

A STUDY OF QATĀRĪ-BRITISH RELATIONS

1914 - 1945

By



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A Thesis

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ABSTRACT

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This thesis is an attempt to study Qaṭarī-British relations from 1914 until 1945. Although British relations with Qaṭar started earlier, the outbreak of World War I in 1914 gave the British an opportunity to eliminate the Ottoman presence in eastern Arabia, so that Qaṭar came under direct British protection. This British objective was achieved through a long process of negotiations and treaties. The British played an important role in the disputes between the Āl Khalīfah of Baḥrain and the Āl Thānī of Qaṭar, which involved al-Zubārah and the Ḥawār islands, as well as in the disputes over the Qaṭarī-Su'ūdī border. The British oil policy was successful in obtaining an oil concession and in keeping American oil companies away from Qaṭar.

RÉSUMÉ

Auteur : Yousof Ibrahim Al-Abdulla
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Cette thèse veut une étude des relations qatari-
britanniques de 1914 à 1945. Quoique les relations britanniques
avec le Qatar aient commencé plus tôt, la période de la
première guerre mondiale de 1914 a fourni aux britanniques
l'occasion d'éliminer la présence ottomane dans l'est de
l'Arabie, et c'est ainsi que le Qatar est devenu directe-
ment sous la protection britannique. Cet objectif britannique
fut accompli après un long processus de négociations et de
traités. Les britanniques ont joué un rôle important dans
les querelles entre les familles Āl Khalīfah du Bāhrain et
Āl Thānī de Qatar à propos des îles al-Zubārah et Hawār
ainsi que de la frontière qatari-Su'ūdī. La politique
britannique du pétrole au Qatar a réussi à obtenir une con-
cession de pétrole et à garder les compagnies de pétrole
américaines loin du Qatar.

CONTENTS

ACKNOWLEDGEMENTS	vii
NOTE ON TRANSLITERATION	viii
ABBREVIATIONS	ix
Chapter	
I. INTRODUCTION	1
A. General Survey	1
1. International and National Situa- tions in the Gulf	5
2. Āl Thānī, the Rulers of Qaṭar	7
B. Qaṭar's Relations with Its Neighbours during the Second Half of the Nine- teenth Century	11
1. Qaṭar's Relations with Baḥrain	11
2. Qaṭar's Relations with the Ottomans ...	16
3. Qaṭar's Relations with Kuwait	19
4. Qaṭar's Relations with Abū Ḥabī	20
5. Qaṭar's Relations with Su'ūdī Arabia ..	23
Notes	29
II. THE 1916 TREATY BETWEEN QATAR AND GREAT BRITAIN	33
A. Circumstances Which Led to the Conclu- sion of the 1916 Treaty	33
B. The 1916 Treaty: Critical Analysis of the Text	37

C.	The Development of Qaṭarī-British Relations after the Conclusion of the 1916 Treaty	45
1.	Internal Political Conditions of Qaṭar	45
2.	The Problem of Renewal of Protection	54
	Notes	67
III.	TERRITORIAL DISPUTES WITH BOTH SU'ŪDĪ ARABIA AND BAḤRAIN, AND THE BRITISH ATTITUDES TOWARDS THESE CONFLICTS	72
A.	Qaṭarī-Su'ūdī Relations in Regard to the Border Separating the Two Countries	72
B.	Qaṭarī-Baḥrainī Relations in Regard to al-Zubārah and Ḥawār Islands	81
1.	Al-Zubārah	82
2.	Ḥawār Islands	86
	Notes	92
IV.	GREAT BRITAIN AND ITS OIL POLICY IN QAṬAR ..	102
A.	Struggle for Oil Concessions	102
B.	The 1932 Agreement between Qaṭar and Anglo-Persian Oil Company	106
C.	British Oil Policy in Qaṭar	109
D.	Qaṭar Oil Concession	116
	Notes	122

SUMMARY AND CONCLUSIONS	126
APPENDIX 1	133
APPENDIX 2	138
APPENDIX 3	140
APPENDIX 4	149
APPENDIX 5	150
APPENDIX 6	151
APPENDIX 7	152
APPENDIX 8	153
BIBLIOGRAPHY	154

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Y.I.A.

NOTE ON TRANSLITERATION

The system of transliteration of Arabic is that used by the Institute of Islamic Studies, McGill University, with the following exceptions: the place names Kuwait, Bahrain, and Doha have been rendered in their commonly accepted Anglicized forms. This system is as follows:

A. Consonants:

ع initial; unexpressed; س medial and final; ' ,

ب b	ز z	ف f
ت t	س s	ق q
ث th	ش sh	ك k
ج j	ص s	ل l
ح h	ض d	م m
خ kh	ط t	ن n
د d	ظ z	ه h
ذ dh	ع ' ,	و w
ر r	غ gh	ي y

B. Vowels, Diphtongs, etc.:

short: < a; > i; < u.

long: | ā; | ī; | ū.

alif maqṣūrah: | ā; diphtongs: | ay; | aw.

long with tashdīd: | iya; | ūwa.

tā' marbūṭah: | ah; in idāfah: at

ABBREVIATIONS

APOC	-	Anglo-Persian Oil Company
Bapco	-	Bahrain Petroleum Company
CAB	-	Cabinet Conclusions
CID	-	Committee of Imperial Defence
FO	-	Foreign Office
IOR	-	India Office Library and Records
IPC	-	Iraq Petroleum Company
L/P&S	-	Political and Secret Department Library
PCL	-	Petroleum Concessions (Qatar) Company Ltd.
PRO	-	Public Records Office
R/15/1	-	Political Residency Bushire 1763-1947
R/15/2	-	Political Agency Bahrain 1900-1947
RAF	-	Royal Air Force
Socal	-	California Standard Oil Company

CHAPTER I

INTRODUCTION

A. General Survey

Qaṭar is located in the middle of the western coast of the Arabian Gulf and is surrounded by sea in the north, east and west, while in the south it shares its border with the Kingdom of Su'ūdī Arabia and the Emirate of Abū Ḥabī. Its area is about 11,400 km² with 160 km long from north to South and 80 km wide from east to west.¹

Qaṭar has a flat surface with interval sand dunes, hills covered with stones, and craggy rocks. Its summer is very hot and long, starting from the beginning of April till the end of September. Its winter is short and warm; the temperature decreases to a mild level, while rain is scarce.² Wells are scattered in many places throughout the country. Agriculture is very sparse.

Since certain Qaṭarī towns and villages are frequently mentioned in the present narrative, it seems best to give a brief annotation of such names, like: al-Bid', Dōḥa (al-Dawḥah), al-Wakraḥ, al-Fuwayriṭ, al-Ruways, Abū Ḥulūf, Khawr Ḥassān (al-Khuwayr), al-Zubārah, and al-Ḥuwaylah. Before the foundation of Dōḥa, al-Bid' was a prosperous town built by members of the Sūdān tribe which had migrated from Abū Ḥabī. This town

was described by travellers who visited Qaṭar in the second half of the 19th century as a flourishing town with a population of 6,000 people.³ Doḥa was founded later by the Āl Bū 'Aynayn tribe who migrated to al-Wakraḥ from Baḥrain. Its population in the beginning of the 20th century was 12,000, although an Ottoman source put it at 10,000.⁴

Doḥa, divided into 9 quarters, was inhabited by the tribes of Āl Ma'āḍid, Āl Sūdān, Āl Bū Kuwārah, Āl bin 'Alī, Āl 'Amāmīrah, Āl Dawāsīr, Āl Baqāqilah, Āl Siliṭah, and Āl Bū 'Aynayn. There were also groups of Āl Baḥārinah, Āl Hawalah and Āl Najjādah tribes as well as 400 Turks. It was described by the traveller Palgrave as "the miserable capital of a miserable province".⁵

The second important town in Qaṭar at that time was al-Wakraḥ, located on the eastern coast of Qaṭar, 10 miles away from Doḥa on the southeast. It was a centre of pearl trade and fishing. It was also subjected to destruction during the so-called "Second Destruction of Doha" when it was raided by Baḥrain and Abū Ḥabīb in 1867.⁶ It had been inhabited by the Āl Bū 'Aynayn tribe which constituted the great majority among its population. Other tribes which came later to this town were: Āl Hawalah, then Āl Ma'āḍid tribes, Āl Khulayfāt, and Āl 'Amāmīrah.

The eastern coast of the Qaṭarī peninsula is somewhat more populous than its western coast. The Āl Fuwayriṭ village

is considered one of the most important villages on the eastern coast of Qaṭar, as it is the birthplace of the second prominent figure in the history of Qaṭar, namely, Muḥammad b. Thānī--Thānī being the first one. This village was inhabited by two tribes: the Āl Bū Kawārah and Āl Kibisah. It was surrounded by walls and towers for its protection, while its inhabitants obtained drinkable water from outside the village.

Other important villages of Qaṭar are: al-Ruways, Abū Ḥulūf, and Khawr Ḥassān. Al-Ruways is located near the northern part of Qaṭar, about 2 miles away from Ra's al-Rukn. It was inhabited by a group of people belonging to Āl Sādah tribe whose occupations were diving for pearls and fishing. Abū Ḥulūf is located on the north-western coast of the cape of Qaṭar. It was inhabited by Āl Manāna'ah tribe which had a strong relationship with Bahrain islands. Khawr Ḥassān or al-Khuwayr is a village located on the western coast of Qaṭar where a fort in good condition still exists. This village is inhabited by Āl Kibisah tribe. In the past this village was the headquarters of Āl Jalāhimah tribe led by Raḥmah b. Jābir.⁷

Another important town of Qaṭar is al-Zubārah. As a detailed account on this town will be given later, we give here only a brief description of it. It is located on the western coast of the Qaṭarī peninsula. It began to flourish with the arrival of the 'Utūb tribe in 1766 and its population doubled. A British captain reported that there were 400

houses in it and that its inhabitants were mutually allied.⁸ Many writers mention al-Zubārah, and Palgrave's description of it gives us a clear picture of its development.

Āl-Zubārah was the largest town of Qaṭar and the only one which was considered to be truly important for its location, besides its significance as the residence of one of the Āl Khalīfah. Otherwise, however, this town was similar to any other in Qaṭar. According to an Āl Khalīfah report, it already existed when the 'Utūb tribe came to it in 1766. They made it grow and flourish in trade by imposing tax on imports, so that it became a sea-port for the trade of the Arabian peninsula and a rival of harbours on the coasts of al-Iḥsā' and Persia.⁹ Consequently, competition for it led to its destruction several times. Even today its control is an issue between the rulers of Qaṭar and those of Baḥrain.

Al-Ḥuwaylah is the oldest town in Qaṭar. It had been a prosperous town when the 'Utūb tribe settled in it in 1766. Lorimer described it as the largest town on the coast of Qaṭar where the Āl Musallam, whose origin goes back to the Banī Khālīd, settled.¹⁰ It is located on the eastern coast, north of Khūr, and was destroyed in the Su'ūdī raids on Qaṭar led by the Su'ūdī general Ibrāhīm b. 'Ufaysān in 1208 A.H. (1793 A.D.).¹¹ These raids also ended the rule of Banī Khālīd in the ruined villages of Qaṭar. The significance of al-Ḥuwaylah is that

it was the headquarters of the Āl Musallam, the earlier rulers of Qaṭar.

There are many islands belonging to the Qaṭarī peninsula the most important of which are: Ḥālūl, al-Sāfilīyah, and al-‘Āliyah. Ḥālūl is located on the northern coast of Qaṭar; al-Sāfilīyah is on the north of Doḥa and is the nearest island to it; al-‘Āliyah is northeast of Ḥālūl. Ḥawār islands are located on the western coast of Qaṭar, and are still disputed between Qaṭar and Baḥrain. A detailed description of these islands will be given later.

Economic life in Qaṭar during the period we are dealing with was confined to marine and desert activities. Marine activity was the artery of economic life and it included pearl diving, marine transportation, fishing, and shipbuilding. Desert activity involved flock tending, camel, horse, and sheep breeding, and transportation of merchandise from Qaṭar to the mainland of the Arabian peninsula. The economy of Qaṭar also depended on the slave trade which was in the hands of a small group of traders.

1. International and Internal Situations in the Gulf

The big powers which contested with each other for influence and whose interests clashed before World War I were: Great Britain, Ottoman Turkey, Russia, Germany, and

France. The role of each power in Qaṭar was as follows: the British faced the danger of Turkish invasion from the south of their military base at Doḥa, as well as a threat from the Baḥrain islands. (They also faced some other dangers which will be discussed later). Turkey played its role in the movement of Miḍḥat Pasha to consolidate Ottoman influence on the coast of al-Iḥsā' and Qaṭar, and in its endeavour to reach Baḥrain and the coast of 'Umān before the signing of the 1913 treaty, which specified Turkish withdrawal from Qaṭar. Russia played its role in its efforts to reach the Gulf and some of its sea-ports facing Persia, and in obtaining some trade concessions. Germany had economic objectives in the East, and France had its headquarters in Masqaṭ for the arms trade.

Hence, there were several international powers interested in the area, each having different motives and degrees of power and influence. The condition of the Arabs was neither stable nor favourable in this period, for they were far from unity of direction or from the sense of sovereignty and peace. Qaṭar's direct relations with its neighbours varied from one emirate to another, characterized either by co-operation or by disputes and hostilities. This was the political condition of the Gulf area before World War I.

After World War I the balance of power in the Gulf

area changed due to the victory of the British and their allies, and the defeat of Turkey and its alliances. Consequently, the British-German competition disappeared from the Gulf with the defeat of Germany and the loss of its colonies, as did the Turkish role with the dissolution of the Ottoman Empire. The role of Russia also disappeared with the outbreak of the October revolution in Russia in 1917. However, a new competitor which tremendously threatened British interests appeared on the horizon, namely, American companies backed by the government of the United States of America itself. The role of the American companies will be discussed in chapter IV of this study. This development in the balance of power had the greatest impact on the course of events, in Qaṭar. In the meantime, Qaṭarī-British relations were being gradually realized and had influence on general surrounding events, which will be discussed in the following chapters.

2. Āl Thānī, the Rulers of Qaṭar

With regard to the inhabitants of Qaṭar in the 20th century we shall start with the Āl Thānī, who emigrated from the Arabian peninsula and settled in Qaṭar at the end of the 17th century. The family of the Āl Thānī had lived in the town of Ushayqir in the province of al-Washm in Najd.¹² This town was famous for producing some prominent families

who reached significant positions in the Arabian peninsula, such as the family of the Imām Muḥammad b. 'Abd al-Wahhāb, the Āl Bassām, the Āl Thānī, and others.

The Āl Thānī tribal ancestry is linked with the large Ma'āḍīd which is one of the major Qaṭarī tribes.¹³ Perhaps the motive of their migration was the existence of a rival from another tribe, or due to drought; as far as we know, there is no source available describing the motive for their departure. They settled at Jibrīn oasis on the south-east of the Qaṭarī peninsula. It did not take long before they left and went to Askak in the south of Qaṭar. Then they moved again to al-Ruways and al-Zubārah. The object of this continuous movement was to find a proper place for settlement. Finally, they settled at Doḥa where they came under the leadership of Shaykh Muḥammad b. Thānī, known among historians as "Shaykh al-Dawḥah" (the Shaykh of Doḥa). Formerly, the authority over the Qaṭarī peninsula was in the hands of the Āl Musallam tribe, then it shifted to the 'Utūb tribe represented by the Āl Khalīfah, and finally to the Āl Thānī in the middle of the 19th century.

Little about the life of the grand-father of the Āl Thānī family has been mentioned by any of the historical sources available to us, except that he was born in al-Zubārah, became a prominent pearl trader and was succeeded by his son

Shaykh Muḥammad in leading Āl Ma'āqīd tribe to which the Āl Thānī belonged. Shaykh Muḥammad was born at al-Fuwayrit, but his birth-date was unrecorded. He was known for piety, righteousness, and respectability. He was intelligent and was aware of the balance of power in the eastern part of the Arabian peninsula.

Muḥammad b. Thānī was ruler of Qaṭar, but his authority was not comprehensive, for the rulers of Baḥrain, the Āl Khalīfah, had influence in Qaṭar. However, after the battle of al-Musaymīr (between Qaṭar under the Āl Thānī and Baḥrain under the Āl Khalīfah on one side and Fayṣal b. Turkī Āl Su'ūd on the other) he joined the Su'ūdīs who had assisted him in an alliance, so that the separate Qaṭarī identity emerged in the struggle with Baḥrain. Eventually, the Qaṭarīs were able to assert their independence in 1868.

In 1876 Shaykh Muḥammad died and was succeeded by his son Jāsīm b. Muḥammad Āl Thānī. The latter could perhaps be described as the founder of modern Qaṭar by virtue of his achievements in the thirty-seven years of his reign.

Though this is not the place to dwell of Jāsīm's distinctive role in the establishment of Qaṭar, a few sentences may help the reader understand more clearly the stages through which Qaṭarī-British relations passed between 1913

and 1948.

The policy of Jāsim in the period till 1892 was in favour of the Turks, with whom he was inclined to ally himself. However, this trend changed in 1896 when he leaned towards the British, with whom he made an alliance and upon whom he relied. The main reason for this shift of policy was Turkish interference with the internal affairs of Qaṭar in an unfavourable way, namely, imposing tax and intending to appoint administrators in al-'Udayd and al-Zubārah.¹⁴

After the death of Shaykh Jāsim in 1913,¹³ he was succeeded by his son Shaykh 'Abd Allāh whose rule extended for 35 years ending in 1948, the last year of the era under study. At the end of this reign the Ottoman government, due to its involvement in a war with the Balkan states, felt the necessity to solve its secondary problems with Britain, hoping for assistance from it. The negotiations between these two countries started in London in 1913. The text of the treaty which is related to Qaṭar (article 11) is as follows:

.... The Imperial Ottoman Government having renounced all their claims with regard to the El-Katr peninsula, it is agreed between the two Governments that the said peninsula shall be governed, as heretofore, by Sheikh Jassim-bin-Sani and his successors. His Britannic Majesty's Government declare that they will not permit

the Sheikh of Bahrein to interfere in the internal affairs of El-Katr, to infringe the autonomy of the country, or to annex it.¹⁶

Perhaps the most important event in Qaṭar during the reign of Shaykh 'Abd Allāh, which had the greatest effect on economic, social, and political development, was the discovery of oil. Before we enter into the study of oil's effect on Qaṭar in the 20th century, we have to review the situation of this country in the second half of the 19th century.

B. Qaṭar's Relations with Its Neighbours during the Second Half of the Nineteenth Century

1. Qaṭar's Relations with Bahrain

The history of the Āl Khalīfah's tie with Qaṭar--according to local reports in the Gulf area--goes back to the great emigration of the 'Utūb tribe from the interior of the Arabian peninsula at the end of 17th century. During this period they passed through Qaṭar when it was subject to the Āl Musallām.¹⁷ They stayed there for some time and then continued their travels until they reached Kuwait. In Kuwait the three dominant sub-tribes among the 'Utūb tribe, namely, Āl Ṣabāḥ, Āl Khalīfah, and Āl Jalāhimah, co-operated in founding the town of Kuwait. Within sixty years this town,

which was ruled by agreement among these three sub-tribes, grew and flourished.

The Āl Khalīfah found it necessary to emigrate farther, to seek trade and pearls in other places in the Gulf. They emigrated in 1766 to Qaṭar where they founded al-Zubārah. In a short time (about ten years) the Āl Khalīfah revived the trade of that port and made it the rival of the seaports al-'Uqayr and al-Qaṭīf on the coast of al-Iḥsā'. This area, which extends from south of Qaṭar to Baṣrah on the north, was subject to the sovereignty of the Banī Khālīd tribe which had good relations with the Āl Khalīfah and other 'Utūb sub-tribes in the eastern part of the Arabian peninsula.

The Āl Khalīfah's rule in Baḥrain started in 1783 when their tribe, with the assistance of the 'Utūb of Kuwait and different Qaṭarī tribes, besieged Baḥrain for about two months. On July 29, 1783 the island was conquered and came under Arab rule after it had been under the Persians since 1602.

With the conquest of Baḥrain the balance of power changed in the eastern part of the Arabian peninsula. In the past, Qaṭar had been the primary concern of the Āl Khalīfah, but after the conquest of Baḥrain their attention was shifted there due to its fertile land supporting agriculture and palm trees as well as its being the pearling centre. Moreover, its harbour was flourishing with trade activity

from the Gulf, the Gulf of 'Umān, East Africa and India. The Āl Khalīfah appointed one of the members of their family to rule the Qaṭarī peninsula.

Local tradition relates that in 1863 Shaykh Muḥammad Āl Khalīfah sent a wālī (governor) of his tribe to Qaṭar. As this wālī used force in dealing with local people, they revolted against him and drove him away from the country.¹⁸ This revolt was led by 'Alī b. Thāmir of the Āl Nu'aym tribe of the north-west of Qaṭar. Shaykh Muḥammad Āl Khalīfah issued an order to arrest 'Alī b. Thāmir, had him sent to Baḥrain where he was imprisoned. Consequently, Shaykh Jāsīm b. Thāni, one of the leaders of Qaṭar, demanded that Shaykh Muḥammad Āl Khalīfah dismiss his 'āmil (governor, vicegerent), to release 'Alī b. Thāmir, and to give Qaṭar administrative freedom from Baḥrain. He claimed that unless his demand was met the people of Qaṭar would disobey him and would seek protection from the Su'ūdīs.¹⁹ As a matter of course Shaykh Muḥammad Āl Khalīfah refused the demand and hurried to ask help from Zāyid b. Khalīfah, the ruler of Abū Ḥabīb. Both Shaykh Muḥammad and Shaykh Zāyid attacked Doḥa and put its inhabitants to the sword.²⁰

The Āl Nu'aym tribe left the Qaṭarī peninsula for fear of oppression by the ruler of Baḥrain (they were pursued by the governor of Baḥrain in Qaṭar, but this governor was

defeated). Other tribes in Qaṭar took up the rebellion again in 1867. Shaykh Muḥammad Āl Khalīfah sent his brother Shaykh 'Alī to Bushire to ask the British Resident for assistance in accordance with the terms of the 1861 treaty between the two parties.²¹ However, as the policy of the British Government had been to prevent Baḥrain from occupying Qaṭar, the Resident refused to give necessary aid to Muḥammad Āl Khalīfah. After it had been reported that Shaykh Jāsīm Āl Thānī was seeking aid from the Su'ūdī ruler, Imām Fayṣal b. Turkī Āl Su'ūd, Baḥrain was compelled to depend on its own forces in a fresh attack on Qaṭar. And when Shaykh Jāsīm Āl Thānī went to Baḥrain to request the suspension of the attack, he was arrested. This incident increased the severity of the rebellion.²² Qaṭar and Baḥrain met in the battle of al-Dāmisah.

Immediately after the occurrence of these disturbances the British Resident Pelly sent a number of warships into the waters of Baḥrain with instructions to fire on its fortresses, on the pretense that Shaykh Muḥammad Āl Khalīfah had violated the conditions of the 1861 treaty. Article 3 of this treaty stated that the ruler of Baḥrain promised to avoid involvement in war, piracy or slave-trade at sea. Consequently, Shaykh Muḥammad Āl Khalīfah fled to the coast of Qaṭar, temporarily entrusting the situation to his brother 'Alī. Pelly, however, asked 'Alī to rule Baḥrain, with the under-

standing that Muḥammad's reign was over. Pelly also imposed an initial fine of 25,000 rupees upon Bahrain and seized all ships which had been used in the war.

On 12 September 1868 an agreement between Shaykh Muḥammad b. Thānī and Pelly was signed. This agreement made Qaṭar for the first time a party to the maritime truce. A summary of the stipulations is as follows:

... he [Shaykh Muḥammad b. Thānī] undertook to return to Dōhah, which he had forsaken, and to reside peaceably there; never to put to sea with hostile intent, but instead to refer all his disputes with his neighbours for settlement by the British Resident; not to assist the ex-Shaikh of Bahrain, but on the contrary to hand him over to the Resident, should he fall into his power; and lastly, to maintain with the new Shaikh of Bahrain the same relations as had existed between himself and the former Shaikhs of those islands, submitting for decision by the Resident any differences of opinion that might arise in regard to matters such as tribute.²³

After the 1868 agreement, Qaṭarī-Bahrainī relations improved and became more amicable. Qaṭar continued to pay tribute to Bahrain which in turn was submitted to the Wahhābīs. However, the situation changed when the Ottomans reached Qaṭar in July, 1871 and reestablished their presence at Doḥa. One of the reasons for the Āl Thānī's submission to the Ottomans was to avoid the annual tax paid to Bahrain.

Therefore, a lasting problem arose, namely, the continued claim by Baḥrain over al-Zubārah. Consequently, the struggle over this town between Qaṭar and Baḥrain was inevitable, and continued to be a problem between the two emirates until 1902 when peace was achieved for a time. However, the conflict was revived again in 1937, and will be discussed in detail in due course.

2. Qaṭar's Relations with the Ottomans

The year 1869 was a turning point in the effort of the Ottoman Empire in the Gulf. In this year Miṣḥat Pasha was appointed wālī in Baghdād. He believed that the internal resurgence of the Ottoman Empire could only be accomplished by reviving Istanbul's authority in its semi-independent provinces such as Najd and al-Iḥsā'. The same year witnessed the opening of the Suez canal which was bound to enhance the commercial importance of the Red Sea route and thus diminish the Gulf route. The former route was run by the Western nations.

It was most opportune for the Ottomans, therefore, to send an expedition to Eastern Arabia, when a leader of one of the two conflicting factions of the Su'ūdī family sought Istanbul's help. 'Abd Allāh b. Fayṣal b. Turkī was that leader. Miḥat Pasha seized the opportunity to reestablish

Ottoman sovereignty in the Gulf and its islands from Kuwait in the north to Masqaṭ in the south. What concerns us in this conflict is the effect it had on Qaṭar.

It is interesting to note that after the Ottoman expedition had reduced al-'Uqayr and al-Qaṭīf, and other major towns in al-Iḥsā', Midḥat Pasha sent in July 1871 a contingent of the Kuwait army to Doḥa. Mubārak, the leader of that contingent, asked Shaykh Muḥammad b. Thānī to hoist the Ottoman flag on its fort. After the latter's refusal, his son Jāsīm complied with Mubārak's wish. Jāsīm, by so doing, saved Doḥa from imminent danger. Jāsīm was, at that stage in the history of Qaṭar, the de facto Shaykh, his father being very advanced in age.²⁶ Qaṭar became an administrative district (qā'immaqāmiyah) along the lines of the province (liwā') of al-Iḥsā', which was ruled by a muṭaṣarrif (a governor, the title of a Turkish administrative officer in an Arab country) who in turn came under the wālī of the province centered at Baṣrah.

During the second half of 1871, when Ottoman influence started in Qaṭar, and until 1893, when the Qaṭarīs revolted against the Ottomans, the ruler of Qaṭar was indecisive about siding with either the Ottoman Empire, to keep the British away from Baḥrain, or resorting to British protection to get rid of Ottoman pressure on him. However,

between 1892 and 1913 the ruler's policy changed from submission to the Ottomans to alignment with the British. This was because between 1871 and 1892 Shaykh Jāsim had been running Qaṭar independently from the Ottomans. The latter had no power in Qaṭar except military control over Doḥa and its surroundings. What changed Jāsim's mind about the Ottomans was their effort to replace him, first with a former adviser of his father Shaykh Muḥammad b. Thānī and then with a Baḥrainī refugee.²⁷ Jāsim believed he had no alternative but to retire to the interior of Qaṭar and relinquish the affairs of Doḥa to the Ottomans. According to a report sent by Col. Ross in July 1887, this retreat of the ruler led to unrest, and bedouins pillaged the markets of Doḥa and al-Bid'.²⁸

The Ottomans then tried in 1889 to increase their hold over Qaṭar by appointing administrators at al-Zubārah and al-'Udayd as well as Doḥa, by establishing a customs house, and strengthening their garrison.²⁹ This direct interference led to open hostilities with Jāsim, who decided to align with the British, despite the threat of a punitive Ottoman campaign. Attempts by the wālī of Baṣrah to negotiate with and intimidate Jāsim failed, and the Shaykh resumed rule of Qaṭar in 1898.³⁰

A new era in the relations between Qaṭar and the British began with the signing of the Anglo-Ottoman agreement

of 1913, in which the Ottoman Empire recognized the end of its sovereignty over Qaṭar. The agreement stated that the shaykhdōm of Qaṭar was an independent emirate to be governed by successive emirs of the Āl Thānī. Relations between Qaṭar and the British became stronger with the outbreak of World War I.

3. Qaṭar's Relations with Kuwait

As mentioned above, Qaṭarī-Kuwaitī relations started with the Turkish campaign against al-Iḥsā' and Qaṭar in 1871. Ottoman influence in Kuwait was such that Miḍḥat Pasha requested 'Abd Allāh Āl Ṣabāḥ--the ruler of Kuwait from 1866 to 1892--to assist the campaign by land and sea. While 'Abd Allāh commanded the Kuwaitī fleet, his brother Mubārak proceeded to the south at the head of the land forces. Subsequently, the Ottomans seemed to have relied on Kuwaitī intervention in al-Iḥsā' and subsequently in Qaṭar whenever necessary.³¹

In 1896, Shaykh Mubārak Āl Ṣabāḥ came to power in Kuwait after assassinating two of his brothers. Opposition to Mubārak was led by a relative of the victims, Yūsuf Āl Ibrāhīm, who enlisted the aid of Shaykh Jāsīm. Mubārak was subordinate to the Ottomans, and so the efforts of Yūsuf and Jāsīm took on anti-Ottoman overtones.³²

The planned attack against Mubārak failed, due in

part to Ottoman opposition to the participants, and instead Mubārak attacked Qaṭar in 1898.³³ A bitter enmity between Qaṭar and Kuwait developed, lasting into the 20th century.

4. Qaṭar's Relations with Abū Ḥabī

Relations between Qaṭar and Abū Ḥabī during this period were not friendly either. What influenced those relations was the position which both the British and the Ottomans took on matters of dispute between the two shaykhdoms. One of the major issues was the dispute over Khawr al-ʿUdayd on the southern border of Qaṭar and Abū Ḥabī.

The British support for Abū Ḥabī in its claim to al-ʿUdayd stemmed from the fear of Ottoman expansion throughout the Trucial Coast. In order to stop this Ottoman expansion, the British, following the suggestion of the Political Resident, granted al-ʿUdayd to Abū Ḥabī in 1871, and supported its claim over it. Moreover, the British wanted Abū Ḥabī to pay the fine imposed on al-ʿUdayd for the crimes and piracies committed by its people, the Qubaysāt tribe who had emigrated to and founded the village of al-ʿUdayd in 1835.³⁴ With the approval of the Political Resident, the ruler of Abū Ḥabī, Khalīfah b. Shakhbūṭ, led a campaign against al-ʿUdayd in 1837 and the majority of that tribe returned to Abū Ḥabī, while a small number of them went to al-Shariqah and Dubayy.³⁵

Between 1869 and 1878, the Āl Qubaysāt under Khādim b. Nahyān, settled again in al-‘Udayd. The reason for their departure from Abū Ḥabīb was the extremely oppressive nature of Shaykh Zāyid b. Khalīfah, the ruler of Abū Ḥabīb. Khādim b. Nahyān announced his allegiance to Qaṭar and that al-‘Udayd had been part of Qaṭar since the time of his father and his grand-father. The ruler of Abū Ḥabīb asked the permission of the Political Resident to take action against al-‘Udayd on the pretext that that village was a refuge for pirates.

The subsequent British-Abū Ḥabīb joint attack forced the departure of the Āl Qubaysāt from al-‘Udayd to al-Bid‘. This meant that al-‘Udayd was no longer under the sovereignty of Qaṭar.

The Ottomans tried to take advantage of the ten-year dispute between Qaṭar and Abū Ḥabīb in order to strengthen their own rule in the interior after they had been unable to strengthen their position on the coast due to British protest.

Matters became more complex when the ruler of Abū Ḥabīb, Zāyid b. Khalīfah, took advantage of the enmity between Jāsīm Āl Thānī and ‘Isā b. ‘Alī, the ruler of Baḥrain, and allied himself with the latter. Jāsīm reacted by a counter-alliance with Muḥammad Āl Rashīd, the ruler of Ḥā’il, an ally of the Ottomans. Jāsīm also sought help from the Ottoman

Empire in the expected struggle.³⁷

When Zāyid b. Khalīfah learned of the connection between Jāsim and the Ottomans, he surprised Jāsim with a punitive attack. However, Jāsim retaliated by carrying a similar raid on al-Zuqārah and other neighbouring sites on the borders with Abū Ḥabīb. It is interesting to note that Jāsim's forces included some contingents from Ḥā'il tribes, the allies of the Ottomans.³⁸ Zāyid b. Khalīfah suffered heavy losses in the fighting.

The situation in the area became extremely dangerous when these forces, representing the Ottoman Empire, advanced beyond Abū Ḥabīb. The ruler of Masqat, Sulṭān Fayṣal b. Turkī, feared for his own borders and asked the ruler of Ra's al-Khaymah to enforce the mountain passes to prevent the enemy's penetration.³⁹ Zāyid b. Khalīfah sought aid from his friends among the shaykhs of the northern 'Umānī coast, but he did not receive any response because they did not want to enter into an alliance with him. Only the Shaykh of Dubayy, Bū Filāsah and Bū Falāḥ tribes extended their help to him, but this was not sufficient.⁴⁰

But the prompt and enormous assistance of the British Government to the ruler of Abū Ḥabīb stopped the march of Jāsim's forces. The Ottomans, however, tried through diplomatic channels to make good their claim over al-'Udayd

and other ports on the coast of Qaṭar. In 1891 the Ottoman Foreign Minister emphasized to the British ambassador in Istanbul that al-Zubārah and al-ʿUdayd were parts of Baṣrah and had at times been administered by Ottoman qā'immaqāms.⁴²

In another note sent by the Ottoman Foreign Minister on 22 April 1893 to the British ambassador in Istanbul he pointed out that the negligence of the Ottoman Government in appointing Ottoman administrators in al-Zubārah, al-Wakrah and al-ʿUdayd in the past was merely temporary and had been allowed in order to prevent friction between their friendly countries. He stated further that the Ottoman Government still adhered to its absolute right over these areas.⁴² It is noteworthy that al-ʿUdayd remained an issue between the Ottomans and the British until the first decade of the 20th century. As result of the 1913 agreement, the Ottoman Empire relinquished its rights in Eastern Arabia, including al-ʿUdayd. The outbreak of World War I gave the British the opportunity to drive away the scattered remnants of Ottoman forces from these areas.

5. Qaṭar's Relations with Suʿūdī Arabia

One of the factors in the emergence of an independent Qaṭar was the early support of the Suʿūdīs. By the year 1868 the Āl Thānī family had become the most prominent among the Qaṭarī tribes and was thus able to negotiate an agreement with

the British. In that agreement between these leaders and the British the latter recognized Qaṭar as an independent state. A few details of the Su'ūdī role become necessary.

Su'ūdī interference in the affairs of Qaṭar started when Fayṣal b. Turkī Āl Su'ūd, who ruled the second Su'ūdī state from 1843 until 1865, assisted the sons of Shaykh 'Abd Allāh, the ruler of Baḥrain, during their struggle with Muḥammad b. Khalīfah. The plan for launching a punitive campaign against the Āl Khalīfah increased the prestige of the Āl Thānī in their stand against the people of Baḥrain who co-operated with the Shaykh of Abū Ḥabīb. The outcome of this conflict, known as "the end of the battle of al-Musaymīr", was that Fayṣal b. Turkī Āl Su'ūd imposed as annual tax on the shaykhs of Baḥrain starting from 1851. The Āl Thānī leaned towards Fayṣal b. Turkī Āl Su'ūd after Musaymir (1850).⁴³

The attitude of the Āl Thānī shaykhs towards the second Su'ūdī state led to the appointment in 1851 of Shaykh Muḥammad Āl Thānī as the representative of the emir Fayṣal b. Turkī Āl Su'ūd in the Qaṭarī peninsula to collect taxes from the shaykhs of the tribes.⁴⁴ Another sign of good relations between the Āl Thānī and the Āl Su'ūd was explicit in the Āl Thānī's shift from the Mālikī school of law to the Ḥanbalī school followed by the Āl Su'ūd. In this way, Fayṣal b. Turkī Āl Su'ūd was successful in extending his influence in the Gulf area. He

was also able to collect taxes from the government of Masqat, the ruler of Bahrain and the shaykhs of the Trucial Coast.

With the death of Fayṣal b. Turkī Āl Su'ūd in December 1865, dissention occurred among his sons: 'Abd Allāh, Su'ūd, Muḥammad, and 'Abd al-Raḥmān. This led ultimately to the disappearance of Āl Su'ūd from the political scene and the re-establishment of Ottoman rule in Najd and Eastern Arabia by mid 1871.

We have seen in this review of Qaṭarī-Su'ūdī relations that the solidarity and co-operation among the rulers of the two countries in critical situations were obviously the outcome of mutual interests. Shaykh Jāsim Āl Thānī remembered how the emir Fāyṣal b. Turkī assisted Qaṭar in its struggle against Bahrain. He also remembered how he sought the aid of emir 'Abd Allāh b. Thunayyān in Istanbul in 1888 after the former's defeat by the force of the Shaykh of Abū ḡabī.⁴⁵

To return some of Āl Su'ūd's favours, it was the duty of Jāsim to stand up in support of the Su'ūdī rulers when the second Su'ūdī state began to face a crisis after the battle of al-Mulayḡā' in 1890, when the Āl Rashīd inflicted defeat on the Su'ūdīs. Nor did Qaṭar forget to offer its hospitality to 'Abd al-Raḥmān Āl Su'ūd after his defeat by the joint forces of the Āl Rashīd, the Ottomans and an alliance of other eastern Arabian tribes in the battle of al-Ḥuraymilah (1891).

Qaṭar welcomed 'Abd al-Raḥmān and his young son 'Abd al-'Azīz.⁴⁶

By the turn of the century,--to be exact in 1902-- 'Abd al-'Azīz, who was a refugee in Kuwait, led a small force and conquered al-Riyāḍ, the Wahhābī capital in Najd. That date marked a significant change in the political history of Eastern Arabia, because soon after that 'Abd al-'Azīz embarked on a policy of restoring the Su'ūdī state to its former frontiers. In 1905 'Abd al-'Azīz led a successful expedition against the forces of his enemy Muḥammad Āl Rashīd of Ḥā'il and managed to destroy the Rashīdī forces which included a contingent of Ottoman soldiers. The Qaṭarīs among others helped to win the battle of al-Bukayrīyah.⁴⁷ Soon after that 'Abd al-'Azīz assisted Shaykh Jāsīm of Qaṭar in his attempt to put down a civil mutiny that spread in Qaṭar in the summer months of 1905.⁴⁸

This friendship which seems to have prevailed over the relations between 'Abd al-'Azīz and Jāsīm began to change soon after the former had reconquered al-Iḥsā' province in 1913.

On the 10th July 1913 Jāsīm, sensing the dangers to Qaṭar resulting from that conquest, sent a strongly worded letter to 'Abd al-'Azīz warning him of the consequences of any attempt to occupy Qaṭar. However, only one week later (17 July 1913), Jāsīm b. Muḥammad Āl Thānī passed away and

he was succeeded by his son Shaykh 'Abd Allāh. 'Abd Allāh, aware of the political realities in the area, chose to pay allegiance to 'Abd al-'Azīz rather than to antagonize him.⁴⁹

To be fair to 'Abd al-'Azīz and 'Abd Allāh one should state that occupation of Qaṭar by the former would have presented a threat to the shaykhdoms of Trucial 'Umān. Any attack on those shaykhdoms by 'Abd al-'Azīz would have upset the peace in the whole Gulf region. One could single out five factors which 'Abd al-'Azīz might have taken into account: a) fear of direct confrontation with the British who, indeed, had sent him several letters to warn him of any aggression against Qaṭar; b) the Dārīn agreement of 1915 with the British in which he promised not to attack Kuwait, Baḥrain, Qaṭar or the Trucial Coast of 'Umān as these were under British protection; c) remembrance of his refuge in Qaṭar in 1891 along with his father 'Abd al-Raḥmān where they stayed for 2 months as guests of Shaykh Jāsīm b. Muḥammad Āl Thānī; d) the need to cooperate with the Āl Thānī against their common enemy the ruler of Abū Ḥabīb; e) the common religious conviction of the Āl Thānī and the Āl Su'ūd in the Ḥanbalī school of law.

In this chapter both the geographical and historical backgrounds of Qaṭar in the second half of the 19th century have been discussed. The historical focus has been on Qaṭar's relations with its immediate neighbours. The following chapter

will deal with the 1916 treaty between Great Britain and Qatar--circumstances which led to its conclusion and its impact on Qatari-British relations in the first half of the 20th century.

NOTES

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⁸Aḥmad M. Abu-Hakima, History of Eastern Arabia: 1750-1800 (Beirut: Khayats, 1965), p. 68. (Hereafter referred to as Eastern Arabia).

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¹²Maḥmūd B. Sinān, Ta'rīkh Qaṭar al-'Āmm (Baghdad: Maṭba'at al-Ma'ārif, 1966), p. 86. (Hereafter referred to as Ta'rīkh Qaṭar).

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¹⁵Sinān, Ta'rīkh Qaṭar, p. 95.

¹⁶R/15/1/741, Convention between the United Kingdom and Turkey Respecting the Persian Gulf and Adjacent Territories. Signed at London, July 29, 1913.

¹⁷Abu-Hakima, Eastern Arabia, p. 67.

¹⁸Jamāl Z. Qāsim, Dirāsah li-Ta'rīkh al-Imārāt al-'Arabīyah 1840-1914 (Kuwait: Dār al-Buḥūth al-'Ilmīyah, 1974), p. 158. (Hereafter referred to as Ta'rīkh al-Imārāt).

¹⁹Muḥammad b. Khalīfah al-Nabhānī, al-Tuḥfah al-Nabhānīyah fī Ta'rīkh al-Jazīrah al-'Arabīyah (Cairo: al-Maṭba'ah al-Maḥmūdīyah, 1342 A.H.), p. 181. (Hereafter referred to as Ta'rīkh al-Jazīrah).

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²¹Qāsim, Ta'rīkh al-Imārāt, p. 158.

²²Nabhānī, Ta'rīkh al-Jazīrah, p. 184.

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³⁶Ibid., pp. 86-92.

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⁴¹Saldanha, Katar Affairs, p. 162.

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⁴³Maḥmūd S. al-Shaybānī, Imārat Qaṭar al-'Arabīyah bayn al-Māqī wa al-Ḥāqir (Beirut: Dār al-Thaqāfah, 1962), pp. 53, 71. (Hereafter referred to as Imārat Qaṭar).

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⁴⁵Qāsim, Ta'rikh al-Imārāt, p. 220.

⁴⁶Lorimer, Gazetteer, vol. I, part I B, p. 1140.

⁴⁷Fu'ād Ḥamzah, Qalb Jazīrat al-'Arab (al-Riyāḍ:

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⁴⁹Qāsim, Taʾrīkh al-Imārāt, p. 318.

CHAPTER II

THE 1916 TREATY BETWEEN QATAR

AND GREAT BRITAIN

A. Circumstances Which Led
to the Conclusion of
the 1916 Treaty

Qatari-British relations flourished after the conclusion of the 1916 treaty on 3rd November 1916. The motive which led the Āl Thānī to conclude this treaty with the British was the Turks' efforts to reassert their grip on Qatar and to remove the Āl Thānī from power. Those efforts included the attempt of 'Ākif Pasha, the wālī of al-Iḥsā', to establish a direct Turkish administration in Qatar in 1889, the project of establishing administration offices in al-Zubārah, al-Wakrah and al-'Udayd in 1902-1904, and the consolidation of military customs authority in Qatar.¹

After studying the conditions around the Gulf area, the British decided that leaving Qatar outside their realm of influence during a world war would create a weak point in their strategy, especially that concerning the conquest of 'Irāq. Moreover, Qatar's position allowed it to be a flourishing centre of arms trade. These arms were shipped from Qatar to Persia and Afghanistan, a situation which threatened the

British influence in those areas.² In addition, French companies with the assistance of the French Government, were trading in Qaṭar.

Another factor which led to the conclusion of the 1916 treaty was the fall of al-Iḥsā' to 'Abd al-'Azīz Āl Su'ūd in October 1913, which meant the emergence of a new power in the Gulf to the further disadvantage of Turkish authority.³ Among the plans of this new Su'ūdī power was the annexation of the area located on the southern coast of the Gulf. This plan was reflected in the division of the Su'ūdī army into four groups: the army of 'Umān, al-Iḥsā', al-Qaṣīm, and al-Riyāḍ respectively. At the end of 1913, 'Abd al-'Azīz divided his country into four provinces: Trucial 'Umān (including Qaṭar), al-Iḥsā', al-Qaṣīm, and al-Riyāḍ.⁴

Another factor which contributed to the conclusion of the 1916 treaty was the increase of piracy on the coast of Qaṭar.⁵ The British wanted to stop this piracy by signing an agreement with the ruler of Qaṭar.

However, the treaty which was concluded between Great Britain and Turkey in July 1913 brought about a new situation, namely, Turkish resignation of all its claims over the Qaṭarī peninsula east of the line fixed by the treaty as the border of the Ottoman Najd territory. Conse-

quently, what had been objectionable to the British since the establishment of Turkish military base in Qaṭar in 1872 was erased.

As a matter of fact, the British had had the intention to negotiate a direct treaty with the ruler of Qaṭar since 1913. However, the conclusion of this treaty was delayed because of:

- 1.. The fall of al-Iḥsā' in 1913 to 'Abd al-'Azīz Āl Su'ūd, who considered Qaṭar and the shaykhdoms of the northern coast of 'Umān an inseparable part of his ancestors' property. However, 'Abd al-'Azīz was unable to seize these areas due to the British warning him against it in September 1913. The British asserted that non-interference in these areas was one of the conditions for establishing friendly relations with the British Government. an Agreement was concluded on 26 December 1915 and was called "The Treaty of Dārīn".⁶
2. The outbreak of World War I, the collapse of arms trade, and the attempt of Sir Percy Cox, the British Political Resident in Baṣrah, in February 1913--during the British-Turkish negotiations--to force Shaykh Jāsīm Āl Thānī to issue a decision preventing arms trade after reaching a reconciliation between the two countries, i.e., Great Britain and Turkey. However, the fall of al-Iḥsā' pre-

vented the issue of the decision, and consequently, Qaṭar became the only existing centre of arms trade. However, the outbreak of war in Europe led to the decrease of arms trade in the Gulf rendered the issue of a limited treaty with Qaṭar unessential and it was postponed until 1915.

3. The struggle for control of Qaṭar after the death of Shaykh Jāsim in 1913 between his two sons 'Abd Allāh and Khalīfah.⁷ Although Jāsim had expected this struggle, he appointed his son 'Abd Allāh to succeed him and asked the Āl Thānī family and the people of Qaṭar to pledge allegiance to him. Immediately after Jāsim's death Khalīfah broke his allegiance and tried to seize the legal authority of his brother 'Abd Allāh. He approached his cousins, and they provoked dissension and disturbed peace in the country. 'Abd Allāh complained against Khalīfah to Yūsuf b. Aḥmad Kānū,⁸ his friend in Baḥrain in a letter dated September 1st, 1914.⁹

British hesitation over the treaty was evident in the letters exchanged between the Government of India and the British Political Resident in the Gulf. On 15 July 1914 the Government of India wrote to the Political Resident in the Gulf urging him to conclude immediately a treaty with Qaṭar. His reply was that the condition of the country was not yet

stable under one ruler. Consequently, on 18 July in the same year the Government of India asked him to look for a substitute with whom a treaty would be concluded. His reply on 22 August 1914 was that the Āl Thānī family was the only family in Qaṭar which could be relied on for concluding the treaty, because the power was exclusively in their hands. On 1st September 1914 the Political Resident in the Gulf, Major Knox, sent a report to the Secretary to the Government of India explaining the situation in Qaṭar and calling upon him to strengthen 'Abd Allāh b. Jāsim's side before the danger posed by his rival Khalīfah became widely spread.¹⁰ In this way the conclusion of the treaty was delayed.

B. The 1916 Treaty: Critical Analysis of the Text

Shortly before the declaration of World War I, Great Britain had started planning to dominate the Gulf area in order to ensure the safety of its transportations. In August 1914, after the outbreak of war between Great Britain and Germany, and Turkey's declaration on Germany's side three months later, Great Britain prepared drafts for collective and individual guaranties to be presented to all of the shaykhs of the Gulf. These guaranties

expressed Great Britain's effort during this struggle to protect their freedom and religion. There would never be any threat from Great Britain against either of these, for both were dearer to humanity than life itself. These guarantees were presented on 3 November 1914. Particular guarantees were given to the ruler of al-Muḥammarah and the ruler of Kuwait.

It is unfortunate that the British Agent in Baḥrain, in his letter to the Government of India on 1st September 1914, attracted attention with his statement that Shaykh 'Abd Allāh was not the actual ruler of Qaṭar and that concluding an immediate treaty with him would be premature. However, he stressed the importance of helping 'Abd Allāh to assert his rule. On 6 September 1915 the Government of India exchanged letters with the Political Resident concerning the Turkish garrison in Qaṭar. Finally, they decided to move this garrison without bloodshed and it was carried out in August 1915.¹¹

The British Government did not give the ruler of Qaṭar particular guarantees as it did to the ruler of Kuwait and al-Muḥammarah due to the instability of the political condition in Qaṭar. In 1915 a discussion was held between the Secretary to the Government of India and Sir Percy Cox,

the Political Resident in the Gulf and Chief Political Officer in Baṣrah, about concluding a treaty with Qaṭar. In September 1915 a draft of a treaty was prepared to be submitted to the ruler of Qaṭar. The draft--in which articles 4, 5, 6, 7, and 10 corresponded respectively to articles 7 and 8, 6, 4, 5, and 11 in the final treaty--consisted of 10 articles, the summary of which are as follows:

Article 1

Referring to the agreement signed by Shaykh 'Abd Allāh's grand-father Shaykh Muḥammad b. Thānī on 12 September 1868, Shaykh 'Abd Allāh undertakes as did friendly shaykhs in the Gulf area to co-operate with the British Government in the suppression of the slave trade and piracy, and to maintain maritime peace.

Article 2

The British Government undertakes to give Shaykh 'Abd Allāh the same privileges given to the shaykhs in the Gulf area who have made agreement with the British. The British and Shaykh 'Abd Allāh shall affix their signatures and seals to each copy of the treaty.

Article 3

Shaykh 'Abd Allāh shall publish a proclamation forbidding import and sale of arms into his territories and ports of Qaṭar. The British Government on its part agrees to grant him facilities to buy arms for his personal use and for the arming his dependents with a limited amount of arms, i.e., not more than 1,000 rifles with 400 rounds of ammuni-

tion per rifle per year, and to pay him a subsidy of 1,000 rupees per month.

Article 4

Shaykh 'Abd Allāh undertakes to allow a British agent and British subjects to reside in Qaṭar for trade and to protect their lives and property.

Article 5

The customs import dues upon British goods shall not exceed those levied on Shaykh 'Abd Allāh's subjects and shall not exceed 5 % from the total value. British goods shall not be liable to the payment of any other taxes or dues.

Article 6

Shaykh 'Abd Allāh undertakes that he shall not have relations with any other Power without the consent of the British Government; neither shall he, without such consent, cede to any other Power or its subjects, land either on lease, sale, transfer, gift or any other way.

Article 7

Shaykh 'Abd Allāh shall not give pearl fishery concession or any other monopolies, concessions or cable landing rights without the consent of the British Government, to anyone whomsoever.

Article 8

Shaykh 'Abd Allāh undertakes to allow the establishment of a British Post Office and a Telegraph installation

in his territory and to protect them.

Article 9

The British Government undertakes to protect Shaykh 'Abd Allāh and his subjects and territory from all aggression by sea.

Article 10

The British Government undertakes to grant Shaykh 'Abd Allāh good offices should he or his subjects be assailed by land within the territories of Qaṭar. This obligation rests upon the British Government only in the event of such aggression whether by land or by sea, being unprovoked by any act of aggression on the part of Shaykh 'Abd Allāh or his subjects against others.¹²

In the meantime a draft of the Qaṭar Proclamation Prohibiting the Traffic in Arms which forbade the import, sale, and export of arms into and out of the territories of Qaṭar was attached to the draft of the treaty.¹³

On 26 October 1915 W.G. Grey, the Political Agent in Kuwait sent the report of his negotiations with Shaykh 'Abd Allāh about the draft of the treaty to Sir Percy Cox, the Political Resident in Basrah. He stated that 'Abd Allāh had objected to 3 articles 4, 5, and 8.

With regard to draft article 4 dealing with the reception of British traders and an agent, the basis of 'Abd Allāh's rejection was that his people still disliked foreigners in

their country, and the presence of these British traders in Qaṭar might cause him trouble due to their ill-treatment by his subjects. Such an incident would give opportunity to his enemy to place him in difficulty with the British Government. However, he assured the British Agent that he personally had no such feeling towards foreigners. With regard to the presence of a British agent in Qaṭar, although he objected to it at that time, he promised to take necessary measures for his (the agent's) presence in Qaṭar in the future.

With regard to draft article 5 dealing with limitation of duty on British goods, Grey did not give the reason for 'Abd Allāh's rejection to it. However, he stated that he used every possible argument to insert articles 4, 5, and 6 without success.

With regard to draft article 8 dealing with the establishment of a Post Office and a Telegraph Offices, although 'Abd Allāh recognized the advantages of these two offices, the difficulty in regard to foreigners would be unfortunately applied to them, too.

At the conclusion of his letter, Grey recommended the Government of India accept Shaykh 'Abd Allāh's explanation for refusing to admit British traders into Qaṭar at that time, and to negotiate with him the remainder of the draft of the treaty, and that a subsidiary agreement regarding the omitted articles would be made subsequently.¹⁴

In a letter sent to the Secretary to the Government of India on 17 April 1916, Cox suggested making another attempt to conclude the treaty without delay and to convince Shaykh 'Abd Allāh that the British Government had no intention to insist on articles 4, 5, and 8 as long as the British rights over these matters were recognized.¹⁵

The Government of India found in Cox's recommendation the solution to further the realization of the treaty. Therefore, the Secretary to the Government of India sent a telegram to Cox on 29 June 1916 stating the necessity of continuing negotiations with Shaykh 'Abd Allāh on the suggested basis, stressing article 3 of the draft which dealt with the prohibition of import and sale of arms in Qaṭar.¹⁶ Sir Cox completed the negotiations and signed the treaty on 3 November 1916.¹⁷ The next day, Cox presented the original texts of the treaty to the Government of India and to Shaykh 'Abd Allāh.¹⁸

In a telegram sent to the Secretary of State for India on 10 January 1917 the Government of India suggested the ratification of the treaty.¹⁹ The final ratification was made and signed by the Secretary of the Government of India on 23 March, 1918.

Among the possible benefits of the treaty for Qaṭar was discouragement of the possibility of Su'ūdī assault against Qaṭar, as article 11 of the treaty stated:

They [i.e., the British] also undertake to grant me good offices, should I or my subjects be assailed by land within the territories of Qaṭar. It is, however, thoroughly understood that this obligation rests upon the British Government only in the event of such aggression whether by land or sea, being unprovoked by any act of aggression on the part of myself or my subjects against others....²⁰

This was the first treaty which went beyond the traditional lines of a peace treaty, for it stipulated the obligation to guarantee the security of Qaṭar from Su'ūdī expansion as well as from the possibility of Abū Ḥabīb's intervention in Qaṭar by its siding with Shaykh Khalīfah Āl Thānī, the rival of Shaykh 'Abd Allāh.

Shaykh 'Abd Allāh, through this treaty, took advantage of his father's experience with British Indian merchants, for the letter sent by Sir Percy Cox to him on 3 November 1917 stipulated the promise of the British Government not to execute the treaty articles 7, 8, and 9 which respectively dealt with: allowing British subjects (in this case, including Indian merchants) to reside in Qaṭar for trade, the presence of a British agent in Qaṭar, and the establishment of a British Post Office and a Telegraph installation in Qaṭar.²¹ Therefore, the opposition of local traders and men of religion against the presence of a British agent and foreigners in Qaṭar was no longer necessary. With the conclusion of this

1916 treaty Qaṭar became the last link in the chain which joined the small states of the Gulf extending along the eastern coast of the Gulf.

C. The Development of Qaṭarī-British Relations after the Conclusion of the 1916 Treaty

1. Internal Political Conditions of Qaṭar

In May 1921 Qaṭar faced internal and external instabilities. Internal instability was represented by the power struggle among the members of the Āl Thānī ruling family, while external instability was occasioned by 'Abd al-'Azīz Āl Su'ūd's interference with the internal affairs of the country. At that time, the Political Resident stated that he had received letters from Shaykh 'Abd Allāh, requesting to meet him immediately to discuss serious and confidential matters. On 6 May 1921 the Political Resident paid a visit to Qaṭar where 'Abd Allāh discussed matters with him and then presented him a memorandum pertaining to the following subjects:

- (1) Whether in the event of his being attacked from the interior the British Government would give him any help.
- (2) Whether the Government would give him any help in the event of any portion of Qaṭar rising against him.
- (3) Whether, in the event of any of his brothers rising

against him, the Government would give him any help.

In addition to these 3 points 'Abd Allāh raised two more:

- (4) Did the Political Resident think the Government would, if he ('Abd Allāh) desired it, grant him a loan?
- (5) Would the Government be prepared to give him a couple of small cannons?

The Political Resident said further in his report that with regard to item (1) Shaykh 'Abd Allāh had informed him that he was on the best terms with 'Abd al-'Azīz Ā Su'ūd and at that time he had no reason to fear the latter's assault against Qaṭar. However, there was no guarantee that this condition would continue unchanged, for 'Abd al-'Azīz might die, be assassinated, his followers get out of hand, or any other possibility. What, then, might happen to Shaykh 'Abd Allāh?

The Political Resident's response to 'Abd Allāh was that he could not answer on behalf of the British Government. However, he gave his personal view that the British would do what they could by diplomatic means, in the event of hostilities between 'Abd al-'Azīz and himself, in accordance with article 11 of the 1916 treaty, and might send a ship to Doha in case British subjects or property were in danger. With regard to items (2) and (3) he gave his view that it was the policy of Britain to avoid as far as possible any interference with the internal affairs of the emirates of the Gulf.

He also informed 'Abd Allāh that he would present a report concerning this matter and would let him know the result of this report.²²

The answer to the report sent by the Political Resident, on 13 May 1921 was given by the Deputy Secretary to the Government of India on 8 August 1921 and contained the following points:

The Political Resident's answer concerning items (2) and (3) was accepted and agreed to by the British Government. With regard to the possibility of the occurrence of hostility against Qaṭar from land by 'Abd al-'Azīz or his followers, the British Government was not ready to give anything further than diplomatic assistance. Moreover, it was not possible for 'Abd al-'Azīz to risk violation of article 6 of the Dārīn Treaty concluded on 26 December 1915 between 'Abd al-'Azīz and the British. This article stipulated that 'Abd al-'Azīz would undertake not to attack the lands of the chiefs of Kuwait, Baḥrain, Qaṭar, 'Umān and its coasts as well as all shaykhs who were under British protection and bound by treaties with the British.

With regard to 'Abd Allāh's request for two small cannons with ammunition, and the suggestion of the Political Resident that the British Government should present him two old ones, the Government of India would take into consideration its effect on the attitude of the shaykhs in the Gulf

area who had not received such a privilege. Only Bahrain had received guns, but they had been rendered useless before they were sent to Bahrain. The Government of India preferred to await a more satisfactory report on 'Abd Allāh's work in prohibiting arms sales in Qaṭar. Once this prohibition was carried out satisfactorily, the Government of India would consider giving him "two unserviceable guns with a supply of blank ammunition ... if artillery limited to ceremonial use seemed to you [i.e., the Political Resident] to meet the case."²³

Despite the arrival of the reply to the Political Resident's letter, Shaykh 'Abd Allāh was not informed. Due to the spread of unrest in Qaṭar, 'Abd Allāh was compelled to travel to Bahrain on the pretext of trading in pearls; there he met the Political Agent on 2nd and 3rd November 1922. He expressed his view to the Political Agent that he was not afraid of the full attack on Qaṭar which 'Abd al-'Azīz might launch, as long as Qaṭar was under British protection. What he feared was 'Abd al-'Azīz's subtle method against him. Shaykh 'Abd Allāh explained to the Political Agent how a year before some members of the Āl Thānī family paid a visit to 'Abd al-'Azīz and then returned to Qaṭar to challenge his power. Moreover, some people who had had no dispute with him before became the source of trouble for him with the aid of 'Abd al-'Azīz. He stated further that the aim of 'Abd al-

'Azīz was to make the incident so important that he would feel compelled to act for self protection.

After explaining this, Shaykh 'Abd Allāh requested the British Government to assist him and his son the Crown Prince in facing such conspiracies. He warned the British Government that any negligence in accepting his request might cause a public insurrection in Qaṭar, while British aid would stop 'Abd al-'Azīz's interference. He threatened that unless proper support was given to him he and his son would resign and leave Qaṭar, and this would mean the loss of the defensive line of the British in front of 'Abd al-'Azīz. He asked about the position of the British Government on the following points:

- (1) Whether the Government would permit him to take action by boats against rebellious villages on the coast which he is capable of dealing with.
- (2) If as a result others should support them and form too strong an opposition would the Government send a ship to his assistance?
- (3) Will the Government be pleased to recognize his son as the heir to the shaykhship and if anything happened to him (the present ruler) would the Government support his son to enable him to take over? He suggested that an announcement to this effect, as in the case of Ḥamad b. 'Īsā in Baḥrain, would go a long way toward discour-

aging disaffected members of the family from making trouble.

- (4) In the event of it being essential for him to arrest and make an example of one of his relatives who is actively intriguing against him under the veiled protection of 'Abd al-'Azīz, would the Government assist in his removal from Qaṭar?²⁴

The Political Agent submitted these questions to the Political Resident in Bushire on 3 November 1922, and added that the reports from Qaṭar a year before indicated loss of some tribemen's support for 'Abd Allāh and his need of British support.

Despite this critical situation faced by Shaykh 'Abd Allāh, the answer to his questions, sent on 11 November 1922, was very disappointing. The Government of India had decided not to intervene in his struggle with 'Abd al-'Azīz except through diplomatic means, and would not become involved in any internal disturbance of Qaṭar due to family disputes or the rising of inhabitants against him. Moreover, the Government of India would not recognize his son as his heir, as they had recently refused to recognize the Sulṭān of Masqaṭ's son as his heir, although they had recognized Ḥamad as the heir of the ruler of Baḥrain under different circumstances. However, the Political Resident would allow 'Abd Allāh to use boats to preserve order in his territory. If severe or prolonged

fighting between 'Abd Allāh and his subjects occurred and disturbed maritime peace of the neighbourhood, a ship might be sent to that area to restore order.²⁵

On 10 November 1922 the Political Resident requested that the Government of India send a letter to 'Abd al-'Azīz to remind him that Qaṭar was one the states which had concluded a protective treaty with the British, and that 'Abd al-'Azīz had undertaken in the Dārāyn treaty not to assault Qaṭar. He asserted to the Government of India that it would be a heavy loss to British policy to lose Qaṭar as an independent state and a defensive line against the ambition of the Su'ūdī state in the Gulf area.²⁶

However, the danger of the Su'ūdī threat against Qaṭar increased. Between 1923 and 1924 the relations between the British and 'Abd al-'Azīz weakened due to the latter's provocation against Qaṭar after the departure of al-Dawāsir tribe from Baḥrain. The Political Resident in the Gulf suggested the necessity to strike at al-Dammām to stop the Su'ūdī threat, but the Colonial Office opposed this view, as long as there was no absolute necessity to do so.²⁷

In the midst of this critical situation Shaykh 'Abd Allāh requested the Political Resident to provide him with arms, especially when he heard rumours that 'Abd al-'Azīz might cross the eastern coast of the Arabian peninsula, including the border of Qaṭar, in the autumn of that year.²⁸

In turn, the Political Resident requested the Government of India on 23 May 1925 to comply with 'Abd Allāh's request to provide him with 150 carbines and 15,000 rounds of ammunition.²⁹

But the Government of India decided to deliver to Shaykh 'Abd Allāh only 50 carbines with 5,000 rounds of ammunition. The reason was that, according to article 3 of the 1916 treaty, 'Abd Allāh's early requirements had been stated as 500 pieces of weaponry. As he had already received 450,--300 rifles and 150 carbines--he would need only 50 pieces. If he really required more than the amount mentioned above, he should fully justify his demand and hand over the worn out rifles if they were to be replaced.³⁰

On 1st January 1926 F.B. Prideaux, the new Political Resident, sent a letter to Shaykh 'Abd Allāh informing him of the contents of the letter of the Government of India.³¹ Shaykh 'Abd Allāh was disappointed with this reply and wrote a letter to the Political Resident on 16 January 1921 stating that the 1916 treaty stipulated that his yearly requirements were 500 rifles and 100 revolvers. He stated further that many years had passed in which he did not ask that number of weapons because the arms he had were fairly adequate. However, they had rendered useless by rust and wear and the ammunition had been expended. Therefore, he was short of arms and required new ones. He

stated that in peace 500 weapons would suffice him, but in other times they would not be sufficient. Because he had not known that it was necessary to keep the worn out weapons for replacement, he had lost them and could not return them to the Government of India.³²

On 9 January 1926 the Political Resident visited Qaṭar and met with Shaykh 'Abd Allāh. During the discussion of arms requested by 'Abd Allāh, the Political Resident found a clerical slip in article 3 of the 1916 treaty. According to the rough copy of the treaty negotiated by Sir P. Cox the sentence ran as follows: "In my opinion the amount of my yearly requirements will be up to five hundred weapons." The word "early" in the typed copy of the treaty included in Cox's letter was accidentally substituted for "yearly", and Cox, not noticing this error, talked of annual allowance to the chief of Qaṭar. The Arabic version of the treaty also had the word "yearly". Prideaux, the Political Resident, mentioned this clerical slip in his letter to the Foreign Secretary to the Government of India and urged them to reconsider their decision. He recommended that they supply 'Abd Allāh with the quantity of arms and ammunition he needed (500 arms and 75,000 rounds of ammunition) to be shipped on board of the ship "Lawrence" from Bombay in May.³³

When two geologists (Lees and Gray) from the Anglo-Persian Oil Company (APOC) wanted to come and see Shaykh 'Abd

Allāh, the latter declined to see them on 10 March 1926 on the grounds of insufficient arms to give them necessary protection. He also prohibited Indian traders from entering the country for the same reason.³⁴

2. The Problem of Renewal of Protection

We have just seen that Shaykh 'Abd Allāh's effort to strengthen British protection over Qaṭar against internal dissension and rebellion as well as external threat from the powerful Su'ūdī neighbour led him to ask that the British Government provide him with arms as stipulated in the 1916 treaty. This request for arms continued until 1927 when the British and 'Abd al-'Azīz concluded the Jiddah treaty on 20 May 1927. According to this treaty 'Abd al-'Azīz and his subjects undertook to preserve peace and friendly relations with Kuwait, Qaṭar and the shaykhs of the coast of 'Umān who had been bound by their own treaties with the British.³⁵

However, after 26 June 1930, the problem of British protection of Qaṭar re-emerged when the Political Resident submitted a proposal to the Government of India to grant a sort of protection or guarantee for Qaṭar in exchange for the construction of an airport in Qaṭar intended for emergency landing for the Royal Air Force (RAF). But this proposal did not proceed, since the RAF was building fuel storage facilities on the island of Yās off Abū Ḥabī.

On 2 August 1930, Prior, the Political Agent in Bah-

rain, visited Qaṭar. During his meeting with Shaykh 'Abd Allāh he suggested that he establish closer relations and an alliance with the Su'ūdīs. 'Abd Allāh replied that he was taking the idea into consideration, for if the British would not protect his country he had to seek some other ways. The Political Agent (in his letter on 2 August 1930 to H.V. Biscoe, the Political Resident in Bushire) stated that he had received confidential information that 'Abd Allāh did actually pay 'Abd al-'Azīz a secret subsidy of a lakh (100,000) rupees a year to preserve his independence. Prior suggested to the Political Resident that it was the proper time to act to protect Qaṭar although the protection would be limited to Doḥa. The fall of Doḥa would mean a threat to British interests in the Gulf. He also suggested that the British recognize Ḥamad as 'Abd Allāh's heir, on the grounds that the presence of many Iranians in Doḥa required a strong right hand for 'Abd Allāh in his rule, which in turn would prevent the interference by the Iranian Government in the internal affairs of Qaṭar.³⁶

On 10 December 1930 Biscoe and Prior visited 'Abd Allāh in Doḥa where they learned the internal political condition of Qaṭar: the inhabitants of al-Khawr were rebelling against 'Abd Allāh, his nephew 'Abd al-'Azīz Su'ūd b. 'Abd al-Raḥmān Āl Thānī, who was living in al-Wakrah, was against him, and his cousins, about 13 in number among whom was Aḥmad

b. Jāsim Āl Thānī, who were living in Doḥa, were considered the leaders of opposition.

After the departure of the Political Resident, Prior stayed with 'Abd Allāh for 3 days. Prior learned that 'Abd Allāh did not need any British soldiers, but the presence of a British warship at the port of Doḥa would be sufficient for him as a guarantee of support against his relatives.³⁷

The Political Agent reported his suggestion to the Political Resident who, in his turn, submitted the suggestion to the Government of India on 7 June 1932. In the meantime, the need for British airplanes and an airport for emergency landing in Qaṭar was strongly felt. Therefore, the Political Resident suggested that the Government of India grant 'Abd Allāh the guarantee of support he had required, i.e., the protection of Doḥa as the minimum requirement and the whole coast of Qaṭar as the maximum one, before entering into negotiations concerning the construction of such an airport in Doḥa. The purpose behind this was to keep 'Abd Allāh unaware of Britain's pressing need for this airport. Otherwise, he would take a strong position in the negotiations. Moreover, the breach between 'Abd Allāh and 'Abd al-'Azīz had become wider in the last two years.

The suggestion of the Political Agent to recognize 'Abd Allāh's son Ḥamad as his heir was rejected by the Political Resident. He contended that hereditary succession had

not been practised along the coast of the Gulf. Instead, upon the death of a chief, his family and relatives held a meeting where they elected his successor, usually the most powerful among them. Therefore, the Political Resident argued, it was in the interests of the British Government if the situation in Qaṭar remained unchanged, so that they would not get into trouble in assisting a weak ruler who was unacceptable among his family and relatives. In addition, recognizing a new ruler did not prevent his family and relatives from assassinating him if they wanted, to, before the British moved to assist him. On the other hand, this recognition might be a mere guarantee for the new ruler against being assassinated more than any other benefit, for his relatives might protect him from assassination for fear of British interference.³⁸

In August 1932 the British Government approved the construction of the airport in Doḥa and the protection needed by 'Abd Allāh, limited to Doḥa. However, if 'Abd Allah rejected this limited protection, it would be extended to the coast of Qaṭar. Therefore, Fowle, the Political Resident, prepared two letters to be presented by Prior, the Political Agent in Baḥrain, to 'Abd Allāh, containing the above proposals respectively.

During his visit to Qaṭar, the Political Agent, realizing the firm stand of 'Abd Allāh, presented to him the

second letter containing the proposal for protection of the coast of Qaṭar. But 'Abd Allāh rejected even this proposal. He wanted to conclude an official treaty which would give him full protection similar to that concluded with Bahrain and Kuwait.³⁹ Consequently, the Political Agent suggested to the British Government another area for constructing an airport, namely, al-Zubārah or Dawḥat Fīshākh, and he preferred the latter. On 20 October 1932 the British Government reported its rejection of the treaty requested by the ruler of Qaṭar in exchange for constructing an airport in Doḥa.

However, another development in the area supported the position of the ruler of Qaṭar in his insistence on sufficient protection. When APOC sent its senior official, C.C. Mylles, who was accompanied by Ḥajī 'Abd Allāh Williamson, to request permission from Shaykh 'Abd Allāh to carry out a geological survey in Qaṭar,⁴⁰ the latter imposed as a condition a treaty for protection similar to that granted to Bahrain and Kuwait.

In the meantime, the British Government, although in favour of the agreement which was still under consideration between APOC and the ruler of Qaṭar, reminded the latter of the terms of article 5 of the 1916 treaty, that is, he was not in a position to give any concession without the consent of the British Government.⁴¹ Moreover, once the concession was obtained, it would be transferred to the Iraq Petroleum

Company (IPC) in accordance with the agreement between that company and APOC.⁴²

The ruler of Qatar intended to grant the concession to APOC on the condition that he would exercise jurisdiction over any dispute between his subjects and APOC employees, and APOC would undertake to supply him with arms for the defence of their works and employees. The latter condition was inconsistent with article 3 of the 1916 treaty which prohibited the import and sale of arms in Qatar. With regard to the arbitration provision, he "was anxious that some international body such as the Permanent Court of International Justice at the Hague should be referred to..."⁴³

There were two important points which the British had to make in order to tighten up their political relations with Qatar: jurisdiction, and the bringing into force the dormant articles of the 1916 treaty. With regard to jurisdiction over foreigners, the British wanted to transfer it to the British Government as was the case in Kuwait and Bahrain. However, the British were aware that the ruler of Qatar would not easily "agree to any such surrender of his right; but particularly if there was to be any risk of influx of foreign employees, the point was one of the real substance."⁴⁴

With regard to the dormant articles of the 1916 treaty-- i.e., articles 7, 8, and 9 dealing respectively with the

admission of British subjects to Qaṭar for trade, the admission of an agent on behalf of the British Government, and the establishment of post and telegraph offices in Qaṭar--the presence of a Political Agent in Qaṭar was not urgent. The reason was that there was nothing in Qaṭar to attract foreigners: it had no big town, and it lacked ordinary aspects of civilization like those found in Kuwait, Baḥrain and Masqaṭ. However, if oil were found in Qaṭar, buildings, refineries and other projects would be erected, and there was the possibility that foreign people would be introduced into the country. In this case, the presence of a Political Agent in the area would be essential to exercise jurisdiction. Moreover, he could serve as a channel of correspondence between the oil company and the ruler of Qaṭar, as was the case in Baḥrain.⁴⁵

There was another question which the British Government took into consideration, namely, the problems which might arise with oil concessions granted to oil companies such as APOC and others. The British Foreign Office stated that the British Government was careful

to avoid an oil war with American oil interests over what was on a long view a relatively unimportant area, and had emphasized in connection with both Koweit and Baḥrein their anxiety to work on the basis of an open door policy so far as possible any development in these areas should be so far as possible under the

British control.⁴⁶

Although the British did not propose to stipulate that any company or a subsidiary of a company operating in Qaṭar should be under British control, they insisted that exploration or local representation had to be by people of British nationality and that the company in its dealing with the ruler or the local inhabitants had to be guided by the British.⁴⁷

News spread that during Shaykh 'Abd Allāh's visit to 'Abd al-'Azīz in al-Riyāḍ in September 1933, which had lasted nearly a week, the two chiefs concluded an agreement: in any negotiation with oil companies 'Abd Allāh was to inform them that only Doḥa belonged to him, while the hinterland of Qaṭar belonged to 'Abd al-'Azīz. The news was also that 'Abd al-'Azīz had sent a telegram to London, probably to one of the oil companies, informing them of his sovereignty over the hinterland of Qaṭar.⁴⁸ There were speculations among the British officials in reaction to this rumour. The Political Resident and the Government of India considered the possibility of 'Abd al-'Azīz's support of Socal (California Standard Oil Company) in its attempt to obtain a Qaṭar concession which, in turn, would give him an opportunity to absorb Qaṭar. He might attempt to grant protection to any oil concessionaire in the hinterland of Qaṭar. Any attempt to absorb Qaṭar by the Su'ūdī ruler would be considered a violation of article 6 of the treaty of Jiddah concluded in 1927.⁴⁹

The British Government was now ready to grant protection to Qaṭar against aggression by land, and studied the difficulties they might face in granting this protection. The Air Ministry gave information about the area and stated that the hinterland of Qaṭar was populated by migratory bedouins who were practically independent, but informally paid allegiance to 'Abd al-'Azīz. As the area was not fertile with grazing grounds, raiding from the desert would hardly occur. Raids might occur solely for the purpose of plundering the settlements established by an oil concessionaire. In such raids the British Government would leave the oil concessionaire or the ruler of Qaṭar to take his own measures to defend his area in accordance with the British non-interference policy.

The Political Resident, the Government of India, and the Air Ministry held the same view of the necessity for British protection of Qaṭar and of persuading the ruler of Qaṭar to grant an oil concession to APOC. The protection would cover any unprovoked aggression across the southern border of Qaṭar.⁵⁰

On 16 April 1935 the Political Resident visited Qaṭar and made the following proposal to the ruler of Qaṭar:

- a. Disputes between British subjects, British protected subjects and the subjects of non-Muslim Foreign Powers should be settled by the nearest officer of the British Government, i.e., the Political Agent in Baḥrain or his representative.
- b. Disputes between British subjects, British protected sub-

jects, and the subjects of non-Muslim Foreign Powers, and the subjects of 'Abd Allāh or the subjects of Muslim Foreign Powers should be dealt with by a Joint Court on which 'Abd Allāh and the Political Agent in Bahrain will sit, or on which 'Abd Allāh's representative and that of the Political Agent in Bahrain will sit.⁵¹

On 18 April 1935 Shaykh 'Abd Allāh gave his reply. He agreed to the proposal of Fowle, the Political Resident, and suggested that the Court would sit in Doḥa. However, with regard to the subjects of Muslim Foreign Powers, he expressed his unwillingness to be responsible for any objection from their governments against the decisions of the Court. In addition, he requested the British Government to undertake to give their support to him and to his son Ḥamad and to recognize Ḥamad as the heir and to support him during his succession.⁵² On the same day the ruler of Qaṭar sent another letter to the Political Resident asking for an explanation of the sort of protection the British Government intended to grant him and the method they would adopt to ensure the protection. He stated that the danger came from the desert, and the nature of the trouble made by various tribes differed according to the state of the area in which it took place.⁵³

On 26 April 1935 the Secretary of State for India sent a telegram to the Political Resident concerning the questions posed by the ruler of Qaṭar. The summary of its

contents is as follows:

1. The British Government accepted the suggestion of the Political Resident that the guarantee of protection would be against foreign, serious, and unprovoked attacks, not small raids.
2. Although the British Government would prefer maintaining the policy of not granting recognition to a ruler's heir which had been their normal practice, they would be prepared to consider granting such recognition to Hamad as a special case provided that he would accept the 1916 treaty.
3. The British Government agreed that the Joint Court would be at Doha, but they could not discriminate between British protected subjects on the Arab Coast and others, for both had to come under the jurisdiction of the Joint Court.⁵⁴

Further explanation on the British recognition of Hamad as heir apparent and British protection of his rule was given in a telegram sent by the Secretary of State for India in London to the Political Resident in Bushire on 5 May 1935.

This telegram stated that

You [i.e., the Political Resident] may also if course of discussion shows this is essential recognize Hamad as heir apparent (subject to his acceptance of 1916 obligations on his succession). Meaning of such recognition however should be clearly understood by Shaikh. It means that we should be prepared to accept Hamad's succession when the time comes and implies our moral support but not necessarily that we should intervene in internal

affairs of Qaṭar by giving him active support in the event of his succession being violently disputed.⁵⁵

With regard to the protection of Qaṭar in general and APOC and its installations in particular, the British Government, in case of emergency, would grant arms to 'Abd Allāh without limiting him to the quota of 500. However, his request for machine guns and armoured cars was not accepted "because of unfailing provocative effect on Ibn Saud and because of uncertainty as to capacity of Shaikhdoms to produce people competent to use them or even prevent their falling into enemy hands."⁵⁶ Yet, the Political Resident urged the British Government to review their decision and provide the ruler of Qaṭar with some armoured cars and machine guns similar to those granted to Kuwait. He asserted that the Qaṭarīs could be trained to use them as did the Kuwaitīs.⁵⁷

A more detailed explanation on this protection was given in a letter sent by Fowle, the Political Resident, to Shaykh 'Abd Allāh. The measures would be taken by the British Government in protecting him are as follows:

1. Protection would be granted to Shaykh 'Abd Allāh on the condition that he gave an oil concession to APOC, which had been negotiating for the concession.
2. The protection would be external, i.e., against serious and unprovoked attacks from outside the border of Qaṭar. Small raids would not be included, and the ruler of Qaṭar

should take necessary steps to maintain order in his territory.

3. The proposed method of defence was through the Royal Air Force (RAF).
4. In order to ensure the swiftness and effectiveness of the action of the RAF in protecting Qaṭar, certain facilities were needed: freedom to use wireless telegraphy, some landing grounds, visits of the RAF and its officers whenever the Air Officer Commanding thought necessary in order to inspect RAF's defensive arrangements and in order to get necessary information from the ruler of Qaṭar needed for defence.⁵⁸

On 17 May 1935 the oil concession treaty was concluded between Shaykh 'Abd Allāh and APOC represented by Charles Clark Mylles. This treaty guaranteed protection of Qaṭar from inside as well as outside attacks. As the boundary dispute between Qaṭar and Su'ūdī Arabia had not been settled yet, 'Abd al-'Azīz protested against Qaṭar and APOC, saying that this company would threaten his interests, for they might work in the territory claimed by him. The British Government took the responsibility for representing Qaṭar in replying to 'Abd al-'Azīz, and negotiations between the British and 'Abd al-'Azīz continued until they were stopped at the outbreak of World War II.⁵⁹

NOTES

- ¹Saldanha, Katar Affairs, pp. 221-51.
- ²Qāsim, Ta'rīkh al-Imārāt, pp. 380-5.
- ³Khayr al-Din al-Ziriklī, Shibh al-Jazīrah fī 'Ahd al-Malik 'Abd al-'Azīz, 4 vols. (Beirut: Maṭābi' Dār al-Qalam, 1390/1970), vol. 1, p. 210. (Hereafter referred to as Shibh al-Jazīrah).
- ⁴Ibid., p. 177.
- ⁵Saldanha, Katar Affairs, pp. 201-8.
- ⁶Ziriklī, Shibh al-Jazīrah, vol. 1, p. 285.
- ⁷R/15/2/30: Report of Yūsuf b. Aḥmad Kānū, 1912-1914, pp. 22-33.
- ⁸Yūsuf b. Aḥmad Kānū was a business man from Baḥrain and a close associate of the British representatives in the Gulf.
- ⁹R/15/2/30: Note attached to a letter from Shaykh 'Abd Allāh to Yūsuf b. Aḥmad Kānū, 1 September, 1914, p. 56.
- ¹⁰Ibid.: From Knox, Political Resident to Sir Percy Cox, Foreign Secretary to the Government of India, Foreign and Political Department, 1 September, 1914, pp. 51-3.
- ¹¹Ibid.: From Major T.H. Keyes, Political Agent to Cox, Political Resident, 23 August, 1915, pp. 96-8.
- ¹²L/P & S/10/38: Draft Agreement between the British Government and Shaykh 'Abd Allāh, pp. 64-5.
- ¹³Ibid.: Qaṭar Proclamation, prohibiting the Traffic in Arms, p. 66.
- ¹⁴R/15/2/30: From Political Agent to Political Resident, 26 October, 1915, pp. 137-43.

¹⁵Ibid.: From Political Resident to the Secretary to the Government of India, 17 April, 1916, pp. 162-3.

¹⁶L/P&S/10/386: From the Secretary to the Government of India to Political Resident, 29 June, 1916, p. 32.

¹⁷R/15/2/30: Treaty between the British Government and Shaykh 'Abd Allāh, 3 November, 1916, pp. 209-10.

¹⁸Ibid.: From P.Z. Cox, Political Resident to Secretary to the Government of India, 4 November, 1916, pp. 205-8. It should be noted that the articles are numbered differently in the draft and in the final treaty. Articles 4, 5, 6, 7, and 10 in the draft corresponded respectively to articles 7 and 8, 6, 4, 5, and 11 in the final treaty.

¹⁹L/P&S/10/386: From Viceroy to Sir P. Cox, 10 January, 1917, p. 20.

²⁰See article 11 of the 1916 treaty in Appendix 1.

²¹L/P&S/10/386: Translation of letters addressed by Political Resident to Shaykh 'Abd Allāh, 3 November, 1916, p. 31.

²²R/15/2/79: From Political Resident to Foreign Secretary to the Government of India, 13 May, 1921, pp. 14-7.

²³Ibid.: From Secretary to the Government of India to Political Resident, 8 August, 1921, pp. 17-8.

²⁴Ibid.: From the Agency, Bahrain, to Political Resident, visit of the Ruler of Qatar to Bahrain, 3 November, 1922, pp. 7-11.

²⁵Ibid.: From Political Resident to Political Agent, 11 November, 1922, pp. 11-3.

²⁶Ibid.: From Political Resident to Foreign Secretary to the Government of India, 10 November, 1922, pp. 20-5.

²⁷Ibid.: From Political Agent to Political Resident, 7 April, 1923, pp. 33-4.

²⁸Ibid.: From Shaykh 'Abd Allāh to Prideaux, Political Resident, 27 October, 1924, p. 40.

²⁹Ibid.: From Prideaux, Political Resident, to Secretary to the Government of India, 23 May, 1925, pp. 41-2.

³⁰Ibid.: From Secretary to the Government of India to Political Resident, 10 December, 1925, p. 43.

³¹Ibid.: From Prideaux, Political Resident, to Shaykh 'Abd Allāh, 1 January, 1926, pp. 44-5.

³²Ibid.: From Shaykh 'Abd Allāh to Prideaux, 16 January, 1926, pp. 46-7.

³³Ibid.: From Prideaux to Secretary to the Government of India, 30 January, 1926, pp. 48-50.

³⁴R/15/1/626: From Shaykh 'Abd Allāh to Mr. Lees and Haji Williamson, 10 March, 1926.

³⁵J.Z. Qāsim, al-Khalīj al-'Arabī: Dirāsah li-Ta'rīkh al-Imārāt al-'Arabīyah 1914-1945 (Cairo: Dār al-Fakhr al-'Arabī, 1973), p. 278. (Hereafter referred to as al-Khalīj al-'Arabī).

³⁶R/15/2/79: From Political Agent to Political Resident, 2 August, 1930, pp. 112-5.

³⁷Ibid.: From Political Agent to Political Resident, 14 December, 1930, pp. 116-8.

³⁸Ibid.: From Political Agent to Political Resident, 30 May, 1932, n.p.

³⁹R/15/2/141: From Political Resident to Political Agent, 12 August, 1932, n.p.

⁴⁰R/15/1/626: From Anglo-Persian Company Ltd. to Shaykh 'Abd Allāh, 20 August, 1932, p. 52; see below, p. On Williamson, see below, p.123 , n. 12.

⁴¹Ibid.: From Colonial Office, S.W.I. to Secretary of State for India, 1 December, 1932, p. 77.

⁴²R/15/1/627: Note of conversation on 15th December, 1933 with Mr. G.W. Rendel, Foreign Office, on Future Policy in Regard to Qaṭar, p. 69.

⁴³Ibid.

⁴⁴Ibid., p. 70.

⁴⁵Ibid., pp. 70-1.

⁴⁶Ibid., pp. 71-2.

⁴⁷Ibid., pp. 75-6.

⁴⁸R/15/1/626: From Political Resident to India Office, 22 December, 1933, pp. 273-4.

⁴⁹R/15/1/627: Memorandum, Ibn. Saud ('Abd al-'Azīz) and the Qaṭar Concession, n.d.

⁵⁰Ibid.: The Grant of Protection to the Shaykh of Qaṭar against Aggression by Land, n.d.

⁵¹R/15/1/631: From Political Resident to Shaykh 'Abd Allāh, 18 April, 1935, pp. 151-2.

⁵²Ibid.: From Shaykh 'Abd Allāh to Fowle, Political Resident, 18 April, 1935, p. 155.

⁵³Ibid.: From Shaykh 'Abd Allāh to Fowle, Political Resident, 18 April, 1935, p. 156.

⁵⁴Ibid.: From Secretary of State for India to Political Resident, 26 April, 1935, pp. 197-9.

⁵⁵R/15/1/632: From Secretary of State for India to Political Resident, 5 May, 1935, p. 23.

⁵⁶Ibid.: From Secretary of State for India to Political Resident, 9 May, 1935, p. 34.

⁵⁷Ibid.: From Political Resident to Secretary of State for India, 10 May, 1935, p. 35.

⁵⁸Ibid.: From Political Resident to Shaykh 'Abd Allāh, 11 May, 1935, pp. 36-8.

⁵⁹For further details on oil concession, see chapter IV below; for Qaṭarī-Su'ūdī border dispute, see below, pp. 72-81.

CHAPTER III

TERRITORIAL DISPUTES WITH BOTH SU'UDĪ ARABIA
AND BAḤRAIN, AND THE BRITISH ATTITUDES
TOWARDS THESE CONFLICTSA. Qaṭarī-Su'udī Relations in Regard to
the Border Separating the
Two Countries

The signing of the oil concession in 1935 had far-reaching consequences on Qaṭar's relations with its two neighbours, Su'udī Arabia and BaḤrain. With regard to Su'udī Arabia, the unchartered desert that linked it to Qaṭar had to be marked out. With BaḤraīn, Qaṭar's sovereignty over al-Zubārah and later Ḥawār islands became the subject of disputes between those two states.

Qaṭar's position in its relations with Su'udī Arabia had been weak from the very beginning. This is because the latter was more powerful on one hand, and the former was not allowed to enter into direct contact with any state but the British Government as dictated in the terms of the Qaṭarī-British treaty of 1916. Shaykh 'Abd Allāh occasionally broke the obligations of this treaty and, instead of waiting for the British help, made direct contact with 'Abd

al-'Azīz Āl Su'ūd or, with 'Abd Allāh b. Jalūwī, the governor of al-Iḥsā', the Eastern Province of Su'ūdī Arabia. Shaykh 'Abd Allāh became apprehensive about the rapid growth of the Su'ūdī power in the Arabian Peninsula since the early 1920s.. It might be useful at this juncture to recall the Su'ūdī expansion in the Peninsula during these years.

In 1920 'Abd al-'Azīz Āl Su'ūd conquered Abhā and the inland of 'Asīr on the Red Sea in the west. The next year he subdued his enemy Muḥammad Āl Raṣhīd and annexed Jabal Shammar in the north. One year later, he conquered al-Jawf. In 1924 his army penetrated al-Ḥijāz, and on the thirteenth of October of the same year the holy city of Makkah fell. This was followed by the conquest of Madīnah and Jiddah, and the collapse of the Hashemite rule in al-Ḥijāz. With the subjugation of these territories 'Abd al-'Azīz became the ruler of an area extending from the Red Sea in the west to the Gulf in the east, and from Trans-jordan and 'Irāq in the north to 'Asīr, Yaman and al-Rub' al-Khālī (Empty Quarter) in the south. As a result of the fall of the Hashemites, the Kings of al-Ḥijāz, in 1926, 'Abd al-'Azīz assumed the title of King of that province in addition to his former title of Sultan of Najd; and by 1932 he was proclaimed King of Su'ūdī Arabia.¹

Being a ruler of an area as large as Western Europe

with full sovereignty and independence, 'Abd al-'Azīz and the British revised their Anglo-Su'ūdī relations. In May 1927 they concluded the Treaty of Jiddah replacing the 1915 Treaty. In this new treaty 'Abd al-'Azīz gave an assurance only "to maintain friendly and peaceful relations with...the Sheikhs of Qaṭar and Oman Coast who are in special treaty relations with His Britannic Majesty's Government."²

'Abd al-'Azīz knew the limitations of his power. He avoided any direct contact with the British authorities--who were worried by the presence of his power in the Gulf area--and with the shaykhdoms which had concluded treaties with Britain. However, his pressure on Qaṭar was subtle. This was achieved by exploiting existing dissensions within the Āl Thānī. The British, of course could not do much about that. The following remarks, made in 1930 by the British Resident, concerning Qaṭar and the Trucial Coast, may best explain the British position: "We had the front door to these principalities... but we do not hold the back door."³ The back door was the vast desert area in Eastern Arabia where the Wahhābī forces used to pitch their camps.

In 1922, during the 'Uqayr conference, Major Holmes, the representative of the Eastern and General Syndicate, discussed the possibility of an oil concession with 'Abd

al-‘Azīz. When Sir Percy Cox, the Political Resident in Baṣrah, realized that ‘Abd al-‘Azīz had considered Qaṭar as part of al-Iḥsā’, he reminded him emphatically and rightly that Qaṭar was outside the latter’s jurisdiction.⁴

But Shaykh ‘Abd Allāh’s position at home continued to be challenged by King ‘Abd al-‘Azīz. The dissidents among the Āl Thānī were supported by the governor of al-Iḥsā’. It is because of this internal threat to his authority at home and because of the British impotence in stopping the Su‘ūdī intrigues that Shaykh ‘Abd Allāh resorted to direct contact with his powerful neighbour as we have mentioned earlier. He secretly paid ‘Abd al-‘Azīz an annual tribute of 100,000 rupees in 1930.⁵ This payment settled matters between the two countries, and apparently the British did not object to that. It seems, though, that Qaṭar became more or less a tributary of Su‘ūdī Arabiā for a short while.

With the involvement of two different Oil Companies, i.e., California Standard Oil Company (Socal) in al-Iḥsā’ and the Anglo-Persian Oil Company (APOC) in Qaṭar, the permanent delineation of the mutual boundaries of Su‘ūdī Arabia and Qaṭar became of utmost importance. Two months after the APOC concession had been signed by ‘Abd Allāh, a letter came to him from King ‘Abd al-‘Azīz accompanied by a strongly worded mulḥaq (a supplement), which was unsealed and attached to

the formal sealed letter, relating to Qaṭar's boundaries. The exact borders of Qaṭar in the concession were defined in an attached map based on the Blue Line of the 1913 Anglo-Turkish Convention which was now rejected by King 'Abd al-'Azīz.⁶ His reasons for refusing to accept the Blue Line as suggested by the British were: 1) The Ottomans had never exercised extensive authority in al-Iḥsā' during their occupation of that area; 2) The Anglo-Turkish Convention was signed after he ('Abd al-'Azīz) had occupied al-Iḥsā', and therefore after the end of Ottoman occupation; 3) The 1913 Convention had never received final ratification by the governments concerned.⁷

King 'Abd al-'Azīz explained further to Shaykh 'Abd Allāh in the mulḥaq that the British had interfered in the affairs of the shaykhdoms, although he accepted the fact that the people of these shaykhdoms were under the British protection. Despite this he claimed that the people of Qaṭar and the Trucial Coast were his subjects in as much as they had been the subjects of his father and grand-father. The allegiance of the roaming tribes in that desert as well as of the settled population had always been, in his view, under his and his ancestors' authority. Therefore, he asserted that 'Abd Allāh had no right to claim any area beyond his actual control and responsibility. He warned 'Abd Allāh of the

consequences of signing an oil concession before settling the border problems.⁸ 'Abd Allāh, who was disturbed by the King's threats, invited the Political Agent in Bahrain to come to Doha to discuss matters with him. At the same time he sent a non-committal answer to 'Abd al-'Azīz. The latter act was sanctioned by the British who rebuked 'Abd al-'Azīz for his direct contact with 'Abd Allāh.⁹

Rejecting the Blue Line as the Qaṭarī-Su'ūdī border, 'Abd al-'Azīz drew up a new one. On April 1935, Fu'ād Ḥamzah, Acting Foreign Minister of Su'ūdī Arabia, presented the proposed Su'ūdī delienation with both Qaṭar and the Trucial Coast which was called the Red Line (and sometimes the Fu'ād Ḥamzah Line) which showed Jabal Nakhsh, and the southern tip of Jabal Dukhān, along the west coast of Qaṭar, and Khawr al-'Udayd as parts of Su'ūdī territory.¹⁰ Six days later this proposal was countered by Sir Andrew Ryan, British Minister in Jiddah, who offered a new proposal, which was called the 'Green Line'.¹¹ As this line was rejected by the Su'ūdī government, Anglo-Su'ūdī discussions of the border problems were shifted to London in June 1935. With both parties persisting in their declared stands, Ryan presented in November 1935 the Ryan Line or the Riyāq Line which was a modification of the Green Line. In this proposal Qaṭar retained Jabal Nakhsh, and Su'ūdī Arabia took much of al-Rub' al-Khālī, while Khawr al-'Udayd was allocated to Abū

ẓabī.¹² But 'Abd al-'Azīz refused to abandon his claim to Jabal Nakhsh and Khawr al-'Udayd.

In order to strengthen the Su'ūdī position, Fu'ād Ḥamzah informed Ryan in December 1935 that before 1916 'Abd al-'Azīz had, in a letter to Jaluwī, asked him "more as a favour than as a right that the King should not claim Jebel Dukhan."¹³ When Ryan insisted that Ḥamzah should substantiate this allegation, the Su'ūdīs admitted in March 1936 that the letter had been fabricated. "What happened," they said "was that when IKHWAN were being organised King ['Abd al-'Azīz] had instructed them not to go into Dukhan or Araiq in order not to incommode Shaikh [Jaluwī]."¹⁴

In the meantime, mounting pressure from the oil companies who needed to enter the disputed territories complicated matters further. This led George Rendel, Head of the Eastern Department of the Foreign Office, to discuss Jabal Nakhsh and Khawr al-'Udayd at Jiddah in March 1937 with Yūsuf Yāsīn, the Su'ūdī Foreign Minister.¹⁵ Only little progress was made in those discussions.

The trend of world and local events towards the end of 1930s forced the British to take the necessary steps towards gaining King 'Abd al-'Azīz's support in solving Arab problems, such as the Palestinian revolt which continued to flare up during 1938. There was also the possibility of the

outbreak of war in Europe.¹⁶ The British knew the importance of 'Abd al-'Azīz as an Arab ally in this situation and therefore tried to find a compromise to settle the border dispute between Qaṭar and Su'ūdī Arabia. Reader Bullard, who replaced Ryan as the British Minister (Ambassador) to Su'ūdī Arabia suggested that in case oil were discovered in Jabal Nakhsh, its profits should be shared by 'Abd al-'Azīz. But the India Office refused to accept this suggestion and contended that: 1) Nakhsh was part of Dukhān, and therefore belonged to Qaṭar; if 'Abd al-'Azīz were given an inch of it he might take a mile, i.e., all of Qaṭar;¹⁷ 2) the Government of India during the 19th century had formally recognized 'Udayd as part of Abū Ḥabī. The Foreign Office, however, insisted that unless a fair amount were conceded to 'Abd al-'Azīz there would be no solution to the border dispute. The Committee of Imperial Defence (CID) submitted the solutions to the Cabinet in July 1938:

That, with a view to the settlement of the South Eastern Frontiers of Saudi Arabia on lines acceptable to Ibn Saud, the Foreign Office and India Office should be authorised to take up the question of the cession.... by the Sheikh of Abu Dhabi of a strip of territory in the Persian Gulf known as the Khor-el-Odeid; and that, should compensation in the form of a cash payment prove necessary, the expenditure of a sum tentatively estimated at £25,000 for this purpose should be provision-

ally authorised, subject to the usual arrangements for obtaining Treasury sanction.¹⁸

The border question had to wait until after World War II had ended, and since the United States had been involved in both the war and oil concessions in the area, it entered the dispute. Informal negotiations between the U.S. Government and the British Government concerning the Su'ūdī borders with Qaṭar were held with little success. One of the major impediments to the settlement was the structure of the British Government itself. The Foreign Office did not see eye to eye with the India Office and the Government of India. This paradox in the British foreign policy is reflected in a letter from the Political Resident in the Gulf to the Political Agent in Baḥrain. Part of it reads:

The Foreign Office have never been more pusillanimous towards him [ʿAbd al-ʿAzīz], and despite the fact that we are paying him three million pounds a year to do what we want, they appear to be completely mesmerised by him...¹⁹

Soon after the discovery of enormous oil reserves in Qaṭar and Su'ūdī Arabia, after the end of World War II, both countries made their respective economic and social development their primary concern and considered the question of their mutual boundaries secondary. However, this question was resolved amicably between the two countries in 1965.

But the more thorny problem which took longer to solve concerned the boundaries with Bahrain.

B. Qaṭarī-Baḥrainī Relations in Regard to al-Zubārah and Ḥawār Islands

The nature of Qaṭarī-Baḥrainī relations was totally different from that of Qaṭarī-Su'ūdī relations. While the former were friendly in general, the latter were mainly antagonistic. The factors in this hostility were historical, geo-economic, and political. The historical factor was that Qaṭar had been under the suzerainty of Bahrain for some years. When Qaṭar became independent under the Āl Thānī in 1868 its people began to cherish their own identity and thus felt very sensitive to any Baḥrainī move against their territory.

The geo-economic factor was that Qaṭar and Bahrain were located close to each other and shared almost identical economies which depended on shipping and the pearl trade. This led to much competition between the two shaykhdoms for local markets.

The political factor was that both Qaṭar and Bahrain had concluded similar agreements with the British which made both countries dependent on the British for solving their external problems. Any direct contact between the two states was against the terms of their respective treaties with the

British. This factor widened the gap between the two neighbouring states, since they were unable to discuss matters of interest directly. The British, apparently, were not eager to settle Qaṭarī-Baḥrainī disputes once and for all, hoping instead to keep each side dependent on them.

1. Al-Zubārah

After the APOC concession Baḥrain became persistent in its claim to al-Zubārah. Despite the warning of the Political Agent in 1879 to the Āl Khalīfah not to interfere in the affairs of al-Zubārah,²⁰ the Āl Khalīfah did not give up. In 1920 ‘Abd Allāh b. ‘Īsā, the son of the ruler of Baḥrain, asked permission from the British representative to open up al-Zubārah as a port, but the permission was not granted.²¹ However, the question of the ownership of al-Zubārah became a prominent issue again when the representatives of Petroleum Concessions Limited visited the town in 1937 to make a preliminary survey for a port on the western coast of Qaṭar.²² Both Qaṭar and Baḥrain claimed this town as their territory. It is worthy to mention here that since the latter part of the 19th century al-Zubārah had been practically deserted. However, the Āl Khalīfah occasionally went there for hunting, and al-Nu‘aym tribe, whom the Āl Khalīfah considered Baḥrainīs, tended their flocks there, especially in summer.²³

A few days after the visit of the representatives

of Petroleum Concessions Limited to al-Zubārah in 1937, it happened that two parties among the Nu'aym tribe quarreled. One of the two parties went to Doḥa and appealed to 'Abd Allāh, the ruler of Qaṭar. Realizing the importance of al-Zubārah to the oil company and to the Āl Khalīfah, Shaykh 'Abd Allāh took advantage of this incident to strengthen his position over this town. He forced Rāshid b. Muḥammad, the leader of the Nu'aym tribe at al-Zubārah to swear allegiance to him, or he and his tribe would be punished and taxes would be levied of them.²⁴ As a Baḥrainī subject, Rāshid appealed to Shaykh Ḥamad b. 'Īsā, the ruler of Baḥrain. Shaykh Ḥamad sent three guards to al-Zubārah and hoisted the Baḥrainī flag, while the Nu'aym tribe began to arm themselves.²⁵

In the meantime, the Political Resident and Agent in Baḥrain sent for a sloop of war as a precaution against any eventuality, and used their good offices to quiet both contenders. We may recall that the Āl Khalīfah's claim to al-Zubārah was based on al-Nu'aym tribe who did not pay taxes to the Āl Thānī and who were followers of the Āl Khalīfah. The Āl Thānī's claim was based on the assertion that al-Zubārah was a territorial part of Qaṭar. It was also supported by the Political Resident, for two reasons: a) the precedent set by warning the Āl Khalīfah in 1875, and b) the protection agreement he had signed with 'Abd Allāh in 1935.²⁶

Yet, despite his support of the Āl Thānī's claim, the Political Resident wanted the question of al-Zubārah to be solved amicably. To this end, he persuaded 'Abd Allāh to send a delegation to Bahrain on 19 May 1937. Although little was accomplished at Bahrain because of Ḥamad's unwillingness to abandon his claim to al-Zubārah, yet he agreed not to press his ownership of it or his authority over the Nu'aym tribe. In return, 'Abd Allāh promised to preserve the status quo of this town and to refrain from imposing taxes on the Nu'aym tribe.²⁷

Tension was renewed when the Nu'aym tribe were, according to 'Abd Allāh, incited by Ḥamad to rebel against him after Ḥamad had provided them with arms and provisions.²⁸ Consequently, 'Abd Allāh sent a large force against them to maintain order. The force was made up of about 3,700 men--of whom 900 were from Doḥa, 2,000 from other villages, and 800 from his own guard and Bedouins. They were equipped with about 800 guns and 60,000 rounds of ammunition.²⁹ The Nu'aym tribe was routed by 'Abd Allāh's huge force. Ḥamad could not help al-Nu'aym directly, for he had been warned by the Political Resident not to interfere in the conflict.³⁰ But to the disappointment of the Political Resident Shaykh Ḥamad revived his strong claim to al-Zubārah, and wanted to consult his London solicitors in this matter.³¹ Fowle had already

informed Ḥamad that it had been decided in 1875 that al-Zubārah belonged to Qaṭar and that that was the final verdict of the British Government.³² He was more disappointed to learn that Rāshid b. Muḥammad, chief of the Nu'aym tribe, had paid allegiance to 'Abd Allāh.

At home, Shaykh Ḥamad declared an embargo on trade with and travel to Qaṭar in 1937 in order to damage the economy of that place.³³ The effect of the embargo was seriously felt, particularly after the end of World War II. Doḥa was only a small port and was not able to supply Qaṭar with essential commodities. Bahrain, which had been the market for Qaṭar, was replaced by the port and market of Dubai. The latter, which was farther away, proved to be a costly choice.³⁴ The cost of living in Qaṭar increased, the economy worsened, and a large number of Qaṭarīs emigrated to other parts of the Gulf.³⁵

Hostilities between the two countries increased when Shaykh 'Abd Allāh built a new fortress in al-Zubārah and stationed guards in it. The neutral zone created by the Political Agent in that area in 1943 to help resolve the crisis between the two antagonistists was rejected by 'Abd Allah, for he considered the whole area of al-Zubārah an integral part of Qaṭar.³⁶ However, both parties were persuaded by the British to sign an agreement to solve their

Abū Hanīfah even instructed one of his disciples who was about to assume the position of a judge in the following terms:

"If giving a decision becomes difficult for you, turn to the book (Qur'ān) and the practice of the prophet and the Agreement; if you find anything plainly stated there, act according to it; if you do not find anything plainly stated there, then turn your case back to cases like it and look for supporting evidence for it from the principles (Uṣūl) i.e. the Book and the Sunnah, and then act in accordance with what is nearest to the principles and most like them".¹

Secondly, if Professor Schacht means by "practice" the actual custom and observance of the people, his accusation is unjustifiable in the shari^cah. Because a jurist is not under any obligation to admit every custom of the people as a valid precept of law. Custom in the shari^cah, has its role but it is subject to the approval or disapproval of a Mujtahid. Qiyās, however, is an approved source of shari^cah. And a rule derived through analogy has priority over customs and observances of the people.

1 Charles C. Adams, "Abū Hanīfah" (A review of Abdul Halīm's work On Abū Hanīfah). The Muslim World. 1946. Vol. 36, pp. 217-227.

In that sense, one might argue that Abū Hanīfah is not under any obligation to follow any practice or custom of the people.

The third category of Abū Hanīfah's critics are those who asserted that his analogical deductions are inconsistent. The following is a typical example. In shari^cah, apostasy (al-Riddah) is a grievous offence punishable with death. The Qur'^ān says: "If they turn back then seize them and slay them wherever you find them".¹ This Qur'^ānic injunction is substantiated by a hadith of the prophet, who is reported to have said: "He who changes his religion must be killed".² There is, however, another tradition which declares that: "The prophet has forbidden the killing of women even in the battle field".³ The actual reason for this is not quite clear but one might suggest that the lack of capacity for women to participate actively in the battle led to the prophet's declaration. On the basis of this, Abū Hanīfah maintains that apostate women should not be killed but be enforced to return to Islam by imprisonment.⁴ Criticizing this opinion, Imam Shāfi^ci says that Abū Hanīfah's analogy in the above issue is inconsistent because the prohibition of killing a non-Muslim is quite different from the killing of an apostate woman.

1 Qur'^ān, 4:90-91.

2 Abū Dā'ud, Sunan. Cairo. 1935. Vol. 4. p. 126. The same authority reports cases of apostasy in which the apostates were punished by having their hands and feet cut off and finally put to death.

3 Abū Yūsuf, Ya^cqub, Kitāb al-Kharāj. Cairo, 1352 A.H. Pages 179-180.

In addition, Shāfi^cī points out that since a woman is killed in cases of adultery and homicide, so also she should be killed in the case of apostasy.¹

Shāfi^cī's view might seem convincing at the first glance. However, a closer consideration would shed light on what Abū Hanīfah was aiming to achieve. He made his deduction from the general statement of the prophet "do not kill woman".² This statement does not differentiate between an unbeliever and an apostate woman. Apart from this, disbelief (kufr) is not originally punishable with death. That is to say that anyone who does not believe in Islam should not be subjected to capital punishment indiscriminately. And in a logical manner, a subsequent departure from Islam which leads to disbelief, should not warrant a death sentence, when disbelief itself is not punishable with death. Since Abū Hanīfah has based his analogy upon the above authority of the prophet,² then his opinion that apostate women should not be killed is neither irrelevant nor inconsistent.

1 Shāfi^cī, Kitāb al Umm, Cairo. 1324 A.H. Vol. 7 p.147.
Also see Ahmad Hassan's book, The Early Dev.
Op. Cit. p. 143.

2 Abdu'llah Mustapha, al-Tashri^c al-Islami li'ghair al-Musli-
min, al-Matba'at al-Namuthiyyah,
Cairo. n.d. PP.38-39.

Abū Hanīfah's Method And Objective
In His Concept Of Qiyās.

Abū Hanīfah's aim in legal reasoning has been described by Doctor Macdonald: (Abū Hanīfah) is "a speculative or philosophical jurist" who tries "to build up on scientific principles a set of rules which would answer every conceivable question of law".¹ In other words, Abū Hanīfah believes that the shari^cah consists of rich resources for the solutions of all legal problems and that these solutions are to be arrived at through Ijtihād and qiyās. In fact, Abū Hanīfah has stated clearly that: "We prepare ourselves to be ready to find solutions to conceivable problems and legal issue, so that whenever we confront them we easily find our way out".² The central theme of the above statement is Abū Hanīfah's apprehension that the shari^cah is neither a stagnant nor immutable law. Accordingly, prediction in legal problems, is a positive contribution to shari^cah evolution and flexibility.

1 D.B. Macdonald, Development of Muslim Theology, Amarko Book Agency. New Delhi, India. 1973. p.95.

2 Abū Hanīfah used the Pronoun "We" in the above quotation because he was speaking on behalf of the rest of his disciples and followers. For details, see Abdul Halīm's Book Abū Hanīfah, Op. Cit. P. 61.

^cAbdul Halīm described the method which Abū Hanīfah followed for thirty years with his students as follows: Abū Hanīfah used to propose to his students various problems and cases. These problems were then divided into parts and each part was assigned to a section of the class. After lengthy discussion, first in each section, and then in the whole group, and after the necessary principles underlying the cases had been formulated, the group would then proceed to discover what obligation and actions might be based on and grow out of these principles.²

Abū Hanīfah encourages the sense of enquiry and fights against blind imitation. He is reported as having said that: "It is not right on the part of anyone to adopt what we opine unless he knows from where we derived it".³

1 Ibn Khaldun, Muqaddimah. Op. Cit. P.24.

2 Abdul Halīm, Abū Hanīfah. Op.Cit. P. 61.

3 Sa^cīd Ramadan, Islamic Law. Op.Cit. P.87.

On another occasion, Abū Ḥanīfah explains that his opinion belongs to him and that it comes from his utmost effort, but should a better idea come from another person, he is ready to abide with it, provides that it withstands the test of rationality.

At this junction, it is important to examine the reason why Abū Ḥanīfah and his disciples are called the people of opinion (ahl al-ra'y). Islamic historians have led us to believe that Muslims who resided in Kufah, where Abū Ḥanīfah spent most of his life, were the upholders of opinion and qiyās. But evidence shows that this information is not sound because the people of Medinah, where part of the Qur'ānic revelation took place, and where the so-called people of tradition resided, also made use of qiyās.

One of the factors behind Abū Ḥanīfah's reputation with ra'y (opinion) is that his school of law was the first to be formulated. He came across questions and legal issues for which there were no direct solutions in the revelations and traditions. He felt compelled to make use of reasoning by analogy, so as to overcome these obstacles at a very early stage.

Another factor for his being called the Imam of ra'y is that most of the early traditionists collected their traditions without proper critical analysis. Abū Hanīfah adopted a critical approach while following certain principles to ascertain the accuracy and juristic merit of traditions. And that measure is the acceptance of only the traditions whose Isnād (chain of transmitters) were sound and whose Mutūn , (texts) were in agreement with revelations. Many traditions were, in fact, rejected by him because they did not meet his standards of scrutiny.

Some people misunderstood the meaning of the word Dirāyah (critical scrutiny) and Ra'y (opinion) and this misconception led to mistake the latter for the former. The argument here is that the critical scrutiny of Abū Hanīfah on traditions led some people to believe that he was placing his own opinion against the hadīths of the prophet. Shibli Nu^cmānī, comments that since Dirāyah and Ra'y are very close to each other in meaning, the common people were unable to distinguish between them. This confusion of usage then, strengthened the Imam's reputation as one who relied upon his own personal opinion.²

1 Shibli Nu^cmānī, Abū Hanīfah, Op. Cit. p. 115.

2 Ibid, P. 115.

We shall now focus our discussion on how the other three Imāms, Shāfi^cī, Mālik, and Hanbal employed qiyās and how they viewed Abū Hanīfah in that respect.

Imām Shāfi^cī

Shāfi^cī's book, al-Risālah, which is generally considered to be the earliest sound work on the Fiqh, (Islamic jurisprudence), regards qiyās and ijtihād as two different terms but with the same meaning.¹ Explaining this assertion, Shāfi^cī says:

"On all matters touching the life of a Muslim there is either a binding decision or an indication as to the right answer. If there is a decision, it should be followed; if there is no indication as to the right answer, it should be sought by Ijtihād, and Ijtihad is qiyās".²

According to Shāfi^cī, differences of opinion occurring as a result of the implementation of qiyās, do not impair the sharī^cah value of qiyās. Nor does an analogical opinion of a jurist constitute a binding authority over the rest of the jurists.

1 Imām Shāfi^cī, al-Risālah. (transl. by Majid Khadduri), The Hopkins Press Baltimore, 1961. Page 288.

2 Ibid, Page 288.

To make his position clearer, Shāfi^Cī divided the application of knowledge about legal issues into two categories:

"Knowledge applies to two categories of truth one which is a factual truth in appearance and in fact, and one which is a seeming probability of truthfulness. The first category applies only to the texts of the Qur'ān and the Sunnah, successively authenticated generation after generation. These texts alone may allow or forbid, and this, in our opinion, is the basic fact that no Muslim may either ignore or doubt....Knowledge attached through the medium of Ijtihād and qiyās belongs to the second category; thus, what it attains is binding only on the one who exercised qiyās and not on other men of knowledge".¹

From this explanation of Shāfi^Cī, Sa^Cīd Ramadān draws these three main conclusions: (1) that Ijtihād and qiyās by virtue of their nature and functions, cannot guarantee correct results; (2) that the rules arrived at by means of Ijtihād and qiyās are apt to differ; and that these rules should by no means be binding on anyone than those who consider them to be the truth.²

1 Shāfi^Cī, al-Risālah. (Partly transl. by Sa^Cīd Ramadān) in his Islamic Law. Op. Cit. P. 85.

2 Ibid, Page 86

There are, however, difference in the use of terms between both Abū Hanīfah and Shāfi^Cī in their application of qiyās. For instance, the element common to the original and to the parallel case on which qiyās is based is called ʿillah by Abū Hanīfah, while Shāfi^Cī termed it as ma^Cna, "idea", or aṣl. Another point is that Shāfi^Cī's terms for analogical reasoning are not consistent. At times, he used ijtihād for qiyās theoretically, but when it comes to practical implementation, he called his qiyās "the decisive proof in our opinion" (al-hujjah al-thābitah ʿindanā).² Whereas, Abū Hanīfah is consistent in his frequent usage of expressions like ara'aita and alā tarā; all of which denote the idea connected with ra'y whenever he intends to introduce analogical reasoning and parallels. And this has given him and his disciples the label: arā'itayun, i.e. people who often use their personal opinion in legal arguments.

1 J. Schacht, The Origins. Op.Cit. P. 125.

2 Ibid, P. 123.

Imam Mālik

In the exercise of qiyās, Mālik accepts furū^c (already established cases of qiyās as a basic foundation from which a second analogy could be inferred. For instance, there is a case of a divorced woman who married another man after her probation period, though she was not aware that her former husband had called her back by Murā-ja^cah, (resumption of marital relations). ^cUmar validates such an action by the woman and he rules that she belongs to the second man irrespective of whether the marriage has been consummated by the new man or not. Mālik took this view of ^cUmar as an authority and said that if a woman observed ʿiddah on the basis that her missing husband had been officially assumed dead, and she then married another man, she belongs to the new man even if the former husband re-appeared. This is irrespective of whether the new marriage to the new man has been consummated or not. Mālik's opinion here is not a sound analogy because he came to this conclusion on the assumption that the two cases which we have mentioned above are similar to each other.¹

1 Abū Zahrah, Mālik. Op. Cit. PP. 344-345.

It seems that in the early legal practice of the Medinese, a mere resemblance of any two cases to each other was sufficient for the application of qiyās. And that is why they are sometimes accused of immaturity and inconsistency in qiyās applications. However, the previous example shows how Mālīk and Abū Hanīfah differ in their understanding of qiyās. The former validates deduction of an analogical rule from an already decided case of analogy while the latter opposes basing one analogy on another.

Another difference between Mālīk and Abū Hanīfah in their approach to qiyās lies in regards to isolated hadīths. Malik rejects isolated hadīth (khāḥar al-wāḥid) with sound isnād (chain of transmitters) when their meanings are contrary to the implication of qiyās made on the basis of a well established precept of law, and when there are no other well-established precepts to support the hadīth in question. Abū Hanīfah however, accepts isolated hadīth for legal decisions. This, incidentally, also refutes the allegation cited against him that he makes use of qiyās at the expense of traditions.

Abū Hanīfah's acceptance of such hadīths should, however, be qualified. That is to say that he limits their application strictly to the specific subject matter to which they belong. In other words, he regards them as exceptions from the scope of qiyās and then discourages their usage as

the basis of qiyas for other similar matters related to these exceptions. For instance, Abū Hanīfah accepts the isolated ḥadīth of Abū Hurairah, who narrated the statement of the prophet that one has not broken one's fast by eating or drinking during the fasting hours by virtue of forgetfulness. This ḥadīth does not conform to Abū Hanīfah's concept of qiyās.^{*} According to him, if the fast is broken by sexual intercourse during the fasting period, so it should also be rendered null and void by anything reaching one's stomach. But on the basis of the above ḥadīth, Abū Hanīfah makes an exception only in the case of breaking one's fast out of forgetfulness and not when one breaks his fast by virtue of other mistakes due to negligence of duty.¹

We shall now give an example of Mālik's rejection of an isolated ḥadīth which violates his own concept of qiyās. One of the instances is his rejection of an isolated ḥadīth which stipulates that a pot which a dog has licked must be washed seven times.

1 Abū Zahrah, Mālik. Op. Cit. PP. 325-326.

* In the Kitāb Usūl of Sarakhsī, Sarakhsī explains that the excuse of forgetfulness is different from that of mistake. The excuse of a mistake comes out of negligence or by not taking all the necessary precautions; while the act of forgetfulness solely comes from God. For details, see Usūl Sarakhsī, Op. Cit. P. 162 Vol. 2.

Ibn ʿArabī explains that Mālik's objection to the hadīth was due to its contradiction of the Qur'ānic verse which declares that animals caught by hunting dogs may be eaten....."and eat what they catch for you".¹ According to Mālik, if the dogs must use their mouths for hunting and retaining the catch for some time before the hunter takes it, then the washing of a pot which a dog licked, is an open issue to criticisms.² Hence, Mālik rejects the tradition.

Imam Ahmad b. Hanbal

Imam Ibn Hanbal believes that a jurist cannot do without the aid of qiyās, for it is an indispensable instrument of a Muftī (jurist-consult) in the formulation of opinions. According to Ibn Hanbal, a Muftī could either employ qiyās when the situation necessitates it, and thus save laymen from religious misconceptions, or refuse to give legal advice by ignoring qiyās and keep people on suspension. To reject qiyās altogether would inevitably cause an undesirable lacuna in legal set-ups.³ Since a lot of criticisms laid against Abū Hanīfah on qiyās came from Ibn Taimiyyah, one of the disciples of Ibn Hanbal, we shall now devote the rest of our discussion to an evaluation of his critical stance on qiyās.

1 Holy Qur'ān, 5:2.

2 Abū Zahrah, Mālik. Op. Cit. PP. 303-304.

3 Abū Zahrah, Ahmad b. Hanbal. Op. Cit. PP. 272-274.

Ibn Taimiyyah

In his book entitled al-qiyaṣ fī sharḥ al-Islāmī,¹ Ibn Taimiyyah criticized Abū Ḥanīfah and others, who considered some sharīḥ issues not to be in conformity with qiyaṣ (khilāf al-qiyaṣ). Ibn Taimiyyah does not confine himself to the requirement of ḥillah (cause), which Abū Ḥanīfah and his followers use as a measuring yardstick for the valid application of qiyaṣ. Instead, he seeks for the general and ultimate aim of sharīḥ in his own approach of qiyaṣ. His first priority is the general welfare of humanity, irrespective of the availability of the ḥillah in qiyaṣ. This might be the reason why he considers that all the sharīḥ rules are consistent with the principle of qiyaṣ. According to Ibn Taimiyyah, qiyaṣ is divided into two types, namely qiyaṣ ṣaḥīḥ (valid analogy) and qiyaṣ fāsid, (irregular analogy). The former agrees with the sharīḥ by giving similar cases the same rules, while the latter gives alternative rules to similar issues. Ibn Taimiyyah maintains that whosoever thinks that a rule in sharīḥ is against qiyaṣ, should know that his own analogical deduction must be somehow an invalid analogy; because the sharīḥ always conforms with valid analogy.²

1 Ibn Taimiyyah, al-Qiyaṣ fī Sharḥ al-Islāmī. 2nd. ed. Matbaʿat al-Salafiyyah, Cairo. 1375 A.H. page 7.

2 Ibid, page 7.

It might be stated here that Ibn Taimiyyah considers shari^cah and qiyās rules as the rules of God and hence there should be no contradiction or inconsistency in them. We shall now cite two cases whereby Ibn Taimiyyah has criticized Abū Hanīfah and his followers when they regard the following cases to be outside the scope of qiyās.

A prophetic tradition says: "al-Rahn (animal given as a security) can be mounted and milked, and that the maintenance of the animal is incumbent of the beneficiary".¹ This hadith is contrary to qiyās according to Abū Hanīfah and his followers. Their point is that the benefit from the animal could be more than what the beneficiary spent on the animal and this makes the whole issue resemble usury, so, falling outside the scope of qiyās. For usury is prohibited in the shari^cah and as such the contents of the above tradition can not form a basis for a valid analogy.

Ibn Taimiyyah holds the opposite view and explains that the ownership of the animal has been transferred from the mortgagor to the mortgagee and the latter is responsible for the maintenance of the animal at his own expense, until such a time when the debtor (the mortgagee) will be solvent enough to terminate the mortgage by paying his debt.

1 Joseph Schacht, The Origins. Op. Cit. P. 123.

According to Ibn Taimiyyah, if the animal is left idle and unmilked for the length of that period, the benefit will be lost and perhaps the idleness might even cause an injury to the animal. On the other hand, what the mortgagee gained from the the animal is his right, because profit follows responsibility (al-Kharāj bil damān). On the basis of the above argument, Abū Zahrah comments that the view of Abū Hanīfah and his followers is more appropriate than that of Ibn Taimiyyah, who accepts the case to be in harmony with qiyās. Abū Zahrah agrees that the expenses of the mortgagee on the animal can be in exchange to what he gained by mounting and milking the animal. Nevertheless, the excess of the profit should be returned to the real owner unless he overlooked it. Failure to comply with this is tantamount to usury, especially when the consent of both parties is lacking.¹ The fact that we could not measure the profit of the mortgagee gained from the use of the animal, and also in view of the fact that Islam has forbidden usury, implies that the above issue falls outside the scope of analogy, as the Hanafīs suggest. Although Ibn Taimiyyah is on the right track when he allows the mortgagee to benefit from his expenses in keeping the animal as the rule of "profit follows responsibility" suggest, but the case is more agreeable with the concept of equity than that of qiyās.

1 Abū Zahrah, Ahmad b. Hanbal. Op. Cit. PP. 383-385.

The second example where Ibn Taimiyyah criticized Abū Ḥanīfah is when the latter said that the prophetic tradition concerning Muṣarraḥ, (the animal whose milk was retained in its udder for some time to show its yield greater) is contrary to qiyās. The contents of the ḥadīth are as follows:

"Do not retain milk in the udder of a camel or a goat to deceptively show the yield greater; if anyone buys a muṣarraḥ animal, he has the choice after having milked it, either to keep it if he likes or return it with a Ṣa^c * of dates if he does not like the animal.

Abū Ḥanīfah does not regard the case as a qiyās. He explains that the ṣa^c of dates does not constitute the exact cost of the equivalent milk which the customer has collected from the animal's udder. Hence, Abū Ḥanīfah considers that the buyer should return the animal together with the cost of the milk which was in the udder of the animal at the time of their bargain, and not with a ṣa^c of dates.

* A ṣa^c is a cubic measure of varying magnitude.

1 Abū Zahrah, Aḥmad b. Ḥanbal. Op. Cit. P.286.

Ibn Taimiyyah who comments that the case is in conformity with the concept of qiyās, says that the milk in the udder of the said animal has become mixed up with the fresh milk which was produced after the contract. And since nobody can determine the accurate measurement of each of the milks separately, the sā^c of dates was prescribed as a substitute for the loss of the seller. Dates were chosen for the compensation because dates and milk were the favorite foods of the Arabs of that time. In this argument, Ibn Taimiyyah has not explained what has brought the above case to the scope of qiyās. And having gone through the issue, the present writer conclude that the case does not fall within the scope of qiyās. Hence, Abū Ḥanīfah's opinion seems appropriate. Firstly, because it is not the mixture of the two milks that necessitates the prescription of the sā^c of dates, but because the owner of the milk has to be compensated in one way or another. Secondly, qiyās must consist of contrasting and contrasted parts: the ‘illāh (cause) or reason which brought them into the ambit of qiyās, and the rule inferred from the case. These elements are lacking in the above case. Thirdly, the prophet's prescription of the sā^c of dates is closer to the concept of equity and justice than that of qiyās.

It may be further indicated that Abū Hanīfah sticks to ʿillah in his concept of qiyās, while Ibn Taimiyyah observes hikmah (underlying reason) in his application of analogy.¹ ʿillah is a precise and an appropriate attribute which brings a case to fall under analogy; but hikmah is an indeterminable quality which is more relevant to the concept of public interest (Maṣlaḥah).² In another words hikmah itself is a poor substitute for the more specific ʿillah, as a basis of analogy.³

From the above explanation of ʿillah and hikmah, one may perceive that the adherence of Ibn Taimiyyah to hikmah, in his arguments fall under the scope of Maṣlaḥah, rather the scope of qiyās which he claims. The conformity of hikmah with the public interest might be the basis of what Ibn Taimiyyah meant when he said that there is no issue in the shāriʿah which is not in conformity with qiyās.

It must be noted that there is a difference between the rules derived by analogy and those that are established on the basis of maṣlaḥah. A shāriʿah rule may be contrary to the requirements of qiyās, but that does not necessarily imply a rejection of either of the rules of shāriʿah or that of qiyās.

1 Abū Zahrah, Aḥmad b. Hanbal. Op. Cit. P. 275.

2 Ibn Taimiyyah, al-Qiyās. Op. Cit. PP. 6-8.

3 Malcolm H. Kerr, Islamic Reform, University of California Press. 1966. P. 78.

In such a situation, the shari^cah rule will be exceptionally accepted and confined to the matter in question, whereas the rule of qiyās will be effectively applied in other cases outside the shari^cah rule in question. For instance, take the shari^cah rule which we mentioned earlier ¹ and that of a prophetic tradition which validates the fasting of someone who ate out of forgetfulness. That shari^cah rule is derived from the cited tradition above, and the rule must be confined to the issue involved. This means that the rule of that tradition will not be extended to someone who ate by mistake or out of duress because forgetfulness alone was mentioned in the tradition.* The rule of analogy here is that anything that enters the stomach by mistake renders the fast null and void, while the rule of the shari^cah condones the validity of eating or drinking out of ~~out~~ of forgetfulness when one is fasting.

¹ See pages 100-101 of this thesis.

* For details on the difference between mistake and forgetfulness, see page 100 under its footnotes.

There are other instances where a shari^cah rule may be contrary to qiyās, (khilāf al-qiyās), but which are accepted as valid on the basis of Istihsān in Hanafī law. Ibn Taimiyyah does not disagree with the result of such an Istihsān, but he seeks to prove that none of the shari^cah rules is contrary to analogy. For instance, in business transaction, there are certain practices such as mudārabah,¹ musāqah,² and muzārah,³ which cannot be declared lawful by analogy, but are considered lawful by virtue of Istihsān.

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- 1 Mudārabah means a contract of co-partnership, of which one party, (the proprietor) is entitled to a profit on account of the capital (ra's al-māl), he being denominated as (rabb al-māl), i.e. the owner of the capital. The other party is entitled to a profit on account of his labour, and this last is denominated as the mudārib (or manager) inasmuch as he derives a benefit from his own labour and endeavours.
 - 2 Musāqah is a contract between two parties, one of whom takes charge of the fruit-tree of the other partner on condition that the crops shall be divided between them on specific terms.
 - 3 Muzārah^c is a contract between two persons, one being a landlord and the other a cultivator, in which both agree that whatever is produced by cultivation of the land shall be divided between them in specified proportions.

Ibn Taimiyyah points out that Abū Hanīfah and his followers consider the above transactions as contrary to analogy by comparing them to hire (Ijārah), in which the ^ciwad (thing received in exchange) is unknown. The above mentioned transactions resemble the Ijārah in the sense that the labour and the profit are not defined therein.¹ But Ibn Taimiyyah comments that (a) these transactions are purely for the type of Mushārah, (sharing in a business), (b) that they have nothing to do with the system of Mu^cawadah (mutual exchange), in which the exchanges should have been previously specified, and that (c) the object in them is not the labour but the wages.²

According to Abū Hanīfah and some of his followers, Ijārah is considered as the selling of non-existent goods (bai^c al-ma^cdūm). Though this transaction is contrary to analogy, it has been made lawful through the means of Istih-sān. Ibn Taimiyyah disagrees with them, saying that it is in full harmony with qiyās.³

1 For a detailed description of the Hanafite reasoning on the above issues, see Hidāyah, Kitāb al-Buyū under the chapters of Mudārah and Musāqah.

2 Ibn Taimiyyah, Majmū^cat al-Rasāil al-Kubrā. 1st. ed. Vol. 1. Matba^cat al-Amirah, Cairo. 1323 A.H. pp.218-220.

3 Ibid, Vol. 2 pp.237-53.

His argument is that Ijārah is a special kind of transaction recommended by the prophet, in which it is not necessary to present the object of the transaction on the spot. The reason why the sale of non-existent goods has been made unlawful is that it is sometimes deceptive, as when a thing which cannot be delivered is sold.¹ But Ijārah, though it resembles (bai^c al-ma^cdūm), is not deceptive at all; because it is a contract of ordinary mutual exchange. Such a contract cannot be held void on the basis of inexistence of its object. Neither the Qur'ān nor the Sunnah forbids Ijarah; on the contrary, there is an indication of its lawfulness in the Qur'ān when it permits the hiring of nurses for suckling.²

With regard to the practice of mudārabah, Ibn Taimiyyah notes that it is not a new occurrence in Islam. It had already been in existence in the Days of Ignorance (i.e. before Islam). The prophet himself, in his early days, made a contract of mudārabah with Khadījah, and the companions did the same thing among themselves. After the advent of Islam, the prophet maintained this practice and thus it was authenticated by the Sunnah.³

1 Ibn Taimiyyah, Majmū^cat. Op. cit. P.246. Vol.2.

2 Qur'ān 65: 6-7.

3 Ibn Taimiyyah, Majmū^cat. Op. cit. Vol. 1, p.211.

From these explanations given by both Abū Hanīfah and Ibn Taimiyyah, one can easily know that the disagreement between them lies in certain technical terms assigned to qiyās. Abū Hanīfah and his followers, when they speak of qiyās, they mean al-qiyās al-jalī (an analogy readily understood by everybody); because they divided qiyās into two categories: al-jalī and al-khafī (clear and hidden analogies). The latter has been named Istihsān (preference). So that whenever Abū Hanīfah and his disciples find any problem which does not come under the category of al-jalī, they call it khilāf al-qiyās, i.e. a case contrary to analogy. In these circumstances, Ibn Taimiyyah seems to have mistakenly criticized Abū Hanīfah and laboured under a misconception of what Abū Hanīfah intended.

In fact, neither Ibn Taimiyyah nor Abū Hanīfah disagree on the validity of the above mentioned transactions. But while the former accepted them within the scope of qiyās, the latter accepted them under Istihsān since they are not in conformity with his own concept of analogy. Ibn Taimiyyah who vigorously declared that there is no accepted practice in Islam which is against qiyās, has not provided us with a substantial proof to this effect. However, a justifiable outcome of the above argument, in view of the cited evidences of the both parties,¹ shows that there are some exceptional cases in shari^cah which are not in conformity with the implications of analogy i.e. (Khilāf al-qiyās).

1 For details on such exceptional cases, see pages 107-111.

Conclusion

In conclusion, the examination of Abū Ḥanīfah's concept of qiyās has brought a better understanding of the role of analogy in shari^cah law. Undoubtedly, qiyās is not an outrageous innovation, nor does the idea of Istiḥsān which Abū Ḥanīfah employs whenever an outcome of qiyās rule is unfavorable, violates the principles of shari^cah. Prophet Muḥammad (P.B.O.H.) has approved the practice of qiyās and the Qur'ānic injunctions reasonably advocate justice and equity.

Admittedly, it is not within the function of qadīs of shari^cah to legislate or decree, but nevertheless, the power to eke-out or discover the divine rules of revelations through Ijtihād (discipline reasoning) must be entrusted to them. Realizing the inefficiency of human reasoning, Abū Ḥanīfah does not deem it appropriate to employ analogical reasoning without concrete guidelines. To this end, he develops a solid foundation for qiyās by stricking to ḥillah which some fuqahā'¹ have evaded in the scope of analogical reasoning.

According to Abū Ḥanīfah, if the rationale behind a rule of revelation -which is nothing more than ḥillah- can be identified, qiyās can be employed as a positive instrument of legal construction.

1 Ibn Taimiyah seems to have inclination towards hikmah (underlying but indeterminable factor) in his application of qiyās. Neither the Shi^cis nor the Zahiris approve the finding of an ḥillah for a divine law.

In chapter three, the rules and regulations of qiyās which Abū Hanīfah has applied in his methodology, obviously show that he fights against an extreme attitude of an empty liberalism and a negative spiritualism. We hope not to be misunderstood in our conclusion that if Abū Hanīfah's precepts on qiyās are properly understood and followed, the status of analogy in shari^cah would be enhanced. Thus, qiyās would be a means of protecting the directives of revelations from the misconceptions of unaided human reasoning and unwarranted speculations.

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