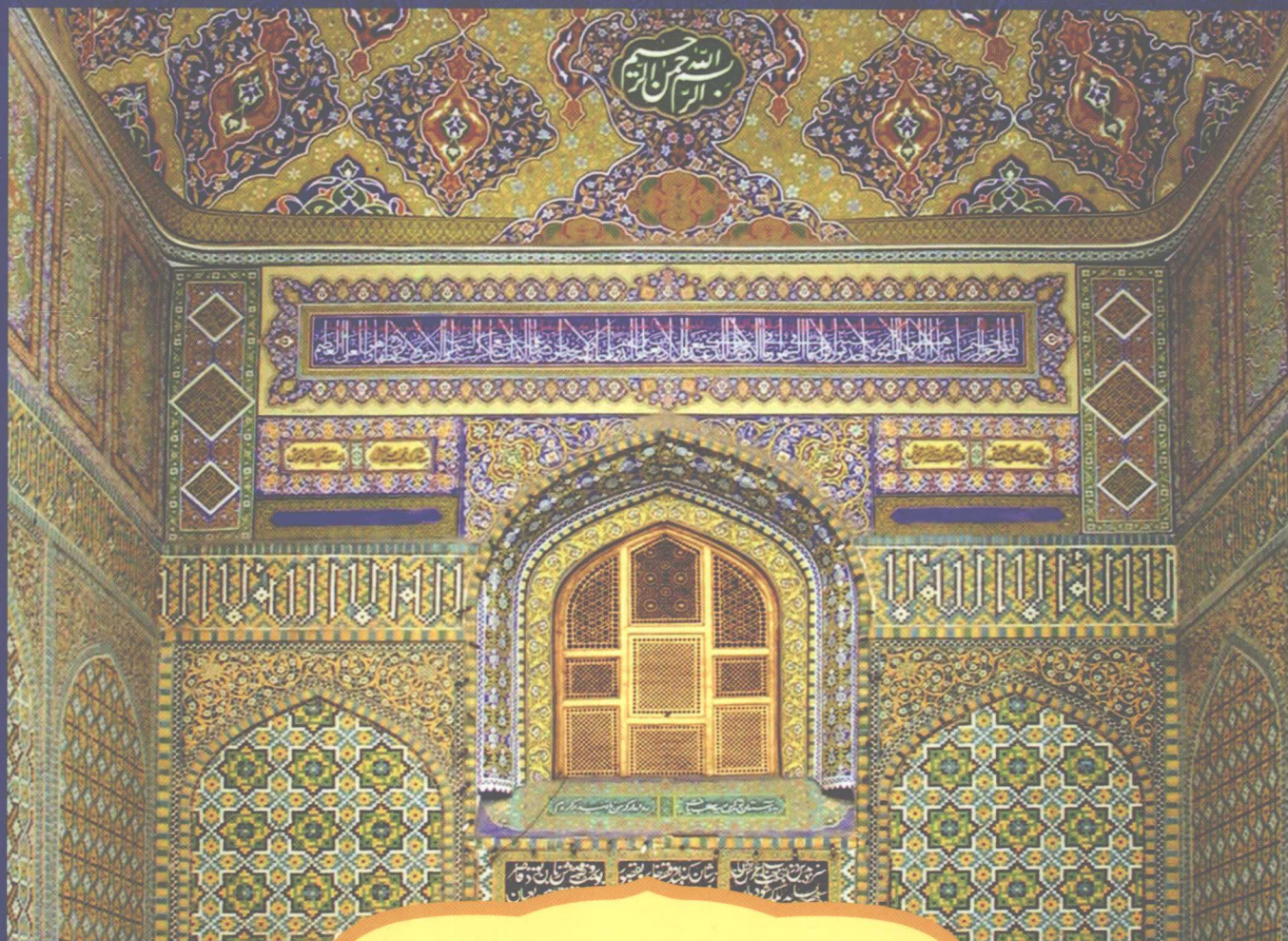




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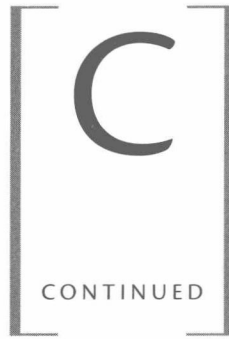
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CREEDS. See ‘Aqīdah.

CRIMEAN KHANATE. From ancient times the Crimea has been a crossroads for various peoples ranging from Scythian and Sarmatian nomads to Goth and Hun invaders, and from Greek colonizers to Genoese settlers. In 1223 the Tatars of the Golden Horde made the Crimean peninsula their southern headquarters with Solkhat (Eski Kirim) as its capital. The area that subsequently became known as Kirim (the Crimea) played an important role as intermediary between the Tatars of the Golden Horde, the Mamlūk Sultanate in Egypt, the Seljuk state in Anatolia, and the Christian kingdoms of the north (Lithuania, Poland, and Moscow). The Crimean khanate emerged after the disintegration of the Golden Horde along with the Astrakhan, Kasimov, and Kazan khanates. In the 1440s Haji Giray, its first khan, founded the Giray dynasty which governed the Crimean khanate until its dissolution in 1774. He also introduced a three-pronged *tamga* as a symbol of the Crimean Tatar nation—a symbolism that would to continue until modern times.

Although never completely sovereign and independent of the Ottoman sultans, the khanate’s political and social institutions developed in their own ways, blending Tatar and steppe traditions with Ottoman bureaucratic and dynastic practices. The former were characterized

by decentralized authority, while the Ottoman system was highly centralized. The khan did not have the same degree of authority as a Turkish sultan because he was subordinate to the beys, the ruling elite. Also, the khan, customarily brought up in the Ottoman Empire, was often appointed or deposed at the will of sultan. In spite of their inferior status, the Crimean khans could trace their genealogy to Genghis Khan—something that the Ottoman sultans could not boast of. This fact may partially explain a degree of independence that the Crimean khanate revealed on various occasions, either by allying themselves with Moscow or Ukrainian Cossacks or disregarding an injunction from the Ottomans to join an anti-Persian campaign.

Tatar institutions included the *quriltāy* (the gathering of all clan leaders), whose responsibility included the selection of the khan from among Giray candidates; and the *kalgay* and *nurredin* sultans (first and second “heirs apparent,” also expected to be members of the Giray clan). In addition, each of the major clans maintained administrative responsibilities for lands “belonging” to them (*beylik*); each had a “capital” town where the clan leader (*bey*) resided and in which the *bey*’s own officials administered financial and political affairs. These *beys*, particularly the *bey* of the Shirin clan, retained much local authority, and their support was essential to the success of Giray policies.

The central government of the khanate consisted of a set of bureaucratic and fiscal offices staffed by servitors (*kapikulu*) of the Girays, a governing council (*divan*), and judicial offices headed by a chief judge (*kadiasker*) and regional judges (*kadis*; Ar., *qāḍī*). Law in the khanate combined elements of Tatar customary law (deriving from the Great Yasa of Genghis Khan) and Ottoman *kanun* law—the former defining social relationships, and the latter establishing fiscal responsibilities.

A third administrative system, outside both central and clan institutions and led by the *muftī* and various Islamic officials, was responsible for the large number of *waqf* (endowment) lands in the khanate. Finally, dating from 1475 the southern coast of the peninsula was under direct Ottoman control, with local officials appointed from Istanbul. Many of the large towns of the Crimea were situated in this area, which was called the Eyalet-i Kefe.

Crimean economics were based largely on trade: slaves were “harvested” by Tatar forces from the Slavic settlements north of the peninsula; foodstuffs were produced in the fertile lands along the coast and in inland valleys; fine finished goods were produced by Tatar artisans (jewelry, metal, and leatherwork primarily), and subsidies were received from the Ottomans in Istanbul in return for participation in military campaigns. Crimean society was generally prosperous and as a result fairly well developed. Particularly in the Ottoman sector, but also in the peninsular heartland, Jewish and Christian communities played important economic roles (ironically, it was after the Russian conquest that these minorities were removed and replaced by Russian and Ukrainian peasants).

Muslims had been present in the region from the early thirteenth century, and Muslim institutions including mosques and schools had been built by 1315. One of the earliest of these mosques was built in Solkhat in 1287. The construction was funded by Baybars, originally a slave of Kipchak origin from the Crimea who later became a sultan of the Mamlūk dynasty in Egypt. A second mosque was built there by the Golden Horde ruler Öz Beg Khan in 1314, and the latter building survives today. From the early sixteenth century onward an important *medrese* (*madrasah* [school]), the Zincirli in Solkhat, offered education and training in scholarship that would produce generations of scholars who played important roles in Islamic culture in the khanate

and outside. This *medrese* would provide leadership to Russia’s Muslims in the late nineteenth century in their efforts at modernization.

The three major urban areas under the control of the khanate’s administration were Gözlev (later Evpatoria), Akmechet (Simferopol), and Bahçesaray. In the last city the Girays maintained their palace, and it was there that most government offices were located. These towns supported an active cultural life reflected in a sophisticated historiographic tradition; the most important chronicles include the *Tevarih desht-i kipchak* and the *Asseb’ os-sei-iar*, the latter composed by Seïd Muhammed Riza in the mid-eighteenth century.

As the result of Russian expansion and development in the eighteenth century and of Crimean and Ottoman decline, the khanate was invaded twice and ultimately collapsed before Russian armies between 1768 and 1774. After a short “experiment” managed by Tsarina Catherine II, the entire peninsula with all its Tatar inhabitants was annexed to the Russian Empire and became the Tavricheskii Oblast. Although the last khan, Şahin Giray, became one of Catherine’s favorites, he failed to gain popularity among the people. He abdicated and traveled around Russia before emigrating to Turkey where, shortly afterward, he was executed. Refugees from the khanate’s ruling classes settled in Istanbul and other Ottoman towns in Bulgaria and Romania; most were ultimately assimilated into the Turkish population.

In 1944 Stalin deported the entire Crimean Tatar population of Crimea to Central Asia. Since then about 250,000 Crimean Tatars have returned to Crimea; some of them still reside in Central Asia, mainly in Uzbekistan. A Crimean Tatar diaspora also exists in Turkey, Romania, Bulgaria, Germany, and the United States.

[See also Crimean Tatars.]

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ALAN FISHER

Updated by ANNA MÜNSTER

CRIMEAN TATARS. The Crimean Tatars are a small Turcic-Muslim nation living on the Crimean Peninsula in what is today Ukraine with small communities scattered in Uzbekistan and the Russian Federation. This ethnic group currently faces numerous difficulties as it attempts to recover from a series of disastrous expulsions and ethnic cleansings that saw them driven close to extinction.

Ancient History. The Crimean Tatars formed as a distinct ethnic group from the eleventh to the fifteenth centuries. This occurred when Kipchaks, nomadic Turkic horsemen from the vast Eurasian steppe began to amalgamate with older, settled populations living on the Crimea's southern shores. The final process of "ethnogenesis" was completed when the Mongols of Chinggis Khan and Batu Khan conquered the Crimea and surrounding steppe lands and their descendents converted to Şūfî (mystical) Islam.

When the Mongol Golden Horde collapsed in the 1400s, the Muslim Tatars of the Crimea created their own khanate under the Giray dynasty which was to rule the Crimea and neighboring plains of the mainland until

1783. During this period the Crimean khanate forged an alliance with the greatest Muslim state of the time, the Ottoman Empire.

Under the protection of the Ottoman sultans, the Crimean khans engaged in an independent foreign policy that saw them burn Ivan the Terrible's Moscow in 1571. Although the Crimean Tatars came to be feared as raiders by the Russians and Ukrainian cossacks, their actions were done, in part, to prevent Orthodox-Slavic settlers from encroaching on their lands.

The Crimean khanate's capital, Bahchesaray, was located in the southern mountains of the Crimean Peninsula. This was a bustling city filled with mosques, bazaars, *madrasahs*, and artisans. During this period Islam acted as a unifying force as the Russian Empire crept closer and closer to the Crimean khanate.

By 1774 the Russians, using superior numbers and gunpowder technology, crushed the Crimean Tatars and their Ottoman protectors; they annexed the state nine years later.

The Crimean Tatars under Russia. As Russian-Christian colonists began to settle in their lands, many Crimean Tatars found their Islamic way of life threatened. In this premodern era such modern concepts as nationalism and "fatherland" had not been introduced and most Crimean Tatars saw themselves in premodern tribal or religious terms. For these oppressed Tatar peasants the Crimea had ceased to be *dār al-Islām* (the land of Islam), it was now *dār al-ḥarb* (the land of war).

Thus began a mass process of emigration that saw tens of thousands of destitute Tatar peasants migrate to the Ottoman Empire which was defined in their imagination as *ak toprak* (holy "white soil"). The greatest single migration occurred in the aftermath of the Crimean War of 1853–1856. This war saw dozens of Tatar villages burnt by Cossacks, and as much as two thirds of the Crimean Tatar population fled to the lands of the Ottoman sultan-caliph seeking refuge.

By the late nineteenth century the Crimean Tatars were a group of inwardly looking Muslim peasants with little sense of politicized ethnolinguistic national identity around which to rally their culture. It was at this time that a Crimean Tatar intellectual who had lived in Moscow and the Ottoman Empire named Ismail Gasprali (Gasprinskii) began a process of enlightenment. This was

to begin transforming this conservative peasant people into a modern, politically mobilized nation.

Gasprali (1851–1914) opened a series of schools in the Crimea known as Nizam-i Cedid (New Order) that introduced Crimean Tatars to new techniques for learning to read and write. From this core of students would emerge a modernist movement known as the Young Tatars that would begin to fight for Crimean Tatar lands. This educational system, which was bolstered by Gasprali's widely read newspaper *Tercuman* (the *Translator*), also began the process of redefining Crimean Tatar collective identity. In the process Gasprali's more nationalist followers came to define the Crimea not as *dār al-ḥarb* to be abandoned in the name of preserving Islamic identity, but as the inalienable *ana vatan* (motherland) of the Crimean Tatar nation.

The Soviet Period. During World War I and the subsequent Russian civil war, the Crimean Tatar nationalists joined with the Communist Bolsheviks in the hopes of having their national rights recognized by Lenin. Finally, in 1921, Lenin recognized the Crimean Tatars as a nation and the Crimean Autonomous Soviet Socialist Republic was established. The Crimea's *korrenoi narod* (native people) the Tatars became the recipients of a policy known as *korenizatsiia* (state-sponsored national identity protection). This period saw the peninsula's indigenous Tatar people secularized as religion was pushed out of the public sphere by the Communist government. Ironically, this process also led to further identification with the Crimea as a national homeland.

But this development came to an end in World War II when the Nazis invaded the Crimea. Unfairly accused of being traitors, the entire Crimean Tatar nation was brutally deported to the depths of Soviet Central Asia by Stalin in May of 1944. Approximately one in three Crimean Tatars died in the process.

Scattered far from their natal lands and living in impoverished conditions among Uzbeks and others, the Crimean Tatars might have disappeared as a nation in the succeeding decades. Instead, they rallied around the concept of their *ata vatan* (fatherland) and fought a long battle to return to the romanticized *yeshil ada* (green island) of the Crimea which had been settled with Russians in their absence. The Crimean Tatars were led by such dissidents as Mustafa Dzhemilev, who heroically refused to back down in his demands for the return of

his people to the Crimea even after he was arrested by the KGB and exiled to Siberia.

In 1989 Soviet leader Mikhail Gorbachev allowed a small group of Tatars to return. When the Soviet Union collapsed two years later this trickle became a flood and today approximately 250,000 Crimean Tatars (more than half their population) are rebuilding their nation in their cherished homeland.

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BRIAN GLYN WILLIAMS

CRIMINAL LAW. The body of law dealing with wrongs that are punishable by the state with the object of deterrence is known as criminal law. Islamic criminal law recognizes three categories of these wrongs. The first is the *ḥudūd* (plural of *ḥadd*, a “limit” set by God), the contravention of which leads to a prescribed and mandatory penalty. The second, *taʿzīr* (chastisement), comprises those crimes not included among the *ḥudūd* because their punishment is discretionary. *Taʿzīr* implies the correction or rehabilitation of the culprit; hence, punishment is left to the judge and might vary depending upon who inflicts it and upon whom it is inflicted. The third category, *qisās* (retribution), is concerned with crimes against the person such as homicide, infliction of wounds, and battery. Punishment by retribution is set by law, but the victim or his next of kin may waive such retribution by accepting blood money or financial compensation (*diyyah*) or by forgoing the right altogether. Because of this waiver, it has been suggested that this crime is in the nature of a private injury, more akin to a tort than to a crime involving a public interest or concern.

Jurists have accorded *ḥudūd* much attention because they are grounded in the Qurʾān and the *ḥadīth*, as

is *qīṣāṣ*. *Ta'zīr*, however, because of its discretionary nature, has escaped precise definitions and detailed treatments of the elements of the crimes that it encompasses. It might be said, though, that all acts that violate private or community interests of a public nature are subject to *ta'zīr*; it was left to public authorities to establish rules, within the spirit of the *sharī'ah*, to punish such acts.

Ta'zīr comprised essentially two categories of crimes. The first consisted of those crimes that did not meet the strict requirements of *ḥudūd* crimes (although they were of the same nature) or those individual crimes that were included in *ḥudūd*. Examples of the former are thefts among relatives or thefts of things below a minimum value for a *ḥadd* punishment: attempted robbery, attempted fornication, and lesbian contacts. Examples of the latter type are breach of trust by a testamentary guardian, false testimony, and usury. The second category included those acts that generally caused damage to the public order or public interest or threatened to cause such damage. In the nature of things, the second category, if not kept in check, could result in precautionary measures that might compromise individual rights; therefore, a balance had to be maintained between public order and individual rights. Punishment for *ta'zīr* could range from the (exceptional) death penalty for espionage and heresy, to whipping, imprisonment, local banishment, and fines for a variety of crimes. Jurists were careful, though, to limit whipping to a level below that ordered for *ḥudūd* punishments.

Qīṣāṣ (talion) encompassed five crimes: murder or intentional killing, quasi-intentional killing or voluntary manslaughter (as when a person intends only to beat another but in doing so kills him), involuntary killing, intentional physical injury, and unintentional physical injury. Talion (retaliation) was allowed only in instances of intentional killing and intentional physical injury; even here retribution could be waived by the victim or his family, and monetary compensation (*diyah*) could be exacted instead. For other *qīṣāṣ* crimes only monetary compensation was exacted. The *diyah* for killing was set by most jurists at one hundred camels or one thousand gold dinars; the *diyah* for physical injuries varied according to the nature of the injury. The law of *qīṣāṣ* was an exception to the principle of individual responsibility for

crimes emphasized by Islamic law, because it made the perpetrator's clan (*'āqilah*) responsible with him for payment of the *diyah*; correspondingly, the clan of the victim divided up the *diyah* payable for his death in keeping with the legal maxim that liability is proportional to the benefit. In later years when Arabs settled in military camps outside Arabia (*amṣār*), the *'āqilah* became the military unit (*dīwān*) to which the killer or the victim belonged.

In theory all these offenses were to be tried by the *qāḍī*, the *sharī'ah* judge. Law books throughout the centuries repeated this theoretical jurisdiction of the *qāḍī*, including the administration of criminal law. But in fact the *qāḍī* must have lost criminal jurisdiction very early in the Islamic centuries. The reasons are several: first, the *sharī'ah* dealt with only a limited number of crimes and their penalties, leaving a host of others ill-defined and lumped under *ta'zīr*; second, the law of evidence in the *sharī'ah*, with its dependence only on trustworthy witnesses (*'udūl*) and admissions, and its rejection of circumstantial evidence, was too restrictive to allow for an efficient criminal system; finally, rulers of Islamic empires and states could not leave matters of crime affecting state security in the hands of religious authorities who were loyal to a body of laws over which the state had no control. All these factors gave rise to criminal jurisdictions independent of that of the *qāḍī*, although the latter continued to be involved in matters involving homicide and *diyah*, which assumed the character of a tort or a civil claim. As a result the *shurṭah* (police) assumed the duty of investigating, prosecuting, and sentencing for most crimes with no distinction between one function and the other. The *muḥtasib* (inspector of the marketplace) punished those trade infractions and offenses against morals that were apparent and did not require testimony before a *qāḍī*'s court. In addition, beginning in the early years of the 'Abbāsid regime in the latter part of the eighth century, a new jurisdiction, called *maẓālim* (court of grievances) headed by the ruler, vizier, or governor, undertook to repress wrongdoers whom other courts could not control and generally to restrain oppression by officials. None of these jurisdictions was limited by the *sharī'ah*, as the *qāḍī* was. They applied mainly to customary law (*'urf*) or what political expediency (*siyāsah*) required; punishments were often arbitrary and severe.

The Ottoman sultans who inherited this system attempted to limit the arbitrary punishments meted out by these extra-*sharī'ah* jurisdictions by issuing regulations (*qānūn*, modern Turkish *kanun*) for secular criminal provisions and procedures. Yet a *qānūnnāme* (modern Turkish *kanunname*), or basic law, issued in 1525 for Egypt, a few years after its conquest, seems to indicate that the purpose was to give leeway to non-*sharī'ah* judges to inflict heavy punishments for disputes and feuds that *qāḍīs* could not suppress.

Ottoman Legal Codes. The oldest Ottoman code of criminal and fiscal law is the one attributed to Mehmed II following his conquest of Constantinople in 1453, although some parts of it might have been the product of a later time under Bayezid II (r. 1481–1512), who is credited with a *qānūn* of his own. Of the many *qānūns* compiled in the reign of Sultan Süleyman the Lawgiver (Qānūnī, Turkish Kanuni), one was a criminal code compiled possibly between 1539 and 1541. It contained all the sections of the earlier criminal codes and a number of other provisions, and it was arranged according to offenses, not according to penalties of fines and strokes. Among the new provisions were those dealing with sodomy, pressing grapes and selling of wine, false testimony, forging of documents, taking of interest, and neglect of prayer or fasting during Ramaḍān (Heyd, 1973, p. 30). The code was sent for enforcement to the *qāḍī* courts of the various districts where all official documents were deposited. The last premodern Ottoman criminal code was compiled in the seventeenth century, but it seems to have been collected privately from the previous codes and so lacked official character.

Although in theory a *qānūn* was valid only for the lifetime of the sultan who issued it, most *qānūns* were reconfirmed under succeeding sultans; *qānūns* issued by previous Muslim rulers whose territories were added to the Ottoman Empire in the sixteenth century were reconfirmed for the provinces until the imperial *qānūn* was finally applied. These *qānūns*, which contained penal provisions based on *ʿurf* (customary) penalties, are exemplified by the penal code of the Dhū al-Qadr (Dulkadir) Turkomans issued by Süleyman (r. 1520–1566).

Following the previous practice of limiting the jurisdiction of the *qāḍī* in criminal matters, the seventeenth-century code stipulates that the *qāḍīs* “are to

carry out the laws of the *sharī'ah* ... but are ordered to refer matters relating to the order of the realm, the protection and defense of the subjects, and the capital or severe corporal punishment to the representatives of the Sultan, who are the governors in charge of military and serious penal affairs” (Heyd, p. 209). The issuing of extra-*sharī'ah* *qānūns* in the Islamic world was not the exclusive domain of the Ottoman sultans. In addition to the case of Dhū al-Qadr, the Mamlūk dynasty had imposed fines in certain districts in Anatolia for wounds and head injuries, which the Ottomans later confirmed. In the extreme west of the Muslim world, in Morocco, a code paid lip service to the *sharī'ah*. In 1512, a certain Yahyā ibn Taʿfūfah, the captain of the Moors in Safi under Manoel I of Portugal, issued a code for the tribe of Ibn al-Ḥārith that imposed fines for adultery and theft if the *sharī'ah* penalties were not imposed. And in the extreme east, the last great Mughal emperor Awrangzīb ʿĀlamgīr (r. 1658–1707) issued in 1672 a firman (edict) instructing the *qāḍīs* to impose *ḥadd* punishments and the secular authorities to carry out *siyāsah* punishments.

In the Ottoman Empire, the Tanzimat legal reform, following the Hatt-ı Şerif (November 3, 1839) and the creation of the Council of Judicial Ordinances, began with the promulgation in May 1840 of a penal code (*ceza kanunnamesi*). It reiterated the equality of all Ottoman subjects as pronounced by the Hatt-ı Şerif and made a conscious effort to put an end to the arbitrary nature of the authority of government agents and corruption. A new code, called *kanun-u cedid* and promulgated in 1851, did not improve matters significantly, and foreigners, in particular, were dissatisfied with the criminal system. During the discussions over the Treaty of Paris following the Crimean War, Grand Vizier ʿAli Pasha asked for the discontinuation of the capitulations that gave foreign powers extraterritorial rights in the empire, but he was told that that would not be considered until Turkish penal and commercial laws were reformed. Therefore, on August 9, 1858, a new criminal code, based on the French Code of 1810, was adopted, marking the empire’s first clear rupture with traditional law. It paid lip service to the *sharī'ah* by stating that it was not in opposition to it, and that it merely specified the degrees of *taʿzīr* enunciated by it. It also continued the right accorded

victims or their representatives to sue in *sharīʿah* courts for retribution or for *diyyah*. The code was to be administered by a hierarchy of secular (*niẓāmī*) courts using laws of procedure adopted from French models. With minor modifications it remained the criminal code of the empire until the beginning of the republic, and the other successor states of the Middle East used it until much later, under the title *Qānūn al-jazāʾ al-ʿUthmānī* (Ottoman penal code).

Modern Legal Codes. In the Turkish republic, Mustafa Kemal Atatürk and his legal advisers, in their attempt to rejuvenate the legal system, looked to Europe for legal models. In civil matters they adopted the Swiss Civil Code, and in criminal matters they followed the Italian Criminal Code of 1889, which in turn had been based on a German model. This new criminal code, introduced in 1926, made clear the new republic's intention to separate religion from politics; Article 163 stipulated that political associations on the basis of religion or religious sentiments were prohibited. (But the years after World War II saw a religious revival whose effect on the orientation of Turkey is still uncertain.) The German code was used for matters of criminal procedure. A conference on the reception of foreign law in Turkey, particularly the Civil Code, concluded that "the foreign legal system ... may not command universal obedience but is not unworkable."

A parallel development in legal reform took place in Egypt. Following the Ottoman firman of 1841, which accorded Muḥammad ʿAlī and his descendents hereditary rights to the governorship of Egypt and gave Egypt virtual autonomy in matters of legislation, rapid steps were taken toward legal reform, particularly after the creation of the Mixed Courts in 1876 to protect "foreign" interests. Long before that, Muḥammad ʿAlī, upon assuming power in 1805, hastened to discard the Ottoman system of administration and to institute in its place his own arrangements. Laws and regulations multiplied and had to be unified in a new code entitled *al-Muntakhabāt* (selections), which was published in 1829–1830. In the same period, a law entitled *Qānūn al-fallāḥ* (the peasants' law, or *Qānūn al-filāḥah*, the farming law) was issued to protect the interests of peasants and the state; punishments were specified for such matters as usurpation of land, changing boundaries, thefts of produce, as well as for persons not heeding

conscription calls, wrongdoers who breached canals, and notables in the countryside who seduced virgins. The Ottoman Penal Code of 1851 was also applied, after the accession of Saʿīd Pasha in 1854, in a version adapted to Egyptian circumstances, but, crimes and punishments still were not well defined, people were not equal before the law, and criminal responsibility was not limited to the individual perpetrator.

Genuine criminal reform started with the Mixed Courts, but since those courts had limited criminal jurisdiction, substantial reform acquired a momentum only with the establishment of the National Courts and the adoption of the National Penal Code and the Code of Criminal Inquiry in 1883. These codes were adapted from the French codes either directly or by way of the Mixed codes. In 1904 the Criminal Code was amended extensively with elements taken from the Sudanese, Indian, Belgian, and Italian codes. Finally, following the abolition of the foreign capitulations in 1937 and the extension of Egyptian criminal jurisdiction to all residents of Egypt, a new criminal code was promulgated and remains in force.

The Sudan was under native sultanates, not Ottoman power, from the sixteenth century until the Anglo-Egyptian condominium. Under British guidance, a penal code, based on the Indian Penal Code of 1860, was introduced for the first time in 1899. In 1925 this was thoroughly revised into a new code, but the bases of the earlier one remained intact. It differs from the codes of the major Arab countries in that it is based on Anglo-Saxon law, especially in its definitions and examples.

Saudi Arabia and North Yemen continued to use traditional Islamic law in penal matters, but the following Arab and Islamic countries acquired modern penal codes. Each country in the list is followed by the date of its latest code, then by the code from which it was adapted, and finally by the system of law previously in effect in that country.

Algeria: June 18, 1966; French Code; French Code.

Iran: 1939; French Code; Code of 1912 and traditional Islamic law.

Iraq: September 15, 1969; Proposed Egyptian Code of 1966 and previous legislation; 1918 Baghdad Code and Ottoman Penal Code.

Jordan: Law No. 16, 1960; Lebanese Code; Code of 1951 and Ottoman Penal Code.

Kuwait: Law No. 16, 1960 as amended by No. 31, 1970;
 Bahrain Code based on Indian Penal Code of 1860.
 Lebanon: 1943 enforced 1944; French, Swiss and Italian
 Codes; Ottoman Penal Code.
 Libya: November 28, 1953; Italian and Egyptian Codes;
 Italian Code.
 Morocco: November 26, 1962; French Code; French and
 traditional Islamic law.
 Pakistan: Indian Penal Code of 1860; English Law;
 traditional Islamic and tribal law.
 Palestine: 1936 Ordinance; Cyprus Code, 1928; Ottoman
 Penal Code.
 Syria: 1949 as amended in 1953; Lebanese Code;
 Ottoman Penal Code.

Certain principles well known in the West characterize the penal codes in these countries. One such principle is the legality principle: there can be no crime or punishment except by law (*nullum crimen nulla poena sine lege*). Another is the nonretroactivity of laws. A third is the principle of territoriality of jurisdiction, with some variations, applied in situations in which only some elements of the crime took place on the territory of the state. A fourth is the principle that certain crimes committed abroad by citizens or noncitizens and affecting vital interests of the state can be tried by the state. A fifth is the principle that the state can try a citizen for a felony or misdemeanor committed abroad if the act is also a crime in the country where it was committed.

The Islamic resurgence of the last two decades has given rise to a strong movement to reapply the Islamic law of *ḥadd* and *qisās*. Libya amended its penal code in 1973 so as to introduce the penalties of stoning to death for fornication and cutting off of the hand for theft; if the stringent proofs required by Islamic law were not met, the provisions of the Penal Code would apply. Similar steps were taken in Pakistan and the Sudan (1983). In Iran, following the revolution of 1978–1979, the Islamic law of *ḥadd* was reintroduced by the *Qisās* Law of 1982, and severe punishments are being applied.

[See also Capitulations; *Ḥudūd*; Law, *subentries* on Legal Thought and Jurisprudence and Modern Legal Reform; and *Tanzimat*.]

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FARHAT J. ZIADEH

CRUSADES. A form of religious warfare initiated by the Papacy in 1095 and pursued actively for the next two centuries, the Crusades sought to confront the rise of Islam by restoring Christian control over Jerusalem and the Holy Sepulcher. Crusading also encompassed Papal authorizations for campaigns designed to extirpate heresy and paganism in Europe from the eleventh to the sixteenth centuries, including at various times the Iberian peninsula and the Baltic region, as well as southern France and Italy. Historians are, however, divided between “traditionalists,” who designate as Crusades primarily the campaigns in the Holy Land and the East, and “pluralists,” who place special stress on religious crusades throughout Europe. This article deals with Crusader campaigns in the Holy Land.

The term “Crusade” is derived (through a Romance language or languages) from the Latin word *crux* (cross), a symbol prominently displayed on the military regalia of Crusaders. Many Muslim chroniclers of the medieval era preferred “Frankish invasions,” a term that used the Arabic word *al-ifranj*, designating specifically the French but often applied generally to Westerners.

Muslims and others in the Middle East regard the Crusades as invasions by Europeans motivated by greed and by scorn for Islam, establishing a paradigm for the perception of future Western incursions into the Muslim world. European colonialism and the modern “war on terror” are seen by many as extensions of the original Crusader impulse.

Historical Prelude. In 638, the Muslim armies of the caliph ‘Umar secured a series of victories that led the Patriarch Sophronius to surrender the keys of Jerusalem. Though a variety of Christian sects and communities survived under Muslim rule in subsequent centuries, the leadership of Eastern Byzantine Christendom based in Constantinople requested assistance from Rome in

the eleventh century to defend against the Seljuk Turks, who were accused of disrupting the travels of medieval pilgrims to the Holy Land. Prominent Western historians such as Hans Eberhard Mayer question whether the Seljuks attacked pilgrims, but there were incidents in which other Muslim groups harmed unarmed Christian travelers en route to Jerusalem. More significantly, in the late eleventh century, the Seljuk Turks had wrested most of Asia Minor away from the Byzantine Empire.

Even without Seljuk expansion and provocation, western Christians were growing more assertive in the international arena and had overcome several longstanding obstacles to civilizational resurgence, including attacks by Vikings from the north, Magyars from the east, and Maghreb Muslims from the south. Growing population, agricultural output, trade, and movements of people, including the expansion of saintly pilgrimage routes, may also have contributed to Europe’s renewed confidence.

In 1095 at the Council of Clermont, Pope Urban II called for a combination of warrior commitment and pilgrim piety that would restore the Holy Land to Christian rule. The Pope had five initial aims:

1. curtailing the internal warfare that had wracked parts of Europe by directing military activities outside Christian communities;
2. asserting Papal supremacy over secular kings who had recently challenged papal authority over such matters as lay investiture;
3. ending the disruption of pilgrimages;
4. healing the East-West schism, which had been made official in 1054, by assisting Constantinople to regain control of cities such as Antioch and perhaps bringing Eastern Orthodoxy back into the Roman fold.
5. continuing to reverse the expansion of Islam, following Iberian Muslim defeat in Toledo in 1085, which secured northern and central Spain for Christians, and the Norman defeat of Muslims in Sicily in 1091.

History of the Crusades. Crusader campaigns are traditionally identified by historians by Roman numerical titles, Crusades I–V, or, in some accounts, Crusades I–IX. Though conceding that the numerical titles are too neat and despite many variations, most scholars will not dispense with this classification system. Historians frequently list the five Crusades numerically and then add the two crusades of King Louis IX and the final

defeat of the Western invaders in 1291 known as “The Fall of Acre.”

The First Crusade, 1095–1099. Leaders of this Crusade promoted an ideal that combined saintly pilgrimage with chivalric warrior values, although it was marked by atrocities from the outset. Rogue bands of ill-equipped Crusaders, for example, sacked several cities of the German Rhineland and massacred thousands of Jews in 1096. Archbishop Ruthard of Mainz, Archbishop Hermann III in Cologne, and eventually the Papacy itself fiercely denounced the Crusader orgy of terror in the Rhineland.

Jews and Muslims fought together, though unsuccessfully, to repel invading Crusaders at Jerusalem. As Crusader forces poured into the breached fortresses of Jerusalem in 1099, Muslim women and children were hacked to death, and Jews perished in a synagogue fire set by exultant Christian warriors. By 1109, the Christians had established four Levantine Crusader states (also known by their collective French name, *Outremer* (overseas): the Kingdom of Jerusalem, the County of Edessa, the Principality of Antioch, and the County of Tripoli.

The Second Crusade, 1145–1149. Edessa was the first place to have been seized from Muslim control by the Crusaders, and it was the first to fall. In 1144, Imād al-Dīn Zangī, the Seljuk Turkish ruler of Mosul and conqueror of Aleppo, met Christian talk of holy war with a new spirit of Islamic unity and *jihād*. The Second Crusade was called by Pope Eugenius III and the Cistercian monk Bernard of Clairvaux to reverse the gains of Zangī: its attack on Damascus failed.

Although murdered in 1146 by a disgruntled slave, Zangī had inspired a new tradition of counter-Crusaders led by his son Nūr al-Dīn and his Kurdish general Ṣalāḥ al-Dīn, known in the West as Saladin. Saladin had unified Egypt and Syria, effectively surrounding the Crusader states. His forces took back Jerusalem in 1187, securing his legend as a hero and chivalric figure who honored treaties and treated even his enemies fairly.

The Third Crusade, 1189–1192. Probably the most legendary of the Crusades because of the participation of three major European monarchs—Richard the Lionheart of England, Philip II Augustus of France, and Frederick Barbarossa of the Holy Roman Empire—the Third Crusade sought to reverse the triumph of Saladin.

This crusade delivered only modest gains, a treaty with Saladin allowing unarmed pilgrims access to Jerusalem and Crusader control over Cyprus. In the early phases, the septuagenarian Frederick Barbarossa drowned crossing a river in Anatolia. Richard then decided against attacking the Muslim forces holding Jerusalem. He preferred to negotiate a treaty with Saladin, who retained control over Jerusalem but allowed access to Christian pilgrims. His forces did seize Cyprus, providing the Crusaders an operational base that might prove valuable in future wars.

The Fourth Crusade, 1201–1204. With the ascent to the Papacy in 1198 of Innocent III, who stood at the zenith of medieval Papal power, Europeans remained determined to reverse the victories of Saladin. The previous crusade had established the primacy of sea power in transporting Crusaders to the Levant, as overland travel had resulted in tremendous losses from disease and from attacks during the passage through Anatolia. As far back as the First Crusade, ill-provisioned Christian Crusaders wracked with starvation had resorted to cannibalism by pulling slain Turkish troops out of swamps near Ma‘arrāh, a ghoulish scenario that figured prominently in the chronicles of Raymond of Aguilers and later in Muslim oral traditions.

During the Fourth Crusade, the Byzantine emperor had agreed to pay substantial sums to Venice for supplying ships for fighting and transport. When the emperor failed to deliver the promised payments, Crusader armies received permission to sack the great city of Constantinople. This poisoned relations between the Christian East and West, with some of the city’s inhabitants averring that they would prefer to live under the Turkish sultan than submit to Crusader rule. The rampant pillaging further tarnished the honor of the Crusaders in the view of Muslims.

The Fifth Crusade, 1217–1221, and the Crusade of Frederick II, 1228–1229. Accusing the Venetians of having hijacked the Fourth Crusade, Innocent III sought to restore Papal control of the Crusading movement in 1213 with the bull *Quia maior*, a document that also stipulated the conflict with Islam as the movement’s primary *raison d’être*.

The Fifth Crusade tried to reorient Crusader strategy by attacking Egypt to gain access to Jerusalem. When the Egyptian ruler al-Kāmil Muḥammad al-Malik offered the city of Jerusalem to the Crusaders during 1219 in exchange for ending the siege of the Egyptian city of Damietta, the



Conquest of Jerusalem in 1099, The First Crusade. Illuminated manuscript page, France, fifteenth century. Bildarchiv Preussischer Kulturbesitz / Art Resource, NY

papal legate Pelagius refused, believing that his forces could achieve a greater victory. This bold refusal backfired when al-Kāmil in 1221 breached the levees of the Nile, flooding the Crusaders bound for Cairo. Al-Kāmil then reached an agreement in 1229 with the invading Frederick II, King of Sicily and Holy Roman Emperor, allowing Christian rule over most of Jerusalem for the

next ten years. Muslims opposed this concession to the invaders, and certain Crusaders railed against the provisions forbidding them from fortifying the city's walls. In 1244, Muslim forces took back control of Jerusalem.

The Crusades of Louis IX, 1248–1254 and 1270. Louis IX brought the considerable resources of France to support his Crusaders but was unsuccessful in his attempt to

subdue Egypt, and his forces eventually had to ransom him from his Muslim captors. During the 1250s, he reinforced fortifications in the Crusader-held towns of Acre, Caesarea, Jaffa, and Sidon; but his invasion of Tunis in 1270 failed, and he and many of his troops succumbed to disease.

In 1258, the Mongols rampaged through Baghdad, destroying a city that many regarded as the jewel of the Islamic world. The Mamluk general Zāhir Baybars halted the march of these nomadic invaders at the Battle of Ain Jalut in 1260.

The fall of Acre, 1291. Baybars and his successors obstructed the Mongols, a people once thought invincible. Baybars exhibited a ruthlessness shocking to many Muslims who had accepted a measure of coexistence with Christians and Jews. During 1268, he sacked Jaffa and then ran riot in Antioch, where thousands of women and children were put to the sword in what historian Thomas F. Madden considers the greatest atrocity of the Crusades.

In 1290, newly arrived Crusader troops in Acre killed several Muslim merchants. When the Christians declined to turn over to the Mamluk authorities the soldiers responsible for the murders, alleging that the merchants had provoked the attacks, the Egyptian sultan Qalāwūn assembled one of the Crusade era's largest armies to retake Acre. The military orders of Hospitalers, Templars, and Teutonic Knights made their last stand. Acre fell to the Mamluk forces—as did the rest of Louis IX's carefully constructed fortifications throughout the region—and the age of the Crusaders in the Holy Land was over.

Results of the Crusades. In his three-volume history of the Crusades, Sir Steven Runciman asserts that among the most devastating results of crusading was its damage to Byzantine civilization, which was weakened and subjected to further Islamic penetration. Early twenty-first century historians have countered Runciman by observing that Islamic expansion may have been crucial to halting the Mongols who, if unchecked, could have delivered fatal damage to Byzantine and Latin Christian civilizations.

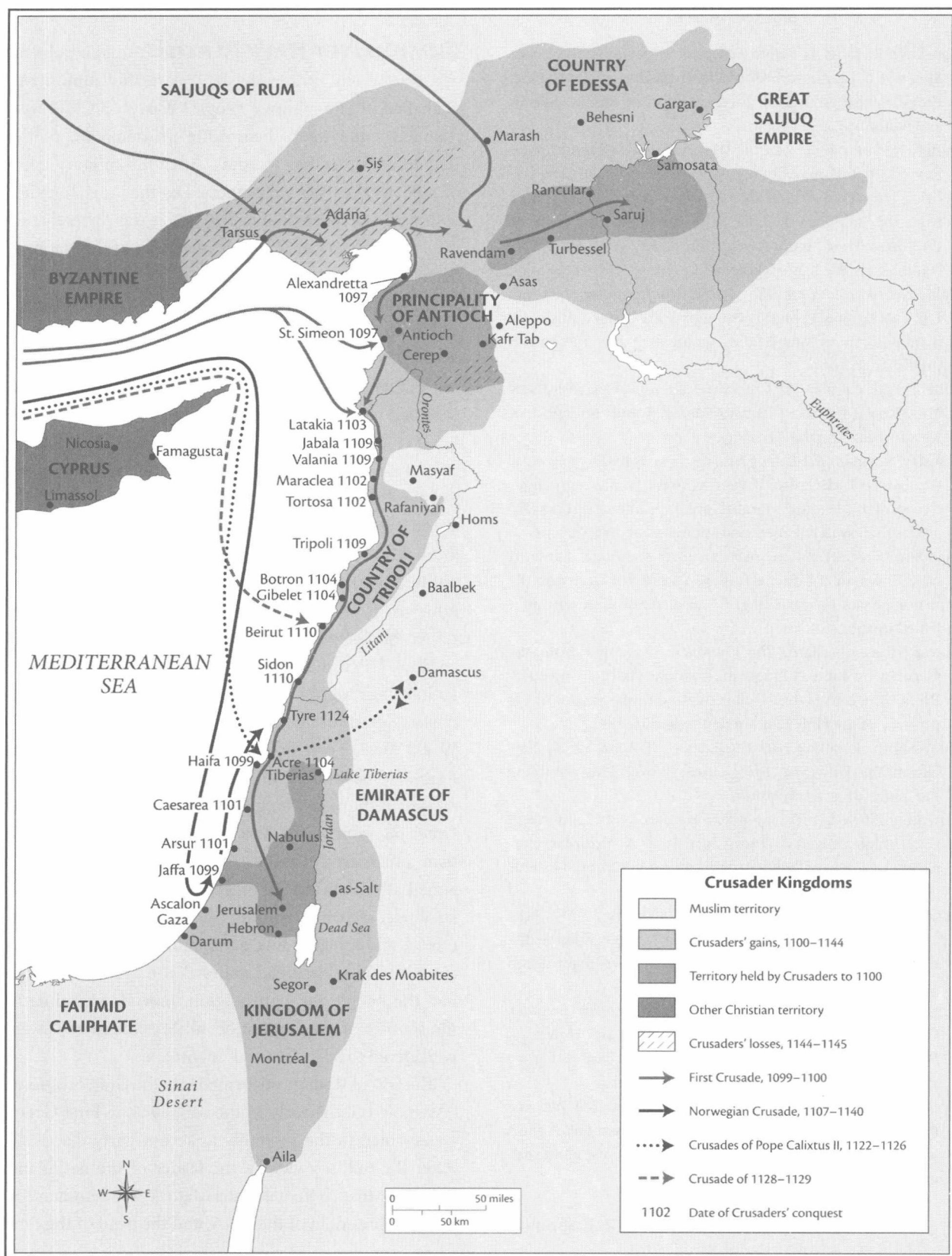
Meanwhile, the Europeans' introduction to the Mongols forced them to rethink their civilizational assumptions. The philosopher and scientist Roger Bacon (d. 1219) observed that before the Mongols, Europeans believed that Islam represented perhaps a third or half of the world, and Christians close to the other half. With

an empire stretching from Beijing to the borderlands of Bulgaria, the Mongols gave Europeans a sense of their shrinking status in the world. As has been documented by the medievalist R. W. Southern, Bacon suggested that Christians would have to become familiar with many more languages, cultures, and peoples in order to spread the Gospel. Others retorted with calls for redoubled holy war, a more resolute militarism, and fanaticism to subdue Christianity's teeming enemies.

The Crusades left a lasting impression on the Muslim world. The brutality of their campaigns, particularly in comparison with the noble reputation of Saladin, continues to color Muslim perceptions of the Christian West. Historians sympathetic to the Christian West on occasion rebuke Islamic scholars for their fiercer condemnation of Crusaders than of the bloodstained Mongols, who set fire to Baghdad, killed 90,000 inhabitants, and tossed the caliph in a sack to be trampled to death by teams of horses. But key Mongols converted to Islam and expressed horror at their cousins' destruction of Baghdad as a seat of learning. Crusaders generally felt no remorse, and it was only in the late twentieth century that Pope John Paul II issued an apology to Muslims and Jews for the desecration of their holy sites and killing of whole communities.

The Muslim world often views Europe's later colonial conquests as a continuation of the Crusader impulses, beginning with the conquistadores in the New World, many of whom had been profoundly influenced by the reconquista in Spain. Ranging from Columbus—whose frequent calls for a return to Jerusalem revealed the inspiration of his life's work—to Emperor Charles V, who launched a victorious crusading-style assault on Tunis in 1535, the Crusader filiation is sometimes further extended to the British, French, Italian, Russian, and Dutch colonialists of subsequent centuries.

Certain Muslims see Israel, established as a state in 1948, as a modern-day Outremer and part of the crusading heritage, and some Muslim radicals believe that the Crusades and contemporary conflicts are part of an endless continuum of fighting. Finding ideological potency in visions of inevitable confrontation, many extremists, both Islamic and Western, seem reluctant to part with the Crusades, thus keeping them an active, volatile component of contemporary political life.



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JOHN TRUMBOUR

CUMHURİYET HALK PARTİSİ. A major political organization in Turkey for sixty years, the Cumhuriyet Halk Partisi (Republican People’s Party or CHP) was founded some weeks before the proclamation of the Republic (September 11, 1923). After the military coup of 1980, its activities were stopped by the junta, together with those of other political parties; it was formally terminated on October 16, 1982 by decision of the National Security Council.

The CHP held dictatorial single-party rule until 1946 and continued in power under a multiparty system until 1950, when it lost in the free general elections. Following the military intervention of 1960, the CHP led several coalition governments (three during 1961–1965 and one in 1974) and again became the major partner in a coalition during 1978–1979. The present Social Democratic People’s Party (SHP) and Democratic Leftist Party (DSP) are to some extent heirs to the CHP legacy. Upon the granting of permission to reopen previously banned political parties in 1992, a new CHP was established; however, it is just another pretender to the heritage, rather than being the original resurrected.

The CHP was in many ways a continuation of the Union and Progress (Young Turk) Party that ruled from the last decade of the Ottoman Empire until the defeat in World War I. It originally developed from the Defense of Rights Association for Anatolia and Rumelia (DRAAR), created at the Sivas Congress in autumn 1919 against the Greek invasion. Its ideology was that of Ottoman patriotism and Islamism rather than Turkish nationalism. It aimed at preserving the offices of the caliphate and the sultanate, securing the integrity of the Ottoman motherland, and safeguarding national independence. In the absence of a widespread national consciousness, it rallied the people through religion. Indeed, according to the statutes of the association, all Muslim citizens were considered to be its “natural” members.

The DRAAR was transformed into the Grand National Assembly (GNA) early in the war, and the First Group was formed in the assembly to secure party discipline. After the military victory, the leader of the nationalist struggle, Mustafa Kemal Pasha Atatürk, was commander-in-chief, president of the GNA, and the head of the First