CHAPTER FIVE

BAY‘AH "HOMAGE": A PROTO-ARAB (SOUTH-SEMITIC) CONCEPT*

Bay‘ah "homage, oath of allegiance", with the verbs bāya‘ahu "he paid him homage" (infinitive mubāya‘ah, synonymous with bay‘ah), and tabāya‘ū "they agreed on mutual allegiance", etc., is an important concept of Arab and Islamic life. It is well-known that in the earliest times practically no one could join the new religion without swearing at the same time allegiance to the Prophet (bāya‘ahu ‘alā l-Islāmi), and with the decease of the Prophet, his successors, the Caliphs, received their official recognition by means of the bay‘ah.

E. Tyan, in his article "Bay‘a", in the new edition of the Encyclopedia of Islam, vol. II, p. 1113a, makes the following statement concerning the etymology of bay‘ah: "According to a view which has become traditional the term bay‘a is derived from the verb bā‘a (to sell), the bay‘a embodying, like sale, an exchange of undertakings. This explanation seems most artificial. In the view of the author the bay‘a owes its name to the physical gesture itself which, in ancient Arab custom, symbolised the conclusion of an agreement between two persons and which consisted of a hand-clasp (cf. the manumissio of the ancient law of certain Western countries). Again, in a non-technical sense, "to make a bay‘a in regard to some matter" (tabāya‘a ‘alā l-amr) means "to reach agreement on this matter" (cf. ṣafīka, lit.: manumissio, = agreement, contract). The physical gesture was termed bay‘a because, precisely, it consisted of a movement of the hand and arms (bā‘). And since the election of a chief (and the undertaking to submit to his authority) was demonstrated by a hand-clasp, it was naturally described by the very term which denoted this gesture."

The reference to the manumissio, which Tyan claims to mean "hand-clasp" and "agreement, contract" in "the ancient law of certain Western countries", is strange; and the derivation of bay‘ah—with reference to the hand-clasp accompanying it—from the noun

\( \text{bā\textsuperscript{a}} \), which, in the interpretation of Freytag's \textit{Lexicon} (translated from the definition of the indigenous lexicographers), means "extensionis manus utriusque distantia" and is of course never used with reference to the hand-clasp accompanying a contractual agreement, is unacceptable.

On the other hand, the correctness of the traditional view concerning the original meaning of \textit{bay'\textsuperscript{ah}}, etc., is obvious. That is to say, \textit{bay'\textsuperscript{ah}} and the verbal expressions associated with it are based on \textit{bāya'\textsuperscript{ahū}} "he entered into a contractual agreement with him (with respect to an intended sale or purchase)" and \textit{tabāya'\textsuperscript{ū}} "they entered into a contractual agreement with one another (with respect to an intended sale or purchase)" (see also below p. 218). The act of allegiance is based on a contractual agreement, and the concept of a contractual agreement in general is viewed in the light of a contract with reference to a sale or purchase, in other words: is seen in the light of a business agreement.

An essential feature of the agreement named \textit{bay'\textsuperscript{ah}} is that both parties to the agreement—the person of power and authority as well as the person (or persons) of lower standing—are mutually bound to fulfil the agreement, and the agreement entails for both parties duties and obligations as well as privileges and rights. We deal here with a reciprocal relationship.

In our opinion the term \textit{bay'\textsuperscript{ah}} and the institution underlying it can be traced back to very early times of Arab society or South-Semitic society in general. We consider the etymon presented by \textit{bāya'\textsuperscript{ahū}} and \textit{tabāya'\textsuperscript{ū}} to be present also—as it were in a disguised form—in another, most frequently used verb of Arabic, that is: \textit{tabi'a} "to follow" (also in the III\textit{d} conjugation: \textit{tāba'\textsuperscript{a}}, and in the VIII\textit{th}: \textit{itlabā'\textsuperscript{a}}, etc.). The immediate basis for this secondary root is the "reciprocal" variant of the basic etymon, that is the "reflexive" form (VI\textit{th} conjugation) \textit{tabāya'\textsuperscript{ū}} "they swore allegiance to one another, they obeyed one another, they followed one another". Since the non-reflexive form of the verb: \textit{bāya'\textsuperscript{ahū}} "he swore allegiance to him, he obeyed him, he followed him" implied—on the basis of the actual relationship underlying the verb—in its turn a "reciprocal" relation, the "reflexive" form (VI\textit{th} conjugation), \textit{tabāya'\textsuperscript{a}} (\textit{tabāya'\textsuperscript{ū}}), could also be felt as implying the specific sense of the "non-reflexive" form (the III\textit{d} conjugation). The result was a new verb, in which the "reflexive" prefix \textit{ta-} was no longer felt as representing the "reflexive" ("reciprocal") conjugation, but was felt