

Foundations

Religious, Political, Juridical, and Administrative Documents from Early Islam and Places in Transition

The following chapter contains religious, political, and administrative works from early Islam. They were not written with visual culture in mind, yet had an enormous impact on it. The Qu'ran and Hadith, for example, are often consulted for fundamental truths about society and culture. Although they are not reliable as historical sources because they preceded the works of art and architecture that they are supposed to explain, nonetheless, they are uniquely important for statements about law and customary practice, which do profoundly affect the art and architecture.

An excellent introduction to Islamic primary and secondary sources is R. Stephen Humphreys, *Islamic History: A Framework for Inquiry* (rev. edn., Princeton University Press, 1991). My preferred translation of the Qu'ran is the bilingual edition made by Ahmed Ali (Princeton University Press, 1984) because it is clear and contemporary; however, there are many other editions. The Hadith are published online; one such site is www.iium.edu.my/deed/hadith/ at the International Islamic University Malaysia.

§1.1 The Qur'an: On Paradise

The Qur'an guides Muslims in belief and practice but rarely describes the physical form of a building or object of art. For this reason, it is a problematic source for art history. The following verses would appear to be an exception because they depict

paradise in enticing terms as a garden with four flowing rivers and ripe fruit. These and similar verses have been used by historians to explain the typological source of the four-part, cross-axial garden plan, although the theory that the heavenly place of rest and reward gave rise to actual built form has never been demonstrated. Rather than the sacred text providing a precise blueprint, it is more likely that the Qur'anic attribution was made in a general sense: to compare a garden (including one that did not have a four-part plan) with paradise was to laud its beauty and perfection.

Announce to those who believe and have done good deeds,
 glad tidings of gardens under which rivers flow,
 and where, when they eat the fruits that grow,
 they will say, "Indeed they are the same as we were given before,"
 so alike in semblance the food would be.
 And they shall have fair spouses there, and live there abidingly.
 (Surat al-Baqarah, 2: 25)

The semblance of Paradise promised the pious and devout
 (is that of a garden) with streams of water that will not go rank,
 and rivers of milk whose taste will not undergo a change,
 and rivers of wine delectable to drinkers,
 and streams of purified honey,
 and fruits of every kind in them, and forgiveness of their Lord.
 (Surat al-Muhammad, 47: 15).

Reference

Ahmed Ali, *Al-Qur'an: A Contemporary Translation*, Arabic text and translation. Princeton, NJ: Princeton University Press, 1984.

§1.2 The Qur'an: On the Qibla

The orientation of prayer was not simply a matter of traditional practice but was a mandate issued from God to the Prophet Muhammad. However, in the very earliest days before the instructions were given, Muslims prayed in the direction of Jerusalem, following the example of the Jews. Within seventeen months after the *hijra*, the Prophet directed them to pray toward Mecca, leading them to do this during the morning prayer.¹

The foolish will now ask and say:
“What has made the faithful turn away
from the Qiblah towards which they used to pray?”
Say: “To God belong the East and the West.
He guides who so wills to the path that is straight.”
(Surat al-Baqarah, 2: 142)

Wherever you come from
turn towards the Holy Mosque:
This in truth is from your Lord.
God is not negligent of all you do.
Whichever place you come from
turn towards the Holy Mosque,
and wherever you are, turn your faces towards it
so that people may have no cause
for argument against you,
except such among them as are wicked.
(2: 149–partial 150)

Reference

Ahmed Ali, *Al-Qur'an: A Contemporary Translation*, Arabic text and translation. Princeton, NJ: Princeton University Press, 1984.

Note

1. “Kibla,” EI2, 5: 81–3.

§1.3 The Hadith: On *Waqf*

The Qur'an and the Hadith together are the foundations of Islam. The Hadith, or traditions, are accounts of the Prophet's sayings or actions, collected by various firsthand observers and then memorized and orally transmitted to subsequent generations. The chain of transmission, called the *isnad*, was carefully evaluated for veracity by the collector of each of the canonical collections. The following example of a Hadith (number 4005 in Book 13 of Abu'l Husayn Muslim b. al-Hajjaj al-Naysaburi, 817 or 821–875) contains a statement by the Prophet regarding posterity. He stated that “recurring charity” – literally an endowment, or *waqf* – allows an individual's pious works to continue. *Waqf* foundations were a widespread legal strategy that provided cities like Cairo and Istanbul with hundreds of institutions built and financially supported by perpetual endowments. The endowments included mosques, madrasas, Qur'an schools, public fountains,

hospitals, soup kitchens, and tombs, as well as services such as dowries for orphan girls and Qu'ran readers for tomb complexes.

The Prophet said: "When a person dies, his achievement expires, except with regard to three things – ongoing charity or knowledge from which people benefit or a son who prays for him." (Trans. Singer, p. 15)

References

- Amy Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem*. Albany: State University of New York Press, 2002.
- Muslim b. al-Hajjaj, al-Qushayri, *Sahih Muslim, Kitab al-wasiyya* 4. Cairo: Dar al-Ghad al-^cArabi, 1987–1990.

§1.4 Ibn ^cAsakir: The Pact of ^cUmar

The Christian and Jewish residents of conquered cities were in principle accorded protection as "People of the Book," or *dhimmis*. These rights are laid out in the Pact of ^cUmar (*ʿahd ʿUmar*), in which the Muslim government promises certain freedoms and protections to the vanquished community in exchange for obligatory behavior and discretion. The Pact, supposedly drawn up in ca. 637 upon the conquest of Damascus, was an evolving document that may first have been generated to resolve the terms of surrender and contractual protection but was rewritten many times thereafter until it became an almost legendary text. There are multiple versions of the pact supplied variously by ^cAli Ibn ^cAsakir (1105–1176), Abu ^cUbayda, al-Baladhuri, al-Tabari, and Ghazi b. al-Wasiti, and Shafi^ci. In the versions transmitted by Ibn ^cAsakir and Abu ^cUbayda, the document appears to have been drafted by the Christians themselves and addressed to the second caliph ^cUmar (I) b. al-Khattab (r. 634–644): "When you came to us we asked of you safety for our lives. . ." However, in a study of the treaty, Tritton notes several peculiarities of this early version. It is distinctly odd that the vanquished would write the terms of their own submission and that they would promise to refrain from learning the Qu'ran, especially when promising not to stand in the way of Christians wishing to convert to Islam. Additionally, the document does not name any specific city. Later versions of the treaty were written in the voice of the Muslim victors and may have served as a generic model for treaties of submission in places other than Damascus.

Ibn ^cAsakir:

"When you came to us we asked of you safety for our lives, our families, our property, and the people of our religion on these conditions; to pay tribute out of hand and be humiliated; not to hinder any Muslim from stopping in our churches by night or day, to entertain him there three days and give him food there and open to him their doors; to beat the *nākūs* [resonant board or bell] only gently in them and

not to raise our voices in them in chanting; not to shelter there, nor in any of our houses, a spy of your enemies; not to build a church, convent, hermitage, or cell, nor repair those that are dilapidated, nor assemble in any that is in a Muslim quarter, nor in their presence; not to display idolatry nor invite to it, nor show a cross on our churches, nor in any of the roads or markets of the Muslims; not to learn the Qur'an nor teach it to our children; not to prevent any of our relatives from turning Muslim if he wish it; to cut our hair in front; to tie the *zunnār* round our waists; to keep to our religion; not to resemble the Muslims in dress, appearance, saddles, the engraving on our seals (that we should engrave them in Arabic); not to use their *kunyas* [the names beginning with Ibn, Abu, and Umm, signifying son, father or mother of someone]; to honour and respect them, to stand up for them when we meet together; to guide them in their ways and goings; not to make our houses higher (than theirs); not to keep weapons or swords, nor wear them in a town or on a journey in Muslim lands; not to sell wine or display it; not to light fires with our dead in a road where Muslims dwell, nor to raise our voices at their [? our] funerals, nor bring them near Muslims; not to strike a Muslim; not to keep slaves who have been the property of Muslims. We impose these terms on ourselves and our co-religionists; he who rejects them has no protection." (Trans. Tritton, pp. 5–6)

References

- A. S. Tritton (trans.), *The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of 'Umar*. London: Frank Cass, 1970.
- Ibn 'Asakir, *Ta'rikh Dimashki*, 7 vols., a partial edition by Badran and Ahmad 'Ubayd. Damascus, 1911–1932.