Islamic law employs a classification of acts that divides each into one of five categories (al-ḥakām al-khamsa), ranging from forbidden to obligatory. When the phonograph became a popular instrument at the end of the nineteenth century, the use of this new machine, which reproduced both the Quran being recited and the song of an unknown woman, had to be categorized. The present article presents the edition for the first time, with translation and analysis, of a fatwa on the permissibility of the phonograph, issued in 1908 by the Meccan scholar ʿAbdallāh Muḥammad Ṣāliḥ al-Zawāwī (d. 1924). Fatwas on phonography by the Indonesian scholar Sayyid ʿUthmān (d. 1914) and the later shaykh al-Azhar Muḥammad Bakht al-Muṭīʿī (d. 1935) are also analyzed. Two European scholars who recorded Quranic phonography are paid attention as well: Christiaan Snouck Hurgronje (d. 1936) and Gotthelf Bergsträsser (d. 1933). Their involvement with Quranic sound recording is placed within its historical context. Finally, a short impression is given of what survives of these early recordings.

From the moment phonography was invented by Thomas A. Edison in 1877, and certainly after the numerous technical perfections of the ensuing years, the phonograph became a much valued instrument, as well as a toy, that quickly found its way around the world.1 A box that could record and reproduce sound had been unimaginable. The new machine could be used in manifold ways, for amusement as well as for serious matters. The commercial function that Edison envisioned most was that of a dictaphone.2 That the wax cylinders could at first not record more than two minutes of sound was a handicap, but technical improvements soon doubled that amount of time. Another initial drawback was the fact that the cylinders could not be copied, but this, too, was solved.

A year later, in 1878, Edison published a number of possible purposes for his invention. Among the ten points that Edison enumerated, two were particularly relevant for scholarly and educational uses: “the preservation of languages by exact reproduction of the manner of pronouncing”3 and “Educational purposes.—As an elocutionary teacher, or as a primary

Author’s note: An earlier version of this article was presented at the workshop “Corpus Coranicum: Exploratory Workshop into the Beginnings of the Text,” held November 3–7, 2005 in Berlin, and later published in Dutch as “Fatwa’s over de fonografie van de koran,” ZenZem 3 (2007): 82–95, 139–40.


2. A promotional film of less than ten minutes entitled “The Stenographer’s Friend or What Was Accomplished by an Edison Business Phonograph,” which was issued by the Edison Manufacturing Co. in 1910, shows an overworked typist no longer able to cope with the mountain of stenographical notes she has to type out. The Edison phonograph brings happiness back to the office. The film is downloadable from the American Memory site of the Library of Congress.

3. Thus given in “The History of the Edison Cylinder Phonograph,” available online at http://memory.loc.gov/ammem/edhtml/edcylldr.html, accessed May 5, 2013, but in fact not found as such in Edison’s article in North American Review (see following note).
teacher for children, it will certainly be invaluable. By it difficult passages may be correctly rendered for the pupil but once, after which he has only to apply to his phonograph for instructions. The child may thus learn to spell, to commit to memory, a lesson set for it, etc., etc.”

Linguists and anthropologists used phonographs until late in the 1930s. One and the same machine able to make a recording and then reproduce it had a great advantage in the field over the technically more complicated sound recording on discs to be played by gramophone, an invention that appeared more or less simultaneously with the phonograph. The manufacture of sound discs was much more complex and demanded a higher technical level than recording on wax cylinders. Once the Edison Home Phonograph, a self-contained instrument to be sold at an affordable price, was developed for the market in 1896, the recording of sound came within the reach of a large public.

An early reference to the phonograph in Muslim lands was given by Aḥmad Rāsim, an employee of the Turkish Imperial Telegraph Company, who in 1885 published a booklet with the title “The Phonograph, One of the Most Remarkable Inventions of Mankind,” apparently translated into Turkish from a European language. It included a portrait of Edison and three images of an early phonograph, but does not attest to its use in a Muslim country. There is no discussion as to the permissibility of phonography.

For Islamic law scholars slightly over a hundred years ago, use of the phonograph was an entirely new subject. They approached this novelty by traditional methods—finding precedents and applying analogy. Their purpose was to categorize the act of using this marvelous invention, this piece of wood that reproduced the human voice, as one of five qualifications (ḥaḵḵām) of Islamic law (fiqḥ): obligatory (jārī), recommendable (ṣūnna), permitted (muḥābah), reprehensible (maḵrūh), and forbidden (ḥārām). Only when the jurisprudents have classified an act in one of these categories can believers know how to approach such a novelty. Quranic recitation is considered “divine music” and more generally an act of worship. The conditions for recitation according to fiqḥ are ritual purity—cleanliness of body and mind. Elaborate rules are to be observed by the reciter as well as the listener, for both reciting and listening promise a heavenly reward. The Quran is for Muslims, as its name (lit. recitation) implies, the pronunciation of God’s word; secondarily it is a holy book in written or printed form. This aspect of orality makes early discussions by Muslim jurisprudents on Quranic phonography even more relevant. Some attention has been paid recently to the


5. Bedāʾiʿ-i keshfiyyāt ve ikhtirāʿāt-i besheri-den: Fōnōghrāf, tr. A. Rāsim (Istanbul: Baghdādliyān, 1302 [1885]), 15 pp; available online at www.islamicmanuscripts.info/reference/books/Rasim-1885-Phonograph.pdf. The copy of this rare text in Leiden University 2056 C 35:3 is bound with two other texts on aspects of modernity: İbnurrıżā Ṭāhir Kenʿān [Ibn al-Riḍā Ṭāhir Kanʿān], Ḥadīthāt-ı ṭabīʿe (Natural Phenomena), signed at the end by Bashīr Fuʿād (Istanbul: Mehrān, 1305 [1888]), 111 pp.; and Meḥmed Şevqī [Muḥammad Shawqī], Yıldırım ve ona qarşı tedābīr (a work on protection against thunderbolts) (Dār-i Saʿādaṭ: Qarābat ve Qaṣpār, 1304 [1887]), 27 pp.


7. The rules are summed up in several medieval works, of which the best known is al-Tibyān fī ṣābi ᷩimalat al-Qurʾān by Yahyā b. Sharaf al-Nawawī (d. 676/1278), of which numerous editions exist and which is regularly being reprinted. It has been translated into English as Etiquette with the Qurʾān, tr. M. Furber (Burr Ridge, IL: Starlatch Press, 2003).

consequences of new technologies in the duplication of the Quranic text, but the legal aspects of this remain largely unresearched.9

When the Dutch Islamicist Christiaan Snouck Hurgronje (1857–1936) published an article in 1900 on Muslim legal opinion on the recording of sound in general and of the recitation of the Quran in particular, he was treating an issue that was then very modern.10 At the time Snouck Hurgronje was based in Batavia (Jakarta), where he held the influential post of official adviser to the Dutch colonial government on Arabian and Islamic affairs. It was his job, among other duties, to monitor new trends in the thinking of Indonesian Muslims, to report about these to the Dutch authorities, and to write official dispatches containing advice. These dispatches, most of which have been published, are still a prime source for the history of Islam in Indonesia in the late nineteenth and early twentieth centuries.11 At the time they were conceived, however, they had a practical purpose and a very limited circulation. Occasionally Snouck Hurgronje found the time to expand his research and work out its results in learned articles—his article on the phonograph is a typical spinoff of his official remarks.12

Phonography in Islamic circles was never a subject that required Snouck Hurgronje’s official advice, but writings and fatwas on aspects of phonography were issued in Indonesia, and reading them was his work. Of the early authors on phonography, two were in fact acquaintances of his—Sajjid Oethman (Sayyid ʿUthmān) and ʿAbdallāh al-Zawāwī. The former probably offered the booklet that he published in 1899-1900 on phonography to Snouck Hurgronje; the latter sent him a handwritten copy of his fatwa on the same subject in the course of 1908. That document, which is not widely known, is herewith published and translated.

A favorable circumstance was that Snouck Hurgronje had a genuine interest in all sorts of technical novelties. He brought photographic equipment with him for his stay in Jedda and Mecca in 1884–1885, and after the Egyptian officer Muḥammad Ṣādiq Bey (Sadic Bey) he was the second photographer—together with the Meccan physician ʿAbd al-Ghaffār b. ʿAbd al-Raḥmān al-Baghdādī13—to record images of Islam’s holy city and its inhabitants, and the first Westerner to do so. Much later in life he chose to travel to the 17th International Congress of Orientalists in Oxford (August 28–September 1, 1928) by airplane, a choice of transport that again illustrates a certain eagerness for new technologies. But at the beginning of the twentieth century phonography had taken his fancy, not just to write about Muslim reactions to this new phenomenon, but also to embrace, play, and work with it for its own sake at his home in Weltevreden, Batavia.14

9. See Ch. Hirschkind, “Media and the Qurʾān,” in The Encyclopaedia of the Qurʾān, ed. J. D. McAuliffe (Leiden: Brill, 2001–2006), 3: 341–49 (pp. 343–44 are devoted to the phonograph, with Snouck Hurgronje’s article of 1915 as its source). Hirschkind places the introduction of the sound recording of the Quranic text within a more general framework of the mechanical reproduction of the Quran, including printing, which is itself extensively treated by M. W. Albin, “Printing of the Qurʾān,” in ibid., 4: 264–76.
14. Some of Snouck Hurgronje’s recording sessions, which took place in 1905 or 1906 with the Acehnese exile in Batavia, Bentara Muda, and his wife, have been documented in H. T. Damsté, “Mémoires van een Atjehschen...
EARLY ISLAMIC WRITINGS ON SOUND RECORDING

The earliest known document on the use of phonography in an Islamic context dates from 1899. It is a fatwa, a legal opinion, issued by Sayyid ʿUthmān (1822–1914) in Batavia. Sayyid ʿUthmān was of Ḥaḍramī origin, like so many Arabs in southeast Asia. He was a leading intellectual in Islamic circles, had many contacts with the colonial authorities, and exerted considerable influence by way of the stream of publications that came from his lithographic press. Some of these are still being reprinted. Inevitably, he was involved in many controversies concerning both Islamic law and the modus vivendi between Indonesian Muslims and the colonial authorities. In his fatwa he divided the matter of the phonograph into three questions, which he answers (after a lengthy introduction with considerations of a more general nature):

1. Is phonography an honest profession? Is reciting the Quran and a singing woman from the same box permitted? Answer: If decency is guaranteed, it is permitted.

2. Are the sounds reproduced indeed the Quran? Is there a reward for the listener? Answer: No reward is gained, because the sound does not come from the mouth of a human being, and the Quranic sound that one hears from the phonograph is not produced by the human organ of speech.

3. If phonographic sound is not considered to be the human voice, may one listen to a phonographic copy of a strange woman’s (ajnabiyya) voice? Answer: If the listening arouses lust it is forbidden; if this is not the case, it is permitted. There is an analogy with looking at the shadow of a strange woman, or at her image in a mirror.

Sayyid ʿUthmān’s fatwa on the phonograph was criticized, whereupon he wrote a more elaborate one to silence his opponents. Although he does not provide their identity, Sayyid ʿUthmān’s lengthier fatwa is a vigorous rejection of the opinion and conclusions on the same subject of a Singaporean mufti, who was apparently more permissive and liberal than Sayyid ʿUthmān. The Singaporean mufti held the following views: to listen to phonographically produced sounds is always permitted; to listen to phonographically produced Quranic recitation brings reward; prostration while listening to the sajda verses produced phonographically is recommended; the engravings in the cylinder have the same legal status as script in a written or printed Quran.

A few years later, an Egyptian jurisprudent by the name of Muḥammad Bakhīt al-Muṭīʿī (1856–1935) wrote a pamphlet on the subjects of phonography and insurance, two subjects that are only related by the fact of their modernity. The author was a former member of the
Egyptian High Court and would go on to have a distinguished career as Egypt’s Grand Mufti. He had already written two treatises, one about the phonograph, the other about insurance, but these had, so he tells us, aroused criticism from several sides, and in the present work he sets out to position himself better on the two subjects and to give a fuller explanation. This he does first in the form of twelve questions that are put in the mouth of a (fictitious?) person and are then followed by the author’s answers. These answers gain in weight by their fatwā-like appearance. The questions can be reduced to the following ten:

1. Can a wax cylinder of the Quran be considered the same as the Quran in book form?
2. Does the person who plays the cylinder receive the same reward as the copyist of the Quran?
3. Can the person who plays the cylinder be considered a reciter of the Quran?
4. Are imperfections in playing the Quran a sin on the account of the reciter who was recorded, and are these repeated by repetition of playing, and is he rewarded if the performance is perfect?
5. Is the recitation that comes out of the phonograph real or just the likeness of a recitation? [This question suggests ignorance regarding the inner workings of the phonograph, which are then explained. Edison’s name is mentioned.]
6. What about the entertainment character of the mechanical recitation of the Quran? [The author answers with an explanation of the serious applications of the phonograph.]
7. What is the difference between the repetition of the Revelation by a machine and that by the angel Gabriel? [The answer explains the difference between lafẓ (the form, or sound of the machine) and maʿnā (the meaning, or content of the Revelation).]
8. Is a verse of the Quran incumbent on the believer when recited by a machine, as it is when recited by a live person? [The answer is that the only difference is in the speaker (al-nāṭiq), viz., an intelligent one and an unintelligent one. Referencing Q 20:12 (and also 79:16), al-Muṭīʿī finds a parallel when the prophet Mūsā hears God’s word coming out of a (burning) piece of wood. The author ably works out this parallel with reference to early Islamic discussions on the divine attributes, of which the divine word is one.]
9. What about the fact that God’s word must be recited with emotion (bi-ḥazn)? [The answer is that a phonograph has no feeling, but whoever listens to God’s word should feel the emotion, even when it is reproduced phonographically.]
10. What if the phonograph also reproduces the sound of the Gospel? [The answer is that it can only reproduce one recording at a time. Nobody can say that when God’s word is phonographically reproduced, this is not the Quran. When the Gospel is phonographically reproduced, then that is the Gospel to its people.]

These questions and answers follow a refutation by al-Muṭīʿī of an unnamed, harsh critic of both his treatises on the phonograph and on insurance, one of whose reproaches was that al-Muṭīʿī had not given an adequate description of the phonograph machine. This was, of course, rebutted by al-Muṭīʿī, and a short description of the working of the phonograph is

18. The wood is, in fact, not mentioned in the Quran, but the major commentaries (Tafsīr al-Jalālayn, al-Kashshāf of al-Zamakhshāri) explain the fire as burning on a piece of wood. The Quranic reference describes the same incident that is mentioned in Ex 3:2–5. There are, however, important differences between the Quranic and biblical versions of the story.

once more given. The other criticism concerns al-Muṭīʿī’s opinions on insurance, mostly in connection with international commerce. The ensuing discussion, which quickly derails and shifts into a full-fledged theological discussion with a wealth of technicalities and intricacies, falls outside the scope of the present article.

A third early writing on the phonograph was a fatwa by the Meccan scholar of Maghribi descent ʿAbdallāh Muḥammad Ṣāliḥ al-Zawāwī.20 Al-Zawāwī first met Snouck Hurgronje in Jedda in 1884, when the latter was on his way to Mecca where he would stay between February and July 1885. Like his father, al-Zawāwī was a professor in the Great Mosque of Mecca.21 Upon being exiled from Mecca he traveled widely in Southeast Asia, in particular to the Arab Sultanate of Pontianak on the west coast of Kalimantan (Borneo), and in the Middle East. During this time he looked after his business interests, inquired after resorts to treat his fragile health, and tried to find a way to return to Mecca. In this he eventually succeeded. He was killed during Ibn Saʿūd’s conquest of al-Ṭāʾīf in 1924. In his lifetime he was an invaluable informant for Snouck Hurgronje and their long correspondence touches upon numerous interesting subjects.

AL-ZAWĀWĪ’S FATWA ON PHONOGRAPHY

In his letter to Snouck Hurgronje of 12 Shaʿbān 1326, al-Zawāwī writes:

You mentioned the arrival of my letter, although it contained nothing about the phonograph, you thanked me for that, but this, I mean your gratitude, is for something where gratitude is not due, and this is just the result of your virtue and your perfection. From it I understood that you have a special interest in what was written concerning the phonograph, so I asked my son to look for the draft version, and to do that urgently. He found a copy of the draft in his own poor handwriting, but for someone like you it is legible, and therefore I enclose it in this letter. I hope it reaches you, and if you have any criticism, please let us know.

The text22 of al-Zawāwī’s fatwa follows:

بسم الله الرحمن الرحيم

ظهرت آلة تنطق بالحرف بالغناء والاشعار المختلفه وتغنى وتنوح ويظهر فى بعض الواحها المسمات اسطوانات قرآنة القرآن والاذان وصارت متداولة فى كل سوق ومجمع وفى كل قهوه وتباع فى كل دكان واكثر بائعيها نصارى ومجوس وغيرهم فارجو بيان حكمها متي كانت تنطق بالقرآن وحكم الواح الابسطوانات التي يسمع منها صوت القرآن بالالة المذكورة

20. A draft of the unpublished fatwa was added as an enclosure to al-Zawāwī’s letter from Malacca, dated 12 Shaʾbān 1326 [8 September 1908], addressed to C. Snouck Hurgronje, who by then had become a professor in Leiden. It is kept in the Snouck Hurgronje Archive in Leiden University Library, Or. 8952 A: 1127, available online through the library’s general catalogue.

21. For a survey of his ancestry, early career in Mecca, and the controversies that surrounded him there, see Snouck Hurgronje, Mekka in the Latter Part of the 19th Century, 200, 204, 223, 287, 301, 308.

22. I have kept the orthographic peculiarities of the manuscript intact and I have made no attempt at normalization, omitting vowels and such signs as the madda, even when present in the manuscript. I did correct a few obvious mistakes that would otherwise have made the Arabic incomprehensible, which I reference in my notes, and divided the text into paragraphs to facilitate reading. Notes to the Arabic text: ll. 4, 11: The word sawr is apparently written with tāʾ marbūta instead of tāʾ; l. 6: The canonical orthography of Q 16:43 and 21:7 leaves out the alif in fasʾalū; l. 7: the text after al-jawāb was apparently added later; l. 9: the ms has al-ṣūlān instead of al-ṣūliyyīn; l. 10: the text between the double vertical strokes is given in the ms as an endnote; ll. 26, 27: the ms twice has an extra alif between lām-alif and the lām in al-alwāḥ; l. 39: the ms has an extra alif between rāʾ and the hanza of li-l-qāriʾ.
من حيث الاحترام ومن حيث الحمل والمس مع الحديث ومن حيث طلب السجود للتلاوة عند سماع آية سجدة منه وكنما الآذان أو عدم طلب ذلك فإنه قد اختلف في حكمها الأفهام فمن مشدد ومن مخفف وقد قال تعالى فاسئلو اهل الذكر إن كنت تعلمون الجواب

الحمد لله وحده والصلاة والسلام على من لا نبي بعده وله وصحبه وحذبه ونحده من المعلوم أن الحال هو ما أحله الله سبحانه وحرام ما أحرمه الله سبحانه وتعالى وتعالى وسكنت عن إثبات من غير تسبيان فلا ينسل عنها وملوم أن هذه الآلة حادثة لا يوجد في حكمها بعينها نص معين وأن النقول على الله يعني الجازم بتحريم شيء أو أباحته من غير نص قطع آثم ورائع المقرر عند الأصوليين أن الأصل في الأشياء الحلال والإباحة والقياس | تعريف القياس هو

اثبات مثل حكم معلوم لملوم آخر لاجل أثبتاه في علة الحكم (...) يشتهر لصحته وجود الاستثناء بين المقصي والمقص وليس في علة الحكم وقد تقدم في هذه المسئلة جماعة من أهل العلم في هذا الزمان فبعضهم اباح مطلقا وسحل الموعد يعتبر للالواح المذكورة فيها صوت القرآن شيئا من الاحترام بل قال يباح الاستنجاء بها وبعضهم جعل لها حكم القرآن من كل جهة وبعضهم حرم مطلقا ومنع وجعل هذا الفعل اباح صوت القرآن في الأسطوانات المذكورة من أكبر الكبار والذي يظهر لرافع هذه السطور أن المسئلة تنحل إلى خمسة أسئلة كما سئر

1- الكلام على الحاكي الآلة التي تسمى “قرامون”
2- الكلام على الألواح الأسطوانات التي بها صوت القرآن
3- الكلام على السجود للتلاوة لسماع آية السجود من الحاكي
4- الكلام على حصول الثواب للسامع أو عدمه
5- الكلام على حصول الثواب لمودع قراءته في الواجه الحاكي أو الوزير أو عدم ذلك فالأجواب عن الأول أن الآلة لها حكم ما يستعمل فيها من جهة الاحترام وعدهما وما من جهة استعمالها في تادية القرآن فالظاهرة أن ذلك يرجع لقصد المستعمل فأن قصد بذلك الاعتقاد والاعتقاد بسماعه أو له قصد آخر صحيح غير قصد الاعتراض والاعتقاد كأن يستعين بها على ضبط الحروف أو على التجويد أو غير ذلك من الأمور الشائع شرعا فلا وجه للمنع منه ويجب أن يثبت بحسب قصد ونبيته وإن قصد به اللعب والتلهي كما عليه الأكثر في سماع الآلة المذكورة فيمنع منه وينبغي أن يأت بفعله ذلك وأخطئ أن يدخل فاعله في عداد من اتخذوا دينهم هزوا ولعبا فينغلوه وعن قوله تعالى وذر الذين اتخذوا دينهم لعبا ولهوا وغرتهم الحياة الدنيا وذكر به أن تبس على آخر الآية ثم من حيث كون الآلة المذكورة أكثر من يستعملها ليس فقصه سوى اللهو ولعب للأولى ومن استعمال الآلة المذكورة في تادية القرآن وتكون مجردها لما هي له في الاصل من الغنى وما يبت بعه
والجواب عن الثاني أن الأسطوانات الموجودة فيها القرآن ينبغي أن تكون لها حكم الألواح والقرآنات التي يكتب فيها القرآن أو حكم الجلد الذي يجلد به القرآن لأن احترامنا للورق والألواح بل والجلد والغلاف وصندوقها ما دامت فيه قرآنًا هو نسبته للقرآن لخصاصه في المداد ولا شك التخطيط ويسمى رسم الحروف خطوًة ومالك نكتبه ب букв حمصنا الآن لا شك أنه مخالف لما كتب به في زمن الصحابة وكذلك المصاحف التي كتب بها القرآن بخط دقيق لا يرى إلا بالمكبوتات ثابتة من علم حالاتنا لحد ماذا كتب كله يظهر وجوب احترام الواح الحاكية يعني الأسطوانات على من يعلم وجود صدي القرآن بها لحكم القرآن حتى أن النقوش التي بالأسطوانات المذكورة لا منع من أن تكون بالنقوش المصطلح عليها في الكتابة إلا أن هذه تدرك بحاسة النظر ويعرفها الكاتب فقط وتكبر بحاسة السمع ويدرّكها كل سماع في أول وما في المصاحف الدقيقة الخط لا ترى الكتابة فيها إلا بالآلة المكبرة وما في الألواح الأسطوانات لا يسمع إلا بواسطة الإلالة " القرافون" فذلك رهينا القلب في ذلك صحيح لأجل وجود الاشتباك بين المقص والم noktas عليه فعلى العالم بما ادع فيها من القرآن احتراهما كما تحترم الألواح والقرآنات التي فيها القرآن وما من جهة مسا مع الحدث وحملها مع الجناية فبينبغي أن يكون لها حكم الألواح والقرآنات التي بها القرآن فإذا كانت الألواح والقرآنات التي بها القرآن كله أو بعضه محترمة ويجرب المملوك مع الحدث ومع الجناية فلمما لا تكون الواح القرافون واستطواناتها محترمة ويجرب مرسها وحمرها مع الحدث مع أن التقوش الموجودة في الواح القرافون اجدر من النقوش الكتابية لأن تسمى كتابا لانها كتابة طبيعية حدثت من تموح الهواء بالقرآنة الفظية بواسطة الإبرة المعروفة وهي تعيد الكلام كما بدأ القاري لا تخليد وأها الكتابة الخطية المعروفة هي كتابة اصطلحية لا تؤدي الكلام بطبعها بل بالمواصفة والاصطلاح وقد يقح فيها الخطاء من الكاتب فلا يؤدي ما املك عليه كما هو من القرآن فلا يؤدي ما كتب على وجهه وان كان عارفا بالكتابة بل الملتقي القرآن لا يضطغطها كما هي ولذلك قال بعض علماء الأصول ان توأرت القرآن خاص بما هو ليس من قبل الآداب فانما لا نقطع بأن ألاتنا لهذا القرآن المكتوب كأداء النبي صلى الله عليه وسلم ولو كان في عهد فونغراف حفظت به قرانته لقطعنا بذلك ولعذباً أيضاً مئاتنا واكثرهم القرآن ويجب قطعها واهانته من الكبائر ويؤدي إلى الكفر ان كان عن عمد والجواب عن الثالث الظاهر أنه لا يشرع السجود عند سماع أي سجدة من الحاكي لصوت القاري لعدم القصد فقد صرح الفقهاء بأنه لا يسن السجود لقرانه من لا قصد له كالنائم وهذا جماد الأجسام الأولى والجواب عن الرابع يعني هل يحصل التواب للسالع فحالجواب أن كان السالع يسمع سماع اعتبار وانصات وفتحهم وخفوش فيثان ولا فرق في ذلك بين أن يكون القرار مسلمًا أو كافراً أو ملكاً أو جنباً فالمستقبل له اجر سماعه عليه يقال استماع القرآن من القرافون تعني الآلة الحاكية لصوت القرار يثبت عليه السالع أن حقن الاستماع وبعاقب عليها ان اساء الاستماع
There has appeared an apparatus that speaks with sounds, with singing, and all sorts of poetry, and it sings and it wails. On some of its tablets, 23 which are called cylinders, there appears recitation of the Quran and of the call to prayer, adhān. It has become commonplace in the suq, in gatherings of people, and in every café, and it is sold everywhere, most of its buyers being Christians, Mazdeans, and others. I hereby request an elucidation on its legal status when it speaks Quran and on the legal status of the cylinders from which the sound of the Quran is heard with the aforementioned apparatus, this from the viewpoint of veneration [for the Quran], from the viewpoint of carrying and touching [it] with ritually impure matter, and from the viewpoint of having to prostrate for the recitation upon hearing from it a sajda verse, and likewise in connection with the adhān, or when this is not required, since opinions differ as to its ruling—some are strict and some are more lenient in this respect. God, the Highest, has said: “Ask the followers of the reminder if you do not know.” 24

The answer:

Praise be to God alone, and blessing and peace be upon him, after whom there is no prophet, and upon his family, his companions, his party, his regiment, and his army. It is known that the permitted is what God, He be praised, has permitted, the forbidden is what God, He be praised and exalted, has forbidden, and He is silent about [other] things, without being forgetful, but only because these were not asked about. It is known that this apparatus is something new, for which there is not yet an authoritative text as to its legal status, and that is on the authority of God, that is, finality about something being forbidden or being permitted without an authoritative text is sinful. The preponderant adopted position among those who concern themselves with the principles of the law is that the basis of things is

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23. Al-Zawāwī uses both “gramophone” (ll. 13, 25, 28, 36) and “phonograph” (l. 32). It is possible that he uses them interchangeably, as is often done in the early sources, including those in English. The meaning of usṭuwāna for wax cylinder, which strictly speaking can only refer to the phonograph, has shifted in modern Arabic usage to “gramophone record disc.” Al-Zawāwī’s use of lawḥ is not unequivocal. He uses it to denote both “gramophone record” and the traditional writing slab. I have translated it as “tablet,” but its double meaning cannot be maintained in the translation. Al-Zawāwī also needs lawḥ for analogical purposes, since he intends, of course, an association with the heavenly tablet, al-lawḥ al-maḥfūẓ, which contains the archetype of the Quranic text. Since the introduction of “tablet” for digital devices, the word has acquired a whole new semantic dimension.

24. Q 16:43 and 21:7. Above, “being Christians, Mazdeans (majūs), and others” may allude to Q 22:17, which mentions all who will be judged on the day of resurrection.
lawfulness, being permitted, and analogy (the definition of analogy is the establishment of the likeness of a known ruling to another so as to compare the ratio legis\textsuperscript{25}). A condition for its correctness is that there is a likeness between the compared object and that with which it is compared in what concerns the ratio legis and a number of contemporary scholars have given their opinions on this question. One allowed it without qualification, and made the matter easy, not considering the tablets on which the sound of the Quran is recorded as something that should be venerated. On the contrary, he said that it is permitted to use them [even] for ritual cleansing purposes. Another put it in every way in the category of the Quran, and yet another declared it unlawful without qualification, forbade it, and made this act, I mean recording the sound of the Quran on the aforementioned cylinders, one of the gravest sins. To the writer of these lines it appears that the question can be divided into five questions, as you will see:

1. the discourse on the reciter, the apparatus that is called gramophone;
2. the discourse on the tablets, the cylinders on which there is the sound of the Quran;
3. the discourse on prostrating during the recitation, upon hearing a \textit{sajda} verse from the loudspeaker;
4. the discourse on whether or not the listener is rewarded;
5. the discourse on whether or not the person who records his recitation on the tablets of the loudspeaker is rewarded, commits a sin, or neither.

The answer to the first question is that, as far as veneration is concerned, a ruling regarding use of the apparatus applies. When it is used in order to perform the Quran, the obvious opinion is that this depends on the aim of the user. If his aim is to preach or to admonish by making it heard, or if there is another correct intention other than admonishing and preaching, as when he is using it for vowelization of the letters or for reciting or for any other lawfully permitted purpose, there is no reason to prohibit this, and he should be rewarded according to the aim and intention that he had. If his aim is to play and to indulge in amusement, as is often the case when listening to the aforementioned instrument, then it is forbidden and doing that should be considered a sin. I am afraid that whoever does this becomes one of those who have taken their religion in contempt and as amusement, and he should heed the words of God, exalted is He: “And leave those who have taken their religion for a play and an idle sport, and whom this world’s life has deceived, and remind [them] thereby lest a soul should be given up . . . ,” till the end of the verse.\textsuperscript{26} Hence, as most people do only use the aforementioned apparatus for amusement and play, it is best to prohibit the performance of the Quran with it, and thus it will only be used for what it was originally designed, that is for singing and the like.

The answer to the second question is that the cylinders on which the Quran is recorded should be considered, as far as the law is concerned, in the same way as tablets and the paper on which Quranic text is written, or as the leather with which a Quran is bound, because our veneration for the paper and the tablets, correction: \textsuperscript{27} for the leather, the cover, and the boxes in which copies of the Quran are kept, is there all the time because of their relationship with the Quran, not because of the substance of the ink or the style of writing, that is, the writing of the letters in particular. What we nowadays write our copies of the Quran with—there is no doubt that it is different from how it was done in the time of the Prophet’s

\textsuperscript{25} This definition of analogy, taken from al-Qarāfī’s \textit{Tanqīḥ al-fuṣūl fī ikhtiṣār al-Maḥṣūl fī l-uṣūl} (ed. Tunis 1910, p. 331, chap. 17), was added by al-Zawāwī as an endnote in the Arabic text.

\textsuperscript{26} Q 6:70.

\textsuperscript{27} The Arabic word \textit{bal}, here translated as “correction,” indicates that \textit{alwāḥ} is a writing error. A less literal translation would simply ignore it and read: “. . . because our respect for the paper and the leather . . . ”
companions. Likewise, there is the question of miniature copies of the Quran that can only be read with a magnifying glass. These are without doubt venerated by every well-informed person. Because of all of what I have mentioned it seems that it is obligatory to pay respect to the tablets of the loudspeaker, that is, to the cylinders. This is incumbent on whoever knows about the existence of the sound of the Quran on the cylinders, because of the veneration with which one should treat the Quran. This includes the engravings that are in the aforementioned cylinders and there is nothing that prevents this respect being extended to generally accepted lines of writing, except that the latter are perceived with the sense of seeing, known only by the writer, whereas the former are perceived with the sense of hearing, and every listener can hear them, and these are more suitable. As to miniature Quran copies, the writing in them can only be seen with a magnifying instrument. As for the tablets [and] the cylinders, these cannot be heard except with the instrument [called] the “gramophone.” And that is why we are of the opinion that the [application of] analogy in this case is correct, because of the resemblance between the two compared items. Therefore it is incumbent on the person who knows that the Quran is recorded on the cylinders to treat them with veneration, just like the tablets and paper with Quranic text should be treated with veneration. As for touching the cylinders in a state of ritual impurity and to carry them in such a state, from the perspective of the law they should be treated in the same way as tablets and paper on which there is Quranic text. And if the tablets and papers on which is the entire Quran or a part of it are venerated, and it is forbidden to touch or carry them in states of minor or major ritual impurity, why then would the tablets and cylinders of the gramophone not be treated with veneration and would their being carried in a state of ritual impurity not be forbidden, despite the engravings on the tablets and the cylinders of the gramophone being more worthy of being called writing than lines of writing because they are a natural writing that happens through the undulating of the air by the reciting of the words by way of the well-known needle, which faultlessly repeats the speech as the reciter has produced it. As for the well-known writing by hand, it is commonly accepted writing which does not render speech naturally but by description and convention, and sometimes the writer makes mistakes and does not reproduce what is dictated to him. And sometimes the reciter does not properly reproduce what is written. Even if he is able to write it, as the receiver of the recitation he does not vowelize properly. That is why some legal theorists have said that the uninterrupted transmission of the Quran from one generation to another is characteristic of it, not through being reproduced. Thus, we cannot say with certainty that our reproducing of this continuous Quran is identical to the way the Prophet, may God bless him and grant him peace, recited the Quran. Had there been in his time a phonograph by which the Prophet’s reciting had been preserved, then we would have certain knowledge about this and it would be considered as continuous. Veneration for the Quran is a duty for certain and to treat it with contempt is a grave sin, and leads to unbelief if it is done on purpose.

The answer to the third question: It is evident that there is no obligation under the law to prostrate when one hears a sajda verse from the loudspeaker of the voice of the reciter,

28. Al-Zawāwī gives the example of the miniature Qurans in order to have an argument in favor of the phonograph by way of analogy, viz., if a visual aid is already accepted, then by extension the use of an instrument to hear the Quranic text should be as well. The visual aid, the magnifying glass, is here the core of the reasoning. This passage in al-Zawāwī’s fatwa, by implication, dates the existence of small Quran copies, to be used with a reading aid, at least to the end of the nineteenth century. Micrography in Islam is much older than that, but the use of magnifying glasses is not attested. For a study of miniature Qurans, see H. Coffey, “Between Amulet and Devotion: Islamic Miniature Books in the Lilly Library,” in The Islamic Manuscript Tradition: Ten Centuries of Book Arts in Indiana University Collections, ed. C. Gruber (Bloomington: Indiana Univ. Press, 2010), 78–115.
because there is no intention here. The jurists have clearly said that it is not prescribed to prostrate upon hearing the Quran recited by someone who has no intention to recite, such as someone who is sleeping, and this apparatus is an inanimate being, and the quality of being inanimate prevails here.

The answer to the fourth question, namely, whether the listener is rewarded, is that if the listener listens with consideration, attention, understanding, and obedience, then he will be rewarded. Here there is no difference if the reciter is a Muslim or an unbeliever, an angel or a jinn, because the listener has the reward of his listening, and on the basis of that it is said that for listening to the Quran from the gramophone, I mean from the apparatus that speaks the voice of the reciter, the listener is rewarded if he listens well, and he is punished if he listens badly or if he takes the verses of God as play and an idle sport, as there is no difference between hearing from the mouth of a reciter or from the tube of the loudspeaker.

The answer to the fifth question, namely, whether there is a reward for the recorder of the recitation on the tablets of the loudspeaker or whether he is committing a sin by doing that, is that from all that has been mentioned before, it is evident that writing copies of the Quran and tablets and recording sound on the tablets share the same legal ruling. I mean that for the person who intends benefit and reward, there is a remuneration. For the person who wishes to make a profit and play, there is no remuneration; on the contrary, he is punished, as the deeds are according to the intentions. My own opinion is that it is more suitable for the reciter that he not record his recitation on the aforementioned cylinders as sound of the Quran, in order to prevent it falling into the hands of people who are not serious and who act contrary to the religion, whereby lack of veneration for the Quran can occur and the recorder of the Quran is the cause thereof.

God, praised and exalted is He, knows best.

[signed by] Al-Sayyid ʿAbdallāh Muḥammad Ṣāliḥ al-Zawāwī

SCHOLARLY USE OF SNOUCK HURGRONJE’S RECORDINGS AND OTHERS

In 1906 Snouck Hurgronje repatriated to the Netherlands on his way to an influential academic career, but he sent his Edison phonograph to Jedda and Mecca, where numerous recordings were made. Most of these contain vocal and instrumental music but there is a modest amount of Quran recordings as well.

Instructions on recording were sent by Snouck Hurgronje from Leiden to his acquaintance Muhammad Saʿīd Tadjoedin (Tāj al-Dīn) in Batavia. This Arab of Ḥaḍramī origin was a shipping agent in the pilgrim transportation trade. His brother Jamāl (“the old Tadjoedin,” as he was called in the Dutch colony in Jedda at the time) lived in Mecca and Jedda, and operated the phonograph according to the instructions that he received. Outside of the pilgrimage season there was plenty of time to indulge in scholarly projects, and Jamāl was often sent on errands in the Ḥijāz. Copies of some of the instructions between the Tadjoedin brothers have been preserved: 29

Keep the apparatus clean and handle it with care.
Keep it in its box.
Keep the cylinders in their covers, also after the recording.
Mention the name of the performer, or the name of the piece performed.
Make twenty cylinders (qawālib) with Yamanī singing.

29. The letters from the Tadjoedin family to Snouck Hurgronje are in MS Leiden Or. 8952, A 990–A 1002.
Make twenty cylinders with pieces by local artists [localities between Mecca and Medina are mentioned].

Make fourteen cylinders with [recitations from] the Quran, from the short suras, so that one or two of the short suras can be recorded on one cylinder.

Snouck Hurgronje’s recordings contain in all some sixteen hours of sound, which may constitute the oldest preserved sound of Arabia and Indonesia. One recording session was photographically documented. In the mid-1990s the Phonogram Archiv of the Austrian Academy of Sciences in Vienna, under the supervision of its then director, Dietrich Schül- ler, digitized the wax cylinders. Both a rough and an edited version were made, the latter eliminating most of the numerous acoustic irregularities. In 1997 the edited digital audiotape was mastered on sixteen CDs; there also exists now a compressed version in MP3 format on two CDs of the entire collection. Ownership of the cylinders and the digitized sound was formally transferred on November 6, 1996 by the Leiden-based foundation Oosters Instituut to Leiden University, with Leiden University Library as the place of deposit for the sound archive. In this way the collection has become available for research. Snouck Hurgronje’s notes on some of the music scores and songs from Arabia are preserved in his archive, also kept in the Leiden Library. Although Sayyid ʿUthmān’s fatwa on phonography is proof that mechanical reproduction of Quranic recitings was known before 1900, the Leiden recordings—datable to 1909—seem to be the oldest preserved ones. They comprise slightly less than twenty-three minutes of Quranic recitation (see the Appendix for a detailed listing).

A somewhat younger collection of Quranic recordings on wax cylinders was made in Germany during the First World War. These were made by imams among Muslim prisoners of war who were detained in German prison camps—Senegalese soldiers who fought in the trenches of northern France for the French army, and soldiers from British India who were recruited by the British. German anthropologists used these Muslim prisoners as informants on Islam and for their research they made sound recordings, including of Quranic recitation, which were preserved.

A third set of sound recordings dates from slightly later. When the Semiticist Gotthelf Bergsträsser (1886–1933) visited Cairo between November 1929 and January 1930 to study

30. The photograph is of a music recording session inside the Dutch consulate in Jedda, taken by the consul N. Scheltema and dated February 1909, Leiden University Library Or. 26.365; OI D.47, reproduced and described in D. Oostdam and J. J. Witkam, West-Arabian Encounters: Fifty Years of Dutch-Arabian Relations in Images (1885–1935) (Leiden: Legatum Warnerianum Leiden University Library, 2004), 108–10. The phonograph depicted is Snouck Hurgronje’s Edison Home Phonograph no. 47461, which is now kept in the Leiden University Library, registered as Or. 27.130, the original cylinders as Or. 27.131. The sound can be ordered from the Library. Among recent work done on the sound recorded at Jedda may be mentioned A. van Oostrum, “Arabic Music in Western Ears: An Account of the Music of the Hejaz at the Turn of the Twentieth Century,” in Quaderni di Studi Arabi n.s. 7 (2012): 127–44. Work done on the content of the Yemeni songs in MS Leiden Or. 6980, apparently a transcript from the cylinders, has been described by Jean Lambert and Anne Regourd in the second part of their “Le manuscrit Leyde Or. 6980” (“Poésies chantées dans le Hijāz au début du XXe siècle: La transcription par un lettré de documents sonores. Édition du texte”), Chroniques du manuscrit au Yémen I Hawliyyāt makhtūfāt al-yaman 24 (July 2017), 112–216 (with complete facsimile of the manuscript), http://www.edmy.org/cmy/cmy24.pdf.


the recitation of the Quran, he was apparently unaware of the existence of Snouck Hurgronje’s private sound collection, then still kept by their owner in his house in Leiden. Bergsträsser had recordings made, and copies of some of his wax cylinders eventually came into the possession of Snouck Hurgronje. Only recently (2005) was it publicized that part of Bergsträsser’s sound recordings and image archive had indeed survived the Second World War.\(^{34}\)

**CONCLUDING REMARKS**

The Muslim jurisprudents with their heated discussions about all aspects of the recording of sound—of music in general and the phonography of the Quran in particular—have now fallen silent. The written sediment of all their thinking lies unnoticed in archives and libraries. Most wax cylinders are lost or at best preserved in damaged condition; the reciters died a long time ago. It would be rare for a modern-day Muslim to ask whether reproducing recitation of the Quran is permitted since it is ubiquitous—in the taxi, in the barbershop, in teahouses and restaurants, Quranic recital has become a familiar sound. One can buy many different recordings on cassette, CD, and DVD in airports and department stores at reasonable prices. Small audiovisual devices that show the written version in real time with the recitation are also on sale everywhere. If there still exist restrictions on the singing voice of the unrelated woman, the *ajnabiyya*, it is the continuation of a situation that already was in place long before Edison’s ingenious invention.

**APPENDIX**

Below is a survey of the fourteen requested Quranic recordings, plus one recording of the *adhăn*, made for Snouck Hurgronje in the Hijāz between 1906 and 1909 and held now in the Leiden University Library:

<table>
<thead>
<tr>
<th>recording</th>
<th>CD/track</th>
<th>cylinder</th>
<th>length in minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q 1</td>
<td>5a/6</td>
<td>H22</td>
<td>2:26</td>
</tr>
<tr>
<td>Q 1</td>
<td>4b/47</td>
<td>H16</td>
<td>2:29 (partly)</td>
</tr>
<tr>
<td>Q 1</td>
<td>2b/43</td>
<td>D18</td>
<td>1:40</td>
</tr>
<tr>
<td>Q 2: 285–end</td>
<td>2a/2</td>
<td>C 3</td>
<td>2:24</td>
</tr>
<tr>
<td>Q 28:21–27</td>
<td>3a/1</td>
<td>D21</td>
<td>2:31</td>
</tr>
<tr>
<td>Q 41:30–34 ?</td>
<td>3a/22</td>
<td>E16</td>
<td>2:47</td>
</tr>
<tr>
<td>Q 93</td>
<td>2a/7</td>
<td>C12</td>
<td>1:47</td>
</tr>
<tr>
<td>Q 94</td>
<td>3a/12</td>
<td>E8</td>
<td>2:11</td>
</tr>
<tr>
<td>Q 95</td>
<td>3a/12</td>
<td>E8</td>
<td>--</td>
</tr>
<tr>
<td>Q 110</td>
<td>3a/11</td>
<td>E7</td>
<td>2:03</td>
</tr>
<tr>
<td>Q 111</td>
<td>3a/11</td>
<td>E7</td>
<td>--</td>
</tr>
<tr>
<td>Q 112</td>
<td>3a/11</td>
<td>E7</td>
<td>--</td>
</tr>
<tr>
<td>Q 113</td>
<td>5a/6</td>
<td>H22</td>
<td>--</td>
</tr>
<tr>
<td>Q 114</td>
<td>5a/6</td>
<td>H22</td>
<td>--</td>
</tr>
<tr>
<td><em>adhăn</em>, by Jābir Rizq</td>
<td>2a/23</td>
<td>C25</td>
<td>3:03 (partly)</td>
</tr>
<tr>
<td>Total:</td>
<td>eleven</td>
<td></td>
<td>22:01 minutes</td>
</tr>
</tbody>
</table>


34. It was announced at the Corpus Coranicum conference, Berlin (see author’s note above). For the story behind Bergsträsser’s presumably lost Quran archive, which mostly consists of images, see A. Higgins, “The Lost Archive,” *The Wall Street Journal*, January 12, 2008, 14-15.