

analysed by M. F. Brosset in *Histoire de la Georgie*).

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AL-DĀRŪM, the name of a coastal plain in Palestine, and later in particular the name of a famous fortress of the time of the Crusades, is to be found in the works of Arab authors with both these meanings. The Hebrew *dārōm* from which it is derived and to which it corresponds in the Arabic version of Deuteronomy, XXXIV, 3^o, appeared in a few passages of the Old Testament for south as a cardinal point, or any country situated in the south (F. M. Abel), and it was later applied especially to the south-west of Judea, a low-lying region distinct both from Sephela which bordered it on the north and the southern, desert territory of the Negeb. The Byzantine name Daromas, which corresponded to this ancient Darom, was equally applied to the south-west section of the vast district of Eleutheropolis (see BAYT DJIBRĪN), while not including the town itself. However, this distinction was forgotten in Arab times and al-Dārūm, according to the evidence of al-Muḳaddasī, was identified with the territory surrounding Bayt Djibrīn, and it shared its history from the time of its conquest under the Caliphate of Abū Bakr.

As to the Palestinian citadel of al-Dārūm, the Daron of the Crusaders, it stood on the road from Gaza to Egypt on the site marked to-day by the ruins of Dayr al-Balah, to assure the defence of the Latin kingdom of Jerusalem from this side. Attacked especially by Salāḥ al-Dīn, then conquered by him in 583/1187 at the time of his re-occupation of the greater part of Palestine, it was later besieged, taken, and then dismantled by Richard Cœur de Lion and the Franks of the Third Crusade in 588/1192, but was still counted in the Mamlūk period as one of the fortresses depending directly on the *nāʾib* of the district of Gaza, on the coastal border of the province of Damascus.

Bibliography: F. M. Abel, *Géographie de la Palestine*, Paris 1933-8, especially i, 420-3; G. Le Strange, *Palestine under the Moslems*, London 1890, 437; A. S. Marmardji, *Textes Géographiques*, Paris 1951, 71-2; Caetani, *Annali*, index (ii, 1299); Ṭabarī, index; BGA, indices; Yāḳūt, ii, 525; Ibn al-Aṯīr, especially xi, 326, 361, and xii, 52-3; *Hist. Or. Cr.*, i to v, indices; Ibn Shaddād, *Aʿlāk*, Southern Syria, ms. Leiden 800, fol. 139 b; R. Grousset, *Hist. des Croisades*, Paris 1934-6, index, especially ii, 559-62 and iii, 85-7; M. Godefroy-Demomboynes, *La Syrie à l'époque des Mamelouks*, Paris 1923, especially 14 and 50. (J. SOURDEL-THOMINE)

DARŪRA, necessity (also *iqṭirār*), in works of *fiḳh* has a narrow meaning when it is used to denote what may be called the technical state of necessity, and a wider sense when authors use it to describe the necessities or demands of social and economic life, which the jurists had to take into account in their elaboration of the law which was otherwise independent of these factors.

I. The state of necessity, whose effects recall those of violence, does not result from threats expressed by a person, but from certain factual circumstances which may oblige an individual, finding himself in a dangerous situation which they have brought about (shipwrecked, dying of hunger or thirst in the desert, for example), to do some action forbidden by the law, or to conclude a legal transaction on very unfavourable terms in order to escape from the danger which threatens him. The *Ḳurʾān* contains numerous verses which, directly or indirectly, legitimize on grounds of necessity certain acts which in principle are forbidden (II, 168; V, 5; VI, 119; XVI, 116). Ibn Nuḏjāyem derived from this a maxim which became famous: *al-ḍarūrāt tubīḥ al-maḥzūrāt*, which the Ottoman *Madjalla* (art. 21) reproduced literally and which may be translated: "Necessity makes lawful that which is forbidden".

The effects of the state of necessity of which the writers here fixed the conditions and limits, are more or less drastic according to the domain of *fiḳh* in which they occur.

a) In what concerns prohibitions of a religious character (the prohibition against eating pork or dead animals, or against drinking blood or other liquids regarded as impure, for example), it is admitted without difference between the Schools, that necessity legitimizes the non-observance of these rules. It follows—and this is the opinion which has prevailed in doctrine—that one is even obliged to disregard them in a case of danger.

b) Most of the offences committed under the rule of necessity (for example, the theft of food, a shipwrecked person's throwing into the sea the goods of another shipwrecked person in the same boat if it is too heavily laden) are excused and do not give rise to any form of punishment, although they do not cancel any civil responsibility. Three offences are never legitimized, let alone simply excused, whatever may be the circumstances in which they are committed (apart from legitimate defence). They are: murder, the amputation of a limb, or serious wounding likely to cause death; in these cases the evil inflicted is equal, if not superior, to that which the perpetrator of the offence has endeavoured to avoid, and there is no reason to favour him rather than the victim.

c) Jurists have not paid much attention to the effect of legal transactions (sale, lease) committed under necessity. They regard it only as a case of violence (*ikrāḥ*) to be decided according to the rules which govern violence in general. Nevertheless, in treatises on *fiḳh* rules are found relating to a sale concluded in a state of necessity, when one of the parties (buyer or seller) exploits the circumstances which force the other to buy or sell. The Ḥanafis call such a sale *fāsīd*; the writers of the other schools decree that the price should not be that so agreed, but the habitual price of something equivalent (*ṭhaman al-mīthl*).

II. *Darūra* is used in a much wider sense by the commentators when they try to justify by practical necessity, solutions which the lawyers of the first

centuries of the Hijra adopted by *istiḥāsān* or *istiṣlāḥ* rather than by the rules of reasoning by analogy (*ḵiyās*). In these very numerous cases, the word is no longer synonymous with constraint, but signifies practical necessity, the exigencies of social and economic life. This is why other expressions such as *ḥādja* or *ta'āmul al-nās* or *maṣlaḥa* are frequently used. It is almost exclusively in *Shāfi'ī* law, which does not recognize *istiḥāsān*, that these divergencies from *ḵiyās* had to be justified by reason of necessity, then taken in its narrower sense (*al-Ghazzālī, al-Mustaṣfā, Cairo 1322, i, 284 ff.*).

Darūra in its wider meaning takes into consideration the existence in Muḥammadan law of rules and who'e institutions which reasoning by strict analogy (*ḵiyās*) would have condemned, but which the "necessities" imposed, for instance contracts of hire and lease (*idjāra*) and of mercantile partnership (*sharika*), loan of money (*ḥarḍ*), the agricultural contract of *muṣāra'a*, several kinds of sale including the *salam* sale, and a number of rules concerning details which have no other justification.

Bibliography: I. Ibn Nuḍaym, *al-Ashbāḥ wa-'l-naṣā'ir*, ed. Cairo, 43; *al-Baḥr al-rā'ik*, Cairo 1334, viii, 71 ff.; Kāsānī, *Badā'ī' al-ṣanā'ī'*, Cairo 1328/1910, vii, 175 ff.; Ibn 'Abidin, *Radd al-mukhtār*, ed. Cairo, iv, 146, v, 129; Ḥaṭṭāb, *Commentary on Khalīl*, Cairo 1329, iii, 233 ff.; Ibn Ḳudāma, *al-Mughnī*, 2nd ed. of *al-Manār*, Cairo, xi, 75, 79-80; 'Abd al-Ḳādir, 'Awda, *al-Tashrī' al-dīnā'ī al-islāmī'*, Cairo 1379/1959, i, 576-81.

II. 'Abd al-Wahhāb *Khallāf, Maṣādir al-tashrī' al-islāmī fīmā lā naṣṣ fīhi*, Cairo 1955, especially 62; D. Santillana, *Instituzioni di Diritto Musulmano Malichita*, Rome 1925, i, nos. 22 to 25.

On the "necessity" in theologica, see *İDṬİRĀR*.
(Y. LINANT DE BELLEFONDS)

DARWISH (DARWĒSH) is commonly explained as derived from Persian and meaning "seeking doors", *i.e.*, a mendicant (Vullers, *Lexicon*, i, 839a, 845b; *Gr. I. Ph.*, i/1, 260; ii, 43, 45); but the variant form *daryōsh* is against this, and the real etymology appears to be unknown. Broadly through Islam it is used in the sense of a member of a religious fraternity, but in Persian and Turkish more narrowly for a mendicant religious called in Arabic a *ḵāḵir*. In Morocco and Algeria for dervishes, in the broadest sense, the word most used is *Iḵhwān*, "brethren", pronounced *ḵhuān*. These fraternities (*turuk*, plural of *ṭarīka* [q.v.], "path", *i.e.*, method of instruction, initiation and religious exercise) form the organized expression of religious life in Islam. For centuries that religious life (see TAṢAWWUF) was on an individual basis. Beyond the single soul seeking its own salvation by ascetic practices or soaring meditations, there was found at most a teacher gathering round himself a circle of disciples. Such a circle might even persist for a generation or two after his death, led by some prominent pupil, but for long there was nothing of the nature of a perpetual corporation, preserving an identity of organization and worship under a fixed name. Only in the 6th/12th century—the troubled times of the Saldjūk break-up—did continuous corporations began to appear. The Ḳādirites, founded by 'Abd al-Ḳādir al-Djilānī [q.v.] (d. 561/1166), seem to have been the first still-existing fraternity of definitely historical origin. Thereafter, we find these organizations appearing in bewildering profusion, founded either

by independent saints or by split and secession from older bodies. Such historical origins must, however, be sharply distinguished from the legends told by each as to the source of their peculiar ritual and devotional phrases. As the origin of Ṣūfism is pushed back to the Prophet himself, and its orthodoxy is thus protected, so these are traced down from the Prophet (or rather from Allāh through Gabriel and the Prophet) through a series of well-known saints to the historic founder. This is called the *silsila* or "chain" of the order, and another similar *silsila* or apostolic succession of Heads extends from the founder to the present day. Every darwish must know the *silsila* which binds him up to Allāh himself, and must believe that the faith taught by his order is the esoteric essence of Islam, and that the ritual of his order is of as high a validity as the *ṣalāt*. His relationship to the *silsila* is through his individual teacher (*shaykh*, *murshid*, *ustādh*, *ḵīr*) who introduces him into the fraternity. That takes place through an 'ahd, "covenant", consisting of religious professions and vows which vary in the different bodies. Previously the neophyte (*murīd*, "wilder", "intender") has been put through a longer or shorter process of initiation, in some forms of which it is plain that he is brought under hypnotic control by his instructor and put into rapport with him. The theology is always some form of Ṣūfism, but varies in the different *ṭarīkas* from ascetic quietism to pantheistic antinomianism. This goes so far that in Persia dervishes are divided into those *bā-shar'* "with law", that is, following the law of Islam, and those *bī-shar'* "without law", that is, rejecting not only the ritual but the moral law. In general the Persians and the Turks have diverged farther from Islam than the Syrians, Arabs or Africans, and the same *ṭarīka* in different countries may assume different forms. The ritual always lays stress on the emotional religious life, and tends to produce hypnotic phenomena (auto and otherwise) and fits of ecstasy. One order, the *Ḳhalwatiyya* [q.v.], is distinguished by its requiring from all its members an annual period of retreat in solitude, with fasting to the utmost possible limit and endless repetitions of religious formulae. The effect on the nervous system and imagination is very marked. The religious service common to all fraternities is called a *dhikr* [q.v.], a "remembering", that is, of Allāh (Ḳur. XXXIII, 41 is the basic text), and its object is to bring home to the worshipper the thought of the unseen world and of his dependence upon it. Further, it is plain that a *dhikr* brings with it a certain heightened religious exaltation and a pleasant dreaminess. But there go also with the hypnosis, either as excitants or consequents, certain physical states and phenomena which have earned for dervishes the various descriptions in the west of barking, howling, dancing, etc. The Mawlawis, founded by Djālāl al-Dīn al-Rūmī (d. at Konya in 672/1274), stimulate their ecstasies by a whirling dance. The Sa'dīs used to have the *Dawsa* [q.v.] and still in their monasteries use the beating of little drums, called *bāz*. The use of these is now forbidden in the Egyptian mosques as an innovation (*bid'a*; Muḥammad 'Abduh, *Ta'riḵh*, ii, 144 ff.). The Sa'dīs, Rifā'īs and Aḥmadīs have particular feats, peculiar to each *ṭarīka*, of eating glowing embers and live serpents or scorpions and glass, of passing needles through their bodies and spikes into their eyes. But besides such exhibitions, which may in part be tricks and in part rendered possible by a hypnotic state, there appear amongst dervishes automatic phenomena of