the organization of the priestly and judicial persons trained in the schools is a compromise between what theological prin­ciples dictate and what the state demands. Neither Koran nor Sunna distinguishes between temporal and spiritual powers, and no such distinction was known as long as the caliphs acted in all things as successors of the prophets and heads of the community of the faithful. But, as the power of the ’Abbāsids declined (see article Caliphate, *ad fin.)* and external authority fell in the provinces into the hands of the governors and in the capital into those of the *amir al-omarā,* the distinction became more and more palpable, especially when the Būyids, who were disposed to Shi'ite views, proclaimed themselves sultans, *i.e.* possessors of all real authority. The theologians tried to uphold the ortho­dox theory by declaring the sultanate to be subordinate to the imamate or sovereignty of the caliphs, and dependent on the latter especially in all religious matters; but their artificial theories have never modified facts. The various dynasties of sultans (Būyids, Ghaznevids, Seljuks, and finally the Mongols) never paid heed to the caliphs, and at length abolished them; but the fall of the theocracy only increased the influence of the clergy, the expounders and practical administrators of that legislation of Koran and Sunna which had become part of the life of the Mahommedan world. The Mamelukes in Egypt tried to make their own government appear more legitimate by nominally recognizing a continuation of the spiritual dignity of the caliphate in a surviving branch of the 'Abbasid line which they protected, and in 923 a.h. (1517) the Ottoman Selim, who destroyed the Mameluke power, constrained the 'Abbāsid Motawakkil III., who lived in Cairo, to make over to him his nominal caliphate. The Ottoman sultans still bear the title of “ successors of the Prophet,” and still find it useful in foreign relations, since there is or may be some advantage in the right of the caliph to nominate the chief cadi *(kādi)* of Egypt and in the fact that the spiritual head of Khiva calls himself only the *nakib* (vicegerent) of the sultan.@@1 In India too the sultan owes something perhaps to his spiritual title. But among his own subjects he is compelled to defer to the ulemā and has no con­siderable influence on the composition of that body. He nomin­ates the *Sheikh ul-Islam* or mufti *(q.v.)* of Constantinople (grand mufti), who is his representative in the imamate and issues judg­ments in points of faith and law from which there is no appeal; but the nomination must fall on one of the *mollahs,@@i* who form the upper stratum of the hierarchy of ulemā. And, though the various places of religious dignity are conferred by the sultan, no one can hold office who has not been examined and certified by older ulemā, so that the corporation is self-propagating, and palace intrigues, though not without influence, can never break through its iron bonds. The deposition of 'Abd ul-Azīz is an example of the tremendous power that can be wielded by the ulemā at the head of their thousands of pupils,@@3 when they choose to stir up the masses; nor would Mahmud II. in 1826 have ventured to enter on his struggle with the janissaries unless he had had the hierarchy with him.

The student who has passed his examinations at Constanti­nople or Cairo may take up the purely religious office of *imam* (president in worship) or *khaib* (preacher) at a mosque. These offices, however, are purely minis­terial, are not necessarily limited to students, and give no place in the hierarchy and no particular consideration or social status. On the other hand, he may become a judge or cadi. Every place of any importance has at least one cadi, who is nominated by the government,@@4 but has no further dependence

on it, and is answerable only to a member of the third class of the ulemā, viz. the mufti or pronouncer of *fatwas.* A fatwa is a decision according to Koran and Sunna, but without reasons, on an abstract case of law which is brought before the mufti by appeal from the cadi’s judgment or by reference from the cadi himself. For example, a dispute between master and slave may be found by the cadi to turn on the general question, “ Has Zaid, the master of 'Amr,@@i the absolute right to dispose of his slave’s earnings?” When this is put to the mufti, the answer will be simply “ Yes,” and from this decision there is no appeal, so that the mufti is supreme judge in his own district. The grand mufti of Constantinople is, as we have seen, nominated by the sultan, but his hold on the people makes him quite an independent power in the state; in Cairo he is not even nominated by the government, but each school of law chooses its own sheikh, who is also mufti, and the Hanifite is head mufti because his school is official in the Turkish Empire.

All this gives the judges great private and political influence. But the former is tainted by venality, which, aggravated by the scantiness of judicial salaries or in some cases by the judge having no salary at all, is almost universal among the administrators of justice.

Their political influence, again, which arises from the fusion of private and political law in Koran and Sunna, is highly inconvenient to the state, and often becomes intolerable now that relations with Western states are multiplied. And even in such distant parts as Central Asia the law founded on the conditions of the Prophet’s lifetime proves so unsuited to modern life that cases are often referred to civil authorities rather than to canonical jurists. Thus a customary law *Corf)* has there sprung up side by side with the official sacred law *(shari'a),* much to the displeasure of the mollahs. In Turkey, and above all in Egypt, it has been found necessary greatly to limit the sphere and influence of the canonical jurists and to introduce institutions nearer to Western legal usage. We do not here speak of the paper constitutions *(khait-i-sherif)* and the like, created to impose upon Western diplomatists, but of such things as consular and commercial courts, criminal codes, and so forth.

The official hierarchy, strong as it is, divides its power with the dervishes. A religion which subdues to itself a race with strongly marked individuality is always influenced in cultus and dogma by the previous views and tendencies of that race, to which it must in some measure accommodate itself. Mahomet himself made a concession to heathen traditions when he recog­nized the Ka'ba and the black stone; and the worship of saints, which is now spread throughout Islam and supported by obviously forged traditions, is an example of the same thing. So too are the religious orders now found everywhere except in some parts of Arabia. Mystical tendencies in Mahommedanism arose mainly on Persian soil (see Sūfīism), and Von Kremer has shown that these Eastern tendencies fell in with a disposition to asceticism and flight from the world which had arisen among the Arabs before Islam under Christian influence.@@6 Inter­course with India had given Persian mysticism the form of Buddhistic monkery, while the Arabs imitated the Christian anchorites; thus the two movements had an inner kinship and an outer form so nearly identical that they naturally coalesced, and that even the earliest organiza­tions of orders of dervishes, whether in the East or the West, appeared to Mahommedan judgment to be of one type. Thus, though the name of *Sūfī* (see Sūfīism) is first applied to Abū Hāshim, who died in Syria in 150 a.h. (767), we find it transferred without question to the mystical brotherhood which appears in Khorāsān under Abu Sa'īd about 200 a.h. (815/816). Yet these two schools of Sufis were never quite similar; on Sunnite soil Sūfîism could not openly impugn orthodox views, while in Persia it was saturated with Shi'ite heresy and the pantheism of the extreme devotees of 'Ali. Thus there have always been two kinds of Sūfīs, and, though the course of history and the wandering habits which various orders borrowed from Buddhism

@@@1 Till the Russians gained preponderating influence the khān of Khiva also acknowledged the sultan as his suzerain.

@@@2 Mollah is the Perso-Turkish pronunciation of the Arabic *mauls,* literally “ patron,” a term applied to heads of orders and other religious dignitaries of various grades.

@@@3 Called in Constantinople *softa,* Persian *sōkhta,* burned up, *scil*., with zeal or love to God.

@@@4 In Egypt before the time of Sa'īd Pasha (1854-1863) the local judges were appointed by the chief cadi of Cairo, who is sent from Constantinople. Since then they have been nominated by the Egyptian government.

@@@ε Zaid and 'Amr are the Caius and Sempronius of Arabian law.

*@@@• Op. cit.* p. 52 seq.