

Muhammad Ismā'īl, Sha'bān. *Review of Itḥāf Fuḍalā' al-Bashar bi al-Qirā'āt al-Arba'ata 'Ashar* by Aḥmad bin Muḥammad al-Bannā. Beirut: 'Ālam al-Kutub, 1987.

Muḥaysin, Muḥammad Salīm. *Fī Rihāb al-Qur'ān al-Karīm*. Cairo: Maktaba al-Kulliyā al-Azhariyya, 1980.

New Orientalist Suggestions on the Origins of Islam

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Abstract:

After the quite shocking new theories on early Islam in the 1970s (Patricia Crone, John Wansbrough), a new wave of theories arose after 2000, this time mostly by German scholars. Many of the new theories are contradictory and did not find broad support among academic scholars, but some have drawn broad public attention. This contribution gives a summary of the major new theories and concludes with a critical analysis, giving priority to serious research about Qur'an manuscripts and interpretation.

Key Words: Orientalism, Early Islam, Qur'an.

In the 1970s the small circle of scholars interested in the early history of Islam became divided into "traditionalists" and "revisionists." The majority of academic orientalist rejected new theories by three scholars, John Wansbrough, Patricia Crone, and Günter Lüling, on the composition of the Qur'an and the rise of Islam as mere fantasy, unfounded and unwanted speculation. The three quite revolutionary scholars soon were labeled as revisionists. They received such harsh criticism that they were more or less effectively silenced by 1980. However, after 2000 their theories received new attention, and the debate has been restarted. This contribution wants to give a short overview of the work in the 1970s and then discuss how similar ideas found new supporters between 2000 and 2008.

Günter Lüling, born in 1928 in Warna (Bulgaria) as the son of a Protestant missionary, studied theology and Arabic in Germany (Erlangen) in the 1950s. From 1962 to 1965 he was the director of the Goethe Institute in Aleppo, Syria, for the promotion of the German language and culture. In 1965 he started research for his doctoral dissertation in Erlangen. The subject of his study was the hypothesis that pre-Islamic Christian hymns were the basis for at least many parts of the Qur'an. He received his doctorate and an academic distinction (*eximium opus*, "an excellent work") for his dissertation. Nevertheless, he was dismissed from the university and could not continue an academic career. His work was published in 1974 at his own expense under the title *Über den Ur-Qur'an* (On the Original Qur'an), and only in 2003 was an English edition published in New Delhi (*A Challenge to Islam for Reformation*, Motilal Banarsidass Publishers). Let me just mention just two examples of Lüling's work: in sura 97 he does not consider the text to be reflecting the first sending of the Qur'an in the *layla al-qadr* or the "night of power" but as celebrating the birth of Jesus, and the sura would originally have been a hymn chanted on Christmas Eve.

A second example is Lüling's interpretation of sura 96, understood by Lüling

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as a strophic hymn. We present here the English version of verse 1-5:

Invoke the name of your Lord for having created created man from clay.

Invoke! For your Lord is most noble-minded for having taught by the writing cane taught man what he didn't know.²

In fact, this could also have been a Christian hymn, according to Lüling. He continued his theory of a corrected Christianity as the basis for Islam in a work published in German in 1977 on the "pre-Islamic Christian cult in the Ka'ba." In fact he found some support for this thesis in a story told by Ibn Ishaq about the cleansing of the Ka'ba at the time of the conquest of Mecca by the Muslims in 10H/630. Two pictures of Jesus and his mother Mary were found. A woman of Ghassān who joined the pilgrimage of the Arabs stated concerning the picture of Mary: "My father and my mother be your ransom! You are surely an Arab woman." The prophet Muhammad ordered that all pictures in the Ka'ba should be erased except those of Jesus and Mary.³ Most of Lüling's later work is an extension of these basic theories from the 1970s.

A second provocative scholar from the 1970s was John Wansbrough, especially in his 1977 book, *Quranic Studies*. A hypothesis he defends in this book states that the present Qur'an should be taken as a compilation of variant readings, spread throughout different regions of the early Muslim world. Wansbrough (1977: 21) stipulates "the existence of independent, possibly regional, traditions incorporated more or less intact into the canonical compilation, itself the product of expansion and strife within the Muslim community." He suggests that the period required for the achievement of a final version of the Qur'an "was rather more than a single generation" (1977: 44). In his book, however, he does not give any detailed differences between the variant traditions, nor is he able to identify collections previous to the final one. His major argument relies on the existence of two, three, and sometimes even four parallel traditions of similar stories occurring in the text of the Qur'an.

Soon after his book on the Qur'an, a second book by Wansbrough appeared, on the *sira* or the biography of the prophet. Wansbrough looks at the biography of the prophet as the result of the struggle between various sects preceding the final redaction of the Qur'an about 800, similar to the New Testament where many streams of early Christianity are also represented. Wansbrough, well known as a scholar of ancient Judaism, did not publish any other works on Islam. Many fellow scholars see these works as very radical and thought-provoking but also very difficult because of the many quotes from Arabic and Hebrew and his difficult, opaque, and even obscure style. One of his admirers, the American scholar Gerald Hawting therefore wrote a new introduction to the book with a large number of annotations, translations, and a glossary for a new edition of 2006.

In the same year as the first "Islamic" book by Wansbrough, a first major pub-

² Taken from the internet source http://www.christoph-heger.de/surah_96.htm.

³ Guillaume 1968: 552.

lication by Patricia Crone and Michael Cook appeared. In *Haggarism* they rejected the reliability of the traditional Muslim historiography of the prophet ("too late and too biased") and concentrated on contemporary Christian, Jewish, and some other sources for the rise of early Islam. They reconstructed it as a socio-political and religious movement in Palestine (more or less present-day Jordan and Syria) that stressed an eschatological message. In a second book on *Meccan Trade and the Rise of Islam*, Crone attacked the economic basis of the biographies of Muhammad by W. Montgomery Watt and Maxime Rodinson. They suggested that Mecca was a rising economic capital where tribal Arab customs were disappearing and a new ethic for traders and capitalists was needed. In their view (i.e. Watt and Rodinson's), the Qur'an was the right answer to this great economic and social change in Arabia. Crone drastically criticised their ideas of a wealthy and flourishing trade. Trade in and from Mecca was only local and had no great importance on the whole region.

She compared Muhammad to a Maori prophet of the 1860s

who reputedly saw himself as a new Moses (as did Muhammad), pronounced Maoris and Jews to be descended from the same father (as were the Jews and their Ishmaelite brothers), and asserted that Gabriel had taught him a new religion which (like that taught to Muhammad) combined belief in the supreme God of the foreigners with native elements (sacred dances as opposed to pilgrimage). He proclaimed, or was taken to proclaim, the Day of Judgment to be at hand (as did Muhammad). On that day, he said or was taken by his followers to say, the British would be expelled from New Zealand (as would the Byzantines from Syria), and all the Jews would come to New Zealand to live in peace and harmony with their Maori brothers (as Jews and Arabs expected to do in Syria).⁴

While doing away with Muslim sources, Crone and Cook made ample use of non-Muslim sources, many of these apocalyptic in character. These sources were more systematically studied by Robert G. Hoyland who in 1997 published a major work, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam*. This book is basically a presentation of a translation of the observations about the rise of Islam as found in Greek, West and East Syrian, Latin, Hebrew, Persian and Chinese sources between 630 and 800. Hoyland concludes that non-Muslim sources write from a different cultural background as well. Many of these sources place the rise of Islam within already existing eschatological schemas. Some also provide "snippets of knowledge that percolated down from the Muslims to the non-Muslim"⁵ and thus this information was written down before the Arab histories were written. On the whole, however, his conclusion about the proposed new methodology by Crone and Cook is negative. "Non-Muslim sources cannot provide a complete and coherent account of the history of Early Islam, even less can they support an alternative version of this devel-

⁴ Crone 1987: 247-48.

⁵ Hoyland 1997: 593-94.

opment".⁶

1.5 A Revival of the Syrian Hypothesis: Christoph Luxenberg

Gunter Lüling's hypothesis in the 1970s concerning the Qur'an as a collection of Christian hymns, many with a Syrian background, was not taken seriously in academic discourse. Lüling's major work was not translated until 2003 and was published in India. He could not find an academic position nor was he invited to speak at major conferences. Elements of his hypothesis were developed further only after 2000 by a scholar who writes under the name of Christoph Luxenberg for reasons of safety. It has been suggested that he is of Lebanese origin and even Indian (from the Syrian Christians of Kerala who are familiar with Syriac as their liturgical language?).⁷ Luxenberg does not repeat the hypothesis that the Qur'an was written in strophic hymns but concentrates on linguistic theories. Quite a number of words in the Qur'an should not be understood as Arabic but as Syriac loanwords. This would explain many obscure passages in the Qur'an. Arabic was not a written language at the time of Muhammad or early Islam. Syriac (also called Aramaic) was the best known "foreign" language of the Arab population, and many religious ideas in the Qur'an therefore originate in the Syriac language. The most sensational of Luxenberg's suggestions concerns 44:54 and 52:20 (as well as 56:22), where he claims that *hūr 'in* should not be translated as female companions with white (or: beautiful, large, lustrous) eyes but rather as white grapes, after the Syriac *hwar* for white and *'in* for pearl. The latter is to be understood in the sense of grapes, given that Qur'an 52:24 identifies pearls with grapes. The conclusion – as was even mentioned in international media like *The Times* and *The Guardian* with the headline "What Virgins?" – was that suicide bombers could not expect virgins to be waiting for them in paradise but rather some nice white grapes.⁸

Another suggestion by Luxenberg concerns the short sura 108, named after a word from the first line as *kauthar* or "abundance." In Arberry's translation it reads as follows:

Surely We have given thee *abundance*;

So pray unto thy Lord and *sacrifice*.

Surely he that *hates* thee, he is the one *cut off*.

Luxenberg identifies four words here that are Syriac/Aramaic rather than Arabic (all four in italics here). He therefore replaces "abundance" by "steadfastness," "sacrifice" by "perseverance," "he who hates" by "enemy, opponent" and "to cut off" by the Syriac equivalent of "devour, annihilate." His conclusion is that all

⁶ Luxenberg 2000: 221-42.

⁷ During a visit to Kerala in January 2007, the Director of St. Ephrem Ecumenical Research Institute in Kottaya, Dr. Jacob Thekkeparampil, declared to this author that he had never heard of the Luxenberg theory about Syriac influences in early Islam and the Qur'an.

⁸ Hoyland 1997: 593-94.

keywords in this short text should be read not from the Arabic but from a Syriac background and that basically it is a summary of 1 Peter 5:8-9: "Be self-controlled and alert. Your enemy the devil prowls around like a roaring lion looking for someone to devour. Resist him, standing firm in the faith." This similarity is not surprising because, in Luxenberg's view, the Qur'an is built on a Christian liturgical book.⁹

Like Lüling, Luxenberg has constructed the existence of a pre-Islamic Qur'an, a *lectionary* or liturgical book for Christian communities that had slowly turned from Syriac to the Arabic language that grew together with this book. Luxenberg's hypothesis has been received more favourably in some academic circles than Lüling's ideas, especially in Germany, notwithstanding the very difficult and sometimes enigmatic language he uses.

1.6 Karl-Heinz Ohlig and the Christian Character of the Dome of the Rock

In 2005 Christoph Luxenberg wrote a contribution to a first of (until now) two publications edited by the German historian of early Christianity, Karl-Heinz Ohlig. In this study Luxenberg claims that the first inscription on the inner side of the Dome of the Rock in Jerusalem, built in the early 690s on the order of Caliph Abdulmalik, should not be read as "Muhammad is his servant and his messenger." Rather, the word Muhammad should be understood here in the literal sense of the word as "praised" and as referring not to the Arab prophet but to Jesus. We should it therefore read: "Praised be his Servant and Messenger." This would make the whole building a monument to Christianity and Jesus. The Christianity of Abdulmalik certainly differed from the Greek style of Christianity that still dominated the other dome in Jerusalem, the Holy Sepulchre. Therefore, it can be easily seen that the new building displayed the rivalry with the Greek style of Christianity. The Dome of the Rock showed criticism of the doctrine of the Trinity and the view of Jesus as son of God in further inscriptions. But the beginning of the text on the inner side of the building should be understood, according to Luxenberg, as praise to Jesus. True Islam, as really distinct from Christianity, should not be sought in this period but only after 750, under Abbasid rule. A peculiar annotation in this study of Luxenberg is the interpretation of *rahmān* and *rahīm* (at the beginning of all sections of the Qur'an and usually translated as "merciful, compassionate") as "loving-beloved".¹⁰

According to Ohlig, the Dome of the Rock must be seen as the proud attempt by Arab Christianity and its growing kingdom to guarantee an identity of its own.¹¹ This development grew slowly and the strategy of the eleven authors in the

⁹ *quryānā*: Luxenberg 2000: 271-76.

¹⁰ Ohlig 2005: 124-47.

¹¹ Ohlig 2005: 9.

books edited by Ohlig (and Puin) is to postpone the rise of true Islam. In the same way the archaeologist Volker Popp, a specialist in old coins, analyses the inscriptions on coins with Arab inscriptions of the 7th and 8th centuries. He reads the MHMT inscription not as a reference to the prophet Muhammad or some ruler with that name but as an honorific title for Jesus.¹² Similarly, the word 'Alī is not viewed as referring to an individual person, the son-in-law of the Prophet Muhammad, but as an additional attribute for Jesus, meaning "highest," in addition to "blessed" or "Muhammad" for Jesus.¹³ Therefore Mu'awiya, in Islamic tradition in general viewed as the first independent ruler in Damascus after the four rightly guided caliphs of Medina, is seen as a Christian ruler who rebuilt the sanctuary, the grave and church of John the Baptist in Damascus.¹⁴

These few examples may suffice as to the first collection of articles, published by Ohlig in 2003. This hypothesis of a very late rise of the distinct religion of Islam raised the problem, of course, of how the stories about an Arab prophet by the name of Muhammad could have been created and accepted among Muslims and non-Muslims. Here the texts about early Islam by John of Damascus (written about 735) are especially significant. John does not talk about the Qur'an as a whole and a fixed unity but about individual suras, like the second (the Cow or al-baqara). He is therefore used as a witness for the final composition of the Qur'an between 750 and 800. But John of Damascus also mentions the name of Muhammad, written as Mamed. So, a tradition about a revelation concerning a prophet Muhammad must have been fairly well established already during John's youth, which he spent in the palace of the caliph of Damascus in the 680s and 690s! Ohlig recognises that some references to an Arab prophet since the 680s have been found but considers these to be later interpolations (Ohlig 2007: 316). Ohlig acknowledges that John mentions Muhammad but does not see him as the founder of a distinct religion. Rather, he views him still as a "Christian" heretic.¹⁵ According to this theory, Islam as a religion of its own is only a fact in the last decades of the eighth century. Caliph Al-Ma'mun (813-33) is then seen as the real founder of Islam as a mature and independent religion.

1.7 Not the Rise of Islam, But the Decline of Byzantine Influence

Many of the authors under discussion here write in German – German orientalism does indeed have the habit of advancing brave new theories. This has been the case in the history of the study of Christianity as well. I will not attempt to outline a theory about this because writing about the psychology of a nation is quite risky. There is only one major contribution to this debate that was originally written in English. It is a work by two Israeli scholars in the field of archaeology,

¹² Ohlig 2005: 63.

¹³ Ohlig 2005: 103.

¹⁴ Ohlig 2005: 45.

¹⁵ Ohlig 2005: 317.

Yehuda D. Nevo and Judith Koren, *Crossroads to Islam: The Origins of the Arab Religion and the Arab State* (2003). As with the other scholars, here we can only indicate a few of the most challenging issues of the book. Nevo and Koren's research concentrates on the decline of Byzantine influence in the area of present-day Syria, Jordan, Lebanon, and Israel-Palestine, since the early 5th century. While the Byzantines were in general very intolerant of other religions (unlike the more broad-minded Persians), they started to accept all kind of heresies in Aramaic-speaking territories, because they were no longer able to dominate these regions completely. They had to trust local rulers and subsidize them, so they would remain loyal in the major conflict of the Byzantines, the one-thousand-year struggle against the Persians. In this way, all kind of sectarian doctrines, mostly of a somewhat "Christian" character, could rise amongst the Arab tribes. Nevo and Koren describe the religion of Mu'awiya as simple "indeterminate monotheism" and understand the Muhammad of the Qur'an as well as of the inscription on the Dome of the Rock as referring to a coming "beloved" prophet, related to the prophecy of the Paraclete among the Christians. For them, Islam as an independent religion started during the time of al-Walid (705-15).

1.8 An Arab Prophet from Persia: Volker Popp

The Zoroastrian Persian empire was more tolerant in religious affairs than the Christian Byzantines. Manichaeans, Jews, Christians, and other minority religions could grow in this realm. But the Persian emperors had some means of controlling their citizens and punishing those who were rebellious. Displacement was a favourite and long-established strategy. Already in the 7th century BCE large Jewish communities were sent into exile to the region between the rivers Euphrates and Tigris. Around 540 CE all citizens of ancient Antioch (modern Antakya in East Turkey) were transported to Southwest Persia to the new town of Gundeshapur.¹⁶ Also, Christian communities from Hatra (south of modern Mosul) were sent into exile to far regions of the Persian Empire. They continued as Christian communities but remained isolated from later dogmatic developments and did not endorse the dogmatic doctrines of the Trinity and redemption as formulated by the councils of the Byzantine church. Popp calls them "traditional believers" because their style of Christianity was radically different from the more well-known Byzantine and Syrian Christians. Also many Christians from the Arab kingdom of Hira were transported to the eastern Persian provinces. In their new villages or towns these settlers continued to speak Syriac and Arabic. In the period 600-628 the centuries-old war between Greece (Byzantium) and the Persians came to a final climax and this conflict seriously undermined the viability of the two empires. At the end of this disastrous period, according to Popp, the Arab communities proved to be very successful as warlords. Their leaders appear on

¹⁶ Ohlig 2007: 18.

Persian coins after 640 as "emirs" with partly Arabic and partly Persian names. According to Popp there was never an Arab conquest of Persia by outsiders; rather, the leadership in the country was taken over by Arab-Persian warriors from within. There were coins with names like Zupiran, which was a combination of the Arab Zubair with a Persian ending.

Caliph Abdulmalik was an advocate for these Arab-Persian Christians. His community used to give the honorific title of *Muhammadun* or "praised one" to Jesus. This proto-Christian theology of the traditional Syrian and Arab believers must be read in the inscriptions of the Dome of the Rock in Jerusalem, built around 690. They formulated their belief in contrast to the Trinitarian doctrine of the Byzantine Christians, and that is why there is an anti-Trinitarian polemic in the inscriptions of the Dome of the Rock. Only in later generations was the conflict between these Persian-Arab and Byzantine Christians no longer seen as an internal Christian conflict but as a conflict between Trinitarian Christianity and Islam as a religion that considered Muhammadun to be its individual prophet and founder.

Volker Popp is a specialist in numismatics or the study of coins. He often had to study texts that are very short and not clear. Needless to say, his far-reaching conclusions are not generally accepted in the academic world. But they have still attracted some attention and play a role in the overall debate on Islam in the West.

1.9 Corpus Coranicum: More than 80 Years of an Unfinished Orientalist Project

Critical historical studies of the Jewish or Hebrew Bible started in the 19th century by German scholars, among whom Julius Wellhausen (1844-1918) was one of the most prominent. He published his theory on the four different sources for the five books of the Torah in the 1870s. Because of his daring theories he was dismissed from the Department of Theology and moved to Semitic studies. He became later known as a fine historian of the Medina activities of the Prophet Muhammad (basically a German translation of the *Kitāb al-Maghāzi* of al-Wāqidī) and of the Umayyad period (through his book *The Arab Kingdom*). In the German academic world he was seconded by Theodor Nöldeke (1836-1930), also a scholar of Hebrew and Arabic, with many publications on the Hebrew Bible and the Qur'an. In 1859 he published an academic work on the Qur'an, *Geschichte des Qorans*, that was extended and refined in a publication in 1909 under the same title and in cooperation with Friedrich Schwally. In 1938 two other German scholars, Georg Bergsträsser and Otto Pretzl, published a third volume to this book by Nöldeke. This third volume concentrated on the history of the manuscripts and the Arabic writing of the text of the Qur'an.

This was the first result of a very ambitious project by the Bavarian Academy of Science in Munich to create a full documentation of all old manuscripts of the

text of the Qur'an. The scholars travelled to all known ancient libraries and mosques with manuscript collections. They made films of the manuscripts they found with the best cameras of the time. Unfortunately, Bergsträsser died while climbing in the Alps in 1933. Nevertheless, they published books on the science of reading the Qur'an, on (most small) varieties in manuscripts and on the oldest manuscripts they had found. During the Second World War Otto Pretzl died in a plane accident while working as an intelligence officer for the German army. In 1944 the 16th-century building of the Bavarian Academy of Science was hit by bombs and was burned.

Since the end of World War II, it has generally been accepted that all the films collected by Bergsträsser and Pretzl were lost. This was also openly stated by the new professor of Arabic in Munich, Anton Spitaler (1910-2003), himself a student of Bergsträsser and Pretzl and in the late 1930s academic assistant to the project *Apparatus criticus zum Koran*. When Spitaler died in 2003 Paul Kunitzsch, a fellow Munich Arabist, wrote an obituary in the Yearbook of the *Deutsche Akademie der Wissenschaften*, stating that the archive had been lost and that it was now impossible for such a project to be carried out again.¹⁷ It was quite a surprise for the most gifted student of Spitaler, Angelika Neuwirth, to be given a box with microfilms of 450 copies of the Qur'an in 1990. Neuwirth took these copies to her research institute in Berlin. But only in 2008, through an interview in the *Wall Street Journal*, did it become more widely known in the academic world that the films had been rescued and were still available for research. In fact, this precious collection is among the most outstanding resource material for the new institute at the Free University of Berlin, the *Corpus Coranicum* Research Project.

The Berlin project *Corpus Coranicum* intends to publish a text of the Qur'an with variant readings from a selection of old manuscripts, as well as an extensive commentary. The project started in 2007, and financing was initially only guaranteed until 2010. It is probable that it will continue because more funding has been promised that should suffice until 2025. But few things are certain in orientalism and academic studies of Islam and Arabic.

The German scholars, from Nöldeke to Bergsträsser and later generations, seem to be patient and to take their time. This is also true of the project to analyse findings in the old mosque of Sana', as given to Prof. Gerd Rüdiger Puin of Saarbrücken University. The 30,000 pages of old Qur'anic writings were discovered in 1972, and in 1980 Puin was asked to analyse this great collection. At a conference in 1993 Puin (already retired by that time, although his chair had no successor) told about this exciting excavation of old Qur'anic fragments' in Sana' and still hoped that time would come to study this exceptional collection, already cleaned

¹⁷ See <http://www.badw.de/publikationen/sonstige/nachrufe/2003/Spitaler.pdf>. For the publication in the *Wall Street Journal*, 12 January 2008, and a reaction by Michael Marx, Director of Corpus Coranicum see <http://edoc.bbaw.de/volltexte/2009/830/pdf/29Ej10bKIM1b.pdf>.

and identified according to *mushaf*, *sūrah*, and *āyah*.¹⁸

1.10 Concluding Remarks

1. On the whole, all these studies (with the exception of the studies on the text of the Qur'an) rely almost completely on non-Arab and non-Muslim sources and leave many questions open. Even if some of their conclusions could be accepted, the final impression is that the situation in the region was at least much more complicated than stated in the straight handbooks that have been taken for granted until now by our students.

2. Some Muslims have reacted to this new avalanche of radical theories as a symptom of Islamophobia or hatred of Islam that has arisen since the last decade in western countries. We cannot judge if this is true. It is clear that Rodinson and William Montgomery Watt's generation in the 1960s took an economic view of the classical stories that in general were taken for granted. Wilfred Cantwell Smith and many in the 1980s wanted to start a dialogue with Muslims and therefore Islam should be understood as Muslims themselves want to understand it. These radical historians of the early 21st century do not share these presuppositions of the necessity to respect the feelings of Muslims but want to go back to a tradition of daring and radical orientalism. Their conclusions are used negatively by some against Muslim claims about the reliability of the traditions about the person of Muhammad. Conversely, others use these theories to emphasise the close relationship between early Islam and Christianity. So, these new theories do not give an unequivocal picture of Islam either.

3. The final composition of the Qur'an shows aspects of a redaction that included various traditions of similar or even nearly identical texts. There is a synoptic problem in the interpretation of the Qur'an. This problem has not yet been solved.

4. There is a larger gap between the "Muhammad of history" and the "Muhammad of faith" than has been realised by earlier generations of scholars. It will not be easy to end the quest for the historical Muhammad. We may even expect a long move between ignorance and new certainties, as has been the case with the several quests for the historical Jesus.

5. The Qur'an has many more references to Jewish prophets and Jewish traditions, often from Talmudic sources. References to Jesus and Christians occur far less in the first text of Islam. The same can be said about the life story, the *sīra*, of Muhammad. Nevertheless, new orientalist studies seem to concentrate on a Christian background for early Islam and to neglect the Jews. An exception here is the reference to non-orthodox Jewish-Christian sects in the latest book by Küng (2004).

6. Like the orientalist research of the 19th century, most of the writings under

¹⁸ Puin 1996.

discussion are looking for the sources for the Islamic movement rather than its originality. The quest is for the old stones, not the new building itself. The real quest for the history of early Islam should not be about these older elements but about the new spirit.

7. Most of the scholars discussed here are Germans who also wrote in German. Therefore, this could be seen as a typically German enterprise, quite often executed in the academic "ivory tower" at a good distance from everyday life and concrete political and cultural debates. They take their time, and many of them do not seem really interested in the religious value of their historic theories. Only the project *Corpus Coranicum* included staff who are more interested in the Qur'an as a religious document and they have a mixed team of Muslim and non-Muslim academics.

References

- Burgmer, Christoph (ed.). (2004). *Streit um den Koran: Die Luxenberg-Debatte: Standpunkte und Hintergründe*. Berlin: Hans Schiler (reference here is to the 3d edition of 2007).
- Crone, Patricia. (1977). *Hagarism: The Making of the Islamic World*. London: Cambridge University Press
- (1987). *Meccan Trade and the Rise of Islam*. Oxford and Princeton: OUP.
- Guillaume, Alfred. (1968). *The Life of Muhammad: A Translation of IObn Ishaq's Sirat Rasul Allah*. 2nd printing. Lahore: Pakistan Branch of the Oxford University Press.
- Hoyland, Robert G. (1997). *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam*. Princeton: Darwin Press.
- Küng, Hans. (2004). *Der Islam: Geschichte, Gegenwart, Zukunft*. Munich: Piper.
- Lüling, Gunter. (1974). *Über den Ur-Qur'an: Ansätze zur Rekonstruktion vorislamischer christlichen Strophennieder im Qur'an*, Erlangen. (English translation: *A Challenge to Islam for Reformation: The Rediscovery and Reliable Reconstruction of a Comprehensive pre-Islamic Christian Hymnal, Hidden in the Koran under Earliest Islamic Re-interpretation*. Delhi: Motilal, 2003).
- (1977). *Der christliche Kult an der vorislamischen Kaaba als Problem der Islamwissenschaft und christlichen Theologie*. Erlangen: Lüling.
- Luxenberg, Christoph. (2000). *Die Syro-Aramäische Lesart des Koran: Ein Beitrag zur Entschlüsselung der Koransprache*. Berlin: Das Arabische Buch. (English translation *The Syro-Aramaic Reading of the Koran*, Berlin: Schiler, 2007).
- Nevo, Jehuda D and Judith Koren. (2003). *Crossroads to Islam: The Origins of the Arab Religion and the Arab State*. New York: Prometheus Books.
- Ohlig, Karl-Heinz. (2005). *Die dunklen Anfänge: Neue Forschungen zur Entstehung und frühen Geschichte des Islam*. Ed. Gerd R. Puin. Berlin: Schiler.
- (2007). *Der frühe Islam: Eine historisch-kritische Rekonstruktion anhand zeitgenössischer Quellen*. Berlin: Schiler.
- Puin, Gerd. R. (1996). "Observations on Early Qur'an Manuscripts in San'a." In: Stefan Wild (ed.). *The Qur'an as Text*. Leiden: Brill.
- Wansbrough, John. (1977). *Quranic Studies: Sources and Methods of Scriptural Interpretation*. Oxford: OUP.
- (1978). *Sectarian Milieu: Content and Composition of Islamic Salvation History*. Oxford: OUP. (Reissued in 2006 by Prometheus Books, Amherst, New York, with a foreword, translations of Hebrew and Arab texts and expanded notes by Gerald Hawting).

Nervous Shock: Is it Available in The Islamic Law of Tort?

Abdul Basir bin Mohamad¹

Abstract:

As we know from the discussions amongst Muslim jurists in their writings, they normally highlight the law of qisas and diya as well as ta'zir for dealing with cases of death and injury resulting from physical tort such as beating, punching, whipping, kicking, slashing, stabbing, snapping, etc. But a question may arise as to death or injury resulting from non-physical or immaterial torts or, in current legal terminology, nervous shock. Could the case be settled by Islamic law? Nervous shock can also cause mental illness, mental retardation, morbid depression, mental shock, or, in modern terms, psychiatric damage or psychiatric illness, and in that way can also cause someone to suffer a physical injury or death. To resolve this, we have to refer to kinds of law as a yardstick to measure the tortious liability. It surely falls under human law, even though it is combined with divine law, but human law prevails here. The Muslim jurists have exemplified this law by relating it to qisas and diya in the case of punishment for murder, injury, and wounding. As such, the cases of nervous shock are certainly included in the discussion of qisas and diya in general. In the first part of this paper the discussion on nervous shock focuses on the English law of tort and is then followed by the exploration in Islamic law of tort. As we know, the rule of nervous shock has been practiced and applied intensively in English law over a long period of time, and at the same time the discussion clearly shows that the rule of nervous shock appears in Islam and is not alien to the Islamic law of tort.

Key Words: Nervous shock, English law, Islamic law, tort, tortious liability, liability, *qisas*, *diya*, *gurra*, *'aqila*, *injury*, *death*, *ta'addi*, fright, shock, damages, mental stress, psychiatric damage.

Nervous Shock in English Law

Introduction

The words "nervous shock" refer to "a form of bodily harm that causes injury to health for which damages may be claimed in consequence."² This meaning could be traced to *Hambrook v. Stokes Bros.*³ In this case the defendant's lorry was left unattended and improperly braked at the top of a steep and narrow street with the engine running. As a result, it started to roll violently down the hill, putting the plaintiff in fear for the safety of her children whom she had just left. She suffered a serious illness as a consequence and ultimately died. It was held that the defendant was liable for the death of the plaintiff on the ground that the shock

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² Burke, *Osborn's Concise Law Dictionary*, pp.230-31.

³ (1925) 1 King's Bench (Law Reports), p.141.

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The Journal of Rotterdam Islamic and Social Sciences

Vol.1, No.1, 2010



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Front Cover:

Piri Reis Map (1513)

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First Published in 2010

ISSN 1877-6671

Printing and Binding:

Pasifik Ofset

+ 90 212 412 17 77 Istanbul Turkey

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