



## Tithes for the God and the Origins of the Cult at Mecca

### Continuity of Religious Practice in Arabia from the Pre-Islamic Period to the Present Day

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**Abstract.** – The landscape of the Lower Yemen is dotted with white cupolas, *walis* (saints). Some of them go back to the pre-Islamic period. They always stand in a wadi bed, or at its edge, or at the deepest depression of a flood prone area, i.e., in a location that is *not* safe from the waters. The latter is also the case in Mecca: The story of the Ka'ba is a story of inundations. In Yemen, these pre-Islamic sanctuaries are the centre of a tradition (cult) that could still be observed by us. Its parallels with pre-Islamic Mecca (where most of its elements, but not all, have disappeared) are obvious. The anthropological data from Yemen can thus elucidate the history of the Ka'ba and Islam. People pay tithes to the saint. The tithes are a religious duty. They are mainly used for the great annual festival cum pilgrimage, where the saint (the pre-Islamic divinity) offers a lavish banquet to the pilgrims. The feast symbolises a sacred marriage and ensures rain and prosperity for the community. Elements of this cult (tithes, pilgrimage, marriage banquet) have been recorded in an early-3rd-century B.C. inscription, as well as by Pliny the Elder and in the Qur'ān. This article sets them in the full body of the cult, its agency, and its continuity over the millennia. [*Yemen, Yemeni water sanctuaries, parallels with Mecca*]

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#### Tithes in the Sources and the God of Khaulān

This article builds upon an important study by Christian J. Robin (2009) where he discusses two

major aspects of the pre-Islamic religion of Yemen and Arabia. Robin wonders that both were still practised in the northern regions of Yemen, on the eve of Islam (albeit in decline, as the sources would pretend), in spite of the fact that Yemen had officially abandoned its old religion in the A.D. 380s, and adopted monotheism.

Contrary to his judgment, and in contrast to the sources, we will show that the ancient religion (i.e., the popular religion not the high religion of the temples and inscriptions) was not only *not* in decline at the time of the Prophet but has continued to be practised unaltered to the present day, exactly in the form described in the sources. This allows for a description of pre-Islamic rites through direct observation, i.e., through the eyes of the modern anthropologist. This is both novel and extraordinary.

The two rites (the first concerning tithes, the second concerning rain rogation) have been reported prominently in early Muslim tradition, because both made it (in an Islamised form, of course) into Islam. The first element discussed by Robin is the division of the tithes, which are due to divinity. According to the sources (above all Ibn al-Kalbī's “*Kitāb al-aṣṅām*” (The Book of Idols; 1952) and the “*Sīra*” (The Life of the Prophet; Ibn-Ishāq 1955 but many more as well, exhaustively presented by Robin), the northern Yemeni tribe of Khaulān would divide its tithes between their tribal divinity (idol), and Allāh. Qur'ān 6,136 is more general and ascribes this cus-

tom to the pagans as such. We shall see that it was indeed practised all over the region.

Strangely enough, neither the sources nor the Qur'ān condemn the practice of dividing the tithes between Allāh and the tribal god, but concentrate on the "cheating" supposedly practised by the idol-worshippers: If something from the portion assigned to Allāh would fall into the heap assigned to their tribal god, they would leave it at that. If, however, something due to the tribal divinity would fall into the part allotted to Allāh, they would remove it and place it back into what would be given to their idol. The sources attribute this custom to the tribe of Khaulān who would thus disadvantage Allāh in favour of their tribal divinity. Robin then discusses the various vocalisations that have been proposed for 'mī'ns, the name of the god of Khaulān. He concludes that the name should be understood as 'Ammī Anas. We find his arguments convincing. Robin sees 'amm (uncle) as an epithet for "god"; the name should thus be understood as "my god is benevolent."

Robin explains the story with overlapping influences of divinities: while 'Ammī Anas would be the god of Khaulān, Allāh would be the divinity of a large federation of tribes, one of them being Khaulān. The tithes, therefore, would be divided between the local divinity and the confederate divinity. We will see that Robin's assumption is correct. The purpose of this article is to prove it. What is new in the present article is something else: We will show that the ancient pre-Islamic custom has continued to be practised to this day; and what the sources report for the A.D. 6th and 7th century was observed by us today. We can describe the ancient (pre-Islamic) religious practice from our own eyewitness observation: We have been living there 2,000 years ago, and we have been writing this article 2,000 years ago. This is only the printed version.

The "we" in this article refers to the author; the factual information mostly comes from Abdulsalam (A. al-R.), including some of the publications quoted. His companionship on the path of this study, and his part in critically sharing its ideas as they progressed are gratefully acknowledged. Without his assistance, this article could not have been written. In his modesty, Abdulsalam did not wish to see his name acknowledged formally as co-author, which in fact he is.

We shall also see that the tithes cannot be discussed without being set into the broader structure of the pre-Islamic religion. The tithes are not just a means of generating income – they are an intrinsic part of the ancient religion (and its successor). Therefore, this study will be concerned to a large

extent with the reconstruction of certain elements of this religion. They are connected with rain-rogation and the role of "saints" (*walis*) as providers of rain. This will open up surprising parallels to Mecca, and allow fresh insight into the pre-Islamic history of the Meccan sanctuary.

The tithes story is not only important because it will shed light on a somewhat enigmatic verse of the Qur'ān, but because our explanation will also clarify one of the central terms of the Qur'ān, i.e., the words *shirk*, *mushrik*, etc., "polytheism," "idol worshippers," literally "associators." The Qur'ān understands "associators" as the opposite of the most important tenet of Islam, monotheism. We will be able to explain the word *shirk* both historically and linguistically.

The second rite of the ancient religion discussed by Robin is the rogation for rain, *istisqā'*. In Yemen and in Arabia in general, rain and the asking divinity for it are of course of the greatest importance. The Qur'ān is filled with the need and the desire for rain, and God's grace in granting it. The rites of *istisqā'* are well-known chapters in Islamic jurisprudence and religious practice. The Islamic *istisqā'* differs from its previous form, but is at the same time cast upon its earlier model. It can be understood only if mirrored against its pre-Islamic origins.

I wish to underline that this assessment (continuity of religious practice from the pre-Islamic period to the present day and, therefore, its *observability*) is not limited to tithes and rain rogation, but that it applies to many – if not most – elements of the new religion, suffice it to mention the pre-Islamic *'umra* and *hajj*. I have discussed some of these elements elsewhere. Their careful observation leads to the conclusion that Islam is an Arabian religion, deeply and almost entirely rooted in the religious and intellectual world of ancient Arabia, either in continuity or in deliberate reform. In short: Islam is not the undigested mixture of Judaism and Christianity seen by so many scholars nor is it a product of the Mediterranean Late Antiquity.

In his article, Robin has connected the pre-Islamic *istisqā'* with the question of the tithes, not because there would be any substantive link between the two, but because this specific form of *istisqā'* is equally reported for the pre-Islamic tribe of Khaulān. In fact, the report on how they practise *istisqā'* is contained in the traditions referring to the delegation of Khaulān to Prophet Muḥammad. Here, we will only discuss the question of the tithes and their place in the ancient religion's great annual celebration/pilgrimage. This we shall do on the basis of the methodology outlined above. Thus, our approach is quite different from the procedures nor-

mally employed in the scholarly discourse in our field. We do not argue from the interpretation of the written sources and the written tradition but through careful anthropological observation *in the field*, i.e., the observation of the *living reality* in Arabia which, we believe, not only reflects but indeed corresponds to the religious practice of two thousand years ago. We will not deal with Robin's second element, the *istisqā'*, reserving it for another study. It may, however, already be said here that the *istisqā'* in its raw and heathen form, supposed to have died out 1,400 years ago, has also remained alive in Yemen to the present day.

### Who Were the “Khaulān” and of What Did the Qur’ān Accuse Them?

It is at great length and with his usual mastery of the sources that Robin discusses the historical identity of Khaulān. There are in fact today two tribes of this name; at the time of the Prophet, a third lived in the vicinity of al-Baydā' but disappeared soon after without leaving traces. Robin comes to the conclusion that in both cases (tithes and *istisqā'*) the tribe Khaulān-Ṣa'da (Khaulān ibn 'Āmir) is meant. We find his arguments convincing. We note that al-Hamdānī has a fourth Khaulān, Bait Khaulān, the province around the summit of Arabia's highest mountain, Jabal Ḥaḍūr, “the only place in Yemen where there is *thalj*, snow/ice” (al-Hamdānī 1986: 260).

Before entering into our subject, we would wish to underline the particular importance of tithes and rain rogation for a historical reconstruction of Arabia's pre-Islamic religion. I believe that tithes and *istisqā'* are indeed among the few complete and real elements of the ancient religion accessible to us (another one is pilgrimage, see Daum 2015). Normally, Muslim sources on pre-Islamic religion are not only biased but also fanciful and speculative; luckily, this is not so for our two reports on tithes and *istisqā'* which are quite substantial.

As was said above, Robin quotes the sources exhaustively. There is no need to repeat them here. It is, therefore, meant simply as a service to the reader that we would wish to quote the relevant passage from the “*Kitāb al-aṣnām*,” in Nabīh Amīn Fāris's translation (Ibn al-Kalbī 1952: 37), including the reference to Qur'ān 6,136:

The Khawlān had in the land of Khawlān an idol called 'Amm-Anas. They were wont to set apart a portion (yaqṣimūna ... qism bayna-hu wa-bayn Allāh) of their livestock property and land products and give one part to it and the other to God. Whatever portion they allotted to 'Amm-Anas made its way to the part set aside for

God they would restore to the idol; but whatever portion of the part consecrated to God made its way to the part allotted to the idol they would leave to the idol. ... Concerning them the following verse was revealed, *Moreover they set apart a portion of the fruits and cattle which he has produced and say, “This for God” – so deem they – “And these for our associates (shurakā’).” But that which is for these associates of theirs, cometh not to God; yet that which is for God, cometh to their associates. Ill do they judge.*

Translating Qur'ānic *ḥarth* with “fruits” is misleading – the word means harvest, and should be translated so. The root means to *plough*. The Arabic word “plough”, *miḥrāth*, is originally a Yemeni word. The text in the “*Sīra*” is practically identical with the one in the “*Aṣnām*.” It is easily accessible in Guillaume's translation (Ibn-Ishāq 1955: 36f.).

### The Pre-Islamic Religion of Yemen and Arabia

The giving of tithes (*ushr*, meaning “tenth,” like the English word “tithes” of old Germanic origin, or the German *Zehnter*, or the French *dîme*) was as central to pre-Islamic Yemen and (in the form of tithes to the local *wali* or the Sultan) to pre-modern Yemen as is tax collecting to the modern state. In Arabia's past, however, the tithes were a *religious* duty. It is without exaggerating that we can define the giving and collecting of tithes as one (if not *the*) central element of ancient Yemen's social and religious texture. In fact, the longest and most comprehensive religious/legal text from the pre-Islamic period, the early-3rd-century B.C. decree of the god Ta'lab, the divinity of the community of Sum'ay (north of Sanaa), deals mostly with tithes, as divinely ordained (inscription Glaser 1210, for details see below). The collection of the tithes should not be seen as separate from the other central elements of the ancient religion; it is an intrinsic part of it. Before coming to the description and discussion of the tithes, we must therefore introduce some of those major elements of the pre-Islamic religion, because the tithes are not just a means of providing income for the temple. Authority is not free in using them. Their usage is restricted to the fulfilment of specific religious duties.

Unfortunately, the available overviews of the ancient religion are outdated; also, they limit themselves to what is known through inscriptions, thus portraying the official religion only. In a recent article (Daum 2015), I have, however, attempted to reconstruct some of its elements, such as pilgrimage, or the great annual feast, or the providing of divinity with a bride. I did this mainly through and from

careful anthropological observation of today's religious practice, comparing it with what we know from the written sources. In that article, I stated that "My ... conclusion from 40 attentive years in Yemen is that nothing has changed in the religion of the land (except for the naming) over the last 3000 years" (2015: 54). I am more firmly convinced of this than ever before. The practice of religion (I do not mean the theology) has, of course, been covered with some form of Islamic layer, but it has remained unchanged in substance.

The most visible element of this religion is the presence of tombs/sanctuaries of prophets, such as Hūd or Ṣālīḥ, in Ḥaḍramaut, and of saints and divinities some of which have even preserved their primitive name, such as Maulā Maṭar (Lord of the Rain). While *walis* (meaning both the deceased saint and his tomb) are omnipresent in Ḥaḍramaut and the Lower Yemen, most (possibly 95% or more) are "Saiyid" *walis*, i.e., tombs of respected members of the Saiyid class, well known and identified as a particular individual even many centuries after their death. We are not concerned with these. Then, there are the sanctuaries that are pre-Islamic, and have made it into Islam. They are not too numerous. It took Serjeant many years before he became aware that "it seems to me that the Saint has taken over the place of the ancient tribal divinity" (1964: 16), and it took us years before we recognised certain saints as pre-Islamic. These can be local shrines but also highly important sanctuaries whose influence covers a very large tribal confederation or region (such as prophet Hūd for Ḥaḍramaut).

### What Are the Characteristics of a Pre-Islamic *wali*? How Can It Be Recognised?

The answer to this, first and foremost, is its location. They are always built in the centre of a wadi bed, or at its edge, in a way that they are *not* safe from its floods. They can also be built into a cleft (Qabr Hūd) where again the waters (collecting during the rare rains) would gush down through the sanctuary. They may also have been erected in the middle of a valley, where the waters from the surrounding mountains and wadis would congregate, such as the location of the Ka'ba in the "baṭn Makka," the gurgling centre and lowest depression of Wadi Makka. The story of the Ka'ba is a story of inundations. Ancient man was too knowledgeable for not selecting such a spot except on purpose.

The second element is the class appurtenance of the attendants of the shrine, variously called *manṣab/manṣib*, *quiyūm*, *khādim*, *abd*, *faqīr*, etc. The

most common and at the same time generic term is *mashāyikh* (plural of *shaykh*). These religiously connotated "sheikhs" should not be confounded with the tribal sheikhs. These attendants are the descendants of the original saint/divinity (or are considered as such). If they belong to the Saiyid class, the *wali* is not pre-Islamic. Pre-Islamic *walis* are served by persons belonging to the *mashāyikh* class, the pre-Islamic religious elite. The *mashāyikh* were gradually displaced and superseded by the *sāda*, a process that was largely completed by the 7th/13th century. The Saiyids, however, were not able to take over every sanctuary. We will have a funny example for a failed takeover later on in this article, with the tribal saint of the 'Audhalī ('Awdhalī) confederation. Their failure of fully taking over the very old traditional shrines is particularly instructive in the case of Qabr Hūd: the pilgrimage there is today a purely Saiyid affair and has been so for centuries. A careful study, however, does reveal that appearances can be treacherous and that there is enough left at Qabr Hūd which points to its original servants, the Bā 'Abbād *mashāyikh* (for details see Daum 2015).

The third element is ritual: Every sanctuary had a great annual festival. If it was a local shrine, it was attended by the people of the village and the farmers (usually called *qabā'il*) of the surrounding valleys. If it was the shrine of a tribal confederation, people came from far and wide; the pilgrimage itself was part and parcel of the festival. The pilgrimage culminated on the 15th of Rajab or the 15th of Sha'bān, the full-moon day of those pre-Islamic holy months. On this day, "the *wali*" (in reality of course the attendants of his shrine) gave a lavish banquet, the greatest and most joyful event of the year. Bulls (not oxen) had to be slaughtered for it, (male) sheep and rams. *Zād*, a gruel from Sorghum, was offered in quantities. This banquet was (and is) called *walīma*, a word meaning *not* simply "banquet" but "marriage banquet." In fact, there is good evidence that a mystic marriage was part of the celebration, with a bride being provided for the divinity (see again Daum 2015). We have discussed the *walīma* in our 2015 article on Qabr Hūd, but it (i.e., the root) is also expressly attested in the Yemeni pre-Islamic inscriptions (e.g., in Glaser 1210, more details at the end of this article), and even in a Western source (Pliny the Elder), where he speaks about the tithes due to the god of Ḥaḍramaut being used for the meals "offered by the god"). In all cases, throughout the millennia, it was the deity (and later on the saint) who "gave" the banquet. While the great feast at a pre-Islamic *wali* is celebrated on the 15th of Rajab or the 15th of Sha'bān, the Saiyid *walis* have their feast always on other dates.



Fourth: We know expressly from the pre-Islamic inscriptions, from first-century Pliny, and from modern Qabr Hūd that this banquet was paid for from the income generated through the tithes (here we are, at last!): the question of the tithes, therefore, can be understood only within the broader context of the annual festival and its mythological significance. Up to the present day, the bulls were slaughtered according to the *pre-Islamic* sacrificial tradition, the *aqīra* which was supposedly abolished by Islam (for details see Daum 2015). The date was the 15th of Rajab/Shābān; the animals slaughtered were called *‘atīra* or *rajabīya*, a custom also supposedly abolished by Islam. It is only if all these elements come together that we can be sure that a particular shrine dates back, in unbroken continuity, to the pre-Islamic period.

At this point, we must introduce an important caveat. When we say that the great annual festival is “being held” on the 15th of Rajab or Shābān, that the bulls “are” slaughtered, etc., the present tense is more often than not no longer correct. A generation or two ago, the paying of tithes was discontinued over most of Yemen. With it, the great annual celebration (the pilgrimage and the banquet/*walīma* given by the *walī*) also fell into decline. At the same time, the date was shifted to an “Islamic” date, most commonly the ‘Īd, but also within Rajab, from the 15th to the 27th, the night of Muḥammad’s voyage to heaven and/or Jerusalem. In some cases, the bull (thaur) that used to be slaughtered and eaten on the occasion of the great *walīma* made it into the ‘Īd, becoming the “thaur al-‘Īd”, in most cases, however, the communal bull was transformed into a ram, i.e., meat for a single household. Older people will still remember how it was up until 30 or 40 years ago, and how recent the shifting of both the date and the animal is. This process had also happened in Mecca – but there it happened 1,400 years ago: in the pre-Islamic period, the feast of Mecca (the *‘umra* in Rajab) and the feast of ‘Arafa were separate events (Muḥammad united them into one). The animals slaughtered near the Ka’ba were called *‘atīra* or *rajabīya* – and indeed did the custom of sacrificing in Mecca in the month of Rajab continue for at least five more centuries.

### Mecca and the Ka’ba Are Part of the South Arabian Cultural and Religious Sphere

We mentioned that the Ka’ba is in a location that can only be understood in the wider context of ancient Southern Arabia and its water sanctuaries, and that its *‘umra* (with the *‘atā’ir*) is in parallel to the

great annual feast of a Yemeni sanctuary. We also noted that even in Yemen the banquet was said to be given “by the Wali” (i.e., by the attendants of his shrine). It may come as a surprise to readers that the latter was equally the case in Mecca. It is clearly reported so in the “*Sīra*,” but the significance of the passage has not been noticed by scholars:

Quṣayy (Muḥammad’s direct ancestor), the true founder of Mecca (the Theseus of Mecca) instituted a yearly tax (*rifāda*) which he used for providing food for the pilgrims (who came in Rajab, as we have seen). The “*Sīra*” is then even more explicit: “the pilgrims are God’s guests” (see Ibn-Ishāq 1955: 55; Guillaume’s translation), i.e., it is the *divinity* that feeds them, exactly as was and is the case in Yemen. We should also remember that the slaughtering of the *atā’ir* did of course happen at the same time as it did in the rest of the South Arabian religious sphere, i.e., in the month of the Meccan *‘umra*, the month of Rajab (hence the alternative name of the sacrifices, *rajabīya*). The oddity of such a custom should have struck scholars. After all, a pilgrimage’s purpose is (apart, of course, from its primary religious significance) *making* money, not *spending* money on the pilgrims.

We will now close the Meccan parenthesis. Mecca had, for a very long time, belonged to the South Arabian cultural sphere; from the A.D. mid-5th century, it was also part of the Himyaritic state (Robin 2004: 879). The Himyar King, Abīkarīb As’ad (in Arabic: Abūkarīb) exercised what until today is understood as the foremost expression of sovereignty, the covering of the Ka’ba with a *kiswa* (Ibn-Ishāq 1955: 9). The *kiswa* was woven in Ma’āfir, Southwest Yemen. What can be reconstructed for Yemen in great detail is also valid for pre-Islamic Mecca. Pre-Islamic Mecca is the mirror through which both continuity and deliberate changes in Islam must be understood. While this mirror was broken into bits and pieces, it has remained intact in Yemen.

### The Location of Our Story: ‘Audhalī Country

The rites and customs we are going to describe have been observed in ‘Audhalī country, i.e., the territory of the ‘Audhalī tribal confederation. The former ‘Audhalī Sultanate, al-saltāna al-‘Audhalīya, was situated south of the Yemen (kingdom)/Protectorate border, stretching from Yāfi’ in the West to ‘Aulaqī country in the East, or, as people would say, from ‘Urr (the first ‘Audhalī village east of al-Baydā’) lā Marwāḥa (the last ‘Audhalī village before ‘Aulaqī). It consists of two very distinct landscapes and climatic zones: the highlands and the lowlands. Both

are separated by the sheer incredible wall of the Kor (Kaur/Kawr): a mountain chain, stretching West-East, with an almost unsurpassable precipice on its southern edge, almost vertically towering for approximately 1,000 metres above the lowlands. The word *kor* means “high mountain,” in the parlance of Ḥaḍramaut and Lower Yemen. It is originally a Sabaic word that should probably be connected with Sumerian/Akkadian *kur*, which also means mountain. Strangely enough, in the case of the Kor al-‘Auādhil, it refers not to the mountain range but to its piedmont, i.e., the ‘Audhalī lowlands. The word usually employed today for the edge and the highlands is al-Zāhir (“from where one can look afar”). The administrative centre of Lower ‘Audhalī is Lodar (Laudar/Lawdar), while the centre of the uplands is Mukayrās, originally “am-Kayrās”, from *kīras*, “firm flat ground” (al-Haddār 2005 [1426]: 504). The precipice separating those two natural regions is so steep that crossing it is very difficult. In spite of this, both modern ‘Audhalī, and its historic forbears, the pre-Islamic community of Maḍḥā, encompassed both regions. The Kor/al-Zāhir phenomenon is, of course, the defining factor for the region’s water regime. The waters run off in two directions: southwards, from the piedmont through Lower ‘Audhalī, into Faḍlī country and, finally, into the Indian Ocean; on the plateau, the wadis flow northwards, as the country is gently sloping down. Some very high mountains (*ḥayd*, *ḥuyūd*) standing out from the edge of al-Zāhir would attract the clouds and provide the wadi beds at their feet with the seasonal floods (sail), such as Ḥayd ‘Idū, or Ḥayd am-Darrāja, or Ḥayd Raydān. Due to the total lack of vegetation (a consequence of the overall very low precipitation), the rains would come down these mountains in often devastating quantities. ‘Idū ‘adū *ahluh*, ‘Idū is the enemy of its people, so rhymes the saying in Shurjān. There is one more term for the plateau: the Sarū, or more precisely the “Sarū Madhḥaj” (not “Madhḥij”). The name is used quite commonly; in al-Hamdānī’s time it was spelled Madḥaj. Von Wissmann (1968: 67) equates the Sarū with Ptolemy’s Sarouon.

### A Flourishing Regional State in Antiquity

The comparatively small region of Upper and Lower ‘Audhalī is rich in remains from antiquity. Its ancient history is now easily accessible in a masterly monograph, again by Robin (2005–06). Our approach is different: neither archaeological nor inscriptional, but anthropological. The region’s ancient past, however, is important to us, as the gist of

our argument is the continuity in religious practice between the past and what can be observed today. From Robin’s definitive study, we will only highlight those elements and places that are relevant to our subject.

The region was dominated – from times before the Christian era well into al-Hamdānī’s time and beyond – by the “princely” family of the Beni (Banū) Ḥaṣḥaḥ. The B. Ḥaṣḥaḥ were the rulers, *aqyāl* (Sg. *Qayl*) of the *sha’b* (principality/community) of Maḍḥā. Let us note here that the Sabaic word *sha’b* should no longer be translated as “tribe” or “people” but as “community,” i.e., denoting a *political* community “not a community based on descent, as understood (at least in principle) among the Bedouin, but as an economic and cooperative community defined by its territory” (Henninger 1997: 223). Maḍḥā is a good example for this. As Robin (2005–06: 44) has shown, its rulers did not profess the ideology of a common ancestor, but were indeed rulers of a regional state; they came to power not necessarily through descent, but through forms of political process. *Sha’b* is thus very much distinct from the Northern Arabian concept of *qabīla* (tribe). Qur’ān 49, 13 should, therefore, be understood as expressing Muḥammad’s desire to unite the Arabian Peninsula, i.e., the tribes (*qabā’il*) of the North and the settled societies and polities (*shu’ūb*) of the South. The verse thus does not have those transcending philosophical and interfaith meanings proposed in contemporary “Dialogue” exercise (where it is interpreted as “calling all humankind, tribes, and peoples, i.e., Arabs and non-Arabs, to peaceful unity and mutual understanding”). Maḍḥā’s capital was Ḥiṣī (also: Ḥaṣī), a large ruined town beside the modern village of al-‘Uqla (the word means “hill,” both in local parlance and Sabaic). Al-‘Uqla is today inhabited by people from the Beni ‘Āmir, an (immigrant) tribe famous in the early days of Islam.

### The Geography of Our Villages and Saints and the Beginnings of Monotheism in Arabia

Both our villages (Qariyat Ḥusayn and am-Rubāṭ), and their respective *walis* are in the region of Mukayrās, which is about 10 to 12 km south of Ḥiṣī, and app. 17 to 20 km southeast of al-Baydā’. Wadi Shurjān (where we will find our saint, to whom the tithes are being paid) flows from a place slightly north of the Sarū’s edge in a northwesterly direction. This intensively cultivated wadi is app. 7 km long, and up to 6 km wide. Its many villages are equally called by the collective noun *Shurjān*. We would only mention two of them: in the south, the

first large settlement is Qariyat Ḥusayn, also called am-Qariya am-‘Ulyā (The Upper Village). About 6 to 7 km downstream is the village of Qariyat bir (= bin)-Rifā‘ī (its *wali*’s full name is Miḥimmid bir-Rifā‘ī), also called am-Qariya am-Siflā (The Lower Village), or, referring to its inhabitants, the former servants (*khuddām*) of the *wali*, Qariyat am-Fuqarā’.

The essential element for our story, however, is not so much the villages themselves but the provenance of the seasonal floods (*suiyūl*) which irrigate Shurjān: The waters come from a majestic mountain range in the south and the southeast, culminating in three major summits, Mount ‘Idū, Mount Ḥiḍa, and Mount Nimr. We will describe them in more detail at a later stage of this study. Yemen is the land of mountain majesty. But even within Yemen’s spectacular landscapes, these three stand out in singular splendour. The life-giving and at the same time devastating clouds would gather around their lofty heads. To the ancient man, these mountains must have appeared as the thrones of the gods. Man knew that the waters were collected there; it must have been the eternal lords of those mountains who held the key to his livelihood. About 2 km west of Qariyat Ḥusayn, in the direction of Ḥiṣī, is the Shi‘b (“ravine”, “cleft”) al-Qayl (am-gayl), in the Wadi Dhā (= Dhū) am-Qayl; it has two pre-Islamic dams and some inscriptions (see Robin 2005–06: 37). East of Mukayrās and south of Qariyat Ḥusayn lays al-‘Adīya, an important (ruined) pre-Islamic town. The second village (and *wali*) we are dealing with in this article is al-Rubāṭ (am-Rubāṭ). It lies approx. 15 km west of Qariyat Ḥusayn (the location given by Robin is not correct).

What makes this region so special, endowing it with an importance far beyond Yemen, is the fact that it has both the earliest and the longest inscription documenting the shift from ancient pagan polytheism to monotheism. In fact, an inscription found in Bura’ (18 km west of Lodar), and dated by Robin (2005–06: 73) to around A.D. 330 is the oldest South Arabian text rejecting polytheism. Another inscription from the same site, slightly later, reaffirms this. The longest inscription dealing with the Jewish presence in ancient Yemen also comes from the community of Maḍḥā, from its capital Ḥiṣī. It was discovered by this author (and published in Daum 1980: 27) in the early 1970s; it is a decree issued by a *qayl* of Maḍḥā with which he assigns a cemetery and a synagogue (*mikrāb*) to the exclusive usage of a Jewish community. The inscription is to be dated to the A.D. mid-5th century.

Our story will focus on the two villages mentioned above. Both are situated on wadis that can be counted upon for their water supply. In addition to

the *suiyūl*, they also have a number of what the locals themselves consider pre-Islamic (made by the people of ‘Ād) wells. The two villages are Qariyat Ḥusayn, on Wadi Shurjān, and am-Rubāṭ, situated where the wadis Ṣa‘dān, am-Najar, and shi‘b am-‘Araqīn confluence. 2 km north of am-Rubāṭ are the ruins of Radā’ (fortress) al-Ḥaramīl (of the Ḥarmal flower) which used to be the regional *sūq*, and the seat of a *shaykh* until it was abandoned approximately 200 years ago. According to the historian al-Haddār (2005 [1426], the name Radā’ al-Ḥaramīl originally meant the village that is today (and has been for some centuries) called am-Rubāṭ. Wadi Radā’ (there is a pre-Islamic dam and a few inscriptions) and its *sūq* were owned by the people of am-Rubāṭ. Doe (1964; 167 f.) uses the name Jabal Radā’ for Radā’ al-Ḥaramīl. In this part of Yemen, Rubāṭ does not mean “Sufi Lodge” but is synonymous with *ḥaṭa* or *hijra*, i.e., designating a (religiously) protected enclave, a *ḥaram* (al-Duraymīn 2009 [1429]: 180, fn. 3). In the following, we will first deal with the two villages of Qariyat Ḥusayn and am-Rubāṭ, and their *wali*. We will then discuss the great saint of the region, ‘Umar b. Sa‘īd, the foremost saint of ‘Audhalī country, or, as we might say, the patron of the whole of the ‘Audhalīya confederation. His tomb (*darīḥ*) is in al-Najda (pronounced am-Nigda), on Wadi ‘Aydarī, in the lowlands, about 5 km west of Lodar. We will then travel to ‘Umar b. Sa‘īd’s daughter, the Walīya Sa‘īda bint ‘Umar. She is the patron saint of the very large territory of the Faḍlī tribal confederation (and former Sultanate). Her shrine is near the Indian Ocean, between Shuqra and Aḥwar.

Thus, ‘Umar b. Sa‘īd and his daughter are saints that are respected and invoked in a very large region. Within that region lie a number of local *walis*. While both the local *walis* and the paramount *wali* are entitled to tithes (we will come to the details below), the confederate *wali* is ‘*ashshār kull wādī*, “entitled to the tithes of every Wadi.” This expresses his or her paramount role. The expression is identical with the term used in the legend of the so-called investiture of the Bā ‘Abbāds (Hūd) with the tithes of Ḥaḍramaut – we should have expressed the parallel and its meaning even more strongly in our article of 2015. The local *walis* have of course also the epithet ‘*ashshār*, but without the added *kull wādī*.

In the context of the word ‘*ashshār*, we have to add another observation: if people wish to invoke their *wali* for whatever purpose (from the most important wish to an everyday banality, such as a lost coin), they would invoke him with the words “*al-yaum yā ‘ashshār-hā*,” “*al-yaum*” meaning: “you are the lord of day and night, you are the most pow-



erful,” and *‘ashshār* meaning “you are the Lord, the Sultan of the land, because you are entitled to its revenues” (the pronoun *-ha* refers to the land). This formula can only be used for Allāh and for our pre-Islamic *walis*, not for a Saiyid-*wali*, even if it were the most respected of them all. We may add this form of invocation as a fifth criterion for determining if a *wali* is pre-Islamic, or if it commemorates a respected Saiyid.

### The Spatial Setting of Our *walis*: A Perfect Parallel to Mecca

At last, we now come to the protagonists of our story, the *walis*. The word denotes both the grave, i.e., the building (usually a *qubba*, dome), and the saint who is buried there, and who is believed to continue to inhabit it. We begin with the *walis* in Shurjān (Qariyat Ḥusayn) and in am-Rubāt. As we said above, Wadi Shurjān gets its waters from the majestic mountains overlooking Qariyat Ḥusayn in the South. This is truly an awe-inspiring chain that stretches from Jabal ‘Idū and its many clefts and ravines in the southwest, to the equally majestic Jabal Nimr in the southeast. The two mountains are about 4 to 5 km apart. Both are connected by a most extraordinary work of human intelligence and endeavour, a paved pre-Islamic road where comfort of movement was greatly prioritised over the rationality of the means employed. This road is completely out of place in this poor wilderness – it does not seem to serve any practical purpose, such as linking important settlements. It cannot have had the purpose of facilitating movement or transport. There is only one word to characterise this road, one of the most astonishing constructions of ancient Arabia: monumental. It connects an insignificant hamlet on the flank of Jabal Nimr, by name of Āl Maṣūr b. Aḥmad, with a place called Salīma, on the foothill of Jabal ‘Idū, above Qariyat Ḥusayn. Legend tells us that it is here that am-Kāfir, the supernatural monster that inhabited ‘Idū, died. We will discuss both the road and am-Kāfir later on. Al-Hamdānī mentions onions and grapes for Wadi ‘Idū. But the waters, especially those from ‘Idū, are not always beneficial – they can be devastating, so much so that they would destroy the fields (*jirba*, *jurab*) and the walls surrounding them (*ḥarra*, *ḥirār*). *Jirba* and *ḥarra* are Sabaic words, and so are *kor/kaur* (mountain massive), *ḥayd* (mountain), *‘uqla* (hill), and *‘urr* (steep rocky hill or mountain).

Qariyat Ḥusayn is situated in the centre of a flat plain formed by the wadi. The wadi enters it through a narrow entrance and leaves it through an equally

narrow outlet. The rocky walls of the valley preserve 21 pre-Islamic inscriptions (published in Doe 1964, with photographs). At the southern entrance of the wadi into this broader valley bottom (about 600 metres south of the village proper) is a pre-Islamic dam, still half intact, directing the *suiyūl* onto fields. Also, a small *saqiya* branches down from the dam from which it is fed. It goes straight to the *wali*’s mosque, and flows through it. It is thus the archaeological proof for the pre-Islamic origin of the shrine. At the cleft where the wadi exits, in the valley of Qariyat Ḥusayn are the remains of another pre-Islamic dam. The *wali*’s *qubba* and his mosque in Qariyat Ḥusayn are built exactly at the edge of the wadi bed, within a sharp bend of the wadi, outside the village proper which is beyond it on safe ground (for a good drawing see Doe 1971: 173), i.e., the *wali* is *not* safe from the waters.

The aforementioned Salīma lies above the southern dam, on Jabal ‘Idū; the distance from Salīma to the very beginning of Wadi Shurjān further south is app. 1,5 km. This is a cleft with some small man-made channels to regulate the water. There are some inscriptions referring to water management. About 15 km to the southwest of Qariyat Ḥusayn is am-Rubāt (Rubāt ahl-‘Auādhil), situated in a flatish piece of land called al-(am-) Raḥaba (“a place prone to be flooded”), surrounded by tall mountains, i.e., in the southeast Ḥayd am-Dismāla, in the southwest Ḥayd Raydān, in the east the ruined village of Yaḥqir, on the spurs of Ḥayd Yaḥqir, and in the north Ḥayd am-Darrāja. This last summit marks the end of ‘Audhalī country in this region; it is also the place where the rain rogation (*istisqā’*) is performed, the Jabal being considered as the “lock of the land,” *qufl al-ard*, either locking or unlocking the rains.

As we said above, three major wadis confluence here, coming down from the flanks and clefts of the mountains: Wadi Ṣa’dān, Wadi am-Najar, and shi’b am-‘Araqīn. They meet in the very centre of the village. Here, in the deepest depression of the valley bottom stands the *wali*, in an exact topographic parallel with the Ka’ba. The parallel could not be more perfect. We recall that the Ka’ba in Mecca is not built on safe ground, but exactly in the lowest depression of Wadi Makka where the torrential waters generated by the rains and gushing down through the many clefts (shi’āb) of the mountains surrounding Mecca congregate. The story of the Ka’ba is a story of inundations, and has remained so until the 20th century. The ancient man was too knowledgeable for not building the sanctuary there but on purpose. The parallel with the Yemeni sanctuary of am-Rubāt is therefore most eloquent. Both are sanctuaries connected with water, they are sa-



cred to a rain-providing deity, and they express this through their location. The stories and the myths of the Yemeni sanctuaries, therefore, can be used to explain Mecca where they have mostly (but again not completely) been lost. This is obviously a discovery of very great importance. We would wish to repeat our general observation that all pre-Islamic *walis* in Yemen are not safe from floods – on the contrary, and on purpose.

### Legends Connected with Mountains, Water, and a Bride

In Qariyat Ḥusayn and am-Rubāt, various legends are attached to the mountains and the wadis just mentioned. We will now present one that was told to us in 2014 by Maryam al-Shutaymī, 78 years of age, completed by some of her relatives, in what we consider as *two* versions of *one* legend. It clearly has a mythological/religious background and will shed light on our subject (pre-Islamic religion), i.e., the offering of a bride to the lord of the waters. Our informant began her account explaining that the water in Shurjān comes from the rains that fall on the mountain range stretching from Ḥayd ‘Idū to Nimr.

The hero of her first version is ‘Alī ibn Abū (locally, instead of classical Abī) Ṭālib. Prophet Muḥammad had sent him to Iram dhāt al-‘imād (Qur’ān 89,7), a place supposedly located somewhere in southern Arabia, to fight the unbelievers there. On his way to Iram-of-the-columns, ‘Alī passed through Shurjān and ascended Mount ‘Idū in order to fight the unbelievers (*kuffār*) who lived on its summit. The people in the wadi, i.e., the cultivators in Shurjān, obviously also opposed resistance; this angered ‘Alī and he supplicated God to punish the people in the valley of Shurjān:

*Allāhumma ij'al saila da'qa wa rizqu-hi mahqa.*

Oh God, make the sail of ‘Idū devastating, and their harvest perish.

He then said *‘Idū ‘adū ahluh*, (‘Idū is the enemy of its people), a rhyme that continues to be used proverbially to this day, referring to what can be the devastating power of the floods generated on the flanks of ‘Idū. ‘Alī was not alone on his mission. He was accompanied by his wife Fāṭima, the Prophet’s daughter. Their footprints, very wide apart, are still visible on ‘Idū’s rocky surface. The mountain was all stones, so steep and so difficult that ascending it was very demanding. Muḥammad had already foreseen it, counselling Fāṭima that she should lift her dress (which would have been ankle-long or even sporting a train), in order to walk more easily. Ac-

ording to another version, it was ‘Alī who told her to do so: “*Ashmari!*” (Lift it!). This verb, applied to women, means “to be able to walk” and “to work unhindered by a long dress,” “to work with energy, with confidence, with courage, to be courageous.” It should be understood in this sense here. Of course, ‘Alī was successful, killing the unbelievers.

That this is an Islamised form of a much older story becomes clear from the following version, also told by Maryam al-Shutaymī:

On the summit of Ḥayd ‘Idū (an inhospitable mountain devoid of almost any vegetation) and on Ḥayd Nimr lived a monstrous supernatural being, by name of am-Kāfir (the Unbeliever). This am-Kāfir wanted to marry the daughter (named al-Mushtamir, referring to a female in spite of its grammatically masculine form) of the ruler of Ḥiṣī. (We would like to note that the linguistic relationship with *ashmari* cannot be fortuitous: it points to the fact that “Fāṭima” and the daughter of the Lord of Ḥiṣī are structurally identical). The ruler of Ḥiṣī agreed, on condition that am-Kāfir would provide irrigation for Ḥiṣī through the building of a canal from Jabal Nimr to Ḥiṣī (app. 14 km). He, therefore, responded to am-Kāfir with the following verse:

*Yā dhī tabā al-Mushtamir*

Oh you who desires al-Mushtamir,

*saqī Ḥiṣī min Nimr*

irrigate Ḥiṣī from Nimr!

Our informant’s relatives interpreted the verse as am-Kāfir being obliged to build an irrigation-*canal* (but the verse only says “irrigate!”). Am-Kāfir began his work, starting at the hamlet that today is called Āl Maṣṣūr, on the flanks of Mount Nimr. After about 4.5 km, am-Kāfir died violently, through what we have to call a supernatural death (a miracle), bitten in his penis by an ant, above Shurjān, on the foothill of ‘Idū, in the place called Salīma.

When he died, am-Kāfir had therefore completed only part of the “canal” required from him, but this stretch encompassed all the mountain flanks that collected and provided the waters for Shurjān. The distance he had covered and worked upon is marked by an extraordinary paved road (*tarīq* am-Kāfir). This road, however, does go up and down, something inevitable in such a mountainous landscape: It is not an aqueduct; it is not an irrigation canal. Its designation as a “canal” should be understood as a rationalisation of the traditional rhyme. Am-Kāfir did not need to build an irrigation canal. Being the Lord of the Rains, he was able to provide the waters for Ḥiṣī and Shurjān at will, through his powers. The road would thus symbolise and illustrate the mountain environment that generates the waters.

It would also indicate the way the bride would take to the monster's mountain residence. It would finally commemorate the monster's violent death, at the edge of his mountain wilderness, above the cultivated civilisation. Let us now sum up the kernel of the story: A supernatural being residing in his mountain abode controls the waters that the people need. He will release them only if the ruler of the settled community offers him his daughter. The offer is agreed upon, the monster provides the water, but instead of enjoying his prize, he is killed.

We do not wish to go here into a detailed interpretation of this. Suffice it to say, that the myth has been preserved in a number of places in Yemen, in its most complete form known to me in Dayr al-Khadāma (Daum 1987). It is based on the opposition of civilisation and wilderness. There is the human settlement, depending on wadi water, and there is the wild mountain from where the water originates. In this mountain lives a supernatural being that releases the water only if the daughter of the ruler of the settlement is offered to him as a bride, once a year. In a particular year, however, a hero comes from afar, kills the monster, liberates the young woman (and the waters), marries her, and, thus, becomes the new ruler of the settlement. In Dayr al-Khadāma, this event formed the myth behind a great annual celebration, which we have analysed elsewhere. Rather more importantly, the bride was also still tangible at Qabr Hūd. What is surprising, in all these cases, is that the hero marries in a matrilineal way, very much in contrast to normal Arabian custom.

These very same elements are present here, in Shurjān. We just have to strip off the paraphernalia of the various versions of the legend (following Vladimir Propp's well-known reduction of folktales to their structural kernel). This becomes even clearer in a third version that was originally also told by Maryam al-Shutaymī; her relatives, however, talked her out of it. In this version, it was not 'Alī with his wife Fāṭima but Prophet Muḥammad with his daughter Fāṭima who came to kill the unbelievers. There are thus two versions of the myth where Muslim names have been superimposed on the pre-Islamic tale (which remained unaltered, except for the names): daughter – sacrifice (bringing her to the mountain) – hero – fight – marriage (being married to 'Alī). The legend substituted the Prophet and his daughter to the pre-Islamic Lord of Ḥiṣī and his daughter, but the structure of the story remained intact. It is, however, surprising – and at the same time proof for the veracity and the great age of this orally preserved tradition – that Maryam al-Shutaymī still spoke of the Lord of Ḥiṣī, 1,400 years after Ḥiṣī and

its ruling house had ceased to exist. We already noted a further element that proves that the three versions reflect one and the same story: it is the girl's name "al-Mushtamir" in the non-Islamised version. It refers verbatim to the version with Prophet Muḥammad and/or 'Alī (*ashmari*).

### The tariq am-Kāfir. One of the Most Impressive Constructions of Ancient Yemen

We must now try to provide an explanation for this road. What an incredible construction it is can be gauged from Rigot's detailed description and his photographs (2005–06). Rigot does not attempt the dating, and nor would we. This road could be 2,000 years old, but may well be much older.

The element that strikes the observer most is the discrepancy between the means employed and the lack of any obvious practical purpose: This is a prestige construction, not a road intended for bridging a distance. Yemenis are accustomed to walk long distances over difficult terrain; but here, the terrain is not even difficult! Why should they need a paved road with a great number of substantial substructures when walking would not have presented any major difficulty? Why should a wide, flat valley be crossed on an elevated paved road that had consumed an enormous amount of manpower and money, when walking on such firm and perfectly flat ground would have posed no problem at all? The French mission who brought the road to the attention of a Western scholarly audience felt at loss as to its purpose: there is no obvious economic reason, on the contrary. Rigot conjectures that it might have served as an escape route for the populations of Shurjān in case the valley was attacked (2005–06). But this makes no sense.

In our view, this road is to be connected with our legend, and it fits very well into it. It corresponds precisely to the passage that the bride would have to cover in order to reach the mountain residence of the Lord of the Rains. Fortunately, we are armed with the knowledge of the full story, as it was recorded in other places, especially in Dayr al-Khadāma. The myth recorded there tells us that what was imagined to have happened *in illo tempore* was commemorated in a yearly celebration. This road was a processional way. We like to imagine the people of this densely populated region, men, women, children, proceeding by the thousands. Banners would fly in the wind, music and drumming would accompany hymns imploring the divinity to release the rain in a beneficial way. A beautiful young woman, bedecked with flowers and greenery, would be carried on a

palanquin – the bride to be offered to the Lord of the Mountains who holds the key to the waters.

The procession would thus symbolise the bringing of the bride from Ḥiṣī or Shurjān to the mountain abode of am-Kāfir, then her joyful return to human civilisation where the marriage and the renewal of the year (plus enthronement) would be celebrated. We believe that it was so, but this is, of course, speculation. While the celebrations centred upon our two Walis had remained alive from the pre-Islamic period to the present day and, therefore, could be observed and reconstructed. This is unfortunately not so for the rituals that had been performed on the road of am-Kāfir. We are, however, not entirely left to our imagination. We already mentioned the ceremonies observed at Dayr al-Khadāma; to these, we can add the ritual hunt (Daum 2015) that also symbolises the (rain-providing) killing of a divine being in the wilderness and the triumphant return of the hero in a marriage procession. At Qabr Hūd, too, the memory of a bride offered to the divinity has been preserved.

And so it has been here in Shurjān. It is enshrined in the legend of am-Kāfir, the supernatural Lord of the Mountain and its waters who was killed in a supernatural way by an ant, or by a hero (called ‘Alī), thus liberating the girl he had asked for. It was here that the people of the state of Maḍḥā, led by the ruler from its capital Ḥiṣī, celebrated their great annual festival. The details, including the memory of the long vanished capital city of Ḥiṣī, have been faithfully preserved in oral tradition.

In our view, this interpretation of the road as a processional way is further confirmed by another similar example, the 6 km long paved road at Jabal al-Laudh, in the Jauf (Daum 1999). That road connects the banqueting halls at the ground level with the sanctuary situated on the summit of Jabal al-Laudh. There, the kings (*mukarribs*) of Saba celebrated their yearly festival that forged the unity between them and their god, between their god and his people. The road of am-Kāfir was built in a similar mountain environment; it served a similar purpose. It was here, that the people of Maḍḥā came together, led by their ruler who had travelled thither from the capital Ḥiṣī, in order to celebrate the state’s great annual festival.

### One Saint with Two Graves

As we saw, the Walī Allāh Ḥusayn Miḥimmid has his grave in the village that bears his name, below Salīma from where the great annual pilgrimage of the region started. But he also has a second grave

in am-Rubāṭ. His grave in Qariyat Ḥusayn is built in a wadi bend, his other grave in am-Rubāṭ stands in the flood-prone centre of am-Rubāṭ, called the *maṭraḥ* of am-Qariya; beside it are the graves of his two sons. Here also live his descendants, the ‘Al al-Zajā’ (pronounced em-Zaga); one of them is the attendant (*shaykh* or *khādīm*; the word *manṣīb* is understood, but not used) of the shrine. Today, some locals would try to find a rationale for those two graves, for example, that he is buried in one of the two tombs, while angels or *al-quḍra* (God) built the other one, or that the second one is a cenotaph erected to honour him. Because of his two graves, Ḥusayn Miḥimmid is called “maulā am-qabayn,” the Lord of the Two Graves. He, therefore, is also the lord of two pilgrimages, “Maulā am-ziyaratayn,” the one in Qariyat Ḥusayn being held on the 15th of Rajab, and the one in am-Rubāṭ being celebrated on the 15th of Sha‘bān, the full moon days. Islam not only abolished the sanctity of these months; the full-moon dates are seen with great suspicion by the Saiyids. The Saiyids clearly perceive the pagan character of these dates and did much in order to have the festivals shifted. In the case of Ḥusayn Miḥimmid they did not succeed: but not only did the dates remain, the slaughtering of the bulls to be consumed during the festival also continued to be practised until recently in the old pagan way, the *‘aqīra*, supposedly abolished by Islam.

### Who Was Ḥusayn Miḥimmid?

Some locals are of the opinion that he is from a well-known Saiyid family, the ‘Al Sufyān, and that the am-Zajā’, his descendants and keepers of the shrines, are Saiyids. There is some ambiguity in addressing them or indeed on public occasions. The written sources, however, do give them a Saiyid ancestry. If this was indeed so, this study would make no sense, as we said above that one of the characteristic features of a pre-Islamic *wali* is that its keepers belong to the *mashāyikh* class, and not to the Saiyid class.

We should, therefore, explore the claim to a Sufyān ancestry. The written sources are numerous and quite explicit. The most detailed genealogy is in al-Duraymīn’s “*Al-Sāṭa*” (2009 [1429]: see esp. p. 181 f.) of which we will now give a few elements without further elaborating. In the year A.H. 511, the Sharīf ‘Abdallāh b. Ḥasān (not Ḥasan), a descendant of al-Ḥusayn b. ‘Alī b. Abī Ṭālib, migrated to Yemen. Al-Duraymīn then retraces in great detail Sharīf ‘Abdallāh’s wanderings all over Yemen, connected with his desire to spread Islamic learning. We will not repeat this here. Sharīf ‘Abdallāh died



in A.H. 543. His son Sufyān b. ‘Abdallāh established himself in Ḥaḍūr Hamdān, Yemen’s highest mountain and the *mikhlāf* (“province” – the Arabic word *khalīfa* is a loanword from this Ḥimyaritic constitutional term and its legal meaning in ancient Yemen, i.e., *governor*) surrounding it. He then joined the invading Ayyūbids, and founded the madrasa al-Sufyāniya in Aden. He died in Lahij in A.H. 612, in what became a *ḥauṭa*, *ḥauṭat Sufyān*. A *ḍarīḥ* was erected over his tomb. In 1994, his *qubba* was bombed by the well-known religious extremists. It was rebuilt, but again destroyed in January 2015 by 30 al-Qā’ida gunmen. His many descendants, the Āl Sufyān, established themselves all over Lower Yemen, including the *mikhlāf* Jīshān (between ‘Audhalī and ‘Aulaqī). From there, Ḥusayn b. Miḥimmid b. Aḥmad b. ‘Abdulqādir b. ‘Alī Abū al-Ghaith b. Muḥammad b. Aḥmad b. Sufyān migrated to Qariyat Ḥusayn where he died in A.H. 951. He was greatly respected by the people, in particular for his efforts in mediating between the tribes and reconciling warring factions. Ḥusayn Miḥimmid’s descendants, about 2,000 persons, live in Qariyat Ḥusayn, in nearby am-Kubayshih, in am-Rubāt, in al-Ḍaḥākī (near al-Baydā’), and in other places.

This seems to be a perfect Saiyid genealogy. But not every Saiyid is a Saiyid! In fact, the am-Zaga are not. They belong to the *mashāyikh* class. Knowledgeable elders (and many of the am-Zaga themselves) would know that they are addressed as *sāda* only out of respect, *iḥtirām*. The written sources should indeed not always be trusted without questioning but seen in the light of anthropological observation. This is what we are going to do now.

Thus, the Āl em-Jinaydī in the village of al-Mādhān, 1 km north of em-Rubāt (who are undoubtedly *sāda*), would not marry their daughters to the Āl am-Zaga. In traditional South Arabian society, this is the clearest indicator that the am-Zaga are not Saiyids. In one of our popular legends, Ḥusayn Miḥimmid is adopted by another saint, ‘Umar b. Mubārak, nicknamed “maḥṭūa’ al-lisān” (with whom he would therefore share the status: a Saiyid adopts a Saiyid, a *shaykh* adopts a *shaykh*). ‘Umar’s *qubba* is in am-Sha’ra (near al-‘Uqla/Ḥiṣī). ‘Umar b. Mubārak has his annual feast on the “canonical” date, the 15th of Rajab. The attendants (*khuddām* or *fuqarā’*) of his shrine consider themselves officially as *mashāyikh*. But the most potent argument against not only the genealogy, but indeed against the historicity of a person who is supposed to have died only about 500 years ago comes from the fact that Ḥusayn Miḥimmid has two graves, that he is *maulā am-qabrayn*. This is, of course, not totally impossible. The Hungarian national hero, Hunyadi

János, has two skulls, one is in the Hungarian National Museum and the other one is in his grave in the Cathedral of Alba Iulia. Both are genuine.

We must conclude that Ḥusayn Miḥimmid, in both his appearances, has nothing to do with the *Sufyān* ancestry. He unites all those elements that are specific to the pre-Islamic saint/divinity – except for his name. In fact, Ḥusayn Miḥimmid could not sound more Islamic! But when, at some point in the past, the change of name was effected, the most important thing could not or was not altered: i.e., the attendants of his shrine continued their functions into the new era, and they remained *mashāyikh*; they did not become *sāda*. The *Sufyān* story is a legend: Had there been a real individual by the name of Ḥusayn Miḥimmid of the Āl Sufyān, his sons and descendants would also be Saiyids. We might just hypothesise (on the basis of Robin’s research) that Ḥusayn b. Miḥimmid was a local hypostasis of Maḍḥā’s tribal god ‘Amm.

### The *qubba* of ‘Umar b. Sa’id

While the two *walis* (or rather the one *wali* with his two bodies) described so far are in Upper ‘Audhalī, the tomb of the Saint (“al-Ṣāliḥ”) ‘Umar b. Sa’id is situated in the lowlands, in am-Nigda (al-Najda), 5 km east of Lodar, on the bank of Wadi ‘Aydarī. ‘Umar b. Sa’id is the paramount saint of the ‘Audhalī confederation, *walī ahl ‘Audhillih*, both for the highlands (the al-Zāhir or Sarū Madhḥaj), and the lowlands (al-Kor/Lodar). His influence and the respect accorded to him thus cover the whole region, even extending south into Dāthīna, beyond ‘Audhalī country. In contrast to him, Ḥusayn Miḥimmid is of local significance only. ‘Umar b. Sa’id has of course numerous descendants. Being such an important *wali*, he has not just one guardian (as is the case with the Āl am-Zaga in am-Rubāt and their relatives in Shurjān), but, according to our (A. al-R.) visit there in 2014, about 100 of them, called *khuddām* or *mashāyikh*.

The imposing tomb of ‘Umar b. Sa’id is situated (the way it should be!) at the edge of the wadi. The place is a *ḥauṭa*, *ḥauṭat ‘Umar*. The *ziyāra*, however, is not on the 15th of Rajab or Sha’bān as we would expect, but on the Muslim date of 27th Rajab. It should be noted that both, the celebration on the 27th and the one on the 15th of Rajab, are called by the same name, *rajabīya*. The word also designates the date and the animals slaughtered. That ‘Umar b. Sa’id’s date, however, is not original but has been Islamised, is proved by the date of his daughter’s *ziyāra* (the *Walīya Sa’ida*), which is on the 15th of

Rajab. It is not possible, that the date for the descendant (i.e., the person that lived *after* his/her progenitor) would be fixed on the old pagan 15th, if at that time her father had already had his *ziyāra* on another date. Sa'īda's *ziyāra* on the 15th of Rajab, a date abhorred by Saiyids for its clearly perceived pagan connotation, makes it evident that her father's original date must also have been the 15th of Rajab and was changed much later, because otherwise the daughter would have followed his 27th date. Beside 'Umar b. Sa'īd's grave are several other tombs. One belongs to his "son," am-Sharqī, whom people would invoke for rain (*taghīthūna bihi*) with the words "yā am-sharqī 'umar baṣa'īd" (the dialectal pronunciation, including the ṣ). We just explained why we believe that 'Umar b. Sa'īd's *ziyāra* used to be held on the 15th of Rajab. When we (A. al-R.) visited am-Nigda on 28th of April 2014, we were told a funny and at the same time very enlightening legend, which may shed some light on why this change occurred and when.

'Umar b. Sa'īd has a title, which we should correctly call an *invocation*. People invoking the saint's help for whatever purpose or need would call out the following rhymed verse:

Yā 'Umar bin Sa'īd, Oh 'Umar bin Sa'īd,  
Yā 'aṣar am-ḥayd. Oh you squeezer of the mountain.

This would refer to a "competition" between 'Umar b. Sa'īd and one of the most famous (and absolutely historical) 'Alawī Saiyids, Abū Bakr b. Sālīm (A.H. 919–992 = A.D. 1513/14–1584), known as Ṣāḥīb of 'Aynāt, a highly respected figure. At some point in time, so we were told, he wanted to extend his influence also over 'Audhalī country, including the material aspect of such influence, i.e., the right to collect the tithes.

Both the old saint ('Umar b. Sa'īd) and the Saiyid, therefore, competed for the right to the tithes of 'Audhalī country. The two were asked to prove who was the greater saint, i.e., who was nearer to God and, thus, would be able to perform the greater miracle. The competition would take place at Jabal (Ḥayd) al-Suwaydā', a mountain overlooking the village of al-Suwaydā' in the 'Audhalī lowlands and would consist in jumping down from it. 'Umar b. Sa'īd won, reducing the distance from the summit to its foot to a comfortable metre or less. For this, he squeezed ('aṣar) the mountain (*am-ḥayd*) to a mere (and of course only temporary) elevation. There is a line of poetry commemorating this famous exploit.

*Dhī 'aṣarta al-Suwaydā' – wa a'taṣar kull ḥayd!*  
You who squeezed al-Suwaydā' – every mountain you will bring down!

Therefore, it was he who received (we should, of course, say *maintained*) the right to the tithes "of all the wadis" of 'Audhalī country. The legend evidently portrays the struggle of Islam for the displacement of the pre-Islamic religion and their sacerdotal class, the *mashāyikh*. This happened, of course, much earlier than the lifetime of Saiyid Abū Bakr. While Islam was widely successful, the old saint of the 'Auādhil kept his place in the heart of the people – and his right to collect the tithes!

Landberg (1909: 452) shares our interpretation entirely. He, however, has another legend according to which the very same Maṣab of 'Aynāt succeeded in appropriating the tithes of 'Umar b. Sa'īd – to Landberg's greatest dismay! Landberg employs stark wording that does not hide his feelings: "... the transfer of the tithes from their old Ḥimyaritic owners to the Saiyids, the 'nouveaux envahisseurs'" (1909). Landberg reported his legend from hearsay; he had not visited the place.

While the Saiyids not always were able to appropriate the tithes for themselves, the new religion, Islam, was able to integrate the old (in the same way as Christianity did with older customs) into its theological framework: the pre-Islamic divinity became a friend of God, Walī Allāh. As a tribute to this change, the attendants of 'Umar b. Sa'īd's shrine probably changed the divinity's name (again from 'Amm, we would guess) to a good Muslim name, adding at some later time even a vague Hāshimite ancestry that made 'Umar b. Sa'īd migrate from Iraq. This we can tentatively date to the time when the Bā 'Abbāds did the same for their genealogy (Daum 2015). It would have been even later that the *ziyāra* was moved from the 15th of Rajab to the 27th. However, they could not change the truly original aspects of the old cult, i.e., their own class apurtenance and the date of 'Umar b. Sa'īd's daughter's *ziyāra*.

### The Female Saint Sa'īda bint 'Umar b. Sa'īd

This *walīya* is not the only female saint in Yemen, but one of the most famous. Her tomb is situated in the eastern Faḍlī country, between Shuqra and Aḥwar, in the midst of the delta of Wadi Mar'a. She is the national saint of the Faḍlī tribal confederation, the former Faḍlī Sultanate. "The shrine lies in a kind of cleft in the wādī" observed Serjeant (1989a: 144). His unsurpassed familiarity with the reality of Southern Arabia makes him draw the (correct) parallel with Qabr Hūd (which is equally built into a cleft, *shi'b*); he has, however, not arrived at what we consider our fundamental insight that this kind of

location is the *systematic* criterion that determines a shrine's pre-Islamic origin. When I visited Sa'īda's *qubba* in the 1970s, I wondered vaguely why it had been built in the midst of those meandering branches of the wadi. At that time, it did not really strike me why this was so and why they had not chosen a more elevated location, or indeed a place outside the flood bed. Only much later did I become aware that the *wali* had been built there on purpose, thus expressing so clearly and vividly the purpose of those coming to the place in order to beseech divinity, the granter of rain.

As we will focus our discussion of the tithes on the *walis* of the 'Audhalī ('Umar b. Sa'īd and Ḥusayn Miḥimmid), we shall be brief with the Walīya Sa'īda. All the elements that make up a pre-Islamic divinity are present: above all, as we saw, the location inside not only a wadi bed but in a cleft. The *ziyāra* (pilgrimage) is on the canonical date of the 15th of Rajab, the full moon night of the pre-Islamic sacred month, abolished, wherever they could, by the Saiyids. We also noted that Sa'īda's date helped us to understand that her father's original *ziyāra* had been shifted to the Islamic 27th of Rajab. The rest of our checklist is also fulfilled: the servants (*khādīm*, *khuddām*) are *mashāyikh*. The *walīya* was entitled to '*ashūr*. We have not enquired about this but follow Serjeant with confidence. However, we do have some reservations concerning Dostal's remarks (2004: 191) of *firstlings* that would be given as "sacrifices" (... werden sie dargebracht). This concept of "sacrifice" was fashionable in studying pre-Islamic Arabia in the early 20th century, when the prevalent attitude was to transfer Biblical topics to the Arabian terra incognita. We would instead categorically state (even if that would probably be seen by many as rather audacious) that *there are no "sacrifices" in Arabia!* The animals (provided by the *wali*) are meant to be *consumed*; they are *not* offered to the divinity. We intend to expand on this in the future. In our view, there is no exception to this "no sacrifice in Arabia," not even in the case of the "true" *istisqā'* (the one mentioned for pre-Islamic Khaulān), where it might seem so at first glance. The "true" *istisqā'* also continues to be practiced in Yemen. We will describe it at some time in the future; up to now it has not been seen or reported by scholars, not even by Serjeant or Dostal. Our conclusion that there are no sacrifices in the pre-Islamic religion is of considerable importance for a better understanding of the Meccan "sacrifices."

## The Tithes, '*ushr* (Locally: '*ashūr*)

As we have seen, Ḥusayn Miḥimmid is '*ashshār*, entitled to the tithes. As the name indicates, the tithe, *am-'ashūr*, is one tenth of the harvest. Tithes in Shurjān and em-Rubāṭ are on the grain-harvest, i.e., Durra Sorghum (*dhura*), wheat, or barley only, i.e., not on other crops, such as fruit (peaches used to be grown here) or vegetables.

We are not entirely sure about how the situation was concerning animals: most of our trusted informants insisted that there were *no* tithes on animal wealth, except, of course, for some supererogatory donation, or for '*aqā'ir* (for this, see Daum 2015), when asking the *wali* for an oracle. 'Abdulkhālīq Ṣāliḥ al-Rubaidī expressly confirmed that the *sāda* (in reality: *mashāyikh*) Āl am-Zaga slaughtered the *athwār* on the occasion of the *sha'bāniya*, for the great banquet (*walīma*), and that these had been bought from the income generated from the tithes. This is confirmed by 90-year-old Nāṣir b. 'Alī al-Shamsī, of the *mashāyikh* Āl al-Shamsī in Markha. Sālim 'Abdallāh Sumna (from Maṭraḥ Āl Sumna near Qariyat Ḥusayn), however, said that the *qabā'il* (meaning: the farmers) brought the *akābsh* (rams); this was also said by Muḥammad al-Saiyid, aged 70. We would think that the latter two somehow overstated the fact that the animals did of course come from the farmers (but were acquired from them by the *sāda*).

In other places, such as the shrine of 'Umar b. Sa'īd, pilgrims brought sheep and cattle to the *wali* (Serjeant 1986: 104). Today, it is extremely difficult to reconstruct the details, at least a generation after all this was discontinued. However, we would like to offer the following explanation for such divergent traditions. We believe that the tithes were connected to the economic reality of the region overseen by a particular saint. In a mostly sedentary agricultural community, such as Shurjān (or, by the way, Ḥaḍramaut for Qabr Hūd), the tithes were on grain only. In other regions, animal wealth would be considered (see Qur'ān 6,136), and dates in those places where their cultivation was the backbone of the economy. The latter, for instance, was the case for the Wali al-Ghadīr in Little Aden. Pliny reports that the tithes due to the God of Shabwa (Ḥaḍramaut) were on the country's most valuable product, incense.

## How Are the Tithes Collected?

Every tenth furrow (*tilm*, pl. *atlām*) of a normal field (*jirba*, pl. *jurab*) is the '*ashūr*. From a smaller plot,



the *tallam* (the collector of the *'ashīr*) would take half a furrow; from a very small field, he would take a third. He would then bring the whole quantity to the threshing floor (*waṣar*); out of the threshed grain, three quarters would go the *wali* (i.e., his *mashāyikh*), while the *tallam* would keep the remaining quarter as compensation for his efforts at collecting the tithe (the *tallam* would also keep the stalks, as fodder for his animals).

That the cost of collecting the *'ashīr* would be deducted from the raw proceeds of the tithe is extremely interesting: This has been maintained in the Qur'ān (we should rather say: the pre-Islamic usage has been codified in the Qur'ān), in sura 9,60 where it is said expressly that the cost of collecting the *zakāt* (*ṣadaqa*) is a legitimate usage of the income generated by it. This is practised so today: the *'āmilīn 'alayhā* have a portion of the alms.

The *tallam* would always be a well-known person of good reputation, appointed by the guardians of the shrine (i.e., the descendants of the *wali*). It is very interesting, that the social background of the person is of no importance. In em-Rubāt, of the last three *tallāmah* (plural) the first one was 'Alī Shaykh al-Qash'a (of tribal background); after his death, the *sāda* appointed Muḥsin al-'Anbrī (pronounced 'Ambrī), a weaver, i.e., belonging to the lowest class in this traditional stratified society; after him, a member of the Āl am-Zaga ('Alī am-Zajā') was appointed, i.e., a member of the *sāda/mashāyikh* class. A *tallam* would thus be a person whom everybody trusts. He would know everybody and every single plot of cultivated land – nobody could cheat him, nobody would be cheated by him. He would not take even a single stalk above of what should be the correct *'ashīr*. The *tallāmah* would collect the *'ashīr* without any participation of the peasants: they would come at the beginning of harvest time, and would cut every tenth furrow from every *jirba*.

There seem to have been other procedures as well: Landberg (1909: 457) says that the harvest (i.e., the full harvest brought in by the farmers) would be divided after the threshing; one tenth would be set aside as *'ushr* for the shrine. Out of it, the sanctuary would assign half of it to the poor; the other half would become the property of the *mashāyikh* (to be used, among other things, for the great annual festival).

Serjeant (1986: 104–106) reports still more forms of dividing the *'ushr* in our region: The saint, he says, had one third of the tithe on land belonging to the sultan, the merchants, and the soldiers, and was entitled to one furrow (out of every ten) for the rest of the land. Serjeant (1986: 104ff.) then mentions another informant according to whom the

*khuddām* of 'Umar b. Sa'īd collected a third of the grain from the whole area of al-Kawr (Kor). Out of this *'ashīr*, half used to go to 'Umar b. Sa'īd, while the other half (*'āshīr Miryam*) would go to the poor. Serjeant does not say what happened with the other two-thirds of the tithes, but we have reason to believe that this was the part that went to the *local* shrine ('Umar b. Sa'īd being the paramount saint of the *entire* region). As to the tribes of al-Ḥaḍn, Serjeant was informed that they paid their tithes only to 'Umar b. Sa'īd, out of which half would go to the *khuddām*, and the other half to the poor. For al-Ḥaḍn, we would explain this with the fact that 'Umar b. Sa'īd was both their paramount and their local saint. Serjeant also reports that the sultans succeeded in appropriating tithes. Joining these various pieces together, we would come to the conclusion that in principle one third of the tithes went to the paramount saint (divided half and half), and two thirds to the local *wali*.

In Yāfi', the Manṣabs of 'Aynāt, the Āl Bū Bakr b. Sālim (and his descendants) wield(ed) widespread influence. According to my notes, Yāfi' would divide the *'ushr* into three parts: one for the sultan, one for the local *wali*, and the third for the descendants of Bū Bakr b. Sālim, the paramount saint. Serjeant (1989b: 87), however, heard that the Yāfi' Sultan took half, that one quarter went to the local *wali*, and one quarter to the poor, but this may refer to a particular subregion. We conclude that the division (the percentages) fluctuated, according to the political situation and local custom. The tithes were, however, always collected by the *tallāmah* appointed by the predominant shrine; after the threshing the grain was divided in percentages that varied over time and space between the local saint, the paramount saint, the poor, and the political power.

### Dividing the *'ashīr* between the Local Saint and the Confederate Saint

What Robin has surmised, therefore, is basically correct. In Shurjān and in am-Rubāt, the larger part of the *'ushr* goes to the local saint, but a part goes to the saint of the tribal confederation that has placed itself under his protection.

In am-Rubāt it seems that the saint's *'ashīr* went entirely to Ḥusayn Miḥimmid. But what about the *'ashīr* for 'Umar b. Sa'īd, the paramount saint of the 'Auādhil? People still remember that hundreds of villages paid *'ushr* to him. 'Abdulkhāliq Ṣāliḥ al-Rubaidī told us: "*Kunnā nadfa' 'ashīrayn: 'ashīr li-Ḥusayn Miḥimmid wa 'ashīr li-'Umar b. Sa'īd.*" The latter was collected by 'Umar's *khuddām*. They

would come to the village on the day of threshing. They would then receive a “quantity” from the threshed grain, such as one *mikyāl* (more than 3 kg), or two, or three, or four, depending on the quantity of the whole harvest, and the wealth of the farmer (a richer person would feel obliged to give more). We believe that this was slightly different in the past, with a “formal” share meted out to the paramount saint, in parallel with the dividing of the ‘*ushr* in Yāfi‘ between the local saint and the paramount *wali* (the *manṣab* of ‘Aynāt). Indeed, ‘Abdul-khāliq Ṣāliḥ al-Rubaidī said to us that “we paid the ‘*ashūr* to Ḥusayn Miḥimmid and ‘Umar b. Sa‘īd,” while at the same time insisting that the part for ‘Umar b. Sa‘īd was only some additional measure. We would interpret the words “we paid tithes to ... (both)” as reflecting the older reality. The practice consisted in either the collection of the plants directly from the fields, or the division of the grain after threshing.

Summing it up, we would say that the details did change over time, but that there was always some division of the ‘*ushr* between the local *wali* and the “confederate” *wali*. We have shown that both, Ḥusayn Miḥimmid and ‘Umar b. Sa‘īd, have their roots in the pre-Islamic period. Their names changed, at some point in time, but their servants – the keepers of their shrines and descendants of the original titular figures of the shrine – remained *mashāyikh*. In the pre-Islamic period, both saints had been divinities, one of them the local deity, the other one the deity of al-Zāhir and al-Kor. They continue to be invoked with “*al-yaum yā ‘ashshār-hā,*” an invocation otherwise reserved for God (*al-yaum yā Allāh*), impossible for a Saiyid *wali*, even if he were of such prominence as Ḥusayn Bū Bakr. Both the local *wali* and the confederate *wali* had been entitled to the tithes, or, more precisely, to a fixed percentage of them. Qur’ān 6,136 reflects this reality and is to be explained in this way. What the Qur’ān describes has remained alive in Yemen to the present day. We are happy to acknowledge that the parallel has already been tentatively formulated by Serjeant (1986: 105).

We would wish to conclude with a word on how people felt when paying the tithes. Would they consider it as a necessary but highly unpleasant obligation imposed on them by authority? Would it be somehow in line with our feelings towards the taxman and the Inland Revenue Service? No! This was *not* so, and most emphatically *not*! Quite the contrary! People felt that paying the ‘*ashūr* was part and parcel of their relationship with the divine, and that divinity would reward those who fulfilled *their* part of the covenant. When we (A. al-R.) interviewed

one of our respected informants, he was complaining about the discontinuation of the tithes he (and his family) had paid in the past. “Since then, the rains have ceased to be regular,” he said. “This is because the tithes are no longer paid to their legitimate owners.” We would like to add a short note on a surprising parallel with the Old Testament: The tithes system does indeed find a parallel in the Bible (Dt. 14, 23–29, and 12, 18), including the joyful aspect of the feasting. Old Testament scholars have been puzzled by the oddity of tithes being consumed by those very citizens who had paid them. The South Arabian parallel explains this hitherto enigmatic Biblical passage.

### Polytheism/Idolatry (*shirk*)

The word used by Ibn al-Kalbī and Ibn Hishām for the division of the tithes between ‘Ammī Anas and Allāh is *qasama* (*yaqsimūna ... qism*). This is also the word employed today and which we heard from our informants when they spoke about the division of the tithes (dividing the tithe).

The Arabic language, however, has still another word meaning “to share” or “to divide.” It is this word, which is used in Qur’ān 6,136 and the quote in the “*Sīra*” when they speak about God and the deities between whom the tithes would be shared. It is the word *mushrikīn*, usually translated as “associators,” i.e., idol worshippers, people who would “associate” other divinities with God, people who set other divinities besides Allāh, negating, in this way, Islam’s most fundamental principle, monotheism (*tauḥīd*). This is the meaning of the root *shrk*, from which *shirk* or *mushrik* are derived. Can our historical-anthropological promenade shed light on the linguistic side of this fundamental concept of Islam? Yes, it can.

The root *qasama* refers, as we have seen, to the dividing of the “product.” When it comes to the division of agricultural produce between “persons,” the Yemeni agricultural term is *sharaka*. This refers to the system known as *shirāka*, concerning the relationship between a landowner and his farmer, exactly in the way expressed in European languages with the word farmer (derived from French *fermier*), i.e., a person who works the land but does not own it. In most European countries, the division of the produce between landowner and his “fermier” used to be half and half, *Halbpacht*, *mezzadria*, etc. The same was practiced in Yemen. While most tribesmen/peasants owned their land (within an overall suzerainty of their tribe), some very good land was owned by a *shaykhly* or Saiyid

family. We (WD) studied this in the Western highlands (al-Ṭawīla), where a tribesman would have his own land on the terraced slopes, but where he would also work the very fertile land owned by his *shaykh* in the wadi bottom. Here, the produce was divided half and half; in other regions, a division of one third to two thirds was practiced (al-Iryānī 1996 [1417]: 486 f.). The system is well documented for the Middle Ages, in both Nashwān's A.D. late-12th-century Shams al-'Ulūm, and in the Nūr al-ma'ārif (A.D. late 13th century) (quotes taken from Dādih 2009: 138 f.). No wonder that there is also continuity with the pre-Islamic period. The Sabaic Dictionary gives the meaning "to make a crop-sharing agreement" to the root *s<sup>2</sup>rk*. Al-Selwi (1987) notes that *shirk* – which has entered the Arabic language and the Qur'ān – is a South Arabian loanword.

The conclusion could not be clearer: When the division of the agricultural produce is meant, i.e., the division of the harvest into portions, the word *qasama* is used. When the division of the produce is viewed from the angle of those entitled to receive a part of it, the word *sharaka* is used. Therefore, this is the meaning of *shurakā'* in Qur'ān 6,136. The word *shurakā'*, "associators," has in no way a special significance; it is the normal Yemeni word for those who are entitled to get shares of an agricultural produce. "Polytheists," "idolaters," therefore, are originally those who do what our sources (including Qur'ān 6,136) describe, i.e., people who divide the tithes between the local divinity and Allāh. This etymology was already suggested by al-Selwi (1987: 120).

### 'Ushr in the Pre-Islamic Inscriptions

Sima (1999) has provided us with a comprehensive scholarly presentation of all Sabaean texts containing the word *'ushr*. To this, a recently discovered minuscule text, 7th/6th century B.C., should be added; it mentions the *'ushr* of a number of cities in the Jauf due to God 'Athtar (Maraqten 2014: 323 f.). The most important ancient text concerning *'ushr* is the Inscription RES 4176 = Glaser 1210. It is accessible to non-Sabaean in an exemplary edition-cum-translation (Müller 1997).

Glaser 1210 is a decree of God Ta'lab (the name meaning rain giver), the divinity of the community of Sum'ay (north of Sanaa). The text enumerates in great detail the agricultural lands for which *'ushr* is due to the god. From this we would conclude that *'ushr* was not due for every plot of agricultural land, as is the case in our villages in 'Audhalī country, but that only some larger flat and well irrigated land had

to pay *'ushr*. The decree also deals with the ritual ibex hunt, and with the obligation of the people of Sum'ay to participate in the annual pilgrimage to Mārib (Sum'ay had been submitted by the Sabaeans). Most interestingly, this divine proclamation says expressly that the purpose of the *'ushr* is to enable the god to give a banquet, *'lm* (see above our discussion of this central element of the ancient religion and its continued practice to this day, *walīma*). Müller dates the inscription to the first quarter of the 3rd century B.C. (1997). Sima (like others before him) concentrates on the question if *'ushr* meant a temple (or state) "tax," or if it should be understood as the "rent" for agricultural lands owned by the temple. Sima believes that *'ushr* meant both: some land was temple property, peasants had to pay rent. For other land that was not owned by the temple, people had to pay tax (1999).

We feel that the system was much simpler and that the problem should not be framed in this kind of alternatives. Why should the system have been different from today, only 2,300 years ago? Our saints are *not* owners of the land; they are *'ashshār*, i.e., entitled to the tithes of the land. The inscriptions discussed by Sima (1999; particularly Glaser 1210 with its wealth of detail) fit perfectly into such an understanding. We conclude that Ta'lab was *'ashshār*, in the very same way as our Ḥusayn Miḥimmid. The other point discussed by scholars in this context refers to the question, if the *'ushr* should be considered as a state tax, or as a temple tax. Summarising the discussion, Korotayev (1996) argues that the possibility of substituting the tithes with a statue offered to the *temple* clearly demonstrates that the tithes were due to the temple only, and not to the secular power. Sima ends his article with a remark that is basically identical with what Robin expresses at the end of his article, i.e., that not only the old religion but also its social and legal connotations had come to an end when Ḥimyar adopted monotheism in the A.D. 4th century. We do not agree. Sima's conclusion is indicative of the exclusive trust accorded by scholars to the written record. Real life, everyday practice, and the power of a functioning social, economic, and religious order tell a different story – a story of continuity, both for the practice and the worldview on which it rests. In order to argue our point in some more detail, we would like to quote Sima's conclusion in full (1999: 164):

We do not know of any examples of *'šr* in Late Sabaean inscriptions. Together with traditional Sabaean religion and deities, the temples fell into disuse and no longer functioned as important economic institutions and landowners. With this change the institution of *'šr* finally disappeared.



This was not so. It is, of course, true that the majestic temples fell into disuse and disrepair, and so did the official state cult celebrated there. But the minor shrines remained alive and vibrant; their cult did not change. They remained at the heart of their people, and at the physical centre of their villages and wadis. They continued to organise the landscape and the communities, controlled the economy, and provided for the poor. They catered to the human need for community and a link to the above. They tolled the rhythm of the year, of death, marriage, and childbirth. The year culminated in a great and joyful annual festival, the *walīma* given by the saint, the former divinity, when the saint invited his people to a marriage banquet, complete with lavish food and mixed dancing. It was through this festival – to which everybody had contributed through the tithes – that the community celebrated its unity, its identity, its purpose, and the material basis of its well-being: rain. We feel that these shrines not only survived the disappearance of the monumental temples, we believe that they also preceded them. But this is a different story.

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