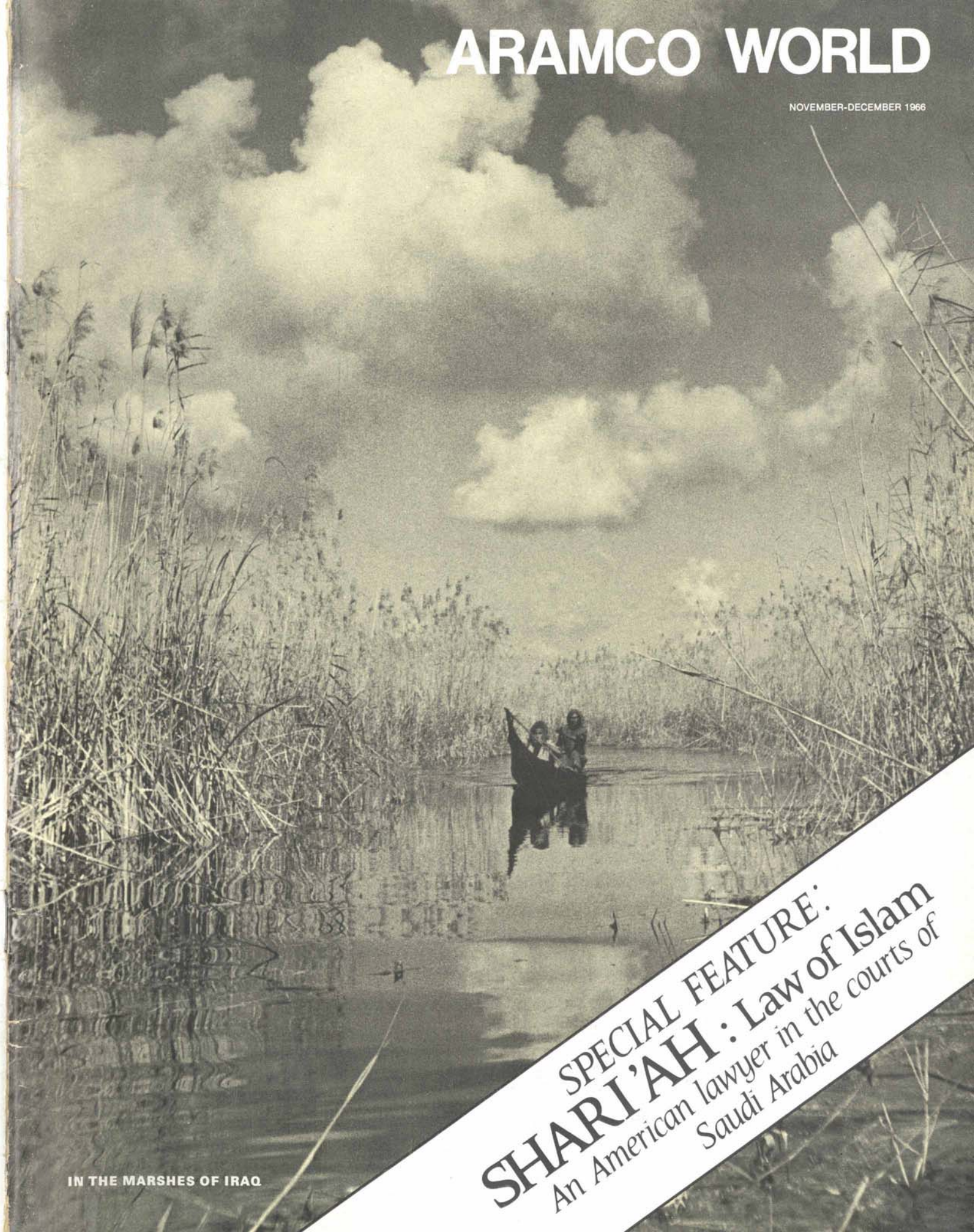


# ARAMCO WORLD

NOVEMBER-DECEMBER 1966



IN THE MARSHES OF IRAQ

**SPECIAL FEATURE:**  
**SHARI'AH: Law of Islam**  
An American lawyer in the courts of  
Saudi Arabia

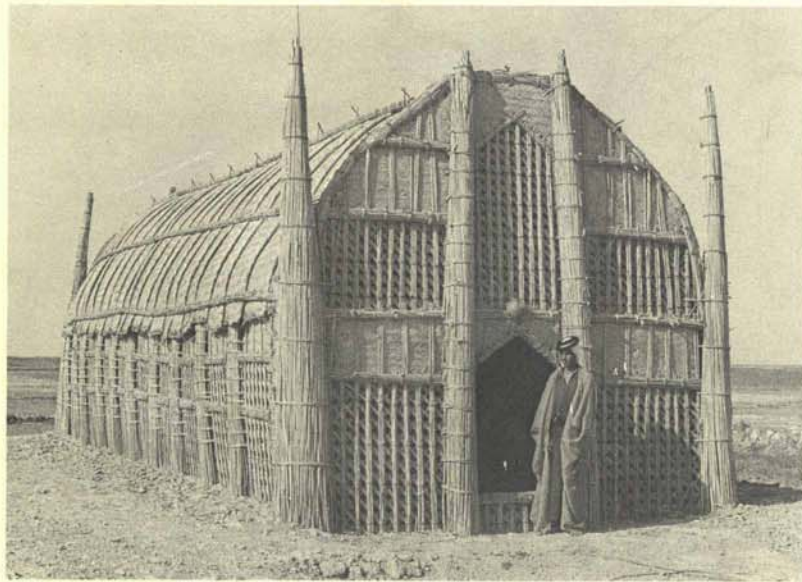
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## THE DEAD SEA

From its lifeless waters hidden treasures for the farmers ...  
From its ancient caves hidden treasures for the scholars—1

*By Jan van Os*

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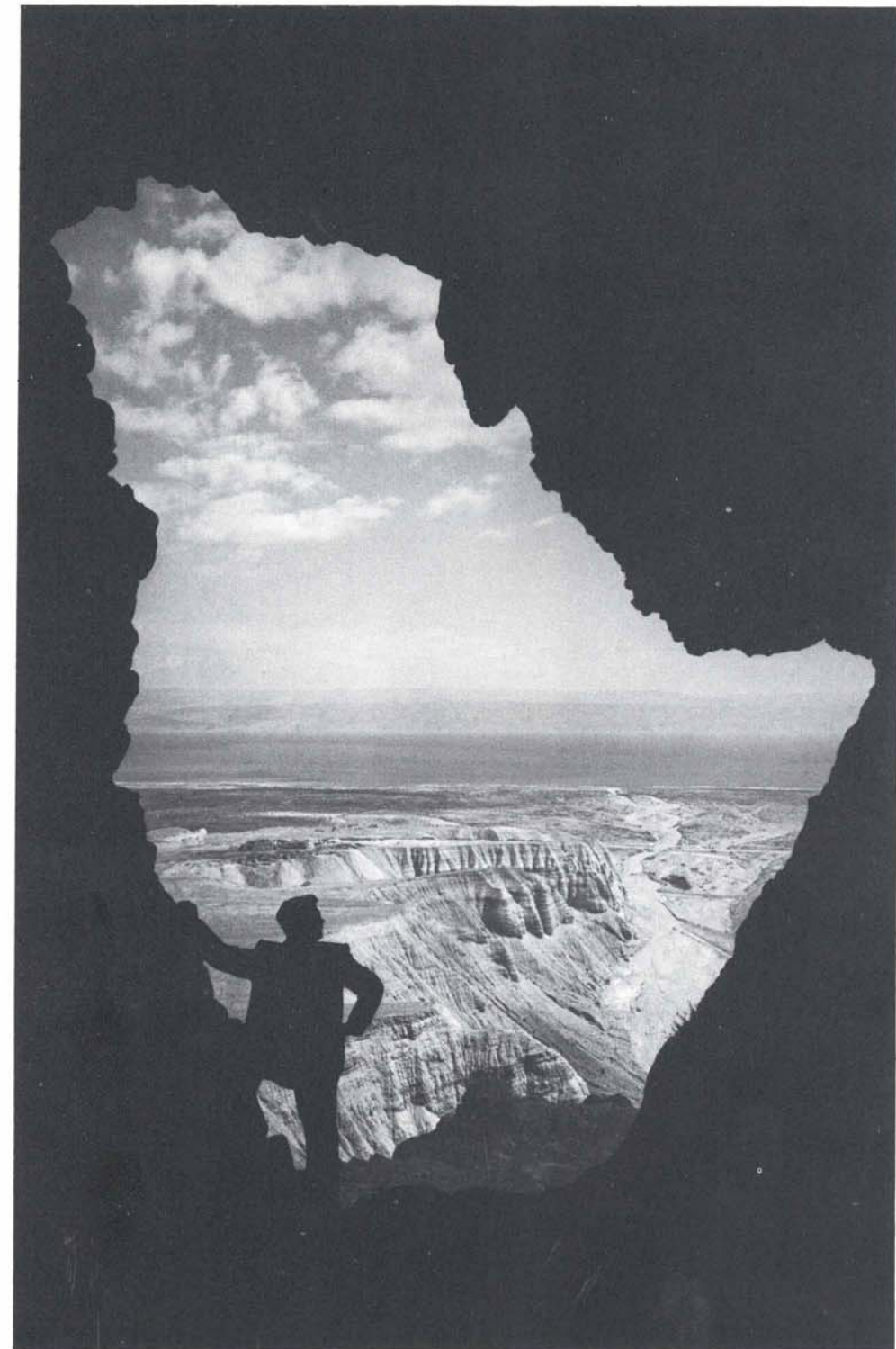
*By Melvin G. Williams*

Cover: As he wandered through the world's most desolate regions, searching for "colour and savagery, hardship and adventure," it was almost inevitable that Wilfred Thesiger would one day discover the wild marshes sprawling across 6,000 square miles in southern Iraq. Here where silent canals wind through beds of golden reeds beneath pale blue skies he found that elusive satisfaction he had sought during most of his life. Text and photographs starting on Page 8.



# THE DEAD SEA

BY JAN VAN OS



Photography by Thomas Walters and Khalil Abou El-Nasr



# New life stirs by the Sea of Lot

bordered on the south by the great Wadi Arabah, on the north by the fertile Jordan Valley and on the west and east by the majestic mountains of Moab and Judea. In prehistoric times, it was probably much larger. Some experts believe it once measured 200 by 400 miles and that its water level may have been as high as 1,400 feet, 100 feet higher than the Mediterranean. It began to shrink, they believe, during a long drought that followed a tremendous earthquake.

The Dead Sea is fed by numerous streams, including the famous River Jordan. Some six million gallons of water pour into the sea every day. It is a generous supply and since the sea has no outlets one would think that it would soon be restored to its prehistoric dimensions. But that does not allow for evaporation. In a region where winter temperatures never drop below 70 degrees Fahrenheit and summer temperatures usually reach 140 degrees, and where, furthermore, the annual rainfall never exceeds five inches, the water vanishes almost as fast as it comes in. Evaporation is also the cause of the dense salinity. Over the centuries the water evaporated but the minerals remained. The water has gotten so dense that bathers can neither swim nor drown in it but just bob on the surface. So buoyant is the water that visitors delight in reading, eating, drinking or maybe even taking a nap as they float.

For many years the Dead Sea was considered a complete waste. Then someone decided to try and extract some of the minerals from the water. Today, thanks to modern science and engineering, plants are extracting huge quantities of



The sea's bright vivid colors surprise most visitors.

potassium chloride and other chemicals from the water. Since potassium chloride is a valuable fertilizer, the Dead Sea in an indirect way has become an important life-giving source.

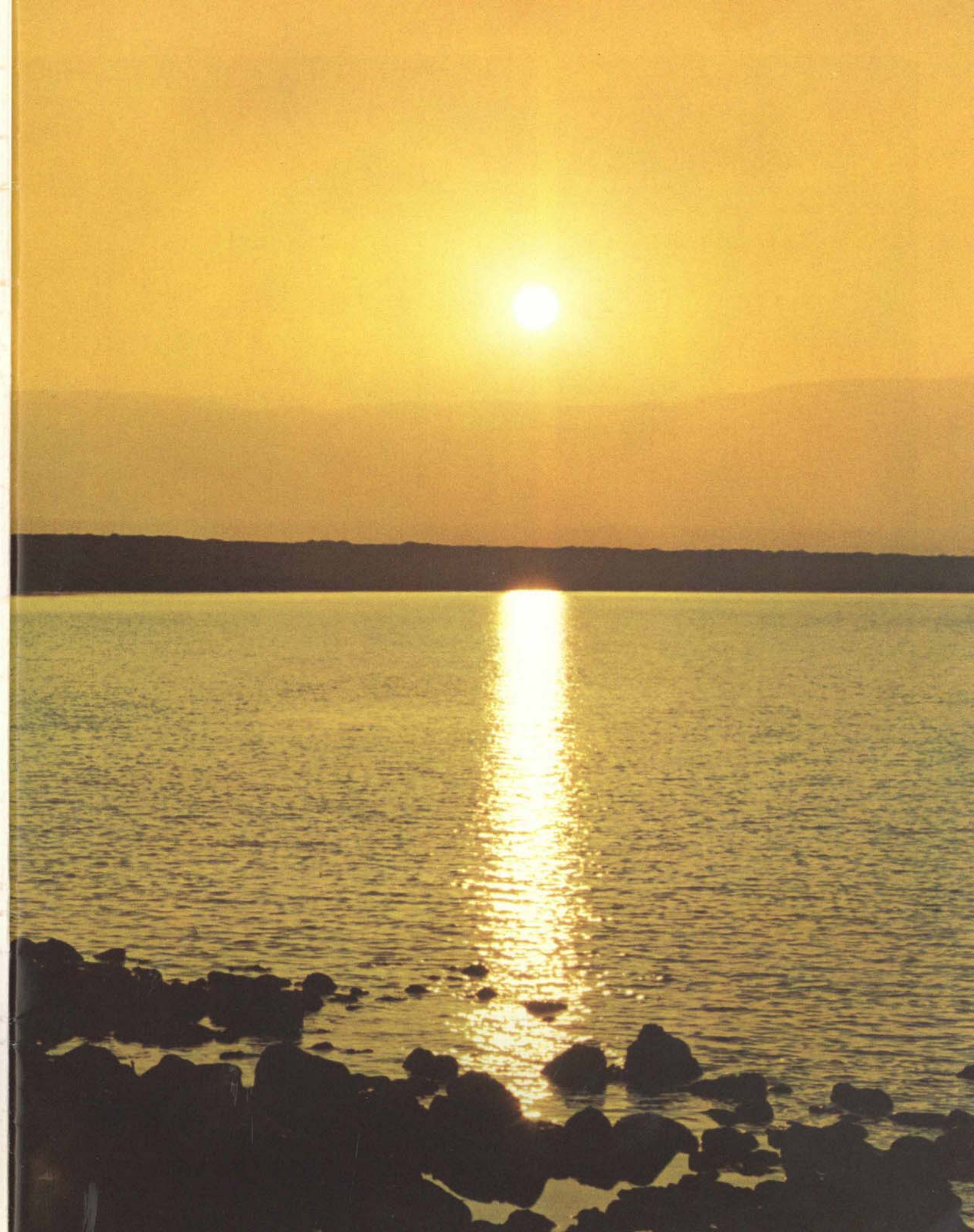
The Dead Sea is coming to life in other ways too. On its northern shore a modern hotel has been built and work is going ahead on nearby roads and other facilities to serve the increasing crowds of tourists coming to see the caves where in 1947 a local shepherd made one of the most important archeological finds of the century: the Dead Sea Scrolls.

There are several versions of how the shepherd happened on the scrolls. The most common is that in search of a lost goat he noticed a hole a little way up the cliffs to the northwest of Qumran. He and a friend crawled into the hole and found themselves in a natural cave. In the cave were some jars and in the jars a number of scrolls. On the chance that the scrolls might be valuable the shepherds decided to take them to Jerusalem, where, fortunately, someone realized that a valuable discovery had been made.

The shepherds' discovery triggered a long, widespread search of the entire Dead Sea region, a search that turned up thousands of fragments of similar scrolls. In one instance a copper plaque was rolled up as scroll, but most of the original scrolls were of either leather or papyrus. Since most of them were just lying on the ground it is a miracle that they survived at all. If the caves had not been exceptionally dry it would have been impossible.

Among the principal finds—from the first cave, as it happened—were two copies of the Book of Isaiah, one of them complete. The two copies were almost a thousand years older than any original Biblical manuscript known before. Also discovered were a Commentary on the Book of Habakkuk, a copy of the Apocalypse of Lamah and, at another site, some later texts completely unrelated to those found near Qumran. These were found in 1951 in the caves of Murabbat at Khirbet Mira, north of the Kidron Valley and 11 miles south of Qumran.

Scholars were not slow in trying to decipher the scrolls nor did they find any insuperable obstacles. With the exception of a few scrolls in Greek and Aramaic, most were written in Hebrew and, once the calligraphy had been mastered, were easily translated. That fact has made them of inestimable value in unraveling



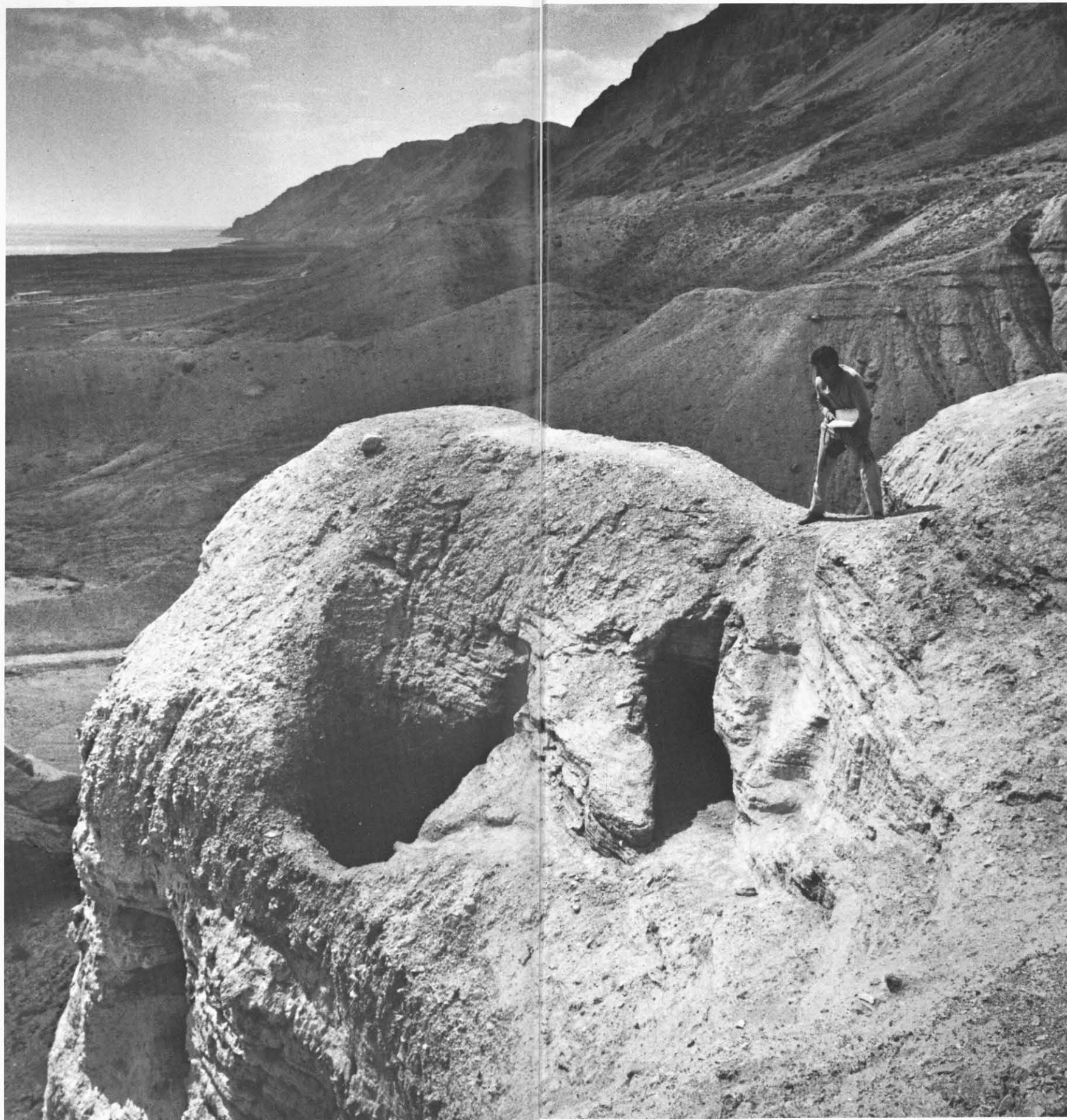


Biblical texts and in studying the background of Christianity itself—that and the great age of the scrolls. While a few dissenters still disagree, most experts say some scrolls go back at least to the first half of the first century—i.e. while Christ was still alive—and the earliest ones to the 2nd century before Christ was born.

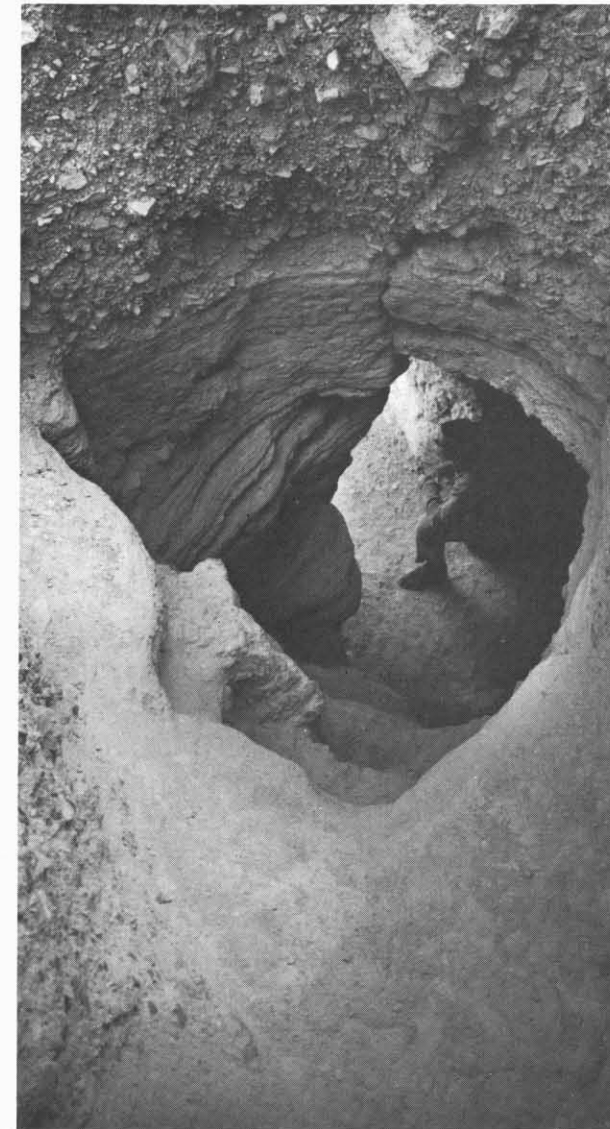
Soon after the search for more scrolls began, archeologists decided it would be fruitful to excavate the site of the ancient ruins at Qumran, the only ruins anywhere near the caves. To all appearances those ruins were the remnants of Roman fortifications, but digging soon unearthed a large community building with many rooms, baths, cisterns, kilns and a tower. Archeologists also found coins, more fragments of scrolls and two inkpots. The inkpots were discovered in a room called a *scriptorium* where, presumably, scrolls were written or copied.

From findings like that and from internal evidence in the scrolls, archeologists finally concluded that the scrolls were composed and copied by the Essenes, a small, strict Jewish sect. The Essenes apparently settled down at Qumran during the reign of a Jewish high priest and ruler called John Hyrcanus I. That was between the year 135 B.C. and 104 B.C. What happened to them thereafter is still open to conjecture. One school of thought holds that in 31 B.C. after a severe earthquake (which did occur at that time) the Essenes decided they had received a command from God to go into exile, and so emigrated. This is a plausible theory since it is clear from archeological evidence that the site was unoccupied from just about this time to about 4 B.C., when it was rebuilt and reoccupied. In A.D. 68 or 69, however, during the first Jewish revolt, a strong Roman legion, ruthlessly restoring order, marched on Qumran. That was just a year before the destruction of Jerusalem by Titus. The Essenes hurriedly hid the scrolls in the only hiding places available to them—the nearby caves. Then they fled or were massacred. Their settlement was destroyed and the Romans, either unaware of the scrolls or indifferent to them, left them in the caves to await the coming of a curious shepherd 1,900 years later and, after him, the scholars and the theologians of the modern world.

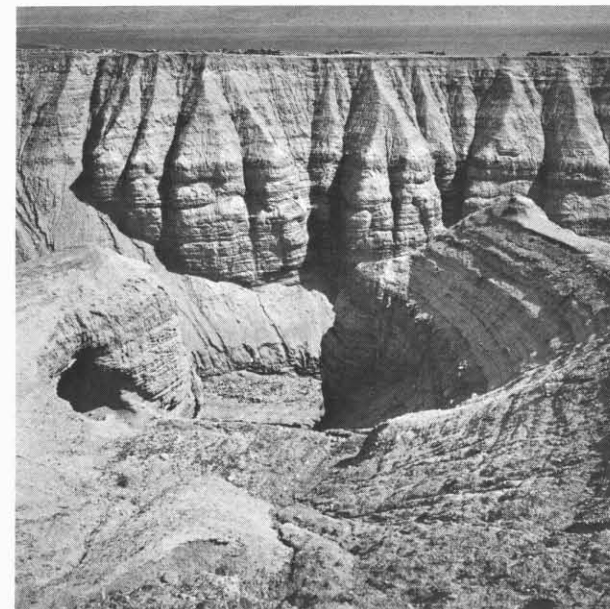
Jan van Os is the Assistant Editor of Aramco World.



In these caves, burrowing into the escarpments along the western bank of the Dead Sea, archeologists found the famous Dead Sea Scrolls left by the Essenes, an ancient sect which settled nearby in Qumran.



In this cave, Cave IV, archeologists found scrolls lying on the ground.



Qumran, where scrolls were written, stood on a plateau above the caves.



In the town of al-Khobar in Saudi Arabia recently, two boys stopped before the stall of an old man named Rashid as-Salih and began to tease him.

"Write us a letter, *ya katib!*"

"Get on with you, you silly boys."

"Here's a riyal. Write for us," they laughed. "Show us how you can write!"

The old man frowned menacingly and pretended he was going to throw the paperweight at them. "Off to school with you! Learn your lessons and leave me in peace!"



The boys ran off giggling and Rashid as-Salih, a scholarly-looking man with deep-set eyes and a high forehead, turned to his visitor with a smile. "It wasn't always like this," he said. "Boys used to look up to a man who could write. It was a rare and honored skill but today, everybody can write. Today there is little need for a scribe and tomorrow there will be no need at all."

In Arabic the word for scribe is *katib*, a public writer. It is a good definition. Rashid as-Salih writes in public and for the public—as have most scribes since man developed writing as an effective means of communication.

Scribes were first employed by the military officers in ancient Egypt to record the names of recruits. Later, in Hebrew times, they progressed from mere copyists into interpreters and teachers of the law. During the great ages of Islam they kept alive not only the Holy Koran, but also the irreplaceable writings of the Greeks and Romans. In the Dark Ages and the Middle Ages of Europe they preserved most of man's accumulated knowledge. So important was their role that Arab poets accorded the pen equal rank with the sword. Writing was a noble and essential skill and men who knew how to write were honored and valued. Even the invention of the printing press did not entirely displace them. Although books became more common, the ability to write them and read them did not. It is only in this century with the growth of public education that the number of scribes has begun to dwindle.

Each morning about 7:30 Rashid goes to a government building in al-Khobar and opens up his *maktab* (office). It is

# SCRIBE

BY WILLIAM TRACY

located not inside the building, but outside against a wall beneath a tall palm tree whose branches, he has learned, will bless him with shade until noon. On his "desk," actually a small green wooden table, he arranges his materials: a tile paperweight, a tin box full of orange and red fiscal stamps, a thick pad of lined paper (its cover adorned with the picture of a vaguely familiar Hollywood starlet of times past) and a green Parker pen. In a routine that is now wholly automatic he then proceeds to prepare enough *maktub* (a form letter) to last him through the morning. They are mostly the same: applications for passports and residence permits and petitions to local police officials. For each document that he writes the scribe receives one riyal, the equivalent of about 23 cents. They read about the same:

*To His Most Generous Excellency, the Director of Passports and Nationality:*

*I greet you. And having greeted you I petition you to have issued to me a permit to reside in al-Khobar. I am called (name) and I am a (nationality) and I ask you to command the person concerned to grant me this boon according to the law. Good life.*

*(Signature).*

Since business does not begin until the government building opens Rashid

**"We scribes are not needed anymore," he said. "All the young can write now"**

then has time to settle back behind his desk, finger his string of amber prayer beads and gossip a little. These days there isn't much business even when it does open. As Rashid pointed out, scribes may have survived the printing press but they will not be able to survive public education.

"Go to the post office," Rashid said, "and you will see small boys writing telegrams and letters for their elders.

Now there are only a few but when school is out they are thick as flies. All the young can write now. We scribes are not needed any more. They only use me here because I am convenient to the ministry."

For a moment, after the boys had gone away, the thought depressed him but then he brightened and added that, of course, it was a good thing. "My own son and daughter are both in school and at the top of their class," he said. "Soon they will be able to write better than I."

But doesn't all this affect his future?

"Yes, but God will provide," he answered stoically. Besides, he has recently moved across town to a location near a government night school. "I plan to improve my writing," he said. "Who knows, perhaps some day I'll have a desk inside this very building. But excuse me now; I have a client."

The client, a gray-bearded old man just off the desert, wanted a health certificate for a new job. The scribe had not prepared any forms for that, so he flipped through the pad to a clean sheet, uncapped his Parker and in his neat flowing script began to write, "To His Most Generous Excellency, the..."

Rashid as-Salih is not the only scribe in the Eastern Province. He may be in a vanishing profession but it hasn't vanished yet. Although public education is making great strides there are still numerous places where the traditional practices will last for many years—places like Dammam.

Dammam, as the booming capital of the Eastern Province, is a fertile source of documents and documents are a fertile source of work for the scribes who have set up their stalls near the government offices. These men, combining their basic ability to write with a knowledge of the official requirements and even acquaintance with the officials, have begun to function as self-appointed, semiofficial bureaucrats. One is Imsawih Hbartha, a bearded man from Medina who sits daily at one of a row of tables lined up before the Ministry of Interior building and plies his trade in the shade of a black umbrella lashed to the desk.

Imsawih Hbartha has been a scribe for 18 years. His desk is blue and has a glass top and on it he keeps a little bowl of

water with which to moisten stamps, and two pens, one plain like Rashid's, the other a black-and-gold Parker 51. The first is for ordinary documents, the second "for important letters to the Amir or to foreign countries."

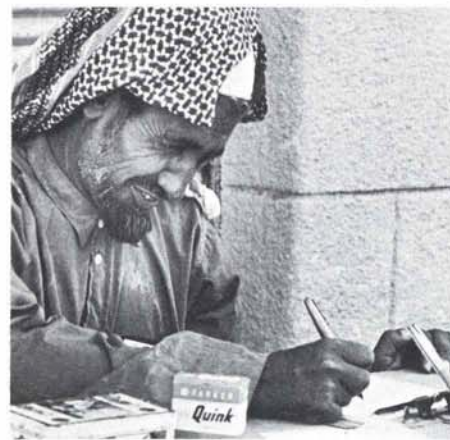
Over the years Imsawih has developed a matter of fact style quite different from the usually ornate convolutions of Arabic. "Dear Mr. Fulan wa Fulan (Mr. So and So). Peace upon you and praise to merciful God. I want to tell you about such and such. This is the way it happened. I think the solution is to etc. etc. But first ask my brother to tell my father to ask his uncle what he thinks. Signed, Fulan ibn Fulan (So, son of So)."

There are scribes in Hofuf too. Hofuf, in the oasis of al-Hasa, is a much more traditional community than al-Khobar or Dammam. In the bustle of the Friday morning market, scribes still squat cross-legged on small carpets at the edge of the square. The desks are often wooden tea crates, with clipboards of squared paper and airmail envelopes from Hong Kong



printed in French, English, Arabic and Chinese. In the box probably will be a tube of glue, a bottle of ink and a ball-point pen. Sharing the same curbstone will be sidewalk merchants selling ropes and donkey halters, locks, razor blades, shoe soles and fibrous sticks which serve as tooth brushes.

One scribe in Hofuf was interviewed as he labored over a letter during a busy



Photography by S.M. Amin

holiday. He was wizened old man leaning close to the paper and writing with a gray Parker. Squinting painfully he read back what he had written, and then, dissatisfied, began to copy the letter again, following with one finger word by word, occasionally losing his place and muttering to himself as he searched for it.

"What do you write?"

"A letter to the Amir and one to the Wazir (the local governor and his viceroy)."



"How long have you been a scribe?"

"Wajid. A long time. I work a while. I travel to Kuwait or Basra; I come back."

"And how is business?"

"It goes well enough. I earn enough for meat on the table, for some apples and oranges. That's all I want or need."

"And your name?"

The old scribe smiled with his squinting eyes and tilted his head quizzically as though he suspected his curious visitor of being a tax collector.

"My name? Hmmm. Well, my name is not important."

His attention was distracted at that point by a tall man with a blue suit jacket over his robe. The man wanted help in requesting a permit from the municipality to buy a plot of land and build a house.

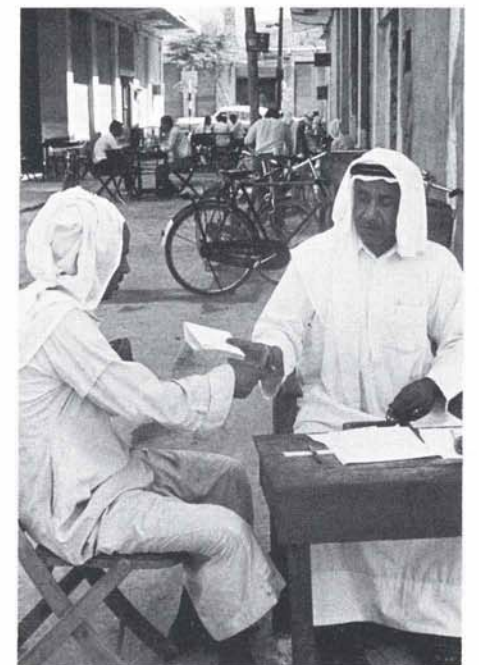
"Two floors, eight rooms." The scribe without a name took one yellow stamp and one red stamp from a cough-drop tin and affixed them carefully. "That's one riyal," he said. Out of the crate he pulled a stamp pad soaked with purple ink and the client handed him a round metal seal hanging from a key ring. The scribe pressed the seal into the pad, dampened the paper with his finger and pressed the inked seal against the damp spot. He applied the seal and a fingerprint to four copies.

Meanwhile, two well-dressed young men had approached the scribe and asked for a petition, explaining that although both are secondary school graduates, they go to the scribe, "because

he sells stamps, knows the correct form for a request, and is friendly with the people in the offices."

After them came a man who just bought envelopes. "Very cheap at half a riyal," the scribe told him, "and I include a rubber band." Another client appeared soon after asking for a receipt which a date merchant was to countersign so the client could send it to his brother in another village. "Two hundred pounds of good quality dates purchased this day for 600 riyals," the receipt read. They stamped it three times with the *muhr*—a signet ring on which the man's name is etched—before they had a clear rendering that his brother was sure to recognize.

At noon, as the shops began to close their shutters against the heat of the day, a woman approached timidly and asked the scribe to read a letter from her father. Her home, the scribe explained, was many miles away but she had married a local merchant and now lived in Hofuf. She listened quietly as the scribe, peering



at the unfamiliar handwriting, recited the news from home in a clear, dramatic voice. When he finished the woman asked him to send a reply at once. It was a simple letter, one that a homesick daughter might have written whether in Hofuf, Helsinki or Hartford: "Everybody here sends love to all of you there. We pray that God will see us all together again soon."

*William Tracy is a free lance writer now lecturing in the United States on life in the Middle East.*



# In the marshes of Iraq

Text and Photography  
by WILFRED THESIGER

*"As I came out into the dawn,  
I saw, far away across a great sheet  
of water, the silhouette of a distant  
land, black against the sunrise.  
For a moment I had a vision of  
Hufaidh, the legendary island, which  
no man may look on and keep his  
senses; then I realized that I was  
looking at great reedbeds. A slim,  
black, high-prowed craft lay  
beached at my feet—the sheikh's  
war canoe, waiting to take me into  
the Marshes. Before the first palaces  
were built at Ur, men had ...  
launched a canoe like this, and gone  
hunting here. Woolley had  
unearthed their dwellings and ...  
models of their boats buried deep  
under the relics of Sumeria ...  
deeper even than evidence of the  
Flood. Five thousand years of history  
were here and the pattern was still  
unchanged."*





Wilfred Thesiger has never been at ease in today's world. As a boy in Ethiopia he couldn't wait to go into the jungle alone. As an adult he has spent most of his life in a restless quest for that deep, elusive satisfaction which for some men can be found only in those harsh, wild places of the world described by author William Mulvihill as "the great blank spaces where men died for uncomplicated reasons: thirst, hunger, heat and cold."

Thesiger first explored one of those blank spaces in 1931. On vacation from his studies at Oxford, he led a safari into the Danakil Desert in Ethiopia, an area where primitive tribesmen killed most strangers on sight and castrated the bodies. Later he served as a political officer in the wild Darhur area of the Sudan. During leave and on holidays he explored sections of the Saharan and Libyan deserts. Instead of satisfying him, however, those experiences merely whetted his appetite for more and aggravated his dissatisfaction with civilization. "I hated the calling and the cards, I resented the trim villas ... the meticulously aligned streets," he wrote. "I wanted colour and savagery, hardship and adventure."

Since adventure and hardship are rarely the lot of a political officer, Thesiger eventually resigned, frustrated and unhappy. Then, toward the end of World War II, the Food and Agricultural Organization of the United Nations asked him if he would care to try to track down the breeding grounds of the desert locust. These grounds, he was told, were thought to be in the Empty Quarter of Saudi Arabia, one of the largest, hottest and, at that time, most remote, deserts of the world. For Thesiger it was the answer to a prayer. "All my past," he wrote, "had been but a prelude to the five years that lay ahead."

As indeed it was. Only a man who had spent most of his life in the wilderness, a man who rejoiced in the challenges of a savage land, could have survived those next five years. Living and traveling with the Bedouins, Thesiger explored the Empty Quarter from one frontier to another. He crossed and recrossed the area from east to west and west to east. On foot and on camel-back he traveled some 10,000 miles. He was "always hungry, and usually thirsty." He knew exhaustion and fear and the constant demands of "an alien people who made no allowance for weakness."

It was, Thesiger wrote later, "a hard and merciless life." Yet for him it was not a "meaningless penance," but rather a deeply satisfying experience which gave him a "freedom unattainable in civilization" and "the peace that comes with solitude." Not only did he accept hardships; he was unwilling, perhaps even unable, to give them up.

As it turned out, however, Thesiger had not escaped civilization; he had merely outdistanced it. Toward the end of his wanderings it caught up with him in the form of seismic exploration parties searching for oil in the most remote corners of Saudi Arabia. "I went to Southern Arabia just in time," he wrote. "If anyone goes there now looking for the life I led, they will not find it ..."

Thesiger left the desert soon after to return to England and write *Arabian Sands*. But driven by an inescapable restlessness he was soon off again, this time to climb and ride through peaks of the Karakoram and the Hindu Kush mountains. From there he moved on to the oaken forests and deep gorges of Iraq's Kurdistan. Then, in 1951, he rode south to the Marshes of Iraq.

The Marshes of Iraq comprise one of the most interesting areas in the world. Drenched for centuries in the spring overflows of the historic Tigris and Euphrates rivers, they consist of some

6,000 square miles of reedbeds, lakes, bulrushes, canals and sedge. On the fringes of these Marshes, in historic and prehistoric Mesopotamia, civilization after civilization rose and fell like castles of sand on a turbulent shore: Sumerian, Assyrian, Chaldean, Persian, Greek, Roman and Arab. With each wave of conquerors, thousands of refugees fled into the trackless Marshes. It became, for a time, a sort of no man's land and a center of rebellion from which warriors sallied forth to battle whatever ruler then held sway in the Euphrates region. But as Iraq itself dwindled in importance—after the final devastation of the Mongols—so did the Marshes. Eventually there remained a curious mixture of Occidental and Oriental peoples. Some traced their lineage back to Alexander the Great, some to the Romans, others to Genghis Khan, and the Arabs. And of them all it was the Arab conquerors who left the deepest imprint on the Marshes. Shrugging off the glories of Parthian and Persian power, ignoring the fame of Rome and Greece, the Marsh people adopted Arabic as their tongue, Islam as their religion and the Bedouins as their heroes. Thus, hundreds of miles away from the sands of Arabia, in a land as alien to the Bedouin as the tundras of Canada, there grew up a culture based almost entirely on the ideals and beliefs of the peoples who inhabit the Empty Quarter.

Thesiger had never visited the Marshes before and the first impact was strong and lasting. "Memories of that first visit to the Marshes," he wrote, "have never left me: firelight on a half-turned face, the crying of geese ... canoes moving in procession down a waterway, the setting sun seen crimson through the smoke of burning reedbeds, narrow waterways that wound still deeper into the Marshes ... reed houses built upon water, black dripping buffaloes ... stars reflected in dark water, the croaking of frogs, the stillness of a world that never knew an engine. Once again I experienced the longing to share this life, and to be more than a mere spectator."

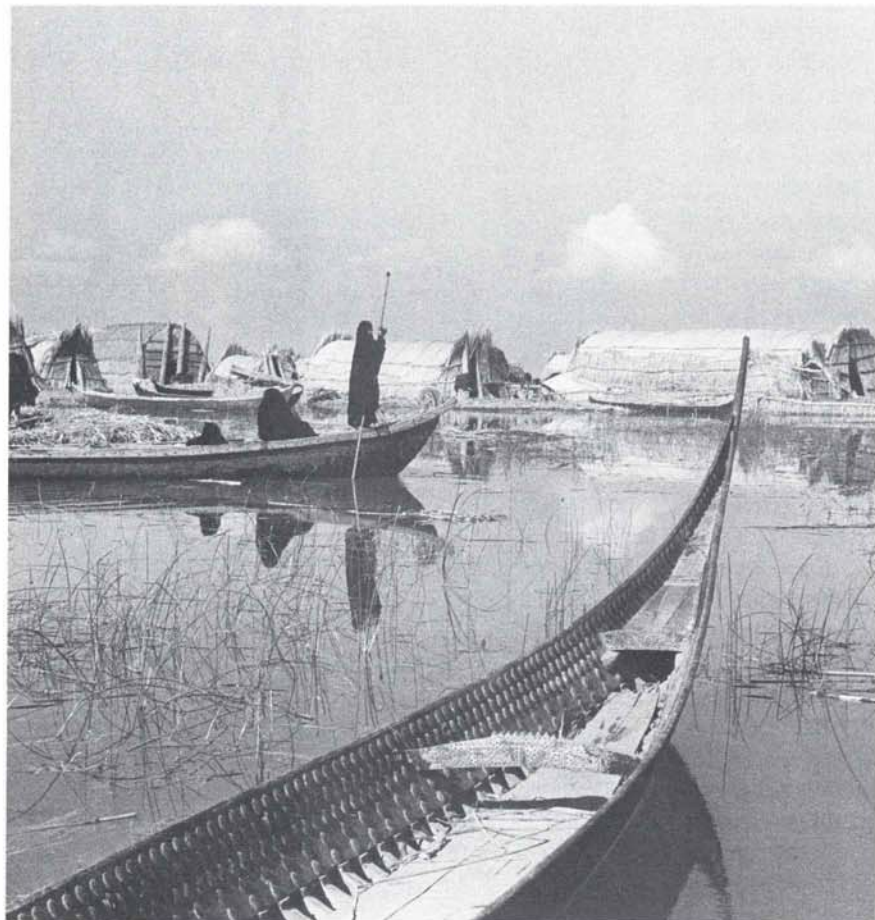
Six months later Thesiger returned to the Marshes to live. Captivated by the wild, free existence of the Marshes, as he had been by a similar life in the Empty Quarter, he wandered through this vast region off and on for seven years, staying first with this tribe, then with that, paddling his long, graceful canoe through narrow canals that curved in an eerie silence among towering reeds, hunting the huge, razor-tusked boars lurking in the reeds by the hundreds, and healing the infections and diseases of the Marsh tribesmen.

It was not a pleasant existence. He was plagued by mosquitoes. He suffered the appalling heat and humidity of the summer. He hunted constantly. He worked unceasing as a doctor. But it was what he wanted—a free life in a land where great beds of huge, pale gold reeds reached up out of calm lakes; where nearly every villager held out a welcoming hand; where ducks and cormorants and herons rose in vast flocks to the skies; where, in sum, a man could be free.

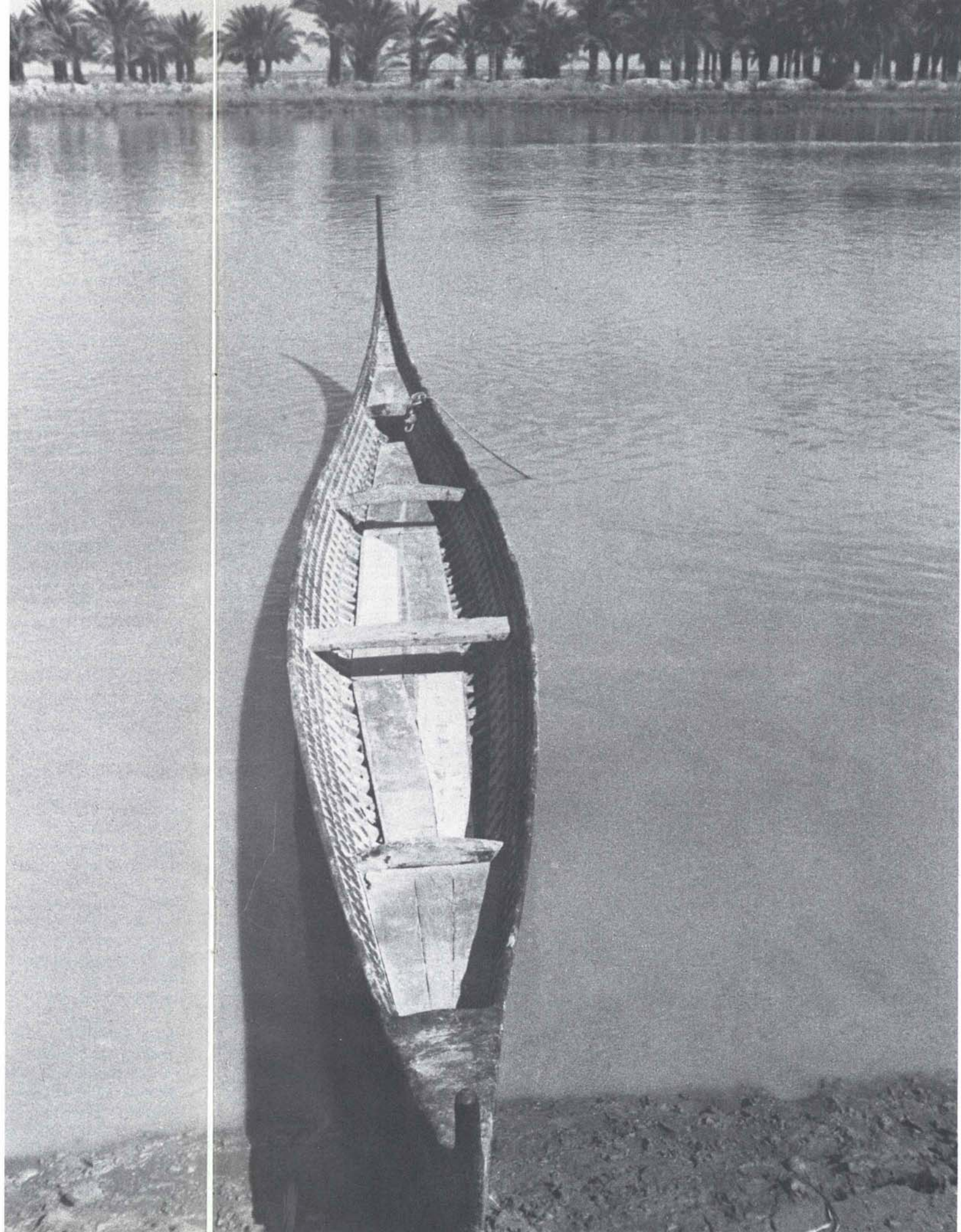
In these years Thesiger made friends and enemies, faced danger, hardship, suffocating heat and shivering cold, and got to know the Marshes as almost no one else ever has. Then one day in 1958 he had to return to Great Britain. He had planned to go back to the Marshes, but in his absence the political situation erupted. When the upheaval ended, he found himself barred from Iraq and the Marshes closed to further visitors. With little chance of ever returning there, he began, reluctantly, to sum up and set down his experiences. The result was the book *The Marsh Arabs*, from which these excerpts and photographs are taken.







*"She was a beautiful craft that could carry as many as twelve people. Thirty-six feet long but only three and a half feet at her widest beam, she was carvel-built, flat-bottomed and covered outside with a smooth coating of bitumen over the wooden planks. The front swept forwards and upwards in a perfect curve to form a long, thin, tapering stem; the stern too rose in a graceful sweep. Two feet of the stern and of the bows were decked; there was a thwart a third of the way forward, and a strengthening beam across the boat two-thirds of the way forward. Movable boards covered the floor. The top part of the ribs was planked along the inside and studded with five rows of flat, round nail-heads two inches across. These decorative nails were the distinguishing mark of a tarada which only a sheikh may own. Years later, in Oslo, I saw the Viking ships preserved there and was at once reminded of the taradas in the Marshes. Both types of craft have the same beautiful simplicity of line."*







*"There were sixty-seven houses scattered about the lagoon, sometimes only a few yards apart. From a distance they appeared to be actually in the water, but in fact each was constructed on a soggy pile of rushes, resembling a giant swan's nest, just large enough for the building and a space in front. Two buffaloes stood before the nearest, water dripping from their black coats... Like those on the mainland, the houses were all made of mats, fastened over an arched framework of qasab. They were open at one end and we could look into them as we paddled past. Some were of a fair size; others were mere shelters..."*

*"The Majar river, a branch of the Tigris, divided below Majar al Kabir into the Adil and the Wadiya, both of which dispersed into the Marshes about eight miles farther down, having by then lost much of their water in irrigation channels. We followed one of these channels until we joined the Adil, on which Majid's village lay..."*

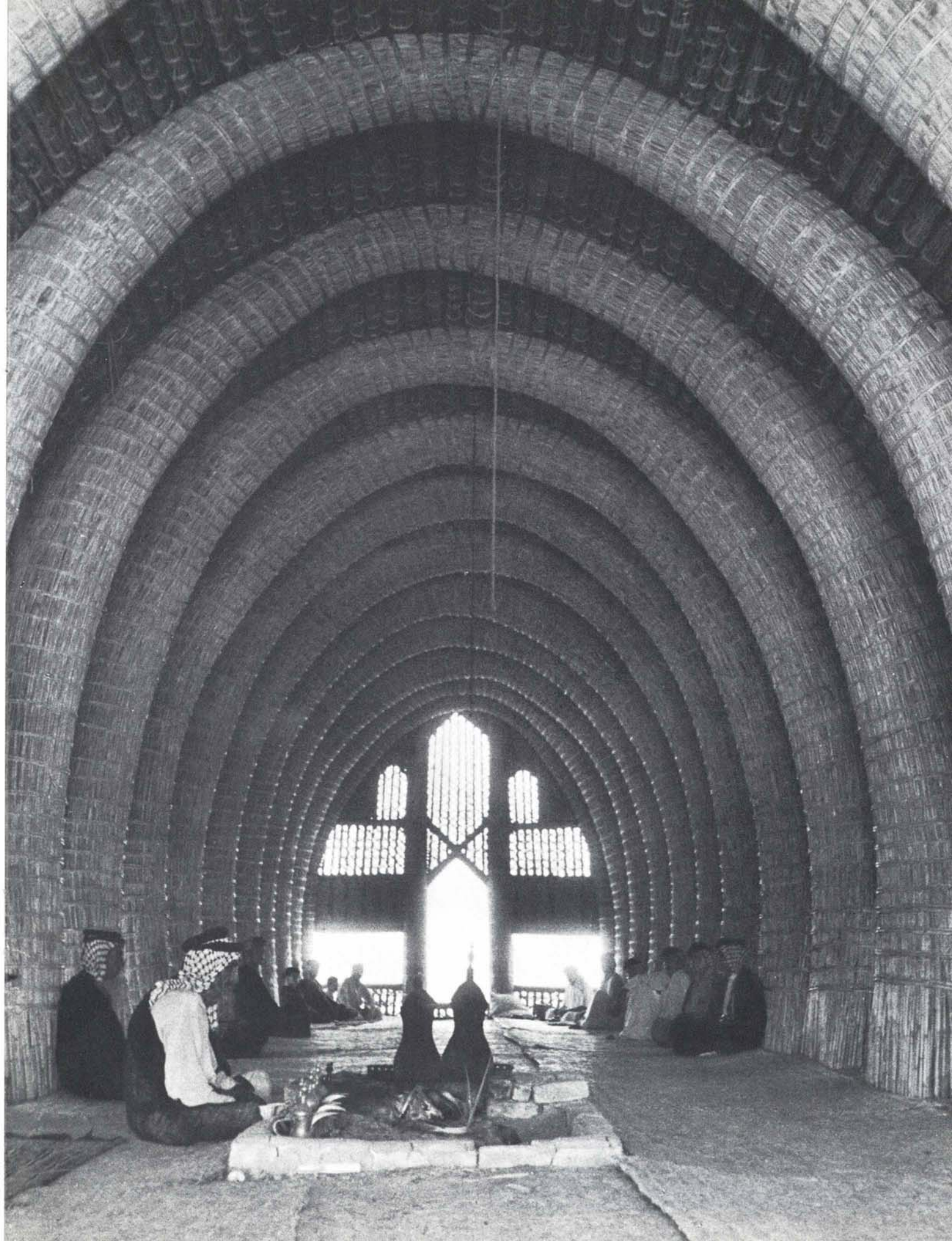




*"The reed bundles to form the arches were planted opposite each other in two rows... A man then climbed onto a reed tripod and, as others pulled the tops within reach, bound them together. When the five arches were in place, the Suaid fastened on the horizontal ribbing, threw the mats, sometimes only a single thickness, over the framework and tied them in position."*



*"Sitting in the Euphrates mudhifs, I always had the impression of being inside a Romanesque or Gothic cathedral, an illusion enhanced by the ribbed roof and the traceried windows at either end, through which bright shafts of light came to penetrate the gloom of the interior. Both on the Euphrates and on the Tigris the mudhifs represented an extraordinary architectural achievement with the simplest possible materials; the effect of enrichment given by the reed patterns, came entirely from functional methods of construction. Historically, too, they were important. Long familiarity with houses such as these may well have given man the idea of imitating their arched form in mud bricks, as the Greeks later perpetuated wooden techniques in stone. Buildings similar to these mudhifs have been part of the scene in Southern Iraq for five thousand years and more. Probably within the next twenty years, certainly within the next fifty, they will have disappeared for ever."*







*"In the Marshes children often fashioned small rafts from bundles of bulrushes, sometimes turning up the end for a prow, and paddled about the villages on these primitive craft. I once saw an interesting type of coracle, called a zaima, on a branch of the Euphrates below Suq ash-Shyukh. Made of qasab (giant reeds) and coated outside with bitumen, it was ten feet long and two and a half feet at its widest. The owner ... demonstrated how to construct one. First he made half a dozen tight bundles of five or six qasab reeds rather longer than the length of the proposed boat, and fastened them securely together side by side to form the keel ... He next bent five long reeds into the shape of a U, passed the middle among the the loose ends of the keel, and laced them back to the keel itself. He repeated the process at either end alternately, until he had built up the sides and ends of the hull. This framework he stiffened by tying into it a number of ribs made from two or three willow wands ... Finally, he wedged three stout sticks across the boat as thwarts and secured their ends in place with lumps of bitumen..."*



*Quotations and photographs are reprinted from the book, 'The Marsh Arabs,' by Wilfred Thesiger, published by Longmans Green, London. Copyright © 1964 by Wilfred Thesiger. All rights reserved.*

*"Four years later, at the height of the floods, I happened to be crossing a great sheet of flood water, twelve miles wide and six feet deep, that covered the desert along the western edge of the Marshes... Ahead I could just discern a line of palms, perhaps six miles away, marking the village for which we were bound. Behind us, the reedbeds were no longer in sight ... By the time we reached the village large waves were breaking on the shore, and the palm trees were bending to the force of the gale."*



# In the World's Oil Derby...

Illustrations by Brian Smith



## The Middle East holds its own

BY KEITH CARMICHAEL



In the last 20 years oil production in the free world has taken on the color, pace and excitement of a steeplechase. The hurdles are high, the purses are large, and the odds are changing quickly.

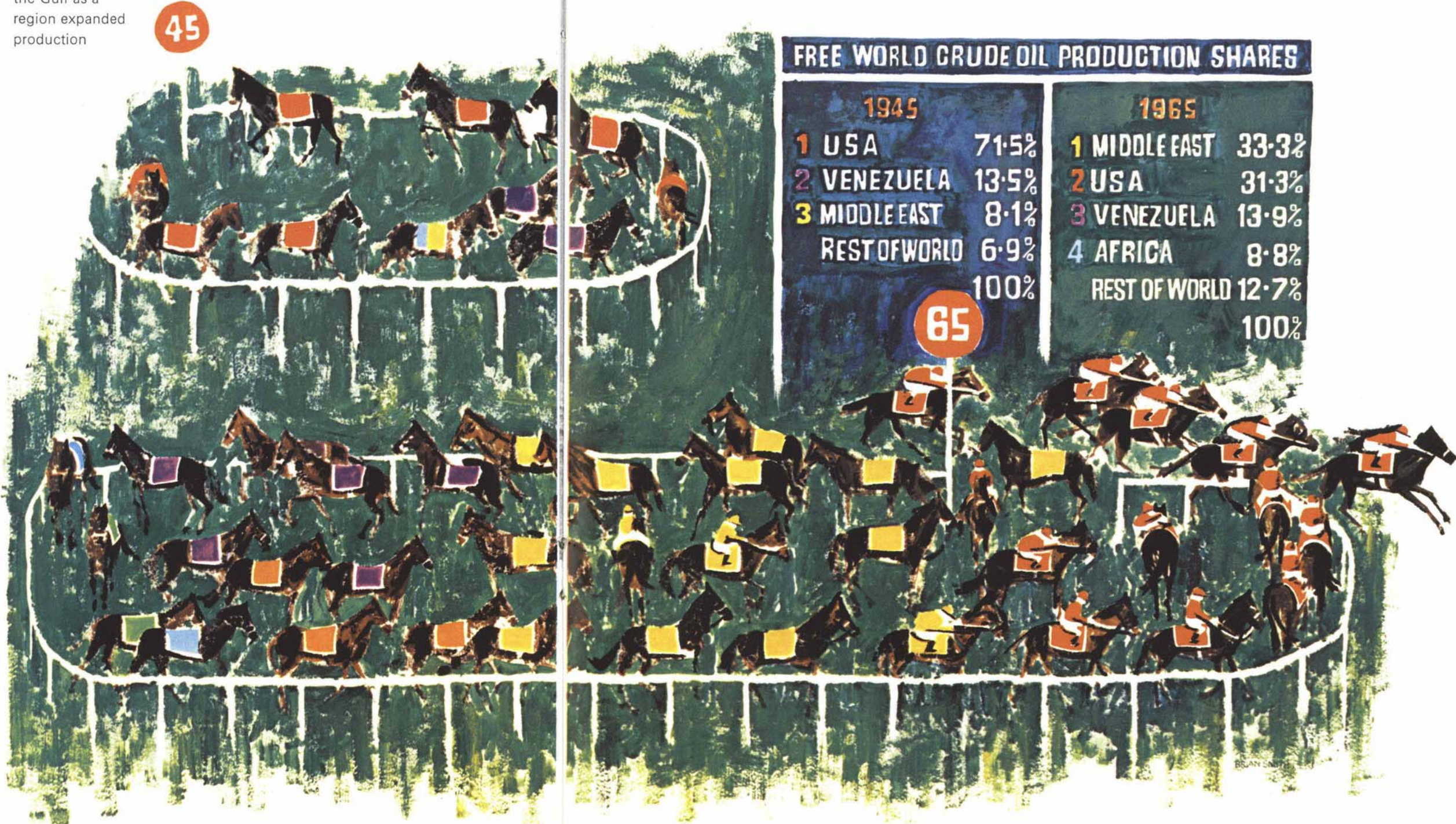
Up to World War II the United States and Venezuela were inevitably the favorites to win any production race. They had, to push the metaphor further, the inside track. But today new entries, all champing at the bit, are moving up fast and it looks as if they'll be in the running right down to the wire—whenever and wherever that may be. If so, the Middle East will be neck and neck with the winners.

To the late United States geologist E. I. DeGolyer this would have been no surprise. In the midst of World War II, Mr. DeGolyer, despite the uncertainties of the period, advised the U.S. Government that the center of gravity in the world's oil production would shift gradually from what he called the North American-Caribbean area to the Middle East-Arabian Gulf area. His prediction caused a stir, but most economic seers were skeptical—and not without reason. Few of them, if any, imagined that the free world crude oil production would increase nearly four times between 1945 and 1965. And the United States at that point—1945—was, by a large margin, the leading producer of oil in the world and Venezuela was the dominant exporter. Between them they met about 85 per cent of the world's needs. And although oil had been known in the Arabian Gulf as long ago as 4000 B.C. and had been discovered in recoverable quantities in Iran (1908), Iraq (1923), Bahrain (1932), Saudi Arabia (1937), Kuwait (1938) and Qatar (1940), only four of the strikes had been developed. Other than trickles from Saudi Arabia and Bahrain, production in the southern littoral of the Gulf was not only in its infancy but, because of the war, at a virtual standstill. In 1945 the Gulf region as a whole produced less than one-tenth of the crude oil in the free world.

Five years later, however, Mr. DeGolyer's prediction didn't seem quite as improbable. Spurred on by massive investments in exploration, pipelines and

shipping terminals, the Middle East had begun to stretch its legs. New wells in Kuwait (1946), Turkey (1948) and Qatar (1948) had gone on stream. Production in Iran had increased so fast that the country was already the second largest exporter in the free world and the largest in the Gulf region.

The next 10 years—in what one oil magazine labeled the "fighting fifties"—were even more interesting. Despite a serious drop in output when Iran got caught on the hurdle of nationalization, the Gulf as a region expanded production





at an impressive rate. Kuwait soon took over Iran's place as the primary crude oil exporter of the Gulf and Saudi Arabia moved up to second place. After a slow start in 1954 even the Neutral Zone became a significant producer. By 1955 the Gulf countries together were producing more than a quarter of the crude oil for the free world—even though the free world's total had doubled—and by 1960 the North American-Caribbean area's share in production had fallen from nearly 90 per cent to just over 60 per cent.

In the meantime, the new entries in the production race were themselves being challenged—internally as well as externally. Twenty years ago the Arabian Gulf was roughly divided into huge blanket concessions—most of which had been awarded to the world's major oil companies. Today there is a patchwork of concessions held by smaller independent companies. These companies have been especially active in the Neutral Zone and offshore in the Gulf. Some have been successful, some not; but overall, their new discoveries helped to expand the Gulf output of crude oil. Tiny

Abu Dhabi, for example, the largest of the Trucial Oman states, did not enter the race until 1962, yet by 1965 had shot up to sixth place. In that year Abu Dhabi together with Qatar, Bahrain and the Neutral Zone produced more than a tenth of the Gulf total.

Outside the Middle East the new entries wore gay silks adorned with such colorful names as "Nglobo-Semanggi-Benjusaan," "Kotobatak," "Teluga Said," all fields in Indonesia, and "Moonie" and "Sunny Bank," in Australia. But with Indonesia more or less permanently in eighth place as a producer—tenth in 1965—and Australia still relatively slow, the real challenge of the 1960's came from North Africa and Nigeria.

Concerning the upsurge of production in the Middle East there was at least one expert—Mr. DeGolyer—who anticipated it. But no one was wholly prepared for the dynamic developments in North Africa. There, in 1958, from fields whose names ring with Beau Geste romanticism—El Gassi, Eladeb Larache—new wells in the Algerian Sahara began to pour petroleum into Europe. Not long after,

Libya joined the race and soon earned the title of oil's "hot spot" in North Africa. Although starting three years later than Algeria, Libyan production shot up like a jet on a short runway. Libya's average annual increase in a four-year period was 40 per cent and last year—while Algeria was hobbled with a shortage of pipelines—it took the lead. In total production the Algerian Sahara and Libya together are still much less prolific than the Middle East countries as a whole, but they have, nevertheless, achieved a staggering record—a combined increase of nearly 30 per cent each year. Whereas they produced a meager one per cent of the free world's production in 1960, their joint share of production by the end of 1965 was seven per cent, and Libya alone was crowding Iraq for sixth place as a producing country.

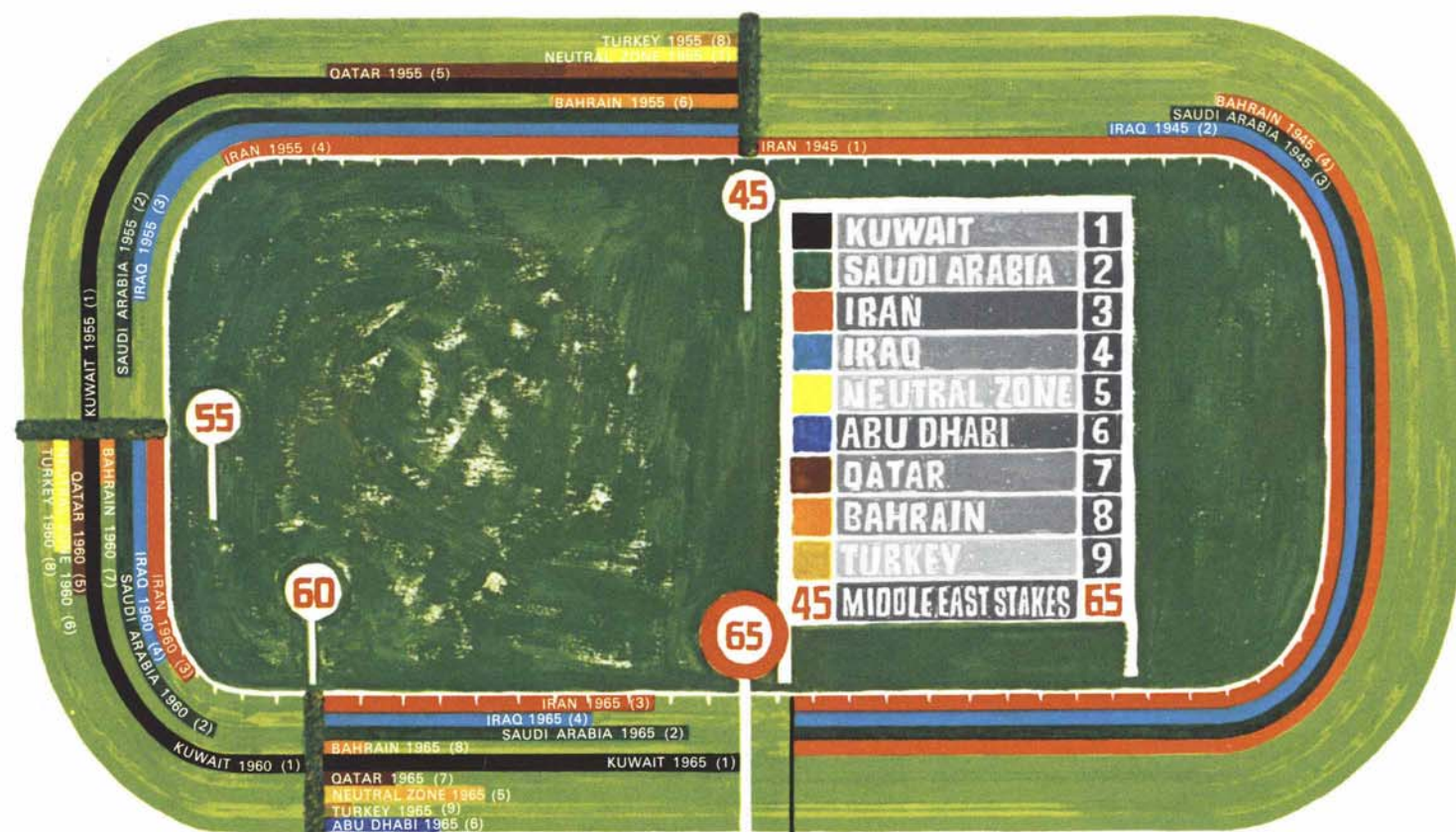
In West Africa, meanwhile, fields like Nun River and Rembo Kott in Nigeria had also begun to produce black gold at a devastating pace. With a 145 per cent increase in 1965 over 1964, Nigeria showed the greatest growth rate of the free world and was hailed by one publication as the "top newsmaker in oil circles in 1965." Furthermore, Nigeria has, according to another source, "a future... that many would envy." When explorations are finished in such a place as the volcanic island of Fernando Poo in Spanish Guinea, there may be an even richer treasure house to dip into.

Despite this mercurial pace, and despite the vigor of Algeria, Libya, Nigeria, and, most recently, Canada, the only significant challenge to the favorites—at least during 1965's derby—has come from the Middle East. It is true that Africa, for example, had the biggest growth in free world production in 1965, yet its total production for that year was less than a third the Arabian Gulf's total. The newcomers never even got to within shouting distance of the United States. And Venezuela remained, by several lengths, the second largest producing country and the largest national exporter even though failing to recover from a serious loss of European shipments in 1964.

The Middle East, on the other hand, has been gaining ground year after year. From 1962 to 1965 the Gulf's output rose nine per cent each year—in contrast to the annual average of less than eight per cent for the free world as a whole—and in the last 20 years has increased 14 times. In 1965 the combined production and export of Saudi Arabia and Kuwait, the Gulf's two star performers, exceeded that of Venezuela for the first time by a significant amount. For the first time, too, Saudi Arabia and Kuwait achieved a production average of two million barrels a day. An even more impressive triumph was recorded when the Gulf countries as a group produced more than the United States—the first time in history U.S. oil production was ever exceeded.

With 1966 figures incomplete it remains to be seen whether any of the contenders maintain the same thundering pace this year as in 1965, but few would argue that right now the odds on the Middle East are good. Although the United States is still the main producer of oil in the world and Venezuela is still second, the countries strung out behind them were all from the Middle East: Kuwait, third; Saudi Arabia, fourth; Iran, fifth; and Iraq, sixth. As to the future, the Middle East's proved reserves are not only the largest in any oil region in the world, North Africa excluded, but also represent 70 per cent of the free world's total. The area as a whole contains more than six times the crude reserves of the U.S.A. and has a much lower withdrawal rate. Active exploration, moreover, is constantly adding to the total reserves. The Middle East, in short, looks like a good bet now or anytime.

*Keith Carmichael is a graduate of Oxford, where he studied philosophy and economics, and an author who has published one novel and numerous articles and is under contract with Penguin Books to write a book on marketing. He is now driving around the world studying ancient trade routes and gathering material for a new book.*







# SHARI'AH Law of Islam

BY GEORGE M. BAROODY

In a hot crowded courtroom in the Saudi Arabian oil town of Abqaiq, the defendant and the plaintiff stood before the Qadhi—the judge—waiting for the trial to continue. The defendant, an American employee of the Arabian American Oil Company (Aramco), was plainly nervous. He was on trial in a foreign court, whose laws and procedures were a total mystery to him, and he was accused of a serious matter: assaulting and slandering the plaintiff, a Saudi Arab co-worker. He had denied the charge but if found guilty he might be jailed or he might be deported, thus losing a job he had held for years.

"To prove your claim under our law," the Qadhi was saying to the plaintiff, "you are required to present two witnesses to testify to the truth of your complaint. You have presented one witness. Do you have a second?"

The plaintiff said he did not. "Then you have one right left to you," the Qadhi said. "You may demand the oath."

"I demand the oath," said the plaintiff.

The defendant turned to the Aramco lawyer representing him and whispered: "What is the oath?"

The lawyer hesitated, wondering if, in just few seconds, he could adequately explain this ancient, solemn cornerstone of Shari'ah law. "It's like this," he said finally. "To a Muslim, lying under oath is one of the most serious sins that a man can commit. So he is asking you to swear that you are innocent. If you do *not* take the oath you will be immediately found guilty. But if you do, *it must be the truth.*"

The defendant quickly decided. "I'll take the oath," he said.

A moment later, in English, he repeated after the Qadhi the oath prescribed for Christians:

*"I (defendant's name) in the Name of God Who gave Jesus, Son of Mary, the Holy Bible and with His Will made Him cure the sick, the leper, and the deaf, swear that I did not kick (plaintiff's name) in the right leg nor did I call him the son of a bastard."*

As soon as he finished the oath the American was adjudged not guilty and released—freed by an unusual aspect of an unusual system of law, the noble Shari'ah, a code of law that has guided Muslim courts for 1,300 years.

The Shari'ah, which means "the clear path to be followed," is the all-encompassing law of Islam. In Saudi Arabia which, with the exception of Yemen, is the only country left in the world to base its system of law on pure Shari'ah, there is also a second part to the law—regulations called the *Nizam*—but the Shari'ah with roots deep in divine revelation, is paramount.

There are four sources for Shari'ah law. The first of course, is the Koran, the "recitation" of God's own words by the angel Gabriel to Muhammad, the last of the prophets. The second is the *Sunna*, a record of the Prophet's deeds, utterances and of his unspoken approval and disapproval in given situations. The two other sources are *Ijma'* and *Qiyas*. *Ijma'* consists of the consensus of scholars on particular problems whose solutions are not directly found in either the Koran or *Sunna*. They are solutions deduced from the Koran and validated by the tradition which says, "My people

are never unanimously in error." *Qiyas*, whose root meaning in Arabic is "measuring" or "comparing," stands for reasoning by analogy which in effect permits the principles established by the Koran, *Sunna* and *Ijma'* to be extended and applied to problems not covered by the other sources.

To an American lawyer, such a system inevitably seemed awkward. I even questioned if it were operable. But not long after starting practice I saw a dramatic example of how the thinking of the Prophet can still inspire and effectively guide today's Qadhis. In the beginning of 1955 the American doctors in the company's hospital sought legal counsel in resolving a difficult problem: the propriety under the Shari'ah of performing surgery on the yet unborn but lifeless child of a Muslim woman. Because of the Islamic tenet that the dead body of a Muslim must not be violated in any way, Aramco doctors feared that legal liability would be incurred if the surgery were performed. On the other hand, if the operation were not performed, the mother might die. I discussed the matter with the then Chief Qadhi of the Shari'ah Court of Dhahran, where Aramco's headquarters is located. After listening to the problem and meditating a few moments, the Chief Qadhi stated he wished to tell of an incident in the life of the Prophet.

"During the time of the Prophet," the Qadhi began, "there was a man wandering in the desert. He was very ill and as it was very cold and he was lightly clad, he realized that unless he could get warm soon, he

## from the teachings of Muhammad, a code of justice 1,300 years old...

would die. The wanderer came upon the body of a Muslim, apparently the victim of robbers. The body was warmly clothed. He removed the clothes from the dead man, leaving the naked corpse fully exposed and unburied, and put them on. His life was saved.

"Later, however, the man came to a village where the Prophet was staying. Realizing that he had not shown proper respect for the dead, he sought out the Prophet and confessed. The Prophet told him that as long as what he had done was necessary to save his own life, and that as long as the person whose clothing he had stolen and whose body he had left naked and unburied was already dead, he had, in the eyes of God, committed no wrong."

Having finished the story, the Chief Qadhi said to me, "Go back and tell your American doctors that if the surgery they must perform on the unborn child is necessary to save the life of the mother, and if the unborn child is already dead, they need have no fear of violating the Shari'ah."

Life today necessarily involves many activities which did not even exist at the time of the Prophet, and with which the Shari'ah did not specifically concern itself. These modern exigencies are covered by the "Regulations"—the *Nizam*. These are statutory codes promulgated by the head of State under authority





His Reverence Shaikh Uthman ibn Ibrahim al-Huqail, Chief Qadhi of the Eastern Province.

granted by the Shari'ah to do what he deems necessary for the best interests and welfare of the people and their country. They are intended to implement the general principles of the Shari'ah. This part of the law, then, is born from practical necessity. Under it fall motor vehicle regulations, airport regulations, customs regulations, company regulations, labor regulations and so on. In this way, the Shari'ah enables an Islamic State to provide the governmental guidance required for a developing industrial and technological society.



In the small courtroom the Qadhi presides at the opening of a trial.

The test of all law, of course, is how it is administered in the courtroom. And it is here, in the Shari'ah courtroom, that an American lawyer begins to see that although there are enormous differences in concept and procedure there are also striking—and important—similarities. For one thing the Shari'ah law, like American law, assumes that a man is innocent until proven guilty. For another, the burden of proof falls upon the plaintiff. Also there is a sophisticated system of appeals under which the record of trials must, when required, be reviewed by a Board of Review consisting of three Qadhis and a Chairman and then by the Grand Mufti. Shari'ah Courts also assume that all men are equals. This is symbolized by a seat located just in front of the elevated desk that the Qadhi occupies. The seat has room for just two people, the plaintiff and the defendant, and they must sit there side by side while their case is being heard.

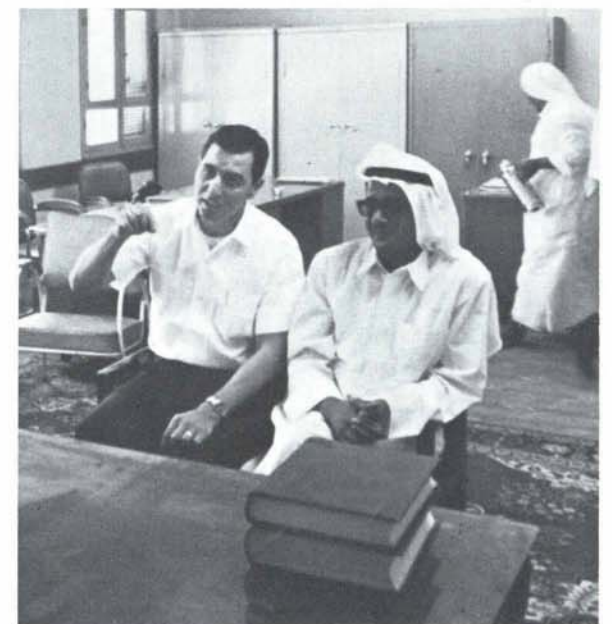
In a Shari'ah court the Qadhi is the central figure. In some instances there may be a Junior Qadhi assisting him, but there are no juries. As an American lawyer, I was at first surprised by the absolute control which the Qadhi maintains over the proceedings before him and by the large discretionary authority at his command. In marked contrast to the more neutral role that a United States trial judge plays, the Qadhi actively participates in the case. Since his role is not to arbitrate, but to actively seek the truth to procure justice, he questions both parties and all witnesses at will. He even concludes cases by convincing the parties to settle their differences by the honorable method of *sulh*, or compromise, usually on the basis he recommends, when he is in doubt as to which party is in the right.

Because of this active approach, and because of the absence of a jury, the outcome of a Shari'ah trial rarely hinges on the dramatics or the adroitness of opposing attorneys, as is so often the case in United

States jury trials. In fact until we Shari'ah-trained American lawyers made our appearance there were, in Shari'ah courts, no lawyers in the Western sense, although the parties could be and often were represented by agents experienced in court work.

The usual criminal case under Shari'ah procedure has its beginnings with a complaint made to the local Police Department. (Civil actions are brought directly to the Shari'ah court.) The police obtain statements from the accused and the accuser, interrogate possible witnesses and, unless a serious crime is involved, usually place the accused under bond. That means someone must sign a written guarantee to produce the accused upon the demand of the police. If he should fail to do so, the guarantor or bondsman would suffer serious consequences—including imprisonment if the accused is found guilty. (This is a stern requirement, in contrast to the United States where the bondsman merely pays the amount of the bond. Because it applies to all persons, national and foreign, residing in Saudi Arabia, the duties of Aramco's Government Relations representatives in each district include the signing of these "personal appearance" bonds. Otherwise an employee might be unable to find someone to stand bond for him and might be imprisoned until his trial.)

Two types of actions may be brought before the Shari'ah Court—a Public Right action and a Private Right action. The former involves the right pursued by the State for violation of the public law. It is analogous to a criminal action under Anglo-American jurisprudence. Although there is no District Attorney in the American sense, the government is represented in Court by a member of the police force who is known as the Public Prosecutor. The Private Right action, similar to an American civil action, enables an individual to seek redress in court. Many cases naturally may involve both rights, and the same trial can deal with both. An example is the motor vehicle accident. Not only would there be the Private Right to recover losses resulting from damage to property and injury to the person, but also the government would seek



Attorney George M. Baroody argues a point on behalf of his client.



In the United States a judge is called "Your Honor." In Saudi Arabia he is called "Your Reverence" and the difference is significant.

A judge—more properly, Qadhi—in Saudi Arabia is more than a judge. He is also a religious leader, who leads prayers in the mosque, delivers sermons, advises the Amir of his area on religious matters and hands down fatwas (legal opinions) on matters referred to him. This is at once logical and necessary since the law in Saudi Arabia is rooted in the religious teachings of the Prophet, Muhammad.

Because of this, the training of a Qadhi is essentially religious. Instead of attending the standard secondary school he goes to one of the Kingdom's 30 preparatory religious schools for five years. After that he attends one of the two Shari'ah Colleges, one in Riyadh, one in Mecca where, for four years, he concentrates almost exclusively on those subjects which will fit him to be a Qadhi. During this time he is under observation with regard to his conduct, piety and general attitude toward religion.

The Qadhis are selected personally by the Chief Qadhi and Grand Mufti of Saudi Arabia, Shaikh Muhammad ibn Ibrahim Al al-Shaikh, and if he is not satisfied, the candidate might be moved into a religious institute or a school, as a teacher, or into government work where his education will be of value.

Those who are appointed begin their duties at once, but as apprentices, not as Qadhis. This is a remnant of the time when Qadhis, some of whom still hold office today, did not attend a Shari'ah College but studied under other Qadhis—rather like the old system in the United States when law clerks "read law" under an established lawyer in order to become lawyers themselves.

The concept of the Qadhi, like the law he administers, has its beginnings in early Islam, but the form and the administration of today's Shari'ah Court was established by the House of Sa'ud after the great Abd al-'Aziz won control of and unified Saudi Arabia during the first quarter of this century.

New regulations were issued October 14, 1952, outlining procedures and describing the powers and duties of all court personnel. In 1965 the Saudi Arab Government took an even more significant step forward. It established, by Royal Decree, a Higher Juridical Institute, which will offer three extra years of study to Shari'ah College graduates, and permit religious leaders to study the religious problems facing the Kingdom because of progress and to recommend how these problems might be solved. The institute is to be staffed by the most highly qualified religious professors available and recruited not only from Saudi Arabia but from other Islamic countries as well.

under the Public Right to punish the one who caused the accident in violation of the Motor Vehicle Regulations.

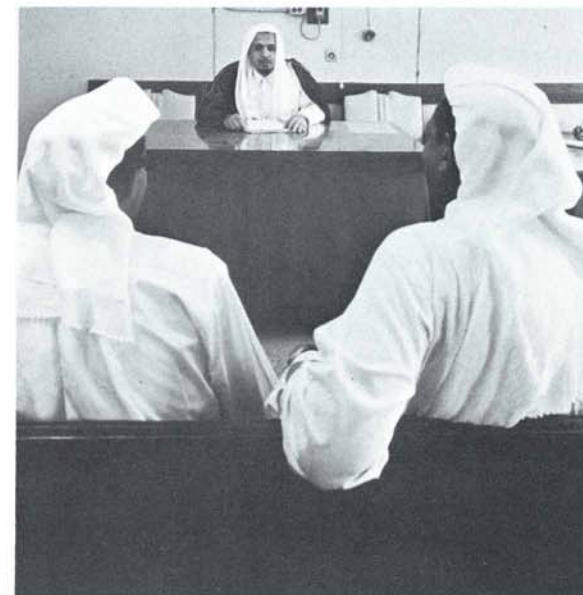
When a Qadhi has before him a case involving both rights, he will hand down a decision determining fault and will prescribe the amount of compensatory damages to be paid under the Private Right to the wronged party, and he will define the punishment to be imposed under the Public Right. However, if the case concerns a motor vehicle accident, the Qadhi will not prescribe punishment since the application of regulations, i.e. Motor Vehicle Regulations, is involved. This power rests exclusively with designated government authorities. Recommendations are made by the police who review the case file after the Qadhi has rendered his decision. They determine what regulations have been violated and the punishment prescribed therefor under them. However, the Qadhi is free to recommend clemency in any case brought before him. When the crime committed is among those for which the punishment has been specifically defined by God (the *hadd* punishments designated for the crimes (1) adultery, (2) false accusation of adultery, (3) intoxication, (4) theft, and (5) highway robbery), the Qadhi will pronounce such punishment, which will be executed by order of the Governor of the Province.

One of the major differences between Shari'ah law and Anglo-American jurisprudence concerns evidence. As I said earlier, a man is innocent until proven guilty, and the burden of proof is on the plaintiff—as in the case of the American charged with assault and slander. But the basic evidentiary requirement, usually, is that a claim must be established by the testimony of two witnesses. In some cases, the Qadhi can accept the testimony of one witness plus the plaintiff's oath. There are also cases in which the Qadhi will accept the testimony of a single witness only. Here the Qadhi is willing, in his discretion, to decide a case and impose punishment on the basis of *Tumah*, a "strong suspicion" that the alleged offenses have been committed.

This—in the eyes of an American lawyer—is a difficult burden, since it would be a rare person who could insure the presence of one or two other human beings at all times. Such a requirement, of course, does not exist in United States courts, where, simply put, the jury decides which side it will believe. This "two eyewitness rule" has always appeared to me as representing one of the largest differences between the Saudi Arab and the American legal systems. Still, reliance on circumstantial and other evidence is a well-known principle in Islamic jurisprudence and is applied in many cases, particularly criminal actions.

The Shari'ah has built-in safeguards against witnesses who would tend to commit perjury. First, the Qadhi must be satisfied with the integrity of the two witnesses. If he is not, character witnesses acceptable to him must testify that the direct witnesses are men of repute. In this way His Reverence can determine whether the witness is a pious Muslim and thus, whether his word can be accepted. I have seen several cases turn on this point.

Another safeguard is that each party may cross-examine the other party and his witnesses. This must



To symbolize their equality, defendant, plaintiff must share same bench.

be accomplished, however, by first putting the question to the Qadhi for his approval. (This, again, exemplifies the degree of control exercised over the case by the Qadhi.) In carrying out cross-examination, I have at times followed the practice, permissible upon request to the Qadhi, of having all potential witnesses for the opposing party leave the courtroom while I cross-examine another witness. This has been fruitful in producing inconsistencies among the statements of those who should not have appeared as witnesses. A third safeguard is the stipulation in the Shari'ah that if a potential witness has any interests in the case which are adverse to the person against whom he is to testify, he will be deemed a prejudicial witness and automatically dismissed. There is also a fourth, highly persuasive, safeguard. Perjury, when proven to the satisfaction of the Qadhi, is punishable by imprisonment or lashing, or both.

Another interesting device in the Shari'ah—in the absence of any evidence before the Qadhi—is the right of the plaintiff to demand the oath from the defendant. As the American involved in the case cited earlier learned, the Shari'ah specifies separate oaths for Muslims, Christians and Jews (Islamic jurisprudence gives the name of *dhimmi*s to Christians and Jews, who are also known as "People of the Book" as followers of religions which Islam considered revealed, and thus were accorded certain rights by the Muslim authorities under whose jurisdiction they lived), but the basis is the same: a belief that no one will consciously lie under oath.

To the perhaps more cynically inclined Western mind, the oath might seem to be the weak spot in Shari'ah Law. Would a man faced with a financial judgment or perhaps prison really hesitate to lie when that lie could get him off? I wondered about it the first time I saw a defendant taking the oath after my client demanded it. Later I discussed it with the Qadhi. "Neither you nor I know whether the defendant committed the offense or not," the Qadhi said. "But he knows and if he lied under oath he will have it on his conscience for the rest of his life."

"Furthermore," he added, "God knows and so He will take care of the matter after the defendant leaves this earthly life."

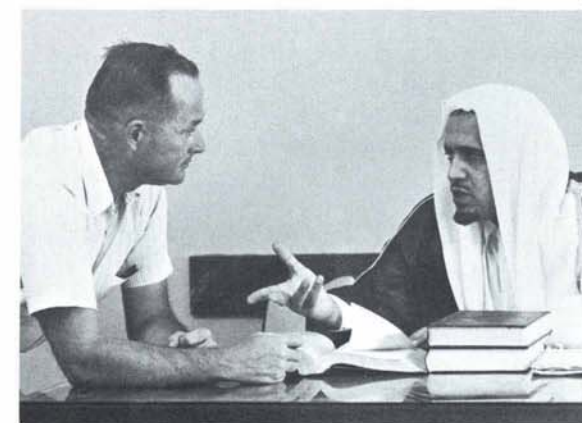
It was a moving testimony to the Qadhi's faith and one I was to remember later, when I was handling a serious case that eventually was to hinge on this very question.

One night, while patrolling the housing area in Dhahran where many of the company's Christian houseboys lived, a policeman allegedly entered one of the rooms occupied by three Christian Goanese houseboys and accused them of gambling. The frightened houseboys fled, and the policeman apparently struck one of them on the head with a sharp-pointed knob at the end of a walking stick, knocking him unconscious and leaving him partially paralyzed. The victim's two companions, the only witnesses to the crime, were terrified to speak out against a policeman and refused to either identify the assailant or testify in court. But we were able to learn the identity of the policeman through other means, and brought a charge against him in the Dhahran Sahri'ah Court—in itself a somewhat unusual procedure—and the Qadhi scheduled it for trial.

At the trial, the defendant alleged that the injury resulted from the plaintiff striking his head on the round doorknob of the door of the room as he attempted to flee. To counter this, I asked the then Chief Qadhi to allow me to bring into the court the X-ray plates taken of the victim's skull and the appropriate equipment to display them, along with a qualified Arabic-speaking doctor to explain the plates to His Reverence. This, I pleaded, would establish that the type of wound inflicted in the plaintiff's head could not have resulted from the spherical surface of a doorknob. It was an unusual request since I was quite sure that such scientific evidence was as yet unknown to the Qadhi.

The Qadhi, however, indicated his willingness to at least look at the X-ray plates. After studying the plates and listening carefully to the Arab doctor's explanation, the Chief Qadhi ruled that the wedge-shaped wound in the plaintiff's skull could not have been caused by the round surface of a doorknob, but was probably inflicted by the pointed end of the stick admittedly carried by the defendant. (The testimony of handwriting experts and of fingerprint experts is now also accepted in the Shari'ah Courts in Saudi Arabia.)

Refuting the defendant's allegation about the cause of injury, however, did not end the trial. We still had to establish our claim and since the other houseboys



The Qadhi explains a Koranic reference to Attorney William H. Tewell.



still refused to testify, the only right left to us was to demand the oath from the defendant, which we did.

The policeman, enraged, came to his feet. "They are Christians!" he shouted angrily. "They do not have the right to demand the oath from a Muslim!"

His Reverence, the Qadhi, held up a calming hand and quietly corrected him. "This is not so. The plaintiff may demand the oath and does demand the oath and you must decide if you will take it."

It was not an enviable position for the policeman. If he did not take the oath he would be found guilty and might be sentenced to six months in prison. He might even be lashed. But the only alternative was equally repugnant: to lie under the oath. The Qadhi, realizing this, lectured the policeman on the seriousness of the dilemma and adjourned the trial to give him time to think it through. The following day the Qadhi, in the presence of two witnesses from the Governor's office, asked the defendant to take the oath. The defendant refused. Again the Qadhi asked him. Again, no. And a third time. Still no. He could not violate his beliefs. He could not lie. Thereupon the Qadhi solemnly judged the policeman guilty of assault against the houseboy.

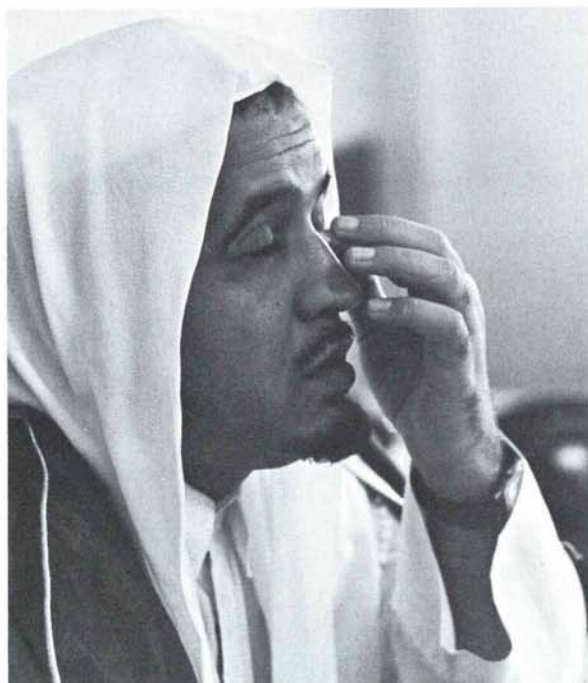
In the meantime, however, he also had to settle the civil aspects of the case. A committee of medical experts was formed by the Qadhi, to appraise the extent of the injury suffered by the plaintiff. Based on their appraisal, the *diyah* (blood money) payable to the plaintiff by the defendant was set at 300 Saudi Riyals (\$67.00). This is one-half of what a Muslim would have gotten and in any case not a great amount compared to awards in tort actions in the United States. But it is a substantial award in Saudi Arabia and quite in keeping with the Shari'ah's prescription that the *diyah* payable for the human life is 100 camels or the equivalent value thereof. Today this value is set in Saudi Arabia at 16,000 Saudi Riyals (\$3,555) for unintentional homicide, and 18,000 Saudi Riyals (\$4,000) for intentional homicide.

With the amount of compensation settled, the Governor of the Eastern Province then ordered the policeman's sentence under the Public Right to be carried out: six month's imprisonment and 80 lashes.

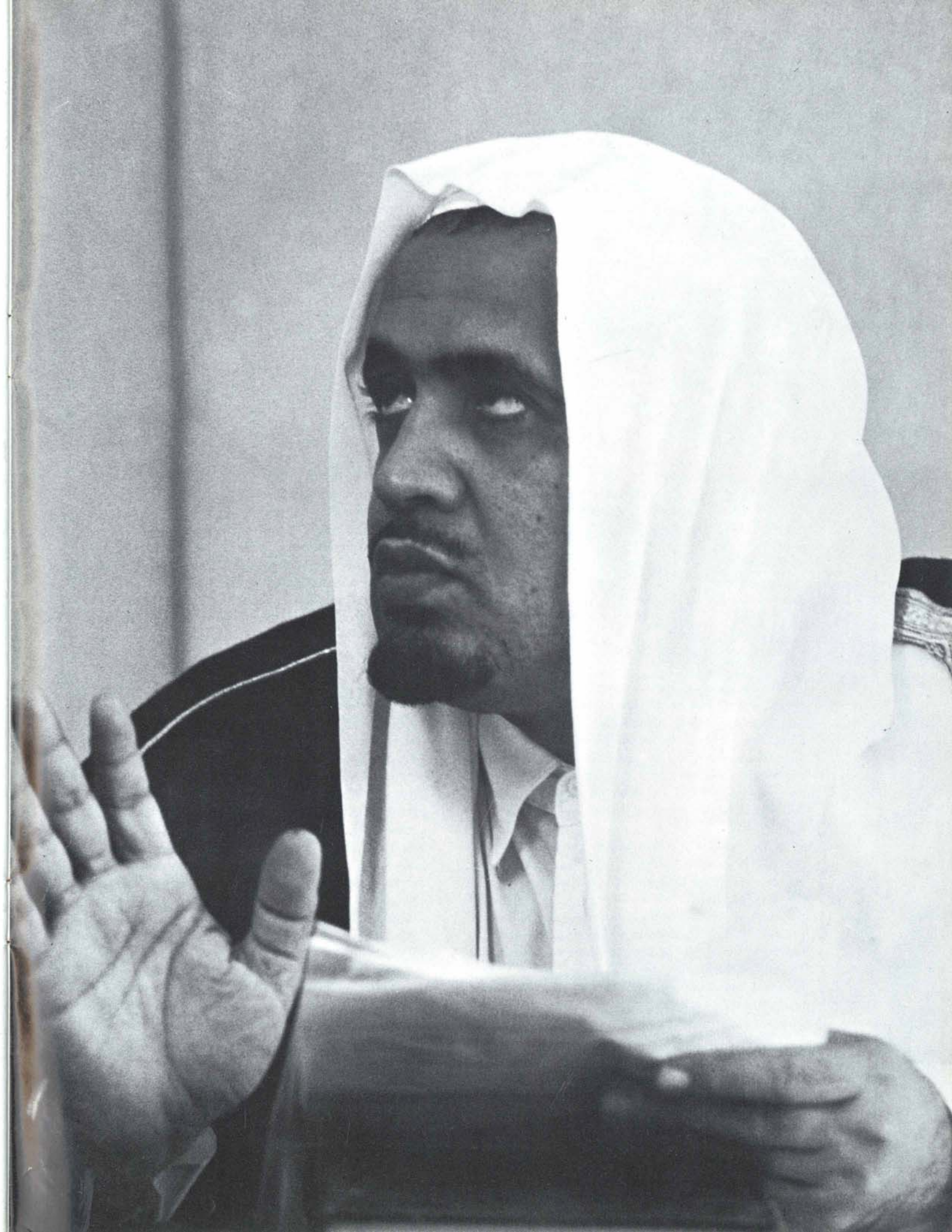
Thus, a humble, uneducated servant, both foreign and Christian, was not only able to challenge a Muslim policeman in court, but was able to win his case without any direct evidence to prove the defendant's guilt—thanks to the wisdom of an enlightened Qadhi and the courage of a policeman who even to avoid severe punishment refused to compromise his beliefs by lying under oath.

Before leaving the subject of oath-taking, an important exception already briefly noted should be explained. Normally it is the defendant who takes the oath and only upon demand from the plaintiff. The exception concerns purely financial claims where the plaintiff may take the oath himself if he has only one witness to offer. His oath is accepted in substitution for the second witness.

The question is often asked whether the Shari'ah and the Regulations apply equally to foreigners and to Saudi Arab nationals. The Shari'ah, of course, applies fully to Muslims whether nationals or foreign-



His Reverence, above, ponders his decision and, right, announces it.





ers, but not to non-Muslims. Obviously, a nonadherent to the Muslim faith is not called upon to observe purely religious duties, such as the so-called "Five Pillars of Islam": (1) recitation of the profession of faith, i.e. "There is no God but God and Muhammad is the Messenger of God;" (2) praying five times a day; (3) the giving of alms; (4) fasting during Ramadan; and (5) performing the pilgrimage to Mecca at least once during his lifetime. The Regulations, on the other hand, as a general rule apply equally and fully to everyone, unless of course stated otherwise in their contents.

This was put to the test several years ago when four houseboys, all Indian, all Christian, were charged with gambling. They had been in the habit of gathering on the porch in front of the door of one of their rooms and playing cards nearly every evening, for some time, but one evening they were arrested and incarcerated. The police charged that gambling was forbidden in the Kingdom on the basis of Sura V, Verse 92 of the Koran, which reads:

"O believers! surely wine and games of chance, and statutes, and the divining arrows, are an abomination of Satan's work! Avoid them, that ye may prosper."

At the trial I argued that since they were not "believers," the prohibition did not apply. "Even assuming the defendants had been gambling," I told the court, "this Koranic prohibition does not apply to them in view of the fact that they are Christians whose own religion does not prohibit them from engaging in gambling for money."

"This is true," the Qadhi answered. "However, the Shari'ah prohibits even Christians from engaging in the prohibited activity in public, or exposing it to Muslims in any way."

Conceding this, I contended that this should not apply to the facts of the case at hand. First, I said, there was no exposure to other Muslims since only Christians lived in the area. Second, since the defendants were sitting on the private porch of their dwelling directly in front of the door of their room, they could not be deemed to be "in public." They were still within the privacy of their home and not in a public place.

After having the police confirm the accuracy of my description of the location of the incident, the Qadhi expressed agreement with my contention. He ruled that the defendants, being Christians, had not violated the Shari'ah. But then the Qadhi went on to advise the police that if a Regulation existed prohibiting gambling by anyone in the Kingdom, this was another matter. In short, he said, the Shari'ah may not apply to non-Muslims, under certain conditions, but the Regulations apply to everyone equally. The police were unable to produce any such Regulation and the defendants were released.

No discussion of Shari'ah Court practice in Saudi Arabia is complete without mention of the peculiar court action called the "personal abuse" case. In the United States, this type of case would rarely be considered important enough to merit a formal complaint, and if raised would be deemed *de minimus* by a court. But in Saudi Arabia cases of "personal

abuse" are treated as serious matters by the Shari'ah Court, and a decision in the plaintiff's favor could result, and has, in deportation if the defendant happened to be a foreigner. Personal abuse cases often stem from the fierce pride of the Saudi Arab, a completely understandable pride in men who for centuries have by sheer courage and determination survived in one of the most hostile deserts in the world. This pride is a precious thing and Saudis will go to extreme length to protect it.

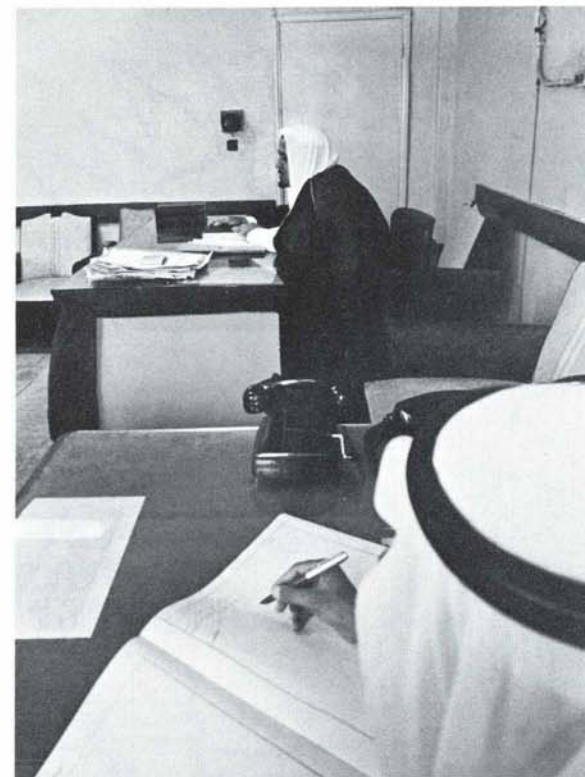
The "abuse" may be physical or verbal. The first of course involves physical contact but only if it is not sufficient to inflict real injury. That would be assault. Some years ago, for example, an American, jokingly but unwisely, pulled the beard of one of his Saudi employees. The Saudi resented the action and brought the American to trial. The American was found guilty and was ordered deported.

During its construction and expansion period after World War II, Aramco employed some 8,000 foreigners—Americans, Italians, Lebanese, Palestinians, Indians, Pakistanis, Goanese—and more than 16,000 Saudi Arabs. Such diverse groups of people naturally were unfamiliar with each other's customs. Misunderstandings were common and many wound up as complaints in court. One Saudi, for example, claimed personal abuse on the grounds that his American supervisor had cursed him and his religion by shouting: "God damn it, Abdulla, you're doing this wrong!" I suggested to the Qadhi that since the neuter "it" was used, no one was insulted. His Reverence agreed and the American got off. If the phrase had been "God damn you"—the American would have been in trouble.

The situation was not helped by the fact that explicit, hard hitting profanity was a quite ordinary part of the daily vocabulary employed by most of the rugged, hard-working American oil field hands. In defending personal abuse cases, American lawyers were constantly frustrated by the difficulty in explaining how casually Americans exchange seemingly horrendous, apparently unforgivable insults. How does one explain in a Shari'ah Court in Saudi Arabia what an oil-rigger really meant when he hollers "b——t?" How does one explain the precise implication of those various, well-known "four letter words?" We turned often to the publication, "A Dictionary of Slang and Unconventional English," for help and even produced it in court several times as evidence, for example, to establish that "b——t," as defined therein, meant simply "nonsense; empty talk; humbugging."

Fortunately, the patient Qadhis usually understood and accepted our embarrassed explanations that no insult was intended to either the Saudi plaintiff, his religion or his country. Later, as time went on, American oil men learned to temper the use of their favorite expressions when instructing Saudi workers, and the workers gradually came to see that the profanity and blasphemy in most instances was meaningless. Since then personal abuse cases have almost vanished.

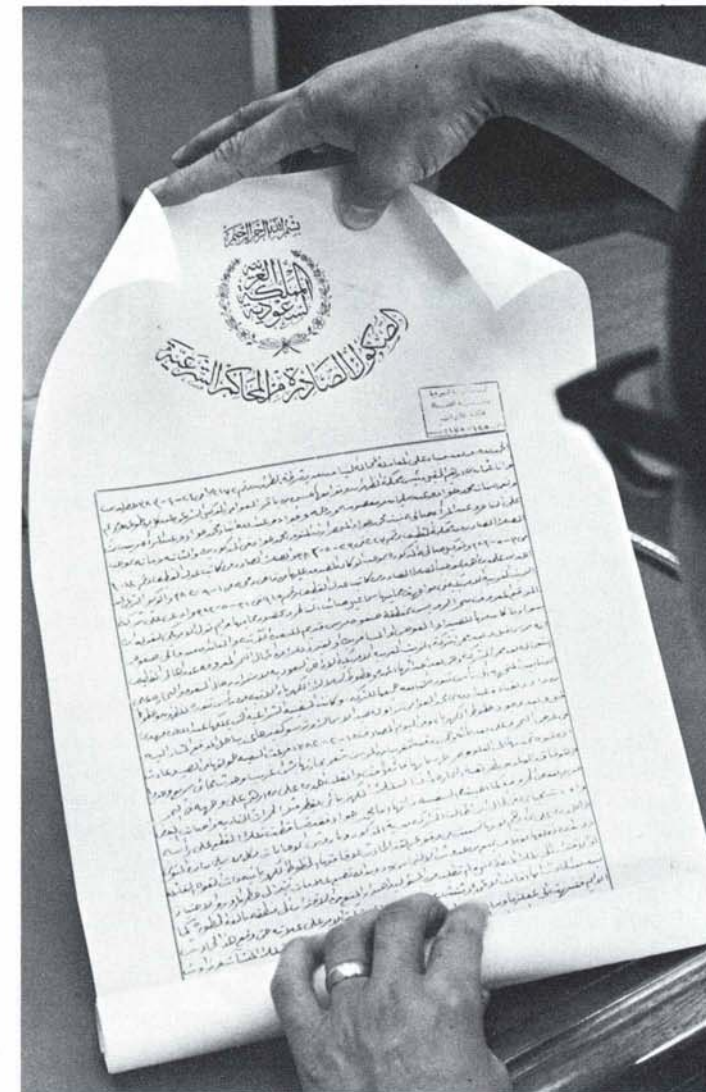
But if the presence of this large contingent of multinational workers created problems it was also one of the main reasons why Americans began to study Shari'ah law in the first place. As the numbers of foreign workers



A clerk of the court enters the Qadhi's decision in the court's records.

began to multiply Aramco came to realize the immense legal difficulties an American corporation might face in running a huge oil operation under a system of law that was almost unique in the world. Thus they began to recruit and train attorneys not only in Shari'ah law, as such, but in the entire meaning of Islam and, of course, in Arabic. Gradually, starting in the 1940's, a small corps of specialists developed. Today Aramco employs, in addition to myself, two men who spent three years at Oxford, two who followed a similar program at the University of London and one who studied at Columbia University. The company also retains a Saudi Arab attorney who studied in Jordan and England and who has opened a law office in the local community—the first step, possibly, in the development of a "bar" in the Eastern province.

For men who had already spent long years in college and law school, it was not easy to add two to three more years of demanding study. On the other hand there were compensations. One was mastering what was, for the Americans, an unusual and challenging subject. Another was the privilege of working with knowledgeable and understanding Qadhis such as Shaikh Uthman ibn Ibrahim al-Huqail, the Chief Qadhi of the Eastern Province. Shaikh Uthman is the man who is in charge of all the other courts in the Province—about 20—with the exception of one in Hofuf. He is also the judge who, as Qadhi of the Shari'ah Court of Dhahran, hears most of the cases involving Aramco or its employees. For the company attorneys Shaikh Uthman was a constant source of help and instruction in the intricacies of the Shari'ah. And lastly there was the compensation of pursuing what is, after all, the main purpose of law whether it emerges from the pronouncements of the Supreme Court or the teachings of an ancient prophet: justice and order for all.



Transcripts of the court's final decision, handwritten on scrolls, go to both parties.

George M. Barody, Senior Counsel in Aramco's Law Department, attended Cornell University, earned a law degree from Cornell Law School and a Master's Degree from the School of Oriental Studies at the American University of Cairo where he translated the book, *Crime and Punishment Under Islamic Law*. He has practiced law in the Shari'ah courts of Saudi Arabia for 14 years.





Drawings by Morag Aboul-Hosn

# Gilgamesh

a king—a hero—a legend—a man

BY MELVIN G. WILLIAMS

Until the last century most of what we knew about ancient history depended on one major textbook: the Bible. And because the Hebrews were the central figures in the Bible, lesser peoples, such as the Assyrians and Babylonians, were no more than dim shadows, seldom rating more than a casual reference as "the enemy abroad." Thus with the defeat of the army of Sennacherib at Jerusalem and the destruction, in 612 B.C., of Assurbanipal's Assyrian capital, most knowledge of the great Mesopotamian civilizations were buried forever. And properly so, thought many whose sympathies were with the prophet Nahum, when he exulted, "Nineveh is laid waste; who shall bemoan her?"

In 1839, Sir Austen Henry Layard, en route to Ceylon, made a side trip to explore some Assyrian ruins. The ruins, it turned out, kept him longer than he expected. He had found the city of Nineveh in which, eventually, were uncovered more than 25,000 clay tablets—the most extensive royal library of the ancient world.

Included in the collection were fragments of all sorts, from hymns and rituals to business records and statutes. The most fascinating discovery was a tablet which recorded the tale of a great flood which had destroyed the world in prehistoric times. The story was strikingly like the account in the Book of Genesis, except that the text was in Assyrian, not Hebrew.

When British scholar George Smith revealed all this in 1873 to the newly formed Society of Biblical Archaeology, he created so much excitement that the London *Daily Telegraph* offered a thousand guineas to finance a search for other tablets in the series, for this one was clearly numbered 11. Archeologists returned to the site and also searched in museums and collections where other clay fragments had been taken. Incredibly, they were able to locate at least major portions of the remaining tablets and

combine them into a literary work that was written more than a thousand years earlier than the *Iliad* or the *Odyssey*: the epic of Gilgamesh.

The flood story itself is only a small part of the work and is not really a part of the original at all. Instead, the original concentrates on Gilgamesh, a legendary king of Sumeria who, the story says, is part god and part man, but who, we know from a recently found "king-list," was probably a real king who reigned about 2600 B.C. in Uruk (the Erech of Genesis 10:10, known today as Warka). His deeds were so great and his fame so widespread that within a hundred years he had been deified by the storytellers who continued to celebrate his achievements in narrative poems. (Kings in this heroic age, it should be pointed out, were understandably jealous of their fame at a time when writing was still unknown, and only as minstrels sang of their accomplishments could they hope for more than a fleeting recognition. But however exaggerated the exploits of Gilgamesh became, his spirit was real enough to have been memorialized in a series of epic poems which have survived in translations into most of the important ancient languages of western Asia—Hittite, Assyrian, Canaanite, Sumerian and Hurrian.)

At first the individual tales were separate, as they are on the clay tablets containing a Babylonian version of the Gilgamesh stories found at Erech and dated somewhere between 2100 and 1900 B.C. But like the Greek *rhapsodes* ("song-stitchers") who developed Greek myths before Homer, Middle Eastern bards joined the separate tales into a long national epic celebrating a man who had ruled not long "after kingship had descended from heaven," according to the old records. As scholar Samuel N. Kramer explains, "Gilgamesh became the hero par excellence of the ancient world—an adventurous, brave, but tragic figure symbolizing man's vain but endless drive for fame, glory and immortality."

The story begins with a prologue praising Gilgamesh as a man with "a perfect body" and "endowed with beauty and courage" which surpass all others. But along with all his greatness goes such a despotic pride that "the men of Uruk muttered in their houses," complaining that "his arrogance has no bounds by day or night."

Hearing their plea, the gods petition Aruru, goddess of creation, to make an equal to Gilgamesh—"his second self"—to keep him so busy that he wouldn't have time to bother the people of Uruk. Out of clay she creates the "noble Enkidu," a man who eats grass like a gazelle and runs with the wild beasts in the hills. As Enkidu also prevents hunters from killing game, however, the hunters eventually appeal to Gilgamesh for help. His solution is ingenious. A harlot is to be





brought from the temple and taken to the water hole that Enkidu frequents so that, seeing her, he will be seduced by her "woman's art." As she is told, "When his love is drawn to you, the wild beasts that share his life in the hills will reject him."

The plan is wholly successful. Enkidu loses his animal powers. He and Gilgamesh, however, are bound to clash and soon Enkidu is hurling a challenge at the great king. "I will challenge him boldly, and I will cry aloud in Uruk," says Enkidu. "I have come to change the old order, for I am the strongest here." That night the king comes and the two men fight "like bulls locked together." But at length their fury gives way to a mutual respect for each other's valor, a respect that was to become a bond of legendary friendship.

Shortly after, the gods inform Gilgamesh—in a dream—that his destiny is mere kingship, not godship, despite his godly heritage. Everlasting life is to be reserved only for the gods themselves. Disturbed, but philosophical, Gilgamesh and "his servant Enkidu" decide to go to the Land of Cedars to "raise a monument to the gods." If immortality is not to be his lot, at least the epic hero can make a name for himself in his mortal life.

To get through the wilderness, however, they must first conquer the monster Humbaba, the ferocious guardian of the forest, a creature with "breath like fire" and jaws that are "death itself." Gilgamesh calls for help from Nisun, his goddess-mother and from Shamash, the Sun God, and, with the eight storm winds and Endiku to help him, goes forth to confront and slay the monster. They then cut down the great cedars of Lebanon, and Enkidu "cleared their roots as far as the banks of the Euphrates."

Once back home, Gilgamesh gets involved in one of the most unusual stories to come out of any part of the ancient world, as he taunts the Queen of Heaven, the goddess Ishtar, and contemptuously refuses to marry her as she

wishes. Recounting in detail her unfaithfulness to earlier lovers (who now languish in new bodies as a bird with a broken wing, a hated wolf and a blind mule), he charges, "If you and I should be lovers, should I not be served in the same fashion as these others whom you loved once?"

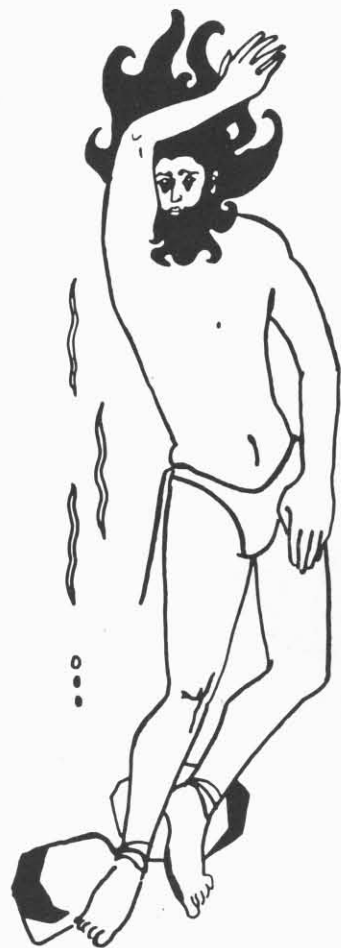
Mad with rage, Ishtar compels her father, the high god Anu, to avenge her by creating the mighty Bull of Heaven (the constellation Taurus) to wreak havoc on the earth and to slay the arrogant Gilgamesh. But when the bull charges, Enkidu leaps upon it and grasps it by the horns until Gilgamesh can kill it with his sword. This further infuriates Ishtar so that now she demands the king's head at a hastily summoned council of the gods. They refuse her, but they do agree that Enkidu shall die in his stead (though more for killing the bull and thus thwarting their godly will than for insulting Ishtar). Stricken with a fatal fever, Enkidu dies and Gilgamesh has to "give him up to the earth." Weeping, he goes away convinced that "the end of life is sorrow."

With life so uncertain and the gods so capricious, the mournful leader wanders uncertainly, "despair in his heart." He yearns after immortality, but a young woman Siduri, the heavenly wine-maker, tells him, "You will never find what you are looking for. When the gods created man they allotted to him death, but life they retained in their own keeping." At first her advice is simple and practical: eat, drink, and be merry. But poignantly she goes on, "Cherish the little child that holds your hand, and make your wife happy with your embrace; for this too is the lot of man."

Gilgamesh is not satisfied, and, driven by a need to understand the mysteries of life and death, he journeys across the far Western Ocean until he comes upon the only earthly man "to possess everlasting life," Utnapishtim the Faraway. This lone immortal cannot tell Gilgamesh how to achieve immortality, but does agree to







reveal "a secret of the gods." His story is the Babylonian version of the familiar tale of the Deluge.

Warned slyly by Ea, God of the Sweet Waters, Utnapishtim learned that the gods were going to destroy the world. "The uproar of mankind is intolerable and sleep is no longer possible by reason of the babel," they had complained in council. Ea's advice was to build a huge square six-decked ship whose "ground-space was one acre" and then to lay in supplies before taking aboard "the seed of all living things." In seven days the vessel was completed and wealth, family and beasts were all loaded. As promised, the rains came and for six days "tempest and flood overwhelmed the world." When finally it was over and all was silenced, "all mankind was turned to clay" again.

For six days the strange ship lay aground atop the mountain of Nisir before Utnapishtim sent out three birds—first a dove, next a swallow, then a raven—to seek a resting place. When the raven did not come back he threw open the doors of the ship and made a sacrifice to the gods. The gods were at first enraged to discover that any man had escaped their wrath, but since some of them had begun to regret the scope of their hasty action, they granted him their blessing and promised that forever he should "live in the distance at the mouth of the rivers."

The story fascinates Gilgamesh, but still he is not satisfied and continues to yearn after immortality. At last Utnapishtim promises to reveal another "secret thing" and explains how in the deepest part of the water grows a marvelous herb which can restore man's youth. "If your hands obtain it you will attain life."

Gilgamesh ties heavy stones to his feet to drag himself down to the water bed, leaps into the water, finds the thorny bush and quickly returns to the shore to begin his journey home "to give it to the old men to eat." Fifty leagues away, however, when he stops to bathe in a

pool of water, a serpent rises out of the water and eats the precious plant, leaving Gilgamesh with nothing but tears and a memory. There is nothing left to do but make his way back to Uruk, where "he engraved on a stone the whole story."

Had his story been written on paper instead and been buried for almost 4,000 years in the damp earth of the Mesopotamian Valley, it would never have been found at all, but because the ancient cuneiform writing was done with a stylus on soft clay tablets it became practically indestructible. Especially if it was baked as well as dried, it could withstand the elements for centuries without damage. Today an archeologist's stiff brushing can easily remove collected impurities and leave the surface almost as clean as the day it was first written upon.

The story of Gilgamesh is as old as the third millennium B.C. yet it is as modern as the 20th century, for the frustration of mortality is a part of every age. Sickness and death are still inescapable, and fame and everlasting life are still sought after. Men still love adventure and a rousing story. And as it was for Gilgamesh, man's greatest mortal achievement is to love and do justice to his fellow men.

Anxious about death and uncertain about what came after, the courageous hero devoted his life to achieving fame but found only frustration. Now, after the resurrection of his story only a hundred years ago, his spirit has been freed from the dingy confines of the Place of the Dead. In the tablets and pages of the epic that bears his name, he has, ironically, found the immortality he sought.

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