



THE CONCEPT OF POLITICAL AUTHORITY  
IN AL-MĀWARDĪ AND AL-FĀRĀBĪ

by

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**To My Parents**

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## ABBREVIATIONS

chap. : chapter  
ed. : edited by  
EI. : Encyclopaedia of Islam  
publ. : publications  
trans.: translated by  
univ. : university

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## PREFACE

As some events such as corruption and abuse of power which take place in most of the countries (including most of the so-called developed ones) show, the question of authority, its source, legitimization and control remain unsolved. Islamic societies are not free from this problem, and a confusion prevails all over the Islamic world.

In this study I would like to elaborate on the concept of authority in Islam, and relevant questions such as its delegation, content, extent, application, manifestation and implications. However as this is a vast area and since there are several approaches by various schools, we shall restrict ourselves with two schools which developed more comprehensive and clearer political systems. These two approaches namely the juridical and the philosophical will be represented by al-Māwardī and al-Fārābī respectively.

The reason for my selection of these two scholars is as follows:

Al-Māwardī (974-1058), the near contemporary of al-Baḡillānī and al-Baḡhdādī was a more important figure in the development of the juristic theory. His *Ahkām al-Sulṭāniya* is a key document for the theory of rule which came to be accepted by the jurists of the fifth century and after. Little advance was made on it by later theorists.<sup>1</sup> "It has been generally accepted as the most

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<sup>1</sup>Ann K.S Lambton, *State and Government in Medieval Islam*, Oxford University Press, New York 1985, p.83.

authoritative exposition of the Sunni Islamic political theory"<sup>2</sup>. It is "the first comprehensive and systematic treatment of the Islamic system of government known as *siyāsa sharʿiyya* (government in accordance with the revealed Law)".<sup>3</sup>

As for al-Fārābī, his place in the Islamic philosophy is unquestionable. He was "one of the most eminent philosophers of the first formative centuries of Islamic thought".<sup>4</sup> He constructed "an elaborate metaphysical system of great complexity".<sup>5</sup> "He was more than a pioneer" and profoundly influenced all subsequent Muslim philosophers, in particular Ibn Bājja and Ibn Rushd in Spain, and Ibn Sīnā in the East".<sup>6</sup>

In the Introduction I shall give a brief analysis of the concept of authority and some relevant concepts such as power and legitimacy as they are used in the present day literature, and later clarify in what sense I employ them.

In Chapter I and II, we will discuss the meanings of our key concepts linguistically, and then textually, that is, as they are exploited by the two authors.

Chapter III and IV will deal with the elaboration of the doctrines of our authors, and the place of the concept of authority in each of them.

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<sup>2</sup>H.A.R. Gibb, "Al-Māwardī's Theory of the Khilāfah", *Islamic Culture*, XI, p.291.

<sup>3</sup>Fauzi M. Najjar, "Siyasa in Islamic Political Philosophy", *Islamic Theology and Philosophy*, ed. Michael E. Marmura, State University of New York Press, Albany 1984, p.96.

<sup>4</sup>Richard Walzer, *Al-Fārābī on the Perfect State*, Clarendon Press, Oxford 1985, p.1.

<sup>5</sup>M. Fakhry, *A History of Islamic Philosophy*, New York and London, 1983, p.107.

<sup>6</sup>Erwin I.J. Rosenthal, *Political Thought in Medieval Islam*, The University Press, Cambridge 1958, p.122.



Finally in Conclusion, the two approaches will be compared and contrasted, and then this will be followed by concluding remarks.

I would also like to say a few words on the transliteration used in this study. Arabic terms with familiar English forms, such as "imam" and "vizier", have been cited in the English form. Muslim authors are referred to by their Muslim names, such as Ibn Rushd rather than Averroes. However for the sake of convenience, I have removed the article "Al-" in the case of Al-Māwardī and Al-Fārābī, and they become Mawardī and Farabi respectively.

## INTRODUCTION

Although we shall not discuss the Western conception of authority in this study, I deem it necessary to clarify what are meant by the concepts of authority and the relevant ones in the Western context. Because the medium employed in this study is English and we should clearly understand the meanings and implications of Western notions. Otherwise we may commit grave mistakes, especially in understanding primary Islamic concepts, as the Islamic and Western concepts may not necessarily correspond to each other. The same goes with our secondary concepts in this study such as *din* (translated as religion) and *sa'ada* (happiness, felicity, flourishing, well-being), and I will later draw the attention to differing meanings of such concepts.

To start with the concept of authority, there is not a clear and agreed-upon definition for it. "Authority is a word that has an aura about it, a mystique".<sup>1</sup> It is "one of the most controversial concepts found in the armoury of legal and political philosophy".<sup>2</sup>

Michels<sup>3</sup> defines authority as "the capacity, innate or acquired for exercising ascendancy over a group." However, Bierstedt<sup>4</sup> opposes: Authority is not a capacity; it is

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<sup>1</sup>Richard Stanley Peters, **Authority, Responsibility and Education**, George Allen Unwin Publ., London, 1983, p.13.

<sup>2</sup>Joseph Raz, **The Authority of Law**, Clarendon Press, Oxford 1986, p.3.

<sup>3</sup>Roberto Michels, "Authority", **Encyclopedia of Social Sciences**, Vol.2, MacMillan, New York 1930, pp.319-321.

<sup>4</sup>Robert Bierstedt, "The Problem of Authority", in **Freedom and Control in Modern Society**, New York 1964, pp.79-80.

relationship. Furthermore, it is neither innate, nor a matter of exercising ascendancy. Yet both authors agree in describing authority in terms of power. For Michels, authority "is a manifestation of power"<sup>5</sup>; for Bierstedt, "authority becomes a power phenomenon ... it is sanctioned power, institutionalized power."<sup>6</sup> Parallel to Bierstedt's definition, Lasswell and Kaplan<sup>7</sup> define authority as "formal power". However Friedrich who rejects this definition defines authority as "the quality of a communication" which is "capable of reasoned elaboration".<sup>8</sup>

Authority is usually regarded as a form of power. That is why we should understand "power" in order to have a better grasp of "authority", before clarifying the relationship between the two concepts.

The most general meaning of "power" is simply ability. This may be seen from the French term "**pouvoir**" and the Latin "**potestas**", both of which are derived from the verb "to be able (**pouvoir, posse**). Yet when we speak of power in a social context, we are usually thinking of a specific kind of ability, the ability to make other people do what one wants them to do.<sup>9</sup> After a linguistic analysis Raphael writes as follows:

"....."**Potestas**" is often used to mean "authority", just as "power" is, when we speak of giving someone legal "powers"

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<sup>5</sup>Roberto Michels, op.cit. p.319.

<sup>6</sup>Roberto Bierstedt, op.cit, p.133.

<sup>7</sup>Harold D. Lasswell and Abraham Kaplan, **Power and Society: A Framework for Political Inquiry**, Yale University Press, New Haven 1950, p.133.,

<sup>8</sup>Carl J. Friedrich, **Man and His Government**, McGraw-Hill, New York 1963, pp.218, 224.

<sup>9</sup> D.D. Raphael, **Problems of Political Philosophy**, Basingstoke 1990, p.165.

..... The person with power holds a special office. This means that he has authority in virtue of his office. If a man holds a position of authority and is able in virtue of that position to get others to do what he tells them to do his power is the exercise of authority." That is why the word "power" can be used to mean authority<sup>10</sup>.

And this is what is usually done by the Western authors. They use them interchangeably as "they feel that to see authority as a form of power will demistify it and thus provide the only sound basis for a scientific understanding of the state".<sup>11</sup>

As for as legitimacy is concerned we can divide power into two categories: *de facto* power and *de jure* power. A *de facto* power is the one which enjoys actual, effective power, regardless of its legitimacy; whereas *de jure* power is a legitimate; justified power. Thus we can say that lack or existence of legitimacy distinguishes the two kinds of power.

However, it is known that no power can survive long without legitimacy and therefore power has a general tendency to legitimize itself. For instance, even the dictators try to justify their positions with reasons such as prevention of anarchy and chaos, and establishment of unity of the people.

Then we have a significant question: what is the source of legitimacy? What are the criteria by which legitimacy is judged.

When we speak of legitimacy it implies legality. However, legality confers a *prima facie* legitimacy. It constitutes only

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<sup>10</sup>Ibid, p.166.

<sup>11</sup>Leslie Green, *The Authority of the State*, Clarendon Press, Oxford 1990, p.61.

one dimension of legitimacy. It is a necessary but not a sufficient condition for it. The rules of power themselves require justification, however they may have originated.

David Bentham writes that the threefold structure of legitimacy consists of rule-derived validity (legality), the justifiability of power rules (moral justification in Joseph Raz), and expressed consent.<sup>12</sup>

In this study I will use the term authority in the sense of a *de jure* power, that is, a legitimate *de facto* power, or, more clearly, a justified effective power.

In Islamic literature there are a few terms pertaining to the notion of authority, such as *sultān*, *mulk*, *amr*, *ḥukm* and *wilāya*. Now we shall briefly discuss them:

### 1. Sultān

This word is frequently used in Qur'ān with the meaning of a moral or magical authority supported by proofs or miracles which afford the right to make a statement of religious import.<sup>13</sup> The prophets received this sultan from Allah (e.g. Sura 14:12,13) and the idolaters are often invited to produce a *sultān* (proof) in support of their beliefs. In six places in Qur'ān, *sultān* has the meaning of "power", but it is always the spiritual power which Satan exercises over men.<sup>14</sup> It is this meaning of power or rather of governmental power which is attached to the word *sultān* in the

<sup>12</sup>David Bentham, *The Legimation of Power*, MacMillan, London 1991, p.

<sup>13</sup>"Sultan", *Encyclopedia of Islam* (EI<sup>1</sup>).

<sup>14</sup>14:26; 15:42; 16:101,102; 17:67 and 34:20

early centuries of Islam. The word and its meaning were probably borrowed from the Syriac *shultana*, which has the meaning of power, and although rarely, also that of the wielder of power.<sup>15</sup>

In the literature of Hadith, *sulṭān* has exclusively the sense of power, usually governmental power but the word also means sometimes the power of Allah.

The meaning of power of government has been maintained in Arabic literature to the present day. However, in modern Arabic *sulṭa* is used more frequently.

Around the eighth century, *sulṭān* became a designation for men exercising the power of government. At first it was a loose and nonspecific title by which various power holders, including even petty chiefs, decorated themselves. It became official in the eleventh century, when it was used by the Turkish dynasty known as the Great Seljuks, who adopted it as their principal title. Thereafter it was adopted by other rulers such as the Khwārazmshahs, the Mamluks of Egypt and the Ottomans. Through its usage over the years, the word acquired a connotation of political authority and military might as distinct from the religious prestige associated with the title *Khalīfa*.<sup>16</sup>

For Mawardi, *sulṭān* had not yet any other meaning than governmental power, as is evident from the title of his book *al-Aḥkām al-Sulṭāniya* (Ordinances of Government).

We can still come across with the title *Sulṭān* in some parts

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<sup>15</sup> "Sulṭān", EI<sup>1</sup>.

<sup>16</sup> Ami Ayalon, *Language and Change in the Arab Middle East*, Oxford Univ. Press, New York 1987, p.31; Bernard Lewis, *The Political Language of Islam*, Chicago 1988, p.52.

of the Muslim World. For instance, Brunei is a sultanate with her sultān as the supreme political authority.

## 2. Mulk

*Mulk* stems from the verbal root m-l-k which signifies "possession" and, by extension, "rule" or "government". The Arabic word for king (*malik*) comes from this root as well. The term was used as a royal title by pre-Islamic Arabs in southern Arabia and Syria.

According to Islam, Allah alone is "the King, the Truth", "the Possessor of Heavens and Earth". The Qur'ān says: "Say, O God, Possessor of sovereignty (*mālik al-mulk*), You give the sovereignty to whomever You choose and take it from whomever You choose".(3:26). This means that rulers of the Muslim community are vested with the exercise of God's sovereignty so that they could administer His divinely created polity; yet its ultimate possession, as well as the kingly title, remained exclusively His.

For that reason, when the word malik which is considered a divine epithet is applied to human beings, it usually has an unfavourable connotation. Thus in the Qur'ān, in the story of Joseph (*Yūsuf*), the word king is used of Pharaoh, hardly the model of a good and just ruler. In the early Islamic centuries, it became customary to contrast kingship with caliphate. While the latter represented Islamic government under God's law, kingship was taken to mean arbitrary personal rule, without this religious and legal basis and sanction.<sup>17</sup>

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<sup>17</sup>Bernard Lewis, *op.cit.*, p.55.

It is not until the middle of the tenth century that we find the word malik in official usage, occurring in inscriptions and coins, and used by rulers to describe themselves. Because by this time the central caliphal authority of the Islamic state had been weakened and local dynasties in the periphery gained strength. However, the use of the title malik did not indicate a claim to equality with the caliphs or, later, with the sultans. It served, rather, to assert a local sovereignty under the loose suzerainty of a supreme imperial ruler elsewhere.

The increasing number of local rulers identifying themselves as malik gradually rendered the name less majestic, for it came to imply limited authority over one realm among many, and subjection to a supreme suzerain. Thus we see a devaluation of the title.

In the first half of the 20th century, especially after the dissolution of the Ottoman State, the title malik was quite fashionable among the rulers of newly arising Arab countries. Nevertheless anti-monarchical revolutions and revolts in many kingdoms in the second half of the century brought about further depreciation of the title.

### 3. Amr

Amr is derived from the root a-m-r which denotes "speech" or "command". It is used in the Qur'ān and in other early texts in the sense of "authority" and "command". This meaning is quite clear in a well-known verse pertaining to the obedience: "Oh believers! Obey Allah and the Messenger and those in authority



among you (*ulī al-amr minkum*).<sup>18</sup> A person who holds a command or an office or position of authority is referred to as a *sāhib al-amr*. The holder of a high amr is an *amīr*. Later, the adjective *amīrī* is often used in the sense of "governmental or administrative".

The title *amīr al-mu'minīn* (Commander of the Faithful) is said to have been introduced by the caliph 'Umar. It soon became the standard and most common title of the caliphs, and used exclusively by them. Whereas, the title *amīr* which is usually translated as "commander" or "prince" was employed by a variety of lesser rulers, who appeared as governors of provinces, and even majors of the palace in the capital, and who arrogated to themselves effective sovereignty, while giving a purely symbolic recognition to the sovereignty of the caliph as the supreme legitimizing authority in Islam.<sup>19</sup>

In 935 the *amīr* in Baghdad, in order to assert his primacy over the *amīrs* in the provinces, used the title *amīr al-umarā'*, the "amir of amirs" or "chief amir". This title was adopted shortly afterwards by the Persian Buyid dynasty, who made it an effective title of sovereignty, distinct from the caliphate and indeed in many ways superior to it, since the caliph had now become just a puppet in the hands of his majors of the palace.

#### 4. *Wilāya* (*Walāya*)

*Wilāya* comes from the root w-l-y signifies "to be near or

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<sup>18</sup>*Qur'ān* 4:59.

<sup>19</sup>Bernard Lewis, *op.cit.*, p.51.

close to someone or something", and by extension it means "to be in charge", "to run or administer", "to govern or rule", "to exercise power or authority". When it is considered a substantive like *ṣināʿa*, it is a general term for any "conferment of power", authorization.

The verb, and the nominal forms *walī* and *wilāya*, appear frequently in the Qur'ān, the traditions and the early literature, to denote the ruler and the exercise of rule.

A distinction is made between a general and a special *wilāya*. The imam and the caliph possesses the general power. According to Mawardi, the vizier and governors of provinces have the general *wilāya*, the latter for their provinces. On the other hand, military commanders, judges and prayer imams, the leaders of the pilgrimage, financial officials etc. have a special *wilāya*.

As far as I see, the term *wilāya* generally implies a "delegated authority". For instance al-Ghazālī uses the term *wilāya* when he wishes to discuss the office and function of government, or the exercise of state authority. *Wilāya*, he says, is validly executed by sultāns who profess allegiance to the caliph. His point is to provide a legal and theoretical justification for the kind of de facto authority being exercised by the sultāns. Thus according to him the caliph has the real authority, while the sultans enjoy delegated authority in their realms.

The designation by the reigning caliph of his successor is called *wilāyat al-ʿahd*. Every heir apparent is therefore called *walī al-ʿahd*.

Wilāya has in time come to be applied to the area of walī's authority: thus in the Mamluk period in Egypt and Syria it meant the smallest administrative areas into which provinces are divided; in Turkey however the name is given to the largest administrative units (Turkish pronunciation: vilayet).

## CHAPTER I

## MAWARDI

## LIFE

Abū al Ḥasan ` Alī b. Muḥammad b. Ḥabīb al-Māwardī was born in Basra 364/974 and died in Baghdad in 450/1058, at the age of 86.

Basra was at that time among the principal seats of learning in the Muslim world. He received his education there, and it was probably a madrasa education. Just like Farabi, his primary education was in traditional sciences. It is obvious that his main area of interest and specialization was fiqh ( law, jurisdiction ) for whose knowledge he was well-known throughout his life. However, we can say that he was not indifferent to some speculative and intellectual issues, although this attitude is not reflected much in his work. Because, as we will see, he was accused of having some " Mu'tazilite " ideas. Furthermore in his political thought one can observe some Falāsifa influence, though its extent is not so great.

After completing his studies, he taught at Baghdad and Qūfa, yet did not stay long in the teaching profession, as he turned to judiciary in which he became a renown authority. He was appointed qāḍī ( judge ) and fulfilled the responsibilities of this post in various towns, in particular at Ustuwa, near Nishapur. As qāḍī of Baghdad he received, in 429/1038, the title of aqḍā al- quḍāt ( supreme judge ) in spite of the opinions of eminent jurists,

including Ṭabarī who denied the legality of this title. Many jurists maintained that it could appropriately be used only for God, but Mawardi did not pay any heed to these objections and retained it for the rest of his life.<sup>1</sup>

He was a respected jurist of his day. Although he was a Sunni of the Shafiite school, he was always received with great esteem by Shiite Buyids who were the actual rulers in Baghdad. Therefore he acted for the caliph al-Qādirbillah ( 381/422 /991-1031 ) in his negotiations with the Buyids, and when, in 429/1038, Jalāl al-Dawla b. Bahā al-Dawla ( d 435/1044 ) asked al-Qā`imbillah, the successor of al-Qādirbillah, to give him the title of shahinshah ( king of kings ) Mawardi expressed his objections in a fatwa ( formal legal opinion ). He also carried out various mission for al-Qāimbillah ( 422- 67/ 1031- 75 ), including one to the Seljuk sultan Tughrul Beg in 435- 6/ 1043- 5.<sup>2</sup>

Like Farabi, he was gentle, dignified and polite, however he had a perfect rectitude even when confronted by the powerful, as the above mentioned fatwā issue show.

In Mawardi's time, the political chaos was as bad as in Farabi's time, maybe even worse. As the Abbasid caliphate was increasingly weakened, province after province became independent under new dynasties. Many rulers refused to acknowledge caliphal authority and even some declared themselves as caliphs assuming the titles that were traditionally associated with the caliphs of

<sup>1</sup>Shaukat Ali, *Masters of Muslim Thought*, Aziz Publishers, Lahore 1983, vol.1, p.39.

<sup>2</sup>Ann K.S. Lambton, *State and Government in Medieval Islam*, Oxford Univ. Press, Oxford 1985, p.83.

Baghdad. In 928 Abd. al- Raḥman III declared himself Amir al-Mu'minin in Spain. In Egypt, the Fatimid established a Shiite caliphate as a direct challenge to Baghdad. In the West, other Sunnite caliphs questioned the legitimacy of the Abbasides and refused to recognize them. Almoḥad Abd al- Mu`min who succeeded Mahdi b. Tumart not only took the title of Amīr al- Mu`minīn but also laid claims that he was trying to revive caliphate in its true spirit.

The Abbasid caliphate of Baghdad reached the zenith of its political glory and spiritual authority under the Caliphs Hārūn al-Rashīd ( 786- 809 ) and his son al- Ma`mūn ( 813/ 833 ). However, Abbasids could not maintain the level of political, material and intellectual achievements for a long time. After a while, their propaganda lost its magic and their failure in materializing their promises, coupled with the declining military strength facilitated the disintegration of the empire.

The situation in Baghdad, the capital city, was not better. The Buyids of northern Iran, from their home in Daylaman highlands on the southern shore of the Caspian sea, had been pushing southward and had captured Isfahan and Shiraz. After 945 they established complete control over Baghdad and the caliph turned out to be nothing more than puppets in their hands. With the passage of time, however, the political hold of the Buyids due to the internal dissensions in their ranks weakened a great deal. In these circumstances, a possibility arised that under a competent and skillful caliph, the declining caliphal authority could be rejuvenated. Such an opportunity arose under caliphs al-

Qādirbillah and his son al-Qā'imbillah who displayed some determination and initiative towards the restoration of the Abbasid rule. Their ambition was further fortified by the fact that Sulṭān Maḥmūd of Ghazna, who was the most powerful ruler of the day and had created a vast empire in the East, had made public professions of his loyalty to the Abbasid caliphate.<sup>3</sup>

In this chapter we shall make textual and contextual analyses of the key terms, that is, we will discuss how our authors understand and use them, whether there are differences of meaning between the two scholars, or even in different works of a single scholar.

This will be done in three stages: we will discuss the primary concepts (those which play a central role in the thought of the scholar) and then the secondary ones (auxiliary terms). The same process will be repeated for the other scholar. And our chapter will end with a brief comparison of the key terms.

## KEY CONCEPTS

### 1. Primary Terms

#### a) Imām and Khalīfa

**Imām:** It is derived from the Arabic 'amma, "to precede, to lead". The person who guides a column of camels is called imām, and in this sense it may be rendered as "leader". However, imām is also a leader in the full sense of the word: "A person or learned man whose example is followed, or who is imitated, any exemplar or object of imitation, to a people or company of men, such as a

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<sup>3</sup>Shaukat Ali, op.cit., p.43.

head, chief or leader, or some other person whether they be following the right way or be erring therefrom".<sup>4</sup>

As the above definition states, *imām* may also be used for a thing which is a guide, example or model. Thus the Qur'ān is called *imām al-muslimīn* (the guide of the Muslims), because it is an exemplar. In the same manner, the model-copy or standard copy of the Qur'ān, namely the copy of Caliph 'Uthmān is particularly called *al-imām*.

In the Qur'ān we come across with the word *imām* with several meanings: it occurs frequently in the Qur'ān as meaning a leader,<sup>5</sup> a guide, an example and model.<sup>6</sup> Apart from these, *imām* may mean "a road or way" as in the following Qur'ānic verse: "And they were both, indeed, in a way pursued and manifest".<sup>7</sup>

*Imām* is used in the Qur'ān not only to describe the prophets of God and other devout personages, but unbelievers also, as in 9:12 where God says "Fight against the leaders of infidelity".

It is strange that the word "*imām*" nowhere appears in the Qur'ān in its common signification of a leader of public worship.

As the leader of the Muslim community, Prophet Muḥammad, during the whole of the tens years of his life in Medina led the public worship for his followers, it was only when he was absent from Medina on some military expedition that he delegated this office to one of his followers, whom he nominated for this express purpose. During his last illness, while he himself was in the

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<sup>4</sup>Edward William Lane, *An Arabic English Lexicon*, Cambridge 1984, p.91.

<sup>5</sup>e.g. 2:124 and 21:73.

<sup>6</sup>e.g. 25:74.

<sup>7</sup>15:79.