

liable to the *hadd* punishment. This is further only applied to one who (1) has attained his majority (*bāligh* [q.v.]), (2) is *compos mentis* (*‘ākil*) and (3) has the intention (*niyya*) of stealing, i.e. is not acting under compulsion but freely (*mukhtār*). No distinction is made between freeman or slave, male or female. The punishment is not applied in case of thefts between husband and wife and near relatives nor in the case of a slave robbing his master or a guest his host. Views are divided on the question of the punishment of the *dhimmī* and the protected alien (*musta‘min*) with the *hadd*, and on the punishment of accomplices and accessories; in any case, the total divided among the latter must reach the *niṣāb* for each of the thieves. It is not theft to take articles of trifling value (wood, water, wild game) and things which quickly go to waste (fresh fruit, meat and milk), or articles in which the *Shari‘a* does not recognise private ownership or things which are not legitimate articles of commerce (*māl*), like freeborn children, wine, pigs, dogs, chess-sets, musical instruments, golden crosses (the theft of a full-grown slave is considered *ghaṣb*) or articles in which the thief already has a share (booty, state treasure, *wakf*, something from the common good to the value of the share), also copies of the *Qur‘ān* and books (except account books), as it is assumed the thief only desires to obtain the contents. The conception of literary theft is unknown to *fiqh*.

The charge can be made by the owner and legitimate possessor (or depository) but not by a second thief. The legal inquiry has to be conducted in the presence of the person robbed. For proof two male witnesses are necessary or a confession (*ikrār* [q.v.], which can, however, be withdrawn. It is recommended to plead not guilty if at all possible [see *‘ADHĀB*]). If the thief, however, has given back the article stolen before the charge is made, he is immune from punishment (*sūra* V, 43).

(2) Highway robbery or robbery with violence (*muhāraba*, *kaṭ‘ al-tarīk*) occurs when anyone who can be dangerous to travellers falls upon them and robs them when they are distant from any possible help or when someone enters a house, armed, with the intention of robbing (cf. Roman Law; Justinian, *Novellae*, 134, ch. 13). The *Shi‘is* consider any armed attack, even in inhabited places, as highway robbery. The same regulations hold regarding the person and the object as above, especially the *niṣāb*. On the authority of *sūra* V, 37-8, the culprit is liable to the following *hadd* punishments. If a man has committed a robbery which is practically a theft to be punished with *hadd*, his right hand and left foot are cut off (the next time, the left hand and the right foot). If, however, he has robbed and killed, he is put to death in keeping with right of reprisal (*kiṣās*) and his body publicly exposed for three days on a gibbet or in some other way. The punishment of death is here considered a *ḥakk Allāh*; the payment of blood-money (*diya*) is therefore out of the question. If the criminal repents, however, before he is taken, the *hadd* punishment is omitted; but the claim of the person robbed of the article for compensation and the talio remain. All accomplices are punished in the same way; if one of them cannot be held responsible for his actions, the *hadd* punishment cannot be inflicted on any.

All these laws hold only for the *hadd* punishment which the judge can only inflict when all conditions are fulfilled. In all other cases the thief is punished with *ta‘zīr* [q.v.] and condemned to restore the article or to make reparation. It is the same with the thief who comes secretly but goes away openly (*mukhtālis*) or the robber who falls upon someone and robs him

at a place where help is available (*muntahib*). Special laws were therefore frequently passed in Islamic states to supplement the *Shari‘a*, in Turkey, for example, by the Ottoman sultans Mehemmed II (*Mitteilungen zur Osm. Gesch.*, i [1921], 21, 35), Süleymān II (von Hammer, *Staatsverfassung*, i, 147-8). Mehemmed IV and ‘Abd al-Medjīd. These laws endeavoured more and more to replace the *hadd* punishment by fines and corporal punishment. The Turkish criminal code of 1858 still only recognised fines and imprisonment for theft, although the *Shari‘a* was not officially abolished thereby [see *MEDJELLE*].

The punitive prescriptions of the *Shari‘a* regarding *sarika*, which have been either abolished or largely mitigated during the course of the 20th century, except in such countries as Saudi Arabia and the Sudan, seem likely to regain ground at the dawning of the third millennium in several parts of the Islamic world with the rise of Islamic fundamentalism.

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SARKĀR ĀKĀ (P.), a term used for a number of heterodox religious leaders within the broad *Shi‘i* tradition. It appears to have originated in the 19th century, possibly in recognition of links between the title’s bearers and the *Kādjār* court. The title (meaning something like “lord and chief”) was used for the first *Ākā Khān* (Ḥasan ‘Alī *Shāh*, 1804-81 [q.v.] and several of his successors, as heads of the *Nizārī* *Ismā‘īlis* (sometimes as *Sarkār Ākā Khān*); it is, however, not in current use. Leaders of the *Shaykhī* branch of the Twelver *Shi‘a* [see *SHAYKHĪYYA*] have been termed “*Sarkār Ākā*” since the time of Hādīdj Mirzā Muḥammad Karīm Kirmānī (1809-70 [q.v.], as referred to as “*Sarkār-i Khān*”), a great-nephew of Fath-‘Alī *Shāh* and a son-in-law of Nāṣir al-Dīn *Shāh*. The title passed to his Kirmān-based lineal successors within the *Ibrāhīmī* family until quite recently, and was particularly used of the late Abu ‘l-Kāsim *Khān* (d. 1979). Within the *Bahā‘ī* movement [see *BAHĀ‘ĪS*] the title is reserved for ‘Abbās Effendī ‘Abd al-Bahā‘² (1844-1921), the son of Mirzā Ḥusayn ‘Alī Nūrī Bahā‘² Allāh [q.v.], whose

family had a variety of marital links to the *Ḳādjārs*. In English usage, *Bahā'īs* refer to him as "the Master", which is both a partial translation of *Sarkār ĀḲā* and an echo of Christian terminology. (D. MacEoin)

SARKHAD [see *SALKHAD*].

SARKHĒDĪ, a site 10 km/6 miles to the southeast of *Ahmadābād* [*q.v.*] in western India, capital of the sultans of *Guḍjarāt* [*q.v.*] in the 9th-10th/15th-16th centuries.

Its fame arises from the complex of buildings built round an artificial lake, all of them still standing and excellent specimens of 9th/15th century *Guḍjarāt* architecture. They include the tomb of the saint *Shaykh Aḥmad Ḳhattū* "Gandj *Bakhsḥ*" (d. 850/1446) and a mosque of sultan *Muḥammad Shāh* (846-55/1442-51). It became a favourite retreat of Sultan *Fath Ḳhān Mahmūd Shāh Begrā* (862-917/1458-1511), who built the large tank, palace buildings and two mausolea for himself and his family.

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(EBBA KOCH)

ŠĀRLIYYA, the name of a group of *Kākā'īs* or *Ahl-i Ḥaḳḳ* [*q.v.*] living in northern *ʿIrāk*, in a group of six villages, four on the right bank of the Great Zab and two on its left one, not far from its confluence with the Tigris and 45 km/28 miles to the south-southeast of *Mawṣil*. The principal village, where the chief lives, is called *Wardak*, and lies on the right bank; the largest village on the left bank is *Sufayya*.

The *Šārlīs*, like the other sects found in northern *ʿIrāk* (*Yazidīs*, *Shabaks*, *Bādjūrān*), are very uncommunicative with regard to their belief and religious practices, so that the other inhabitants of the country have in the past attributed abominable rites to them and alleged that they have a kind of secret language of their own. In 1902, *Père Anastase* gave some notes on the *Sarlis* (and also on the sects of *Bādjūrān* and the *Shabaks*) which he obtained from an individual in *Mawṣil*. According to him, their language was a mixture of Kurdish, Persian and Turkish. As to religion, they were monotheists, believing in certain prophets, in paradise and hell. They neither fasted nor prayed. They believed that their chief had the power to sell territory in paradise. For this purpose he visited all the villages at harvest time, and every *Šārlī* was allowed to purchase as many *dhirā's* as he could pay for; the price of a *dhirā'* was never less than a quarter of a *medjidiyye*. Credit was not granted. The chief gave a receipt which show how many *dhirā's* an individual had acquired. This receipt was put in the pocket of the dead man so that he could present it to *Riḳwān*, the guardian of Paradise. The *Šārlīs* had also a feast-day once in every lunar year, which consisted in the consumption of a repast at which the chief presided, and to which every one contributed a cock boiled with rice or wheat. After this meal, called *aklat al-maḥabba*, the lights are said to have been extinguished and orgies of promiscuity to have taken place. The head of the community was succeeded at his death by his unmarried son; he was forbidden to shave his beard or his moustache. The *Šārlīs* were polygamous. They were said to have a sacred book written in Persian.

These statements should be taken with considerable

reserve. The *Šārlīs* themselves said that they were simply Kurds and belonged originally to the *Kāke Kurds* who have some villages near *Kirkūk*. But the *Kāke Kurds* also had a mysterious reputation. A characteristic feature noticed in one of the *Šārlī* villages (*Sufayya*) was an ornament with triangular holes in the walls of the principal buildings of the village. Like the *Yazidīs* [*q.v.*], the *Šārlīs* used Muslim names, and their chief in the early part of this century was one *Tāhā Koča* or *Mullā Tāhā*.

The present (1994) status, or even the continued existence, of these *Šārlīs*, is unknown, given the present impossibility of western scholars undertaking ethnological field work in the Kurdish areas of northern *ʿIrāk*.

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SARMAD [see *MUḤAMMAD SA'ID SARMAD*].

SARPUL-I DHUHĀB ("bridgehead of *Zohāb*"), a place on the way to the *Zagros Mountains* on the great *Baghdād-Kirmānshāh* road, taking its name from the stone bridge of two arches over the river *Alwand*, a tributary on the left bank of the *Diyāla*. *Sarpul* in the early 20th century consisted simply of a little fort (*kūr-khāna* = "arsenal") in which the governor of *Zohāb* lived (the post was regularly filled by the chief of the tribe of *Gūrān*), a caravanserai, a garden of cypress and about 40 houses. The old town of *Zohāb*, about 4 hours to the north, is now in ruins. To the east, behind the cliffs of *Hazār-Djarīb*, lies the little canton of *Beshiwe* (Kurdish = "below") in a corridor running round the foot of the *Zagros* giving access to the famous col of *Pā-Tāk*, on the slope of which is the *Sāsānid* edifice called *Tāk-i Girrā*. In the west, the heights of *Mēl-i Ya'kūb* separate the verdant plain of *Sarpul* from that of *Ḳaṣr-i Shīrīn* [*q.v.*]. *Sarpul* is the natural halting place for thousands of Persian pilgrims going to the *'atabāt* [*q.v.* in Suppl.] (*Karbalā'* and other *Shīrīn* sanctuaries). When the pilgrimage season is at its height (in autumn and winter), a hundred tents may be seen near the bridge. They belong to the Kurdish gipsy tribe of *Sūzmānī* (*Fiyūdj*), the women of which are professional dancers and singers noted for their light morals.

Sarpul corresponds to the site of the ancient *Ḳhalmanu* of the Assyrians, *Hulwān* [*q.v.*] of the Arabs. The earlier name survived as the Kurdish name of the *Alwand*, i.e. *Ḥalawān*. Traces of the old town are found mainly on the left bank (*Pāypul*) where the land is level and beautiful.

Sarpul is noted for its antiquities: (1) the bas-relief and Pahlavi inscription on the cliff on the right bank of the *Alwand*; (2) three steles on the cliffs of *Hazār-Djarīb* (on the left bank) of which two are *Sāsānid* (Parthian?) and the third represents *Anu-Banini*, king of the *Lulubi*; (3) two miles away, to the south of *Hazār-Djarīb*, is an *Achaemenid* tomb cut out of the rock and venerated at the present day under the name of *Dukkān-i Dāwūd* (David's workshop) by the *Ahl-i Ḥaḳḳ* [*q.v.*], who have a cemetery at the foot of the rock.

Modern *Sarpul-i Duhāb* is the chef-lieu of a *bakhsḥ* of the same name in the *shahrastān* of *Ḳaṣr-i Shīrīn* in *Kirmānshāh* province (*ustān*) (lat. 33° 27' N., long. 45° 25' E., alt. 534 m/1,750 feet). In ca. 1950 it had a population of around 2,000, comprising *Shīrīs*, *Ahl-i Ḥaḳḳ* and *Sunnīs*, a number swollen in winter how-