Baath Socialist Party and Iraqi Communist Party, came into being.

On 14th July, 1958, a revolution; military coup de'etat, led by Brigadier Abdul-Kareem Qasim and Colonel Abdul-Salam Muhammad Arif took place. King Faisal II, Abdul-Ilah, and three Jordanian Ministers of the Federal Union were killed. On the first day of the Revolution Nuri could escape, but finally, he was caught by the people of Baghdad and killed in the street, after thirty-six hours from the beginning of the Revolution.

The First Republic - 14.7.1958 - 8.2.1963 :

Brigadier Qasim assumed the offices of Premier and Commander-in-chief of the armed forces, and a Council of Sovereignty carried out the presidential duties. In the first weeks of the new regime, it gained the support of the majority of Iraqis, but it turned out to be a military dictatorship. Qasim was claimed by the communists as the 'Sole Leader', and Colonel Abdul-Salam Arif was arrested in November, 1958. In spring 1959 there was a revolution in Mosul led by Colonel Shawwaf. Qasim executed some prominent officers. Generally speaking, the regime failed to meet the expectations of the people. The influence of the communists, especially in the first two years, was evident so that the sixth IUS (International Union for Students) Congress was held at Baghdad in October 1960. The Iraqi Communist Party blindly supported Qasim's dictatorship up to the moment of its collapse. The Kurds revolted. The Nationalists and Baathists strongly opposed the regime. There was general dissatisfaction and confusion.

The republican regime promulgated a Provisional Constitution on the 27th of July, 1958, which remained in effect till 8th February, 1963.

The Second Republic - 8.2.1963 - 18.11.1963 :

On 8th February, 1963, a revolution was attempted and on 9th February Qasim was executed. Baath Party came to power for the first time, with Abdul-Salam Muhammad Arif as the President.

During March and April 1963, discussions for unity between Egypt, Syria, and Iraq were held in Cairo, but nothing came out of it because Nasir feared that Egypt may be caught between the Baathist hammer and anvil (Iraq and Syria) in the event of a tripartite union.

Abdul-Salam Muhammad Arif led a military coup on 18th November, 1963, against the Ba'ath regime.

The Third Republic - 18.11.1963 - 17.7.1968 :

The new regime promulgated an Interim constitution on the 29th of April, 1964. This Interim Constitution declared that Iraq is a democratic socialist republic based on Islam; and Islam is the state religion and Arabic is the official language.

The Fourth Republic - 17.7.1968 up to today :

The Arab Baath Socialist party carried out the Revolution of 17th July, 1968, and Field Marshal Ahmad Hasan Al-Bakr became President. The Revolution; under peculiar and crucial circumstances, accepted collaboration with some non-party military officers; such as al-Naif and al-Daoud, who imposed themselves on the Revolution. But on 30th July the Revolution got rid of them and thus it purified itself from alien elements and that is why it is called the Revolution of 17-30 July, 1968.

In July 1979, President Bakr resigned on health reasons, and the then Vice-chairman of Revolution Command Council; Mr. Saddam Hussein, became the President, and he is still in office.

A complete history of religion in Iraq :

1. ISLAM :

Monothelism means to believe that there is only one God, or that God is one, whereas Polytheism is the doctrine of 'many Gods'. One of the faces of monothelism had originated in India. It is often called Hindu pantheism.

To the Muslims, including the Prophet himself, of course, Islam is not an innovation, but a continuation - as a new and this time final phase in the long struggle between monothelism and polytheism.

" Briefly defined, Islam is the name of an ideology that has been taught by the prophets from the earliest known times. Innumerable prophets have appeared from time to time in all parts of the world to teach this ideology to all sections of the human race, consistently with the conditions of their times, the circumstances of their existence and the stage of their mental and moral evolution.

Of all religions, Islam is nearest in kin to Judaism and Christianity. In fact the alienation between the Islamic and the Christian worlds is more one of politics and economics than of ideology. Islam the religion is a system of beliefs and practices revealed to Muhammad, enshrined in the Quran and supplemented by a traditional record, the Hadith, of the things said and done by Muhammad.

The basic beliefs or pillars of faith are : (1) Unity of God (tawhid), (2) revelation (wahy), (3) life after death (akhirat), (4) angels (malaika); while the five pillars of action are the formula of faith (kalima) 'There is no God but Allah, and Muhammad is His Messenger', prayers (salat), fasting (soun), wealth tax (zakat), and pilgrimage to Mecca (hajj).

The Prophet had already reached his fortieth year when the first revelation came to him. The Qur'an itself was his miracle.

Ka'aba at Mecca is the chief shrine. Before Islam there were 365 idols in Ka'aba beside images representing Abraham and Ishmael. All these were removed when the Muslims captured Mecca.

To escape persecution in Mecca, the Prophet migrated in September, 622 A.D. to Yathrib which is ever since called Medina. The migration of the prophet from Mecca to Medina is the beginning of Hijra calendar.

In 22 years of his prophethood, Muhammad had brought about a synthesis of the Judaeo-Christian tradition of a single God and a latent Arabian sense of nationalism, and his people found in this synthesis a cause for which they could unite, fight and win.

In Islam, and in classical Arabic, such pairs of words as 'secular and religious', 'spiritual and temporal', have no equivalents. In Rome, Caesar was God; in Christendom,

God and Caesar shared power. In Islam, God is Caesar; the ultimate repository of sovereignty, and the head of the Muslim community is His vicegerent on earth.

Because of caliphate the first Islamic sects made their appearance. The three early sects of Islam were the "Kharijites", the "Murji'ites" and the "Shi'ites", but their differences were rather political than religious. But the blood of the victims of Karbala transformed Shi'ism from a party to a sect, from a faction to a religion

The Shi'as are holding Caliphate to be a matter of God's and Prophet's decree and ordination. All other sects who do not hold such ordination necessary are classed as Sunnis.

Originally, by the word (Sunna) was meant the (Traditions) of the Prophet. But, later on, it had become the characteristic term for the theory and practice of the Catholic Muslims; who refrain from deviating from the dogma and practice. The expression is particularly used in this sense in opposition to Shi'a.

By 'sects' are meant those systems of Islamic doctrines and beliefs which are repudiated by the orthodox generally and by one another as heretical. Within the orthodox community itself there have been and still are a number of different 'schools' (Hanafi, Maliki, Shafi'i, Hanbali) which are all mutually tolerated and in addition to these somewhat legal divisions there have entered into orthodox Islam many later practices and rituals, though

not always without opposition.

## 2. CHRISTIANITY :

The Islamic culture is much the same of the Christian culture, but in an Arabic dress. Before the Arab conquest of the Fertile Crescent the chief bearers of culture were the Christians. In Egypt there was virtually no one else. In Syria there were also a few philosophically minded pagans, who came to be known to the Muslims as Sabaeans. In Iraq there were Zoroastrian clergy and scholars who in addition to their own literature possessed some Indian works in translation. The level of learning among the Christians of Iraq appears to have been higher than that elsewhere, for there were several colleges where Christian theology and Greek science were taught in the medium of Syriac. Once the disturbances of the wars of conquest had subsided not much was changed for the ordinary Christians, including the scholars. Life continued to be tolerable or even enjoyable. In Baghdad round about the year 1000 Christian and Muslim philosophers had a joint discussion circle.

The general policy of Islam has always been to guarantee the right of non-Muslim communities. Those subscribing to other religions received the appellation of Ahl-ul-Zimmah (protected minorities). The term implied those non-Muslims with whom Muslims were in agreement or the



responsibility of whose life and property was undertaken by the Islamic state. The right of the Zimmis (protected minorities) to a peaceful, prosperous and secure life, was never denied to them while Muslims or their governments drifted down in path of the Quran and the Sunnah of the Prophet or while the Zimmis or other religious minorities were of good behaviour.

During the Abbasid Caliphate the majority of the physicians at the Palaces (especially of the Caliphs) were Christians. At the beginning of the fourth century A.H. there were about 50,000 Christians in Baghdad only. Under the Ottoman rule, the Christians were known as a 'millet', as is the case of the other protected minorities. At present the Muslims and Christians live in Iraq as brothers loving one another.

### 3. JUDAISM :

Under the Islamic rule, the Jews enjoyed the same conditions of socio-economic and politico-religious life of Christians.

### 4. SABAEANISM :

The Sabaeans are Semitic people, and are nowadays called the Mandaean Sabaeans to distinguish them from the old Sabaeans of Harran. They speak the Mandaean language which is one branch of the Semitic languages and which is near to the Syriac language but it differs from the latter in its script and grammar. The Mandaean language was

well-known in ancient times but now it is understood by only a few people because the clergymen do not permit the laymen to study it for fear that their power will be lost once the secrets of the religion will be accessible to the ordinary followers. Consequently the Iraqi Sabaeans use the Arabic language in their daily life. More or less the Mandaean language by now became a liturgical one used for rituals and religious ceremonies of the social life such as marriage. In modern Iraq the Sabaeans enjoy full citizenship. .

#### 5. YAZIDISM :

The Yazidis are a religious sect of Western Asia whose majority lives in the hills and mountains situated to the north-east of Mosul and in the Jabal Sinjar situated to the west of the city. This sect has also its adherents in the province of Damascus, in the environs of Aleppo, in Baghdad and in Tiflis, and in the territories lying round this city. As it is generally and erroneously held, they worship the Devil. They are called Devil-worshippers. They call themselves Ezidis.

The religion of the Yazidis is monotheistic; still it recognises a certain number of semi-divine or avowedly divine beings who are somewhat like intermediaries between supreme God and man, - a sort of angels or messengers of God - and who lend it a certain polytheistic character. But that which distinguishes the Yazidis from other

religions and sects is the worship of a being, called by them Malak Taus, i.e. King or better Angel Peacock, who corresponds to the Devil in Christianity and Islam.

After the revolutions of 14 July 1958; and of 17-30 July 1968, the Yazidis have been enjoying all the rights of full citizenship equally with the other Iraqis.

6. BAHA'ISM :

At present there is a small number of Baha'is in Iraq, and recently the Bahai activities were prohibited by the government.

7. HINDUISM :

Until the appearance of Zoroaster, the worship of the Hindu God Somnath was a widespread religion in Khurasan, Persia, and Iraq from Mosul to the borders of Damascus. After the appearance of Zoroaster, this religion receded, but it did not completely pass away. At present the Yazidis worship the Sun (Shams). Though Mithra (Sun) in India, unlike his position in ancient Iran, possessed no importance, his worship by the Yazidis indicates to the influence of Hinduism in Iraq up to today. Moreover, the Yazidis believe in reincarnation and in the Hindu God Vishnu, but they consider Vishnu as a Yazidi Prophet who carried out his mission in India; and regard Vishnu's soul as the Light from the lamp of Heaven.

8. ZOROASTRIANISM :

The Zoroastrians think of their prophet Zarathushtra

(or Zoroaster) being the first to teach monotheism as against Polytheism which was ordinarily followed prior to his time. In Islam they were considered as a people of book, and hence a protected minority.

Although Zoroastrianism after the Muslim conquest continued to exist for the first three centuries so that there was a Zoroastrian temple in every town and city of Persia, it was especially in Iraq, gradually fading away. At present there are no Zoroastrians in Iraq, but some elements of Zoroastrianism can be found in Yazidism.

#### 9. BUDDHISM :

Even in the ninth century A.D., the Muslims had very little knowledge of Buddhism. However, the Barmakids, whose ancestor was the Barmak or 'Superior' of a Buddhist convent near Balkh (close to the Oxus river), were wealthy and influential family at Baghdad, and they furnished several viziers. Under the Caliph Harun al-Rashid, this family was destroyed because of fear of their power.

At present there are no Iraqi Buddhists in Iraq.

#### Nature of the political system at present :

##### 1. The Constitution :

The republican system of Government in Iraq began after the revolution of 14th July 1958 when the kingdom that was established by the Britishers after the First World War collapsed. From the Revolution of July 1958 upto now there were only interim constitutions as follows:

- a) The Constitution of 1958.
- b) Law of the National Council of 1963.
- c) The Constitution of 1964.
- d) The Constitution of 1968.
- e) The Present Interim Constitution : the draft of

the present constitution was prepared by a Committee composed of four members; the chairman of the committee of legal affairs which is attached to the RCC (Revolutionary Command Council), two professors from the College of Law and Politics/Baghdad University, and the then Vice-chairman of RCC (President Saddam Hussein at present) as the Chairman of this Draft Committee. By the resolution No. 792 RCC issued it on 16.7.1970 as an interim constitution which "... shall come into force until the permanent constitution is promulgated. " (article 63). In the National Action Charter it is stated that the transitional period is to be ended as soon as it is possible by preparing the draft of the permanent constitution, and by holding elections for the National Assembly (Parliament).

## 2. Legislature :

Article 37 of the present Interim Constitution states, " The Revolutionary Command Council is the supreme Body in the State, which has undertaken since the 17th of July 1968 the responsibility of achieving the People's public will by stripping off the power from the reactionary, dictatorial corrupt system and restoring it to the People. "

RCC assumed the role of legislator and issued both the constitutions of 1968 and of 1970. In case of differences of opinions regarding the draft laws there must be a joint session of RCC and the National Assembly and the final decision being based on 2/3 of the votes of the joint session.

3. Executive :

Iraq has adopted the Presidential system so that the President is the head of the state and the head of the Government as well. Besides, the President is the Commander-in-Chief of the Armed Forces. But the President ought to be obedient to RCC which is the Supreme authority having the total powers in the Republic of Iraq. There is no other authority which is above, or equal to, it. The whole structure of the Republic, including the President as the head of the State and head of the Government, is subordinate to RCC. Activities of RCC are above any sort of supervision.

4. Judiciary :

According to the Interim Constitution :

"Article 60 ; (a) Jurisdiction is independent and no power shall be exercised over it except the Law. " The courts are established throughout the country. According to the article 9 of the Law of Judiciary No. 26 of 1963, the Civil courts are as follows :

- a. The Court of Cassation,
- b. Courts of Appeal.

- c. Courts of First Instance and Peace Courts.
- d. Criminal Courts.
- e. Courts of Shari'a.

5. Administration and local government :

In 1969, there was issued the Law of Governorates No.159. According to this law the administrative units are as follows :

1. Governorates : The Governor is the head of the unit.
2. Qada'as (Qad'a : District) : the head of the unit is Qaimmaqam who is subordinate to the Governor.
3. Nahiya : The head of the unit is the Director of Nahiya (Mudir al-Nahiya), who is subordinate to the Qaimmaqam.

The Governorate is divided into Qad'as (Districts), the Qada'a into Nahiyas, and the Nahiya into Mahallas (Muhallas) in the urban areas, or into villages in the rural areas.

The present Interim Constitution does not make any difference between the Government and administration. According to the Resolution No.567 of RCC, which was published in the Official Gazette No.2262 and dated 22.7.1973, the Cabinet practices the administration of the country, directly in some cases and indirectly in some others. At present Iraq is divided into the 18 governorates.

The Popular Councils :

The popular councils were established in Iraq after

the revolution of 17-30 July, 1968. According to the Law of Reformation of the Legal System No. 35 of 1977, the popular councils must be found at all levels of administrative units to assume local activities in the economic, social and cultural fields; and to take share in the preparation of the economic plans and the budgets of the administrative units. The popular councils are the practical formula of popular democracy.

AUTONOMOUS RULE FOR THE KURDISH PEOPLE :

RCC issued on 11 March 1974, law of Autonomy for Kurdistan Region No.33, according to which the area whose majority of population is from Kurds is to enjoy autonomy. The Autonomous Region is deemed as one administrative unit which has a body corporate enjoying autonomy within the framework of the legal, political and economic unity of the Republic of Iraq. Administration divisions in it shall be performed under the provisions of Governorates Law and with observation to the provisions of the law of the autonomous rule.

The Region is composed of three governorates; D'hok, Arbil, and Sulaimaniya. It is an independent financial unity within the State's Financial Unity, and it has a special budget within the unified budget of the State. It also has its own legislative and executive councils. The Governorates of the Region are attached to the President of the Executive Council. The Central Authority



in Baghdad assigns a Minister of State to co-ordinate between the Center and the Autonomous Region.

The present position of religion in Iraq. Structural Organization (Waqfs) :

In the Constitutions of modern Iraq Islam was always being declared as the religion of the State. The rulers were always Muslims; but this does not mean that a non-Muslim is disabled from reaching a higher position in the governmental machinery. Some of the non-Muslims could meritoriously raise themselves to the rank of minister.

Generally speaking, the Iraqi society is a society of believers, and, therefore, it is not surprising to find that this society focusses its attention on the institution of waqf as, mainly, a religious aspect.

The origin of the institution of waqf cannot be traced to any single source. Waqf literally means dedication. It is defined as 'the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable... One essential feature of Waqf is that 'it is made with a religious motive - a desire to approach God.'

Under the Ottoman rule the offices of Awqaf in Iraq were attached to the office of administration of Awqaf in Istanbul; the then capital city of the Ottoman Empire. After First World War the British established

in Baghdad a central office to administer all the affairs of Awqaf throughout the country. At present there is the Ministry of Endowments and Religious Affairs to look after the welfare of religions in Iraq and to regulate their waqfs; Islamic and non-Islamic, alike.

Previously the Shiites Awqaf were out of the purview of the central authority of Awqaf in Baghdad. However, the government enacted the Law of Administration of the Holy Shrines No.25 of the year 1966 according to which a permanent Directorate for Administration of the Holy Shrines is to be established at the Diwan of Awqaf.

#### Kinds of Waqf in general :

Broadly, waqfs can be of two kinds; public and private. But the most accepted is its three-fold classification-public, quasi-public and private.

#### Kinds of Waqf in Iraq :

The same above-mentioned three kinds of waqf are existent in Iraq except that the quasi-public waqf is called as 'Common Waqf - Waqf mushtarak'.

#### Division of Waqf in Iraq :

The charitable waqf (both public and quasi-public) is divided into two classes, namely, (a) accurate waqf (waqf mazboot); and (b) attached waqf.

#### Tasks of the institution of Awqaf in Iraq : are

1. to preserve, maintain, develop, and utilize the estates which were endowed to be kept in mortmain,

and to execute the conditions of the founders of Waqfs.

2. to take care of the Houses of Allah (Mosques) and to arrange their administrations; to spread the Islamic religion and culture, to inculcate Qur'an in the minds of the peoples, or to let them learn it by heart; to graduate actively working Ulama; to spread preachers and guides; to establish charitable organizations; and to take care of the Holy Shrines.

Beside the administration of waqfs, the Ministry of Endowments (Awqaf) and Religious Affairs in Iraq is to shoulder the responsibility of spreading Islamic education. For this purpose, in 1969, The Regulation of College of Imam A'azam No. 66 was issued. According to this Regulation a college by the name of Imam A'azam (The Grand Imam; viz., Abu Hanifa) is to be established in Baghdad, and it is possible to open its branches in various parts of the country. The specialization of this college is the Islamic studies from the points of views of dogma, Sharia, and behaviour. The College grants the graduate the Ijaza (Licentiate) Degree which is equivalent of B.A. degree awarded by the Iraqi universities.

There is also the Islamic University which was established by Diwan of Awqaf in 1972 at Baghdad. It consists of (1) College of Shari'a; (2) College of Usul

al-Din; and (3) College of al-Dirasat al-Arabiyah. This University awards B.A. and higher degrees in Islamic and Arabian studies.

Under the direct control of the Ministry of Awqaf and Religious Affairs there are also the Islamic Institutes. The Islamic Institute is a religious institute composed of the combination of two schools or more which are attached to the mosques. The tasks of these Institutes are to prepare highly religiously educated youths; to make them able to hold positions in the Islamic Institutes, places of worship, and mosques; and to qualify them to instruct the people and acquaint the citizens with religious matters. Duration of study is six years and to be equally divided into two - three years for the intermediate schooling, and three years for the preparatory (secondary) schooling. Each year of these six is to be considered as a school class.

At the Ministry of Awqaf and Religious Affairs in Baghdad there is a council of the religious minorities to look after the welfare of the religious minorities and to take care of their places of worship. Awqaf is a governmental office in Iraq, and its budget is included in the general budget of the State.

Economic role of Diwan of Awqaf :

In modern Iraq, but especially after the Revolution of 14 July, 1958, Diwan of Awqaf embarked on the policy

of utilizing its incomes to increase its richness, power, and influence in order to serve Islam in a better way.

Finally, it is to be mentioned in brief that the duties, rights, and removal of Mutawalli in Iraq are clearly mentioned in the Laws and regulations of Awqaf. Removal of Mutawalli from one Waqf disqualifies him to be a Mutawalli of any other waqf.

Non-Muslims in Iraq have their own religious Bodies to conduct the administration of their waqfs under the control and supervision of the Ministry of Endowments and Religious Affairs.

The relation between religion and the polity in Iraq at present :

Though the Interim Constitution declares that Islam is the religion of the State, Iraq has adopted secularism in practice. Nowhere in the Constitution was secularism mentioned, but all the measures and criteria of this concept are preserved in the Constitution which grants equal rights, including freedom of religion, to all the Iraqi citizens regardless of religion, race, origin, colour, language, social status, and sex.

ABSP, the ruling party in Iraq, is basically a nationalist party but it adds to its nationalist essence the theory of secularism. This, certainly, does not mean that Islam was forgotten, or left behind.

The Founder-Leader of ABSP; Professor Michael Aflaq,

says, " The Islamic movement represented in the life of the Holy Prophet is not merely a historical incident for the Arabs, only to be interpreted in terms of time and place, causes and consequences. On the contrary, it is directly and absolutely related to the life of the Arabs in all their depth, force and expansion. "

ABSP is a socialist party aiming at establishing the socialist system not in Iraq only but throughout the Arab homeland. But what is the way of socialism adopted by ABSP and attempted to be applied by the Ba'athist state in Iraq? to summarise, we may say that there is a socialist system in Iraq but it is distinguished from the materialistic socialism, or (Scientific) socialism as it came to be known by the Marxists, in the sense that socialism in Iraq does not lead to communism, and does not abolish the private property; that it believes in the existence of God and in heavenly values; and that it promotes religion.

In modern Iraq the State mantled the responsibility of imparting religious education in public schools. The Iraqi public-school system is essentially democratic in character, affording a large measure of equality of opportunities to students. Pupils and students of all creeds and races are admitted to these schools. Religious instructions given in any school is the religion of the majority of the students; minority-group students are excused from attending classes for religious instruction.

Presently, one of the goals to be achieved through the philosophy of education, in theory and practice, is to believe in the existence of God, to support Islamic principles, to strengthen the Arabian values and the spiritual values, and to back the values of humanism. The education is unified and accessible to all the Iraqis.

Religious education : a. For Muslims -

In the primary school there are two periods weekly for religious education from the first grade to the sixth grade inclusive. From the fourth grade of primary school up to the sixth standard of secondary school there are textbooks for religious education. These books are of quarto size; (23 cms x 16 cms).

A Muslim student graduating from an Iraqi secondary school must have studied more than half of the Qur'an, and committed to heart a lot of Qur'anic texts in addition to a sufficient number of Traditions which the combination of these two divinely revealed and inspired texts is supposed to help him cope with the problems of his daily life in accordance with the Islamic principles and thought. Besides, he should have also studied the political and economic foundations of an Islamic State and Islamic Society.

b. For Christians -

There are six textbooks in five volumes for religious instructions for Christian pupils attending the primary school. The size of each book is quarto (24 cms x 17 cms).

The contents of these books represent the essential teachings of Christianity which are unanimously agreed upon without exposing peculiar sectarian views.

Religious education for other religious minorities is left to be conducted privately.

President Saddam Hussein said, " we have to respect our Islamic religion and respect other religions which our people believe in. We should not, however, make of the authority a new base for dispute between religions and sects, because this would lead to disintegration of our people. "

Iraq has continued to lavish its care of the maintenance of its holy and sacred shrines and places of worship, and to spend huge amounts of money on their upkeep. Iraq is proud of its domes, minarets and tombs of righteous imams and welcomes all Muslims who want to visit, and pray in, these sacred places.

The Iraqis do believe that Adam, Father of mankind, and Noah were some days in the remote past in Iraq; that the Deluge had taken place in Iraq; that Abraham had migrated from Iraq... etc. So, it does not seem strange if the Iraqis, in general, look like religious-minded peoples.

Iraq is an Islamic country where the Muslims form the overwhelming majority, It is a member of the Islamic Conference Organization whose task is to look after the affairs of the Muslims throughout the world. It is also a



member of the Islamic World Congress which holds its meetings annually.

As such, Iraq maintains excellent relations with many Islamic Organizations and associations that spread all over the world, notably :

The European Islamic Council, the Islamic Councils and Associations in the United Kingdom, Yugoslavia, Denmark, Canada, United States, Austria, Federal Germany, Australia and Belgium. It has also similar relations with the Islamic Associations in Japan, Thailand, Indonesia, Malaysia, Sri Lanka, Maldiva Islands, India, Pakistan and Bangladesh. Iraqi ties with African countries are very good, too.

In a brief interview, Mr. Noor Mawlood Dhiban, the Under-Secretary of the Ministry of Awqaf and Religious Affairs, says : Iraq has not only been paying a lip-service to the Muslim's cause, but it also offers them all assistance including financial backing.

President Saddam Hussein once contributed a sum of one million Iraqi dinars for building an Islamic University in Bangladesh and a big Mosque in Tokyo. Besides, Iraq extended material support to Muslims of other countries as well.

IS IRAQ A SECULAR STATE ? Technically: no, but practically she is. This is so because Iraq is constitutionally connected to Islam in the Article (4) of the Interim Constitution which reads : " Islam 'is the religion

of the State." " Donald Eugene Smith defines a secular state as one ' which guarantees individual and corporate freedom of religion, deals with the individual as a citizen irrespective of his religion, is not constitutionally connected to a particular religion nor does it seek either to promote or interfere with religion\* ' According to him, ' the conception of a secular state involves three distinct but inter-related sets of relationships concerning the state, religion and the individual. They are :

1. Religion and the individual (freedom of religion).
2. The state and the individual (citizenship).
3. The state and religion (separation of state and religion) '.

He reminds us that 'the completely secular state does not exist. Even the classic example, the United States, illustrates the reluctance to separate state and religion completely\*\*...'

C.H. Alexandrowicz, without accepting a final definition, conceives the secular state generally as one which 'presupposes two separate and mutually non-interfering spheres of activity that is, the state and the church or the religious organization. He distinguishes the secular state from the idea of secularism which advocates a materialistic and antireligious theory of life. While secularism has a hostile attitude towards religion, the secular

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\* Emphasis is mine.

\*\* Emphasis is mine.

state remains neutral in religious matters. It simply abstains from interference and the American precedent shows that such abstention is accompanied by a rather constructive attitude towards religion quite similar to that prevailing in India. <sup>(2)</sup> "

But " the neutrality of a secular state in religious matters should not be thought of negatively. Such a purely negative approach would appear to be outmoded in the context of a nation that wants to build up a welfare state and a social democracy. Positively, the secular state should be permitted to enact legislation for realising common national goals and even discriminatory social legislation to meet the demands of social justice.\* In other words, the secular state would be one which tries to harmonise the apparently contradictory facets of secularism, namely neutrality or non-interference in matters of religion on one hand and the positive use of law for ensuring progressive secular changes in religious institutions and practices on the other. Any positive definition of a secular state must take into account this consideration.

Another important consideration that matters in this connection is that ' the doctrine of secularism refuses to

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2. Bachal : op. cit., P. 3

\* Emphasis is mine.

recognise the relevance or materiality of the citizen's religion in the realm of socio-economic matters of public importance. ' This implies that on occasions religious practices are likely to have their impact on socio-economic problems or relations. This is particularly true in case of the management of religious institutions and the administration of the properties of these institutions. While a right to establish religious institutions is in conformity with freedom of religion, the problem of administering the properties of such institutions is an economic matter and, therefore, the state has to retain the right of interference in such matters in the interest of public good. Such interference is justifiable on the ground that it is intended to protect the social and secular rights of citizens though it implies a curbing of the freedom of religion. (3) "

It is true that the Constitution of India has, at no place, used the term 'Secular State'. But it is equally true that there is no 'State religion' in the Indian Constitution, in spite of the fact that the overwhelming majority of the population are Hindus. This is in contrast with the Constitution of Iraq which contains a provision for the 'State religion'. (4) (5)

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3. Ibid., P. 5

4. Ibid., P. 38

5. Basu, Dr. Durga Das : Introduction To The Constitution Of India, New Delhi, Ninth Edition, January 1982, P. 107

The Indian Constitution deals with 'Right to Freedom of Religion' in four articles : 25, 26, 27, and 28, whereas the Iraqi Constitution treats Freedom of Religion in one Article only (Article 25) which states : " Freedom of religion, beliefs and exercise of religious ceremonies shall be guaranteed, provided that this should not contradict the provisions of the Constitution or the Law and should not infringe the morals and public order. " There are similarities between Article (25) of the Iraqi Constitution and Article (25) of the Indian Constitution. According to the Constitution of Iraq :

1. Freedom of religions, beliefs and exercise of religious ceremonies should not contradict the provisions of the Constitution or the Law, and
2. should not infringe the morals and public order.

According to the Constitution of India :

1. Freedom of Conscience and Religion is subject to the restriction which Article (25) imposes, and
2. 'Cl (1) : subject to Public Order, Morality or Health'.  
The freedom of religion is subject to the interest  
(6)  
of public order... etc.

Islam is being mentioned only one time in the Interim Constitution; that is in Article (4). This aside, there is no reference to any particular religion in the rest of the provisions of the Interim Constitution. And because

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6. Basu, Dr. Durga Das : Constitutional Law of India, New Delhi, Second Edition, 1980, PP. 82 f.

of this Constitutional adoption of Islam as the religion of the State in Article (4), Iraq falls short of secularism, judged from the technical point of view. But practically all the measures and criteria of secularism are preserved in the Interim Constitution. For example :

Article (5) : (a) Iraq is part of the Arab Nation. (b) The People of Iraq is formed of two principal nationalities, the Arab nationality and the Kurdish nationality. This Constitution shall recognize the national rights of the Kurdish People and the legitimate rights of all minorities within the Unity of Iraq. Article (10) : Social solidarity is the foremost foundation for the society. Its implication is that every citizen shall fully perform his duty towards the society and that the society shall ensure to the citizen his full rights and freedoms\*. Article (19) :

(a) Citizens are equal before the Law, without discrimination because of race, origin, language, social category or religion. (b) Equal opportunities for all citizens shall be guaranteed within the limits of the Law. Article (29) : The State shall endeavour to provide the means of enjoying the achievements of modern civilization for the masses of the People and generalize the progressive outputs of modern civilization to all citizens. Article (30) :

(a) Public Post is a sacred trust and a social service, whose stature is the loyal obligation aware of the interests

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\* Emphasis is mine.

of the masses, their rights and freedoms in accordance with the provisions of the Constitution and the Law. (b) Equality in filling public posts shall be guaranteed by the Law. Article (32) : (a) Work is a right which the State shall undertake to provide to every citizen capable of it. (b) Work is an honour and a sacred duty imposed on every capable citizen. It is required by the necessity of participation in building the society and its protection development and prosperity. (c) The State shall undertake to improve conditions of work and promote standard of living, expertise and culture for all working citizens. (d) The State shall undertake to provide wider social insurances for all citizens in case of sickness, disability, unemployment or old age. (e) The State shall endeavour to organize the programme and ensure the necessary means which enable the working citizens to spend their leaves in an atmosphere that helps them to improve their health standards and develop their cultural and technical gifts. Article (35) : Payment of financial taxes is a duty imposed on all citizens. Financial taxes may not be imposed, amended or levied except by a Law. Article (36) : Any activity which contradicts the aims of the People defined in this Constitution and any act or conduct aiming at crumbling the national unity of the masses of the People, provoking racial or sectarian or regional bigotry among their ranks or violating their progressive gains and achievements,

shall be prohibited.<sup>\*</sup> Article (46) : The National Assembly shall consist of the representatives of the People in all its political, economic and social sectors. Its formation, manner of membership, process of work in it and its jurisdictions shall be defined by a special Law, namely, the National Assembly Law.

Although Iraq, in theory, is not a full-fledged secular state, she, in practice, whole-heartedly pursues secularism. All religions and ecclesiastical institutions receive the same attention, care, and support from the Authority. The fact that there were on the international level no complaints and exposure of grievances against the State of Iraq for religious discrimination is in itself an enough proof that there is religious freedom in Iraq. The ban on Bahai activities is not related to religious affairs, but is connected to political affiliation. As for the Iraqi Jews, ' The talk about Iraqi Jewish citizens and what measures they were subjected to cannot be tackled outside of the overall actual situation which the Iraqi people lived through under the reactionary puppet regime in the period stretching from 1921 up to the July Revolution of 1958. Oppressions and injustice were the lot of the citizens in general, those whose impoverished economic conditions were preventing their protection from persecution.

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\* Emphasis is mine.



On the other hand we could say that during that time the economic conditions of Jews were comparatively better than those of the other groups.

Going back to the history of the Jewish community in Iraq, it is relevant to quote here what Shaool Afichedor wrote in "Davar" in its issue of 26.3.1975. The article of that notorious Zionist activist was entitled " My first mission to Baghdad. " In this article he confessed that the Jewish community preserved its Jewish personality, essence and roots. The Zionist writer noted that the Jewish community flourished culturally and religiously. After enumerating the Jewish cultural and educational establishments in Iraq, the writer points to the fact that the Jewish role in Iraq increased following the emergence of an Iraqi government under mandate in 1921. He confessed that very vital Jewish contributions, aiming at realising progress for Iraq as a whole, were made by the Jews for which they obtained the appreciation of other Iraqi citizens in addition to the betterment of the conditions of the Jewish community. It should be noted in this context that the first Iraqi Minister of Finance in the first Iraqi Government was Mr. Sassoon Hezekial, a Jew. The statements of that Zionist writer bring to light the reality of the prosperous conditions which the Jewish community was enjoying in Iraq.

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\* Sasun Hisqail, see : P. 426

This and other Zionist writers blame the Iraqi Jews for what he calls, " their falling victims of the illusion that the doors of economic prosperity and advancement in the government apparatuses were opened to them, a thing which increased the tendencies calling for assimilation of the Jews within the Iraqi society. "

This is a final proof that the Iraqi Jews did not have the desire to emigrate from Iraq to Palestine, but the emigration was imposed on them through intrigues, in coordination with the British Zionist circles and the reactionary governments of Iraq.

The Iraqi Jewish citizens took a clear stand along with the other sectors of the Iraqi society against the Ottoman occupation as a result of the backward and reactionary state of Ottoman Empire. Therefore the great Arab revolution against the Ottoman rule, which aimed at the independence of the Arab Homeland, witnessed Iraqi Jewish contribution. This contribution was governed by two factors :

1. The common oppression exercised by the Ottoman authorities against the Iraqi citizen in general.
2. The hopes that a liberal rule may emerge after the fall of the Ottoman state as a result of the alliance between the Arabs and the British, consequently the scope of freedom was thought to widen. In support of that tendency the first Iraqi government chose a Jew to be the

Minister of Finance.

In fact the Iraqi Jewish citizen exercised, in addition to banking and trade, a tangible role in the fields of politics and law as the Jews had many Deputies and one member in the Senate, Mr. Izra Mnahim Danial. As to Mr. Yousef, nicknamed the "great", he was one of the authors of the constitution of the Iraqi state. Therefore Iraqi citizens belonging to a community other than the Jewish had no feeling that the Jew was a parasite, as in the case of western Jews. <sup>(7)</sup>

Iraq, certainly, is not a religious state. On the contrary, Iraq is a modernized country. A few examples may illustrate this reality. Beatrice Ohannesian performed piano concerts in Geneva on Oct. 6, and in Stockholm on Oct. 15, <sup>(8)</sup> 1981. She is a famous Iraqi Pianist. And on the occasion of the International Music Day, the Iraqi National Symphony Orchestra performed its first concert for the season at the National Theatre on October 14, <sup>(9)</sup> 1981. In Baghdad a school of Music and Ballet was established after the Revolution of 17 July, <sup>(10)</sup> 1968. And in Baghdad also there is the Academy of Fine Arts which is one of the colleges of Baghdad University and to which <sup>(11)</sup> both males and females are admitted. Iraqi women stand

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7. Fawzi, Hussein : Iraqi Jews : Victims of Reactionary Intrigues, an article published in (Iraq Today), Vol.1, No.16, May 15, 1976, P. 17
  8. Iraq, No.147, Vol. VII, 1981, P. 33
  9. Ibid., P. 33
  10. Ibid., P. 37
  11. Baghdad University 1978-1979, (in Arabic), Baghdad, 1979, P. 21

on par with Iraqi men, even in Defence. In the Iraqi Air  
Force there are female pilots. In the Popular Army there  
are lots of women volunteers.

" The emancipation of Iraqi women is an integral part of the country's development of a modern and just society in which every citizen enjoys equal rights and opportunities irrespective of their sex. Under the title 'Iraqi Women : Nothing to Lose but the Veil, ' an article by Mick Ashley was issued in " IRAQ MONTHLY " No.2, September 1981, published by London Iraqi Press Office.

The prospects for women's emancipation suddenly became brighter in 1968 as a result of the July 17 Revolution led by the Arab Ba'th Socialist Party (ABSP) which was committed by its 1947 Constitution to the principle that " the Arab Woman enjoys the full rights of the Arab citizen. '

' The introduction of free education at all levels, including University, in 1974, opened the door for a greatly increased female involvement in the educational process leading them to a more active participation in public life and industry. The number of females in university increased from the 1970-71 figure of 9,212 to 28,647 in the years 1979-80. The figures for secondary education

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12. Iraq (Republic of-): Iraqi Army, The-, 60th Anniversary, February 6, 1921-1981, (in Arabic), Ministry of Defence, Baghdad, P. 75

13. Ibid., PP. 168 ff.

reveal a leap from the 88,595 of 1970/71 to 278,485 in 1979/80 which gave both areas of education a female population more than 30 per cent of the total number of students', the writer wrote.

A glance at specialised education gives a clear picture of an emancipated female student population reaching out for a variety of skills which will benefit both themselves and Iraqi society. It would have been impossible, even a short while ago, to have found them comprising 37 per cent of the students studying Metallurgical Engineering, 64 per cent in Chemical Engineering, 44 per cent in Medicine and a substantial 38 per cent in Management and Economics. In addition, there are significant minority in many other fields of science and engineering. This increasing flow of educated women into Iraq's expanding economy will, therefore, benefit the community as well as the women.

This female contribution to Iraqi society is already considerable, as they comprise 70 per cent of the pharmacists, 29 per cent of the doctors, 46 per cent of the teachers, with the current 14 per cent of factory workers likely to be greatly increased with the modernization of Iraq's industry.

The activities of the General Federation of Iraqi Women, formed in 1968, have helped lift the question of women's emancipation from a narrow sectional interest into

an essential requirement for the development of the whole of Iraqi society. It has assisted the flow of women into the political life of the country and acted as an umbrella organization for a variety of women's co-operative, professional, and union organizations, with the result that women participate at the highest political level in the country's National Assembly, to which many were elected last year.\*

The emancipation of Iraqi women is a continuing process and many prejudices still have to be overcome before Iraq becomes the open and equal society for women, which is the official aim.

Bakisa Abdul Qadir Mohammad Ali, a young magistrate in the Court of First Instance, Karkh, probably summed up the whole development when she talked about her own experiences : ' There are no problems or obstacles in the actual sense but there may be some difficulties with certain people, who still do not like to accept a woman to be their judge. But such reactions we take calmly, and handle the cases with confidence as we are sure that the Revolution, the new society and right are all with us. '

There is little doubt that her confidence is justified, as President Saddam Hussein has said that, ' The achievement of the full emancipation of women is as necessary for enriching the drive for progressiveness with

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\* 16 female members, see : P. 387.

double energy as it is essential for confronting the  
challenges which face us in the present stage. " <sup>(14)</sup>

Number of the educated females in any society helps to give an approximate idea about the progress of that society, and shows the liberal attitudes-or otherwise-of both the State and the Society towards womenfolk, therefore, the below-mentioned census of the year 1978 is useful, at least to some extent, in giving an additional proof that the general policy of the Iraqi State can be considered as a secular one. (1) Primary school certificate : 241,467; (2) Intermediate school certificate : 86, 992; (3) SSC. : 47, 340; (4) Professional and vocational certificates : 25, 867; (5) Under-graduate diploma : 13, 978; (6) B.A., and B.Sc. : 27, 486; (7) Post-graduate diploma : 866; (8) M.A., and M.Sc. : 481; and (9) Ph.D. : 136. <sup>(15)</sup>

As for Islamic Shari'a and Shari'a Courts; only personal status and some religious affairs such as waqfs fall within their purview. For other than the above-mentioned matters there are a civil code, penal code, civil courts, and penal courts, and this means that religious punishment, such as flogging as practised to-day in Pakistan, for instance, is no longer applied to crimes,

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14. Iraq, No. 150, Vol. VII, Dec. 15, 1981, PP. 47 f., under the title, 'A Look at Iraqi Women and their Work'.

15. Badri, Hala Al-, : Iraqi Woman, The-, : published in Arabic by the aid of the General Federation of Iraqi Women, Beirut-Lebanon, ND., P. 209

whatsoever, in modern Iraq; and rules of Shari'a are generally applied to well-demarcated aspects of life which do not infringe upon the spheres of State activities.

For about twenty years after the Revolution of 14 July, 1958, parliamentary life in Iraq was suspended, and only recently it was resumed. In the previous parliament there were quotas for the representatives of the Christians and Jews, but there was nothing for other religious minorities such as the Sabaeans and Yazidis. In the present National Assembly (Parliament) there is no quota of that sort based on religion, and a Yazidi candidate may be elected by Muslims, or a Sabaeon can vote for a Muslim ... etc. Religion has nothing to do with voting for, or being a representative in, the National Assembly. Article (3) of the Law of National Assembly states that any individual member of the National Assembly represents the total peoples of the Republic of Iraq. Moreover, membership of RCC., the Supreme Body in the State of Iraq, does not depend on religion, but on personal merits in accordance with ABSP's ideology, aims, and policies. The door is widely open to any Iraqi to be a member of the National Assembly regardless of religion, sex, and origin. The door is equally widely open, in theory, to any member of ABSP to become a member of RCC irrespective of any consideration other than the Party's qualifications, but, in

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16. Iraq (Republic of-): Law of the National Assembly, issued in Arabic by Ministry of Justice, Baghdad, 1980.



practice, we do not find a female among the members of RCC. But this is out of place in this study. It is left to be mentioned finally that Mr. Tariq Aziz, a Christian by religion, is a member of RCC.

The Interim Constitution states that Islam is the religion of the State, but does this signify that the Head of the State must be a Muslim ? Regarding this point, though highly sensitive, the Interim Constitution itself is silent. Article (38) reads : " The Revolutionary Command Council shall exercise by the majority of two thirds its members the following jurisdictions : (a) Elect the Chairman from among its members and he shall be designated as the Chairman of the Revolutionary Command Council who shall, as a rule, be the President of the Republic. " Here also we do not find a religious qualification required for being elected to the Chairmanship of RCC, and this implicitly leads to the conclusion that in all likelihood a non-Muslim member of RCC can be the President of the Republic once he is elected as the Chairman of RCC, unless one interprets Article (4) - Islam is the religion of the State - as implying the purport that Iraq is a Muslim State; and that a Muslim State must have a Muslim Head. But since the Constitution is silent, especially in Clause (a) of Article (38) about the religion of the Chairman of RCC., this interpretation seems too heavy to be taken for granted, though customarily and practically

the Head of the State in modern Iraq has always been a Muslim, and a Sunni, except for the Shi'ite Muhammad Mahdi Kubba who was a member of the tripartite Council of Sovereignty in the First Republic.

In the Constitution of the Iraqi Kingdom ( The Organic Law), Article (13) brings together in itself the implications of the Articles (4) and (25) of the present Interim Constitution as far as the religion of the state and freedom of religion are concerned. Dr. Mohamed Aziz says that Article (13) of the Organic Law determines freedom of worship but it does not decide the neutrality of the State and its contentment with secular affairs because the state officially adopted the religion of the majority, viz., Islam, with the result that religion is to be considered in Iraq as a public utility for which the Parliament has to appropriate the necessary financial allocations, that the administration of Awqaf ought to be controlled by the government, and that dissemination of religious education must be imparted in public schools by official teachers. In addition to that the State has to officially celebrate the Islamic religious occasions. All this means that there is no separation between the State and Mosque in Iraq. But freedom of conscience and freedom of worship are respected rights to all the citizens of the country. As this was true in the past, so it is at present.

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17. Aziz, Dr. Mohamed : Political Regime in Iraq, The-, 'A Thesis for Ph.D. degree introduced in 1949 to the Faculty of Law, University of Montpellier, France, under the title, 'Le Regime Politique En Irak', Tr. from French into Arabic, by the same, Baghdad, 1954, PP. 181 f,

According to President Saddam Hussein the Authority in Iraq must stand against politicization of religion by the State, and ' We have to cherish religion but without policies for religion' .  
(18)

The current research has attempted to show that religion in general, but Islam in particular, has very deeply influenced socio-political life of Iraq. There is intimate relation between Religion and State, yet, Iraq is, for all practical purposes, a secular state and not a religious one. But, nevertheless, Iraq, in theory, cannot be considered as a secular state, as is the case of India or U.S.A.; because of the constitutional adoption of Islam as a religion of the State.

The conclusion of this research is that Iraq is a Jurisdictionalist State in theory, but in practice she is a secular State because all the measures and criteria of secularism are preserved in the Interim Constitution, in addition to the fact that the rulers of modern Iraq strictly follow the principles of secularism. Although technically Iraq cannot be considered as a secular state, she does not stand alone in this attitude in the political systems of the world of today. The Constitution of the United Kingdom

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18. Hussein, President Saddam : A View on Religion and Heritage; A pamphlet published in Arabic, Baghdad, ND., PP. 14 f.

is ' a democratic one-but poured into an antique medieval  
mould ', yet, the ' British Politics have become  
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secularized '. This clearly shows that constitutional  
technicalities do not prevent secularism from being  
practically realized, as it happened in modern Iraq.

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GB., 1970, PP. 138 f.

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