Among the earliest results of the civilizing process among mankind has been the replacement of force by persuasion as a means for the individual to achieve his desires. And the form of persuasion whose effectiveness was no doubt obvious from the very beginning was the giving of gifts. In the ancient Near East, it was recognized as a legitimate and, it seems, customary way to obtain action by the men in power. It was also recognized, of course, that there was a borderline beyond which the giving of gifts became immoral if not illegal. This borderline is best described by the distinction that may be made between a gift and a bribe.

The existence of a simple linguistic distinction of this kind may by itself be of some significance. In many Western languages, it does not seem to exist as neatly and precisely expressed as in modern English. The Semitic languages of the Near East, as far as we know, were more developed in this respect. At any rate, Arabic shares with English the ability to make a clear and concise verbal distinction between gifts and bribes. Muslim civilization thus possessed the necessary linguistic equipment for a theoretical discussion of the legal, moral, and societal problems involved.

Soon after its birth, Islam came to extend

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1 The situation in Akkadian is illustrated in a brief article by J.J. Finkelstein, “The Middle Assyrian Šulmânu-Texts,” *Journal of the American Oriental Society* 72 (1952): 77–80. For Biblical Hebrew, one may compare the dictionaries, s.v. *š-ḥ-d*. It deserves notice that the terms are not always used in an unambiguously pejorative sense.

2 With the establishment of the Ottoman Empire, and in general, the closer we approach modern times, the information from both primary and secondary sources becomes more and more detailed. A backward projection presumably would not be too risky in view of the permanent character of the problem. However, the present discussion is restricted to information coming from the older, “medieval” period. Only one author from Ottoman times has been used for basic information (Ibn Nujaym, see n. 6).

The only work in a Western language known to me that deals adequately with bribery in Islam is E. Tyan’s *Histoire de l’organisation judiciaire en pays d’Islam* (2 v., Paris, 1938–1943) 1: pp. 425–431. The second edition (Leiden, 1960, pp. 289–292) contains few changes in this section. Other works I consulted contain only passing references. However, since they tend to be of a handbook type dispensing with meticulous references to research by other scholars, some relevant treatments may have escaped me.
over an area where the giving of gifts had been, for thousands of years, an established custom that was deeply rooted in human nature. This custom was bound to clash with the new religion’s great concern with strict moral norms and, in particular, its concept of a divine justice that pervades human society and can under no circumstances be influenced or bought. The giving of gifts is approved and praised as a charitable activity, and it is viewed as an important contribution to the establishment of better personal and communal relations. Bribery is strictly forbidden and severely censured. God’s curse is to rest upon the giver of bribes, the taker of bribes, and the go-between.

In practice, much finer distinctions were needed. From the earliest years of the Muslim Empire, the jurists discussed what gifts were permitted and which were not, when gifts became illegal bribes, and even, under what circumstances bribes could be considered legal and permissible. The Qur’an had no occasion to make express mention of the word for bribe. A passage referring with strong disapproval to those who “eat suḥt,” the precise meaning of which cannot be established with certainty, was connected with bribery but explained as generally forbidding all kinds of unlawful gain, among which bribery occupied a particularly offensive position.

The present-day situation in Islamic countries seems to be fairly well characterized by the fact that a lengthy study of bribery in Egyptian law contains only a perfunctory reference to the Islamic literature on the subject. Moreover, this reference appears only in the Arabic part and is not to be found in the French text. Cf. A.R. Khafagui, in *Egypte Contemporaine* 48–52 (1957–1961), in particular, 48 (1957), no. 288, p. 7 (Arabic).


5 Qur’an 5: 42/46, 62/67, 63/68, and the Arabic commentaries on the passage (in particular, at-Tabarî [d. 310/923], *Tafsîr* [30 v., Cairo, 1321/1903] 6: p. 139 f.) as well as the native Arabic dictionaries. Cf. also, for instance, Waki’i (d. 306/918), *Akhbâr al-ṣudâh* (3 v., Cairo, 1366–1369/1947–1950) 1: p. 53 f. The traditional interpretation of the term suḥt cannot be considered certain, since it might easily be a mere guess based on the context. The “eating” of suḥt admits of many possibilities; it may be the eating of unclean food, taking interest, telling untruths and