

Women activists working within Islamist groups clearly have to tread a fine line between political commitment and the pressure to prioritize the roles of wife and mother. The tension is not always resolved. For example, Zaynab al-Ghazali, who broke with the Egyptian Feminist Union to form the Muslim Women's Association, a group closely linked to the Muslim Brotherhood, left her first husband over her devotion to political work. She included a clause in the contract for her second marriage that she would be free to do political work. Nonetheless, she frequently emphasized that a woman's first duty is to her family.

While some feminists view Islam, and indeed all major monotheistic religions, as incompatible with women's emancipation or liberation, the majority of Middle Eastern women activists seek some kind of accommodation with religious belief, because of its critical role in indigenous culture. Some women have sought in the earliest days of Islam a model of women's role in society which differs from those which have evolved since. This has been a largely speculative and even polemical exercise, although historical research has helped to revise ideas about women's roles in Middle Eastern societies. Stereotypes of the passivity of Middle Eastern women in the face of oppression are embedded in most histories of the region written by Western and Middle Eastern male historians. Women and their concerns frequently have been omitted entirely from the historical record. Recently, efforts to recoup this hidden history of women have challenged these assumptions and revealed a far more complex picture. Recent historical work has shown that women often played active roles and on occasion resisted oppression, both by the state and by their own menfolk. Some studies also suggest a considerable difference between the way women actually behaved and the prescriptive writings on "proper" female behavior which have come down to us from religious scholars and other male writers. Some recent films, novels, and plays have also challenged this assumption that men monopolized history.

At the present time many Middle Eastern societies are going through particularly intense political and cultural identity crises, generally coupled with severe economic dislocation. In these circumstances, women's symbolic roles tend to take on added significance, and to the detriment of women themselves.

Women themselves, as activists and participants in political and social movements in the Middle East, continue to struggle as they negotiate and renegotiate the way they present themselves at home, in the workplace, and in the larger political arenas of the neighborhood and nation.

2

Women's Rights in the Arab World

Ramla Khalidi and Judith Tucker*

For many Westerners, the issue of Arab women's rights and the broader problematic of gender and power in the region can be neatly summed up in one word: "Islam." The image of Islam as the fount of unmitigated oppression of women, as the foundation of a gender system that categorically denies women equal rights and subjugates them to men, recurs in the movies, magazines, and books of our popular culture as well as in much academic discourse.

The difficulties of coming to terms with the question of women and Islam are compounded by the tendency, both outside and within the Arab world, to label any pervasive social practice "Islamic." But the role of religion must be kept in perspective. One must confront the complexities, not only of the situation of women in the Arab world, but also of the historical and political forces that have shaped our own views of the issue.

In the nineteenth century and the first half of the twentieth century, colonial powers repeatedly used the issue of gender to advance their own agendas in the region. They argued that the oppression of women justified colonial intervention, and that the imperial project would elevate women to the standard of equality putatively present in northern Europe. The debatable sincerity and validity of these claims aside, the linking of gender issues to Western intervention and the invocation of Western standards to which all must aspire left a bitter legacy of mistrust.

* This article first appeared as the fourth in a series of special publications on Human Rights in the Middle East. Reprinted with the permission of MERIP/Middle East Report, 1500 Massachusetts Avenue, N.W. #119, Washington, D.C. 20005.

This legacy continues to cloud relations between women in the West and women in the Arab world. Many Westerners assume that the symbols and content of women's oppression are constant across cultures, that how women look and act has a similar meaning everywhere, and that the issues of women's liberation as they developed historically in the West should prove to be the same in the Arab world. In fact, the specifics of Western historical experiences and the particularities of gender oppression in the dominant culture incubated in northern Europe have shaped our basic beliefs about gender and our reading of the meaning of gender in other societies. Westerners tend to search out certain benchmark aspects of society as a measure of the position of women. Legal equity, reproductive freedom, and the opportunity to express and fulfill the individual self through work, through art, or through sexuality recur as central topics of feminist inquiry.

Are these the natural universals of feminism, the absolute measure of women's condition? Increasingly, people who study the Arab world are taking their cue from the concerns actually expressed by many women within the region. Legal reform, political participation, education and health, and employment: these have been among the principal concerns. They are part of the ongoing discussion in the Arab world today, and, as we shall see, there has been more progress on some issues than others.

WOMEN AND ISLAM

Islam has not been a neutral force in the definition of gender in the Arab world. Identifying a single essence or "spirit" of Islam, a single blueprint for gender roles, however, immediately proves difficult. Islam is not one thing, but rather is a set of beliefs and values that has evolved over time, in rhythm with changing historical conditions and the local customs and practices with which it came into contact.

The formal Islamic view of gender is based first upon the Quran, the uncontested bedrock of Islam, which does prescribe gender difference. Sura IV, for example, states that "Men are the protectors and providers (*qawamun*) of women." Nonetheless, many of the verses treating gender are vague and subject to varying interpretation. There is, for example, the famous injunction that women "cover their adornments," a phrase understood by some to legislate veiling for the good Muslim woman and by others as simply reasonably modest dress. The question of equality arises in a number of other places with equally mixed results. Before God, man and woman enjoy basic equality — they have the same religious duties and the same potential to re-

ceive divine reward or punishment. In certain very specific matters, however, femaleness suggests disability or at least inequality: women's legal testimony is worth one half that of men's, and their shares in the inheritance of relatives are usually fixed at one half of the corresponding male share. Still, as a basic document, the Quran contains material that can be used to support the arguments both of those who wish to argue for the equality of women under Islam as well as the arguments of those who wish to restrict women's rights.

Another set of Islamic texts which addresses the question of gender is the *hadith*, the collections of stories about the works and deeds of the Prophet Muhammad. Many of these stories contain material on relations between men and women and their relative positions in society which can be employed to construct a restrictive vision of the Islamic view of women. As some Arab women point out, however, the *hadith* were collected and compiled by male Muslim scholars nearly 200 years after the death of the Prophet. The process of selection and editing may well have favored those stories which tended to support the scholars' own restrictive views and deleted those stories which highlighted the active public role many feel women played in the early days of Islam. And just as the original compilation of the material was the result of historical development, the selection and reading of *hadith* can vary enormously with any subsequent interpreter's times and purposes.

A third and final point of reference for the formal Islamic view of gender is the *shari'a*, the body of Islamic law based primarily on the Quran and the *hadith*. Developed in the early centuries of Islam, the four main schools of Sunni Islam do agree on many of the rules and principles governing gender relations. Certain aspects of the *shari'a* institutionalize women's oppression and have been a central concern of women's movements in the Arab world. The ability of men to divorce their wives without cause and with little penalty, the vesting of ultimate child custody in the father and his family, and the permitting of polygyny are all stipulations of the *shari'a* still in force in most Arab countries.

On the other hand, some provisions of the *shari'a*, notably its affirmation of a woman's legal independence and absolute rights to her own property, compared very favorably with most legal codes in the West until very recently. Nor were women's rights to property and familial support, if needed, mere legal fiction: all studies we have of specific historical settings, including Aleppo in the eighteenth century, affirm that the Islamic courts upheld women's claims to property, to shares in inheritance, and to control of capital. Indeed, these legal rights enabled women to become important holders of urban real es-

tate prior to the twentieth century in all Arab cities for which we have solid information.

The *shari'a* does, of course, make distinctions between men and women, assigning men the role of protectors of the family. The implications of these distinctions remain a source of concern for many Arab women today. For while the *shari'a* has been reformed to some degree in most Arab countries, women's personal lives are still governed by its underlying vision of gender difference.

The Quran, *hadith*, and *shari'a*, then, provide a textual basis for understanding the Islamic view of gender. Yet they are historically produced documents, subject to ongoing interpretation. There is no one orthodox version of gender in Islam, a reality well reflected in the debates of the Arab world today about what, exactly, Islam prescribes as far as gender difference is concerned.

Further complicating the discourse about gender in recent years has been the emergence of Islamist movements in the political scene of the region. Adherents of these movements generally have well developed ideas about the question of Islam and gender: they tend, on the whole, to subscribe to a restrictive view of women's activities. Critics of the movements focus on their overall conservative orientation, including their emphasis on distinct gender roles, and their insistence on female veiling, for example, as both a religious and a political statement. Other observers argue that these movements, by virtue of their inclusion of women as participants in religious classes and other movement-sanctioned gatherings, have the unintended consequence of bringing women more into public life. Where self-identified Islamic parties have come to power or won elections, such as in Sudan and Algeria, many Arab women are concerned about the new governments' agenda with regard to women. It remains to be seen whether and to what extent these political victories will roll back some of the hard-won achievements of Arab women.

CULTURE AND SOCIETY

Cultural traditions and social practices are often labeled — whether accurately or otherwise — as "Islamic." Yet many of the traditions and social constraints placed on women in the region apply as much to Christian as to Muslim women. The preservation of "honor," in the sense of being able to control a woman's sexual behavior by prohibiting sexual contact before marriage and limiting sexual activity thereafter to the marriage bed, is a widespread concern of families. There is nothing particularly Islamic about the weight placed upon

premarital virginity and marital fidelity. We are dealing here with an aspect of a social system in which family alliance played and still plays a major role in political, economic, and social life: families needed to be able to arrange marriages and guarantee paternity in order for the system to operate. The fear of an independent female (or male) sexuality arises out of certain social conditions that have nothing to do with Islam as such, even if restrictions on women find justification, at least at the popular level, in Islam and are viewed as the direct consequence of an "Islamic social system" in the West.

For example, many Westerners see the practice of clitoridectomy in some parts of the Arab world as a highly explosive women's rights issue. Yet this is a practice specific to East Africa, with no prescription or sanction in Islamic scripture. In the Arab world, clitoridectomy is practiced in the region of the Red Sea, mostly in Sudan, Somalia, and Egypt. According to a study in Sudan in the early 1980s, most men and women there do think that the practice should continue, citing tradition (including the belief that it is religiously prescribed), physiological myths (including the belief that women are infertile until they undergo clitoridectomy), and sexual control (by making intercourse impossible or less pleasurable). There are obviously health problems, both physiological and psychological, associated with the practice. Arab women who have taken a stand against the practice argue that a tradition with such negative health consequences for women and children should not be preserved, and some go further to focus on the harm done to women's sexual fulfillment. The practice has indeed been the object of sporadic government attempts to ban it, and more sustained campaigns by indigenous women's groups. Many Arab women do argue, however, that Westerners present the problem in a sensationalist fashion that obscures the complex historical and social background of the practice and helps little in its eradication.

Four sets of issues that have been of greatest concern to Arab women in the modern period include their legal status, political rights, education and health-care, and employment opportunities. It is around these issues that most women and women's movements have organized, though there is no unanimity on the relative weight of these issues. Nor do most Arab women construe progress in these areas as movement toward a Western model.

PERSONAL STATUS

Reform of the *shari'a* has been a goal of feminist movements in the region since it was first raised by the Egyptian feminist movement at

the turn of the century. Then the Egyptian Feminist Union, led by Huda Sha'rawi, lobbied for changes in the personal status laws, advocated restrictions on marriage age, polygyny, and divorce, and called for the reform of laws governing child custody and inheritance. Some relatively minor reforms have been forthcoming: a minimum marriage age, some conditions on a man's right to unilateral divorce, and limits on polygyny have been instituted in states as diverse as Egypt, Syria, Iraq, Tunisia, and Algeria. In general, however, reform has been piecemeal, based on the modernist Islamic framework designed to preserve the intent of the law and remove provisions not in keeping with the needs and demands of modern times.

Nor is the history of reform one of steady progress toward a liberalization of the *shari'a*. On the contrary, the 1980s were a decade of "re-Islamization" of the legal structure: in Egypt, Sudan, and Algeria, reaffirmations of the centrality and immutability of the *shari'a* have eroded the basis of legal reform. Thus, despite a great deal of attention paid to the issue of legal status, most Arab women still live under laws which allow the ex-husband broad powers of divorce, give custody of children to the father once they reach a certain age, permit polygyny, and assign women half the inheritance share of men.

POLITICAL RIGHTS

Arab women have been rather more successful in gaining formal political rights. In the early part of the century, despite active female participation in the various nationalist movements against foreign rule, the newly independent states of the region did not enfranchise women. Political reforms in the 1950s, 60s, and 70s, however, included the extension of the franchise to women in most Arab countries, with the notable exceptions of the Persian Gulf states (including Kuwait, Saudi Arabia, and the United Arab Emirates).

Women's voting rights have not translated, however, into female access to ruling circles. Women have, at best, only a token presence in elected parliaments (often as holders of seats designated for women) and very little representation at the ministerial level, with the exception of the occasional appointment to head up social affairs or education ministries. Egypt is often cited as a country in which women are most politically active, yet women in 1987 were only four percent of the deputies in parliament. It took until 1979 for the first woman to be appointed an ambassador, and there has never been a female judge. Only three women have held cabinet-level positions — in all cases that of minister of social affairs. Overall, the situation in the Arab world

appears like that in the United States, where the female franchise likewise did not give women access to political power.

Women have played active roles in various mass-based political movements in the modern period, from the nationalist movements against colonial rule in Egypt and Algeria to the Sudanese Communist Party or the Palestinian resistance movement. In these settings, women have moved into the political arena as organizers and activists whose talents and skills are recognized and valued. In the process, many of the constraints on women's mobility and contact with unrelated men have been relaxed, and women certainly play a more active role in these movements than they do in establishment politics.

Still, the various nationalist and revolutionary movements have not actively confronted the issue of women's power and place in society. Arab women activists are divided on the question as to when and how the issue of gender should be raised, and they remain vulnerable to the charge that the interjection of women's issues can be divisive and harmful to nationalist or revolutionary goals. This problematic relationship between women's issues and nationalist aims is far more central a concern to Arab women than access to formal politics.

EDUCATION AND HEALTH

Since the turn of the century, most women's groups have stressed a third area, that of female education and health-care. With respect to education, the statistics show some striking results. All countries now have educational institutions open to females at all levels, and elementary education is mandatory for both sexes. At the secondary and higher levels, the percentage of young women in higher education has grown steadily over the last two decades and approaches 50 percent in many countries. In some countries, notably Saudi Arabia, higher education is sex-segregated, and the difficulties of providing a teaching staff prejudices female education. In most other countries, however, young women are admitted to the universities alongside men on the basis of merit-based examination systems.

One result has been, of course, a dramatic decline in, although not eradication of, female illiteracy, at least among the younger age groups. For the women of the upper and middle classes, professional education is also available, especially in the fields of education and health-care, in part because of a perceived need to train women to minister to members of their own sex. Women also pursue professional training in other fields: in Egypt, the numbers of women in engineering programs swelled in the 1970s and 1980s as male migration

abroad opened new job opportunities at home. In some Gulf countries, where indigenous professional training for either men or women is a relatively new phenomenon, women have been able to enter medical programs, for example, in numbers equal to or greater than those of men.

Arab women's organizations have also concentrated on extending health-care to women and children. Since women are the primary health-care providers in the family, taking care of both young and aged, their own health and knowledge of simple cures are seen as crucial elements for a healthy society. Women organizers have augmented government services and proved invaluable in the delivery of services and information concerning basic health-care, prenatal care, and child-care. They also continue to struggle to provide information on family planning and birth control in environments where the access to such knowledge may be strictly controlled or forbidden.

Recent interest in grassroots preventative health-care and mother and child health (exemplified by "women in development" programs in most development agencies) have combined with an improved infrastructure to vastly improve both the quality of care and, consequently, the health of women and children. The infant mortality rate (deaths per one thousand live births) in Jordan, for example, dropped from 114 in 1965 to 43 in 1988, while life expectancy at birth increased from 52 to 68 years.

Despite these marked improvements, many women and children, particularly in rural areas and poor urban districts, remain without adequate health-care and lack the knowledge to treat simple illnesses. Thus, women's groups remain active in providing health-care to women and children not reached by government health services.

EMPLOYMENT

Seemingly more intractable problems arise in the field of employment, the fourth area of concern. For professional women, issues of equal pay and family support do not arise with much frequency. Women are close to a third of the technical-professional workforce in a number of countries, including Bahrain, Egypt, Kuwait, Lebanon, and Syria. On the whole, pay scales appear to be standard. Women also benefit from a greater official commitment, in most countries, to family support in the form of day-care facilities, allowances for dependents, and liberal leave policies for maternity and family crises.

Despite such considerable achievements, professional women appear vulnerable to changes in the regional economy. Slowing eco-

nomic growth in the oil-producing states has reduced demands for professionals and led to underemployment in some countries such as Egypt. As the labor market has tightened, a "back-to-the-home" movement has surfaced in the popular press which portrays women as supplemental workers whose primary role should be that of wife and mother.

Non-professional women face a very different set of problems. Prior to the oil boom of the 1970s, women rarely worked in the industrial sector, where women come into contact with unrelated men in a situation of powerlessness and without the good salaries and prestige enjoyed by professional women. Women did not receive training for the more skilled industrial or agricultural jobs (despite the high level of their participation in agriculture) on the basis that they are not interested: they were severely disadvantaged in the wage-labor force as a consequence.

Male labor migration as a result of the oil boom did change this situation insofar as women began to enter factories as replacement labor in countries like Egypt and Jordan, but these higher levels of female participation may well prove transitory. The highest levels of female labor in production are found in Morocco and Tunisia, where women are employed in large numbers in the sweatshops that produce "traditional" crafts and in European-owned textile plants which take advantage of cheaper and more flexible female labor.

CONCLUSION

All these issues — legal reform, political participation, education and health, and employment — form part of an ongoing discussion in the Arab world today. Opinion is severely divided among both men and women on the issue of further reforming the *shari'a*. The issue of political participation is a complex one because of the limits of most formal political systems in the region; access to meaningful political power can only come, one suspects, through participation in mass-based movements that are contesting the status quo. A woman's right to education is probably the least heated issue at present. Access to education is close to equal, and the major obstacle for women lies in the reluctance of some families to invest time and money in the education of a female who may not "use" that education outside the home. Likewise, provision of adequate health-care is not a controversial issue, although family planning information is far from readily available. The issues of the differential treatment of male and female children, in terms of access to medical care and adequate nutrition, as well as the harm bred by domestic violence, however, have recently

been finding their way onto the agenda of women's groups. These groups continue to work and lobby actively for improvements in the health-care delivery system and in the quality of care for women and children. In the area of female employment, equality is perhaps less of an issue than the vulnerability of female gains to dramatic shifts in the region's economy.

There is no one “Arab woman,” of course, and no one set of issues that resonates equally across the multiplicity of Arab communities. These appear to be the concerns, however, that Arab women past and present have most frequently identified as critical to the future of the women of the region.

PART TWO

Women Political Leaders

Arab Women

**Between Defiance
and Restraint**

EDITED BY SUHA SABBAGH



An imprint of Interlink Publishing Group, Inc.
New York

1996

Gender Anthropology in the Middle East: The Politics of Muslim Women's Misrepresentation

Saddeka Arebi

The Western view of the role of women in Muslim societies presents a strikingly ambivalent attitude. On the one hand, the patrilineal, patriarchal structure of the Muslim family has been so emphasized that it is believed to be at the heart of the assumed subordination of women in Muslim societies (Rassam 1983; Joseph 1985). On the other hand, a matrilineal structure is believed to exist in at least some Muslim societies. Frantz Fanon speaks of how the French colonizers of Algeria developed a policy built on the "discoveries" of the sociologists that a structure of matriarchal essence did indeed exist. These findings enabled the French to define their political doctrine, summed up by Fanon as: "If we want to destroy the structure of Algerian society, its capacity for resistance, we must first of all conquer the women, we must go and find them behind the veil where they hide themselves, and in the houses where the men keep them out of sight" (Fanon 1965, 39).

France's success or failure in adopting this policy, and the repercussions of the adoption of this formula, are beyond the scope of this paper. What is important here is its implication vis-à-vis the importance of women. Also, it enables us to be cognizant of a structured irony in the politics of studying Muslim women, whether for practical colonial purposes, or for intellectual orientalist aims. In the case of women, for example, French colonialists tried to use them to destroy the structure of Algerian society by attributing to them an almost absolute "significance." On the other hand, orientalists have used Muslim women also, but with the aim of destroying the image of Islam by rendering them absolutely "insignificant" within the religion.

The view of Islam as a purgatory for women underlies most works written on Muslim women. They are commonly depicted as isolated from men, passive actors in the so-called public domain, confined to their kin groups, and so

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on. Such views have limited the discussion of women to the narrow topics of veils, honor and shame, patriarchy, kinship, and polygamy. And, of course, Islam has been held responsible for this presumed degradation despite a considerable amount of literature, both historical and sociological, which characterizes these negative tendencies as being either pre-Islamic, non-Islamic, un-Islamic, or as being one result of a process of the ideologization of Islam (Abdalati 1977; Alhibri 1982; Izzeddin 1953). Goody, for example, finds the position of women in seventeenth-century Turkey as one bearing no relation to any notion of a large patriarchal family. Women appeared freely before the court, sued other citizens, and were sued themselves. They were owners of property and made no less than 40 percent of all transactions (Goody 1983, 28). In relation to polygamy, Goody relates that in the Turkish city of Bursa in the seventeenth century, only 1 percent of men had more than one wife, compared with some 33 percent in Africa in the recent past (*ibid.*, 34). This shows that Islam permits polygamy, but that it can by no means be considered a polygamous system.

The Western view of Muslim women is usually cast in terms of an implicit contrast to Christian Europe, a continent in which some see pre-industrial England as a particular paradise for women (*ibid.*, 27). This contrast reflects certain theoretical, cultural, and gender biases, all of which had their effect on the way Muslim women were perceived. Pastner alludes to the fact that Victorian and post-Victorian England's practice of separating women and men into separate spheres inhibited English writers who had a great impact on Middle Eastern anthropology (i.e., Burton, Daughty, and Dickson) from appreciating the interdependence of sex roles in Muslim societies (Pastner 1978). Said sees the gender bias as a result of nineteenth- and twentieth-century orientalist thought which described men and women as isolated from each other, and which presented them in an image of sensuality and seductiveness (Said 1978, 311). Joseph blames not only orientalism, but also functionalism, sexism, and certain feminist approaches which strengthened one another in emphasizing the powerlessness of Muslim women (Joseph 1985, 3). Nelson views the prevalent misrepresentation of the reality surrounding Muslim women as a result of the maleness and foreignness of the researchers, both of which denied them direct access to Muslim women (Nelson 1974). In fact, the combined impact of functionalism, orientalism, and sexism reveals another irony: on the one hand, Muslim women come across in orientalist literature as isolated strangers and as individuals alienated from their society, while on the other hand, they are used as a vehicle for constructing an image of the whole culture.

Gender Relations in Existing Literature¹

The idea of a presumed structural opposition between men and women in Muslim society also seems to be a consequence of feminist literature which attempted to explain women's "subordination" in terms of universal public/domestic dichotomies. This theme stimulated a large number of studies purporting to clarify its various implications on the power of women either as a function of their separation from men or in spite of it. Nelson (1974) and Makhlouf (1979) argue that women are powerful over their children and their kin. Others demonstrated that through female-to-female relations, women are able to exchange information, support other women, create solidarity for economic purposes (Maher 1976; Aswad 1978), and have control over other women (Farrag 1971). Tapper (1978) and L. Beck (1978) even argue that sex segregation helped create a women's subculture which gives them status in the whole community. Caplan sees women's autonomy as being a function of two factors: Islam gives women the right to hold property, and Islam views marriage as a contractual relationship. This, according to Caplan, has helped ensure that the household/family has not emerged, as it has elsewhere, as a corporate property-owning group under the control of a male head. Rather, the Muslim family has remained a loose, coresidential group in which individuals hold private property while at the same time having rights to communal property via their membership in descent groups (Caplan 1984, 42).

Within the same dichotomy, another type of interpretation has also emerged. Dwyer (1977) and Mernissi (1977) have documented women's direct intervention in the public sphere via female intermediaries between themselves and the legal system. Al-Torki (1973) demonstrates women's manipulation of natal and marital connections for political purposes in the public domain. Nelson (1974) presented ethnographic evidence which indicated that women do approach public affairs, although they do so from private positions. Joseph contends that not only are women-to-women relations part of the public domain, but that their intervention in the polity is direct and that as a result of this women share a common political culture with men. She bases this assertion on her study of women's visiting patterns in urban working-class areas in Beirut (Joseph 1985, 1-22).

¹ Interested readers can consult other literature on the subject of Muslim women. In addition to the bibliographies of Gulick and Gulick (1974), and Al-Gazzaz (1977), Joseph (1985) prepared one that covered literature published between 1976-1984, and Barbar collected a bibliography of bibliographies (1980). Other bibliographies were also published by Meghdessian (1980), Raccagni (1978), and Ruud (1981). Several other writers should be reviewed, such as Fernea (1965), Beck (1970), Maher (1974), Mernissi (1975), Dwyer (1978), Eickelman (1981), and Davis (1977).

Nelson and Olesen critique the Western feminist use of the concept of "equality." According to them, the idea of equality "not only undergirds the thinking and the platforms upon which Western feminism stands, but also is put forward as a universal moral imperative for all human societies" (Nelson and Olesen 1977, 21). Moreover, equality "was the solution appropriate to a culture where self is opposed to other, where society has to be protected from the encroachment of the individual; the solution of a society which holds an either-or conception of duality" (*ibid.*, 26).

For Nelson and Olesen, what makes an understanding of Islamic principles of male-female relations so difficult for the Western feminist is Islam's overwhelming commitment to the notion of complementarity; that is, where "dualism is complementary, so that the terms of the duality are not opposed, nor measured against each other, nor seen as discrete units" (Nelson and Olesen 1977, 26).

Nelson and Olesen's paper is an important attempt to scrutinize taken-for-granted assumptions, but like other attempts, it only forms part of a general grand theory for interpreting and explaining gender relations in the Middle East. Such a general theory has not yet emerged, despite the attempts of Rassam (1983), Joseph (1985), and maybe others. Rassam, drawing heavily on the Marxist feminist approach, suggests that this problem has three dimensions: the social organization of power, the ideological and institutional means of controlling women's sexuality, and the sexual division of labor in society (Rassam 1983, 21). Within a similar framework, Joseph suggests the study of the family, especially in its relationship to the political culture, as one of the areas which should be included in gender studies dealing with the Middle East. Presenting case material on the family and the state in Iraq and Lebanon, Joseph applies Guichard's basic model of how the contrast between East and West was perceived from medieval Spain to the twentieth-century Middle East. Joseph finds that the Arab family is corporatist and over-protective, morally based, given by God, not contractual and, therefore, not negotiable. Loyalty to the family is absolute and personalistic, and national leaders tend to be like family leaders. In sum, the Middle Eastern family of today supposedly displays the same characteristics proposed by Guichard for medieval Spain: patrilineality, weak conjugal pairs, agnatic links, endogamy, rigid sexual segregation, and honor (Joseph 1985). It is interesting that Joseph does not explain how such a remarkable continuity came to persist in spite of the strong winds of change.

However, studies of change are in vogue. The changing position of Muslim women is very often emphasized in terms of statistical changes concerning their education and work outside the home. In addition, change has usually been viewed as a function of state intervention through reforms. However, very little scholarship has focused on the consequences of unplanned, gradual

change, something akin to the domino theory when one step is taken which opens the gates to all kinds of change (Arebi 1984). For example, little attention has been paid in the literature to how women's position has been shaped in crucial ways by broader forces set in motion via economic and political development almost totally unconcerned with women and their equality. This is not unusual in the context of revolutionary regimes.

Massell (1974) shows how Muslim women in Soviet Central Asia have been used as a "surrogate proletariat." Tekeli, in the Turkish context, postulates that because Ataturk was sensitive to Western accusations that he was a dictator, he acted to distinguish his own party's rule from Germany's Nazi Party, whose "credo about women was *kinder, kirche, and kuche*" (i.e., children, church, and kitchen), thus deciding to give full enfranchisement to Turkish women in 1934 (Tekeli 1981, 298-99).

The fact that the Muslim woman's experience of change has not brought about a total rupture with the past, but rather a partial assimilation and even reintegration of old attitudes, receives scant attention in the literature (Arebi 1984). This is unfortunate, because it is only through the study of this experience that one can understand and assess the forces of change which affect women's position.

Feminism: East and West

The fact is that Muslim women are not unaware of the general impact of certain changes. I have shown elsewhere how social change in the context of Libyan society has stripped women of their powerful independent position and resulted in dependency and subordination (Arebi 1984). But, it is also true that there is a genuine lack of expression of such awareness among women, and that their experience remains intellectually diffuse and unarticulated on the collective level. This has been the result of several factors, some of which originated in the area itself, and others imported (directly or indirectly) from the West. With reference to the latter, one has to state at the outset that feminism is not an indigenous idea, but one which came from outside. Leila Ahmed explores the development of this idea in Turkey, Egypt, Algeria, and South Yemen. She points to forces that, in her view, modify the progress of feminism. First, she considers the nature of the attitudes of the society shaped by Islam regarding women to be incompatible with feminism. Second, she presents society's attitude towards the Western world, the birthplace of feminism. This has presented feminists with a dilemma and has caught them in the issue of cultural loyalty and betrayal, for relations between the Islamic world and the West have traditionally been confrontational (Ahmed 1982, 153-68). In the same vein, Nelson and Olesen refer to the Western colonizers' usurpation

of the paternalistic defense of Muslim women as being responsible for characterizing any change in their condition as a concession to the colonizer. Hence, women's emancipation was readily identified as succumbing to foreign influence (Nelson and Olesen 1977, 8-36).

While these factors remain more or less in play, other important ones were suggested to me by the material. My contention is that Muslim women have been unable to adopt the Western model of feminism for three reasons. The first reason has to do with the insistence of the Western liberation movement on wages as a liberating force. The experience of Libyan women, for example, with regards to work outside the home led to several conclusions. First, work was used by the rulers to exert a total political hegemony over both men and women. This is more or less true in other countries in the Muslim world where the workplace has become a formal political unit. Second, the circumstances under which women went outside of the home to work revealed that they were being used as a reserve army of labor when their menfolk were conscripted for military adventures. Third, and above all, women realize that work, as it relates to them, is a created need deliberately built into the economic system so as to "push" them to it, causing them to work out of deprivation, not to achieve any self-realization.

The second reason why Muslim women do not relate to the Western model is the insistence of Western movements that family and kinship ties are a hindrance to women's liberation. It is not difficult to understand why this is so. First of all, this contention dovetails perfectly with the state's political purposes of transferring one's allegiance from his/her kinship groups to the state. Second, people tend to form extended kin groups as an alternative to having their lives organized by a hegemonic state, and as a form of resistance to this hegemony. Third, Libyan women, on another level, realize how kinship ties provide them with a form of protection not only through the formal network of kinship, but also through informal women's groupings. These kinship ties can then serve as a basis for female solidarity which can provide female definitions for different situations.

The third reason is connected with the West's identification of "the problem" of Muslim women as a religious problem. This view is strongly resisted by Muslim women, because it reflects a sheer ignorance of Islam. Indeed, Leila Ahmed documents how feminist movements in the Middle East—Turkey being a possible exception—were initiated and became possible only through propagating original Islamic principles. Interestingly, El Saadawi also sees that the only way for a feminist movement to arise in the Muslim world is through an instrumental use—only as a tactic—of Islamic principles (El Saadawi 1982). Feminist literature by Westerners, Third World feminists, or even by some Middle Eastern women with a Marxist bent, generally presents Muslim women as a prey fought over with equal ferocity by Islam and the colonizing

West (e.g., El Saadawi 1982; Gendzier 1982). As Fanon was able to realize in the Algerian context, this is a simplified and pejorative way of presenting the value system which causes people to resist a colonial offensive (Fanon 1965).

To conclude, one should also mention that Western feminists (especially socialists) are probably right in viewing women's position as being inseparable from the aspiration to create a more just society. However, the specific implications of such an approach for women in the Muslim world are usually ignored. The fact that the power to decide on any issue—economic, political, or military—is absolutely monopolized in most Middle Eastern societies, if not by one person then by a small ruling elite, is given scant attention as a factor which modifies the whole question of gender relations in those societies. Many indigenous writers have alluded to this fact as part of their diagnosis of the "problem" of women in the area. In 1899, Qāsim Amīn, the spiritual father of feminist thought in Egypt, traced the social ills of tyranny in all its forms. When tyranny strikes a nation, he said, it proceeds from the rulers downwards, infecting all classes and poisoning all relations (Izzeddin 1953). Recently, M. Hijāzī explored the idea further within the context of the psychology of the "coerced person" (Hijāzī 1976, in Arabic).

The inseparability of gender relations from broader social concerns is even more demonstrable in the context of the Muslim world's present political culture. Western feminists might find it surprising to know that their premises concerning the "liberation" of women in the West have proved self-defeating in the hands of Muslim women, for these same premises seem to intensify the very crises for which they claim to hold the solutions. One result of women working outside of the home, for example, has been that the state's hegemony over the Muslim family is now almost complete.

Gender anthropology in Muslim societies faces the responsibility of explicating the effect of change upon the Muslim woman's position in terms of the change in gender relations within the family, which, in turn, has to be analyzed within the context of the nature of each country's political organization. This cannot be done within any Western theory of feminism, be it liberal, Marxist, socialist, or radical feminist ideology, but only within a theory of gender that could encompass the specificity of Muslim women's experience.

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CHAPTER THREE

*Islamic Law and the Challenge of Modern Times**

GAMAL MOURSI BADR

ISLAMIC LAW IN CRISIS

Of late, Islamic law has been facing a crisis both in countries where it has been, uninterruptedly and exclusively, the law of the land for fourteen centuries, and in countries where since the mid-nineteenth century it has had to give way to Western-type codifications in many areas of the law. Awareness of the crisis is enhanced in the latter countries by a recent popular demand for a return to the application of Islamic law in all areas. Yet even in those countries where Islamic law has remained in exclusive application, the need to regulate new types of transactions and economic situations not specifically provided for in classical Islamic law poses critical problems.

The roots of the crisis go back to the fourth century of the Islamic era (the tenth century AD) when a consensus emerged among Sunni jurists that all the rules of Islamic law had been fully and definitively expounded. These jurists agreed that there

*This paper is a revised version of the author's address at the annual meeting of the Shaybani Society of International Law, held on September 28, 1985, in Washington, D.C.

was no further need for exercising independent reasoning (*ijtihad*) to formulate new rules of law. This is what came to be known in Sunni Islam as the "closing of the door of *ijtihad*." Although exceptional talent and innovative spirits existed in subsequent generations of jurists, they remained an uninfluential minority. By and large, the Sunni scholars of Islamic law stagnated and were unable to meet changing social conditions. The output of juristic scholarship assumed a non-original and commentatorial character. That was especially important because of the absence of a separate lawmaking process. In classical Sunni conception, formulation of the rules of law is the responsibility of the jurists alone. No legislative power is vested in the state and the judges merely apply the law; no legal norms are created through judicial precedent.

As the Muslim world was confronted with the challenges of modernization in the last century, the ossified and static condition of its law was one reason why some Muslim countries opted for the easy way out of the problem by adopting codes on the European model in certain areas of the law. In those countries, the crisis was compounded by a duality of legal education and practice. Separate law schools, separate courts, and a separate legal profession were created to deal with the teaching and application of the new Western-type legislation. Islamic law became only one of several subjects taught at the new law schools and, for both scholars and practitioners, it lost importance except in the area of family and inheritance law, where it continued to apply.

RESPONSES TO THE CRISIS

Response to the crisis was neither immediate nor forceful. Over fifty years from the time European codes were introduced in the nineteenth century, a new interest in the study of Islamic law, in the areas where it had been displaced by modern legislation, began to assert itself slowly and gradually among the faculty and students of the new law schools. They began to take a fresh look at those areas of Islamic law and no longer cared much about the traditional rigid separation of the various schools (*madhahib*) of law. Islamic law was now considered an integrated whole and there was no compulsion to restrict oneself to any one particular

school.¹ This eclecticism and inter-school fertilization was evident in the amendments to family law that were introduced in Egypt in the 1920s. The revival of Islamic legal studies also benefited from a comparative approach, where the principles and rules of Islamic law were compared to corresponding principles and rules of other legal systems, thus shedding more light on the former and proving their lasting merit and relevancy under present-day conditions.

A milestone in the slow process of reasserting the *shari'a* (Islamic law) in those areas of the law where its application had been discontinued is the Egyptian Civil Code of 1949 and its progeny of civil codes in other Arab countries. The code contains a definitive *shari'a* input and, more importantly, designates the *shari'a* as a supplemental source of legal norms. This does not only mean that gaps in the code are to be filled by rules of Islamic law. It also means that interpretation of the provisions of the code is to be carried out in the light of the principles and rules of Islamic law. This tendency is reinforced by the fact that the judge and the interpreter are cautioned against the use of foreign sources in understanding and interpreting the provisions of the code.²

More recently, new constitutions or constitutional amendments in several Muslim countries have proclaimed the *shari'a* the principal source of legislation. Concurrently with the adoption of those provisions or closely following upon it, there has been an increasingly vocal demand, mostly by lay citizens, that the existing laws, perceived as being of foreign origin, be abrogated in favor of an immediate return to the application of the classical *shari'a*. This popular demand focuses on the restoration of the corporal punishments (*hudud*) in criminal cases and on a

1. 'Abd al-Razzaq al-Sanhuri, *al-Wasit fi Sharh al-Qanun al-Mandani*, (Cairo: Dar al-Nahda al-'Arabiyya, 1981), vol. 1, p. 70; Gamal M. Badr, *al-Niyaba fi'l-Tasarufat al-Qanuniyya* (Cairo: Al-Hay'ah al-Misriyya al-'Amma li'l-Kitab, 1980), p. 22; Muhammad Mustafa Shalabi, *al-Madkhil fi'l Fiqh al-Islami* (Beirut: Al-Dar al-Jami'yya, 1985), p. 156.

2. *Travaux préparatoires* of the Egyptian Civil Code, vol. 1, p. 133; al-Sanhuri, *Al-Wasit*, pp. 73-79.

strict ban on *riba* (interest) in civil and commercial transactions.³ It represents one of two distinguishable responses to the crisis of the *shari'a*. The first response is characterized by atavistic emotionalism and champions the *shari'a* simply because it reflects the ways of the forefathers; it does not admit that the *shari'a* needs to evolve with the times. Most of the proponents of this trend know very little of the *shari'a* as a legal system and even less of the existing laws that they are opposed to maintaining. There is an emotional, non-rational approach to the problem.

The second response to the challenges confronting Islamic law in our times may, by contrast, be described as enlightened rationalism. The proponents of this trend hold that the *shari'a*'s claim to excellence as a legal system is based on objective grounds and believe it to have the intrinsic potential to undergo necessary changes without loss of its Islamic character. Their indispensable premise is that the process of independent and innovative formulation of new rules of law which are derived from the original sources (*ijtihad*) must be resumed, and that nothing precludes such an exercise by present-day jurists. In fact, opposition to the so-called closing of the door of *ijtihad* and a firm position in favor of resuming the process have come to be generally endorsed at the level of individual scholarship.⁴ They

3. Criminal law is outside the scope of this paper and deserves a separate treatment. The question of *riba* will be briefly addressed below.

4. The closing of the door of *ijtihad* was never a position unanimously accepted by Muslim jurists. The reason for this is quite simple: a law that ceases to evolve would be incapable of meeting the social and economic needs of society. The *shari'a* being, according to the well-known maxim, "appropriate to all times and in all places," it owes it to itself to evolve constantly in order to adapt to the changing circumstances of Islamic society. Thus, both in the past and in the modern era, the most illustrious of Muslim jurists have vehemently refuted the assertion that the door of *ijtihad* has been closed. Ibrahim ibn Musa al-Shatibi (d. 790 A.H./1388), in his authoritative work, *al-Muwafaqat fi Usul al-Shari'a* (Cairo: al-Maktaba al-Tijariyya al-Kubra, 1975), expresses the idea of the necessary continuity of *ijtihad* in this concise formula: "*Ijtihad* cannot cease except at the end of the world when man's subjection to the Law will cease" (vol. 4, p. 89). Al-Suyuti (d. 911 A.H./1505) devoted a monograph to the question. Its title clearly indicates the contents: *Kitab*

have also become the stated policy⁵ and the view held by collective academic bodies.⁶

THE NEED TO WORK WITH EXISTING LAWS

Present-day Islamic jurists of this second persuasion put emphasis on the need for the serious study of *fiqh* (the science of Islamic law) and of *usul al-fiqh* (Islamic jurisprudence), on the

al-Radd 'ala man Akhlada ila'l-Ard wa Jahila anna'l-Ijtihad fi Kull 'Asr Fard [Reply to One Who Prefers the Least Effort and Ignores the Fact that *Ijtihad* is Imperatively Necessary at All Times] (Beirut: Dar al-Kutub al-'Ilmiyya, 1983). Muhammad ibn 'Ali al-Shawkani (d. 1255 A.H./1839) in his book *Kitab Irshad al-Fuhul ila Tahqiq al-Haqq min 'Ilm al-Usul* (Cairo: Muhammad Amin al-Khanji, 1909), refuted the false proposition according to which contemporary jurists can no longer acquire the high qualifications that allowed the jurists of the classical era to exercise *ijtihad*. He explains that *ijtihad* has become infinitely easier than in the past because of the progress made in the Qur'anic sciences and in the science of *hadith*, and because of the publication of the compilations of juridical science [cited in Zakariyya al-Birri, *Usul al-Fiqh al-Islami* (Cairo: Dar al-Nahda al-'Arabiyya, 1979), p. 320, note 1]. In our own time, the rejection of the purported closing of the door of *ijtihad* has become so common everywhere that it is difficult to cite all the jurists who defend the continuity of *ijtihad*. Some examples are:

- Muhammad Rashid Rida (d. 1935), cited in Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), p. 70. Rida considered *ijtihad* "an imperative attribute of all legal thinking" (p. 81).
- Muhammad Mustafa al-Maraghi (Shaykh of al-Azhar in the 1930s, d. 1945), *Buhuth fi'l-Tashri' al-Islami* (Cairo, 1927), pp. 10–11 (cited in al-Birri, *Usul al-Fiqh*, p. 326).
- Mawlana Muhammad 'Ali (famous Muslim jurist of India, d. 1931), *The Religion of Islam* (Cairo: The Arab Writers, Publishers and Printers, n.d.), pp. 112–114, under the title "The Gate of *Ijtihad* is Still Open."
- Muhammad Muhammad al-Madani, in a 1942 article reproduced in *al-Dawha* (monthly review published in Qatar), January 1986, pp. 101–103.
- Al-Birri, *Usul al-Fiqh*, pp. 326–330.
- Shalabi, *al-Madkhal*, pp. 156–157 and note 1.

advisability of reviewing the existing laws in order to relate their provisions to the principles and rules of the *shari'a*, and on interpreting the existing laws in the light of the principles of the *shari'a* so as to bring them even closer to it. They do not concur in the demand that existing codes be summarily abrogated in favor of what is perceived as an immediate return to the application of the *shari'a*.

In fact, several considerations militate against an immediate wholesale discarding of the current codes. First, there is the need for a prior sustained exercise in *ijtihad* to fill the gaps between classical Islamic law and the current requirements of social and economic life in the Muslim world. These gaps resulted, obviously, from the early discontinuation of the process of *ijtihad*, by

- Khalid Muhammad Khalid, in *al-Wafd* (Cairo weekly), May 23, 1985, p. 7.
- Al-Sadiq al-Mahdi (well-known Sudanese legal scholar and currently Prime Minister of Sudan), in *al-Mustaqlab* (Arabic weekly published in Paris), June 1, 1985, p. 53, and in *al-'Arab* (daily published in Qatar), June 8, 1985.
- Yusuf al-Qaradawi, in *al-Dawha*, January 1985, pp. 8–11, and February 1985, pp. 6–11.
- Al-Habib Belkhoja (well-known Tunisian legal writer and Mufti of the Tunisian Republic), in *al-Umma* (monthly review published in Qatar), November 1985, pp. 66 and 69b.
- 'Abd al-Munaym al-Nimr (former Minister of Awqaf in Egypt), *al-Ijtihad* (Cairo: Dar al-Shuruq, 1986).
- Jad al-Haq 'Ali Jad al-Haq (currently Shaykh of al-Azhar and former Mufti of Egypt) is writing a book on "*ijtihad* and contemporary developments." See *al-Ahram*, February 7, 1986.

In summing up ancient and contemporary Islamic legal thinking, Enayat writes in his above cited book that *ijtihad* "had never in practice been totally abandoned among Muslims of any description" (p. 160).

5. In June 1983 King Fahd of Saudi Arabia publicly called for an international conference of Islamic jurists to update the *shari'a* through rigorous *ijtihad*.

6. The first conference (1964) of the Academy of Islamic Studies, cited in al-Birri, *Usul al-Fiqh*, pp. 328–329; the Fiqh Academy of the Muslim World League in Mecca announced in February 1985 that *ijtihad* should be set in motion to tackle new issues and problems unheard of in the old days.

which alone Islamic law can progressively develop. Second, the level of scholarship among the majority of present-day Islamic jurists, who were trained exclusively in the old-type educational institutions, is unacceptably low. Most of them are hardly aware of the needs of the economic life of society or of the workings of new types of business transactions not regulated by classical law. The legal framework that they propose for these new situations is glaringly inadequate. An example of this inadequacy is the poor quality of recent draft codes drawn up by committees created in Egypt when the popular demand for a return to the *shari'a* was at its highest.

Third, the majority of lawyers in the Arab world attach great value to the current Egyptian Civil Code. When enacted in 1949 this code was heralded as the harbinger of a Uniform Arab Civil Code, and has in fact been adopted by six other Arab countries. In the view of many lawyers, it contains nothing un-Islamic. As such, it has come to be considered a precious part of the Arab legal landscape and a potential factor for unity, which is dear to all pan-Arabists. The prospect of this code and the others modeled after it being abandoned in the cavalier fashion proposed by the adherents of the atavistic emotional approach is viewed with decided aversion. Because Islamic law is not a monolithic system and considerable diversity of opinion on details exists, new codifications of the *shari'a* by individual countries are likely to result in eliminating the measure of unity represented by the Egyptian Civil Code and its progeny. Only a joint multi-national exercise in codification could lead to the adoption of uniform rules of Islamic law among the countries concerned.

Two recent events appear to indicate that the atavistic emotional approach to the revival of Islamic law is losing steam. The controversial results of Sudan's experiment point to the pitfalls of a precipitate and ill-conceived return to the application of the *shari'a* without adequate preparation.⁷ Moreover, in Egypt Parliament in effect

7. Faraj 'Ali Fuda, *Qabl al-Suqut* (Cairo: Published by the author at P.O. Box 5677, Heliopolis, 1985), pp. 126–141; al-Mahdi, *al-Mustaqlab*. See generally Carey N. Gordon, "The Islamic Legal Revolution: The Case of Sudan," *The International Lawyer*, 19, No. 3 (Summer 1985), pp. 793–815.

shelved the drafts referred to above, which purported to codify the *shari'a* and were intended to replace existing codes. In May 1985 Parliament resolved that the codification of Islamic law should proceed "in a gradual and scientific fashion." Emphasis was put on removing from existing laws those provisions, if any, which are contrary to the principles and mandatory rules of Islamic law, rather than on abrogating wholesale the current codes and statutes.

REVIEWING EXISTING LAWS

If the enlightened rational approach to the revival of the *shari'a* finally prevails, legal scholarship throughout the Muslim world will be called upon to undertake a renewed in-depth study of Islamic law and to conduct, with the benefit of the lessons of such a study, a review of the existing codes to determine whether they contain non-Islamic elements. A gradual disappearance of the dichotomy of legal education, noted above as a factor in the current crisis of the *shari'a*, could make this task easier to perform. In fact, interest in the comparative study of Islamic law is on the increase in the modern-type law schools and the recent publications of their faculty, on non-*shari'a* subjects, contain more Islamic inputs than ever before. In Egypt, to mention only one Muslim country, modern legislation and comparative law have become part of the curricula of the law schools of al-Azhar and its affiliated institutions. There is thus a narrowing of the gap between lawyers trained in Islamic law institutions and those trained in modern-type law schools. Shared knowledge of both systems is bound to reduce, and ultimately eliminate, that natural antipathy toward the unknown with which each group used to view the system in which it was not trained.

Such a renewed study of the *shari'a* and a concurrent review of the existing codes in the light of its teachings would bring these codes even closer to the *shari'a*. They would also produce results that are likely to surprise the vociferous champions of an immediate replacement of the existing codes, which they view as un-Islamic, by others ostensibly based on the *shari'a*.

One example of the closer identification of the existing codes with the *shari'a* that would stem from a better knowledge of the latter is the rule of the undisclosed principal in the area of agency law. Under a number of codes (e.g., Article 106 of the Egyptian

Civil Code), the effects of a contract concluded by someone who does not declare that he is an agent and identify his principal do not devolve on the "undisclosed principal," despite the existence of agency. From this general rule the codes provide for an exception "where it is immaterial for the third party to deal with the agent or the [undisclosed] principal." On the face of it, this last provision lends itself to a subjective interpretation whereby it must be ascertained in each individual case whether it mattered or did not matter to the third party to deal with one or the other. Looked at in the light of the Islamic regulation of agency, this provision merits an interpretation which is objective and not subjective; this, indeed, would greatly extend the scope of the rule of the undisclosed principal. In fact, Islamic law knows such a rule, which is as extensive as that of the Common Law.⁸ Under this interpretation, the direct effects of agency would be realized, despite lack of disclosure of its existence or of the principal's identity, in a whole category of contracts objectively defined. The provision of the existing code would thus be brought closer to the rules of Islamic law.

Another example of a more perfect alignment between the codes and Islamic law through interpretation relates to the effect of supervening unexpected events on contractual obligations. When such events represent an obstacle to performance by one of the parties, they might excuse his non-performance. But the conditions required for such an outcome differ according to the interpretation given the provisions of the codes. If understanding those provisions is influenced, as it should not be, by the foreign sources of some of the wording or terminology used in them, the result would be very stringent conditions for excusing performance, such as the extraneous character of the event and the absolute impossibility of performance. Islamic law, by contrast, is content with much less strict conditions and may consider as valid excuses events personal to the obligator, or may be satisfied with a supervening hardship in performance rather than actual

8. Badr, *al-Niyaba*, pp. 309-332; Badr, "La tendance objective en matière de représentation dans la common law and en droit islamique," *La Revue internationale de droit comparé*, 17, No. 1 (January-March 1965), pp. 379-394.

impossibility to perform.⁹ Deriving guidelines from the *shari'a* in this area would further bring the existing codes closer to it.

THE ISLAMIC ROOTS OF MODERN CONCEPTS

On the other hand, a serious renewed study of the *shari'a* and a review of the existing codes in its light would demonstrate that even those provisions of the codes ostensibly derived from foreign codifications can be traced back to Islamic law. Identifying such Islamic roots of the provisions of the codes and relating those provisions directly to Islamic sources is a much more worthy endeavor than preparing half-baked draft codes claiming to be the embodiment of Islamic law. Such an exercise would prove to one and all what the adherents of the enlightened rational approach knew all along: that the existing codes contain nothing which violates mandatory rules of Islamic law. Even matters that conventional wisdom tends to concede are contrary to the rules of Islamic law will be proven, upon scrutiny, not to be so. The two major, and possibly only, examples of this kind are interest on capital and the contract of insurance.

Interest

The equation of interest, as practiced in today's economy, with the *riba* prohibited in the Qur'an is the result of an uncritical approach to the problem based on an imprecise notion of what constitutes *riba*. The Qur'anic verses on *riba* were among the last to be revealed. There is precious little in the *sunna*, or traditions of the Prophet, that serve as legal precedent, to clarify the applicability of the prohibition in conditions other than those which prevailed at the time or its applicability to practices other than those pre-Islamic ones which were being discontinued as immoral and exploitative. 'Umar, the third Caliph, is even reported to have said that he regretted the fact that the Messenger of God departed this world before elucidating for the believers all the aspects of *riba*.¹⁰ The famous *hadith* of the Prophet mentions

only gold and silver (in addition to four edible items with which we are not concerned). Like all prohibitive rules, this one should be construed restrictively and should not be extended to other items through interpretation. This is why, when coinage of base metals later appeared in the Muslim world, jurists of all schools were unanimous in ruling that the prohibition of *riba* did not apply to transactions in such coinage. The lender of one thousand copper coins could lawfully stipulate that he would receive back 1200 pieces or more of the same coinage when the debt was due. Jurists of the classical period distinguished, in fact, between:

- a) money *ex natura sua*, which consists only of gold and silver currencies and to which alone the prohibition of *riba* applied, and
- b) *fiat* money, which comprises currencies made out of any other materials.

The same reasoning is behind the opinion expressed by some present-day Muslim jurists that paper money, being *fiat* money *par excellence*, lies squarely outside the scope of *riba*. Consequently, there can be no ceiling to the rate of interest on paper-money loans and deposits other than what maximum might be prescribed by the existing laws or fixed by banking authorities under their established practice.¹¹

Shalabi states (pp. 517–518) that prohibition of *riba* is definitively established with regard to the six items mentioned in the *hadith* and that concerning other items (paper money?) the matter is subject to *ijtihad*. He further states (p. 518) that prohibitive rules, being contrary to the original and universal permissiveness, should not be expanded by analogy. But he stops short of drawing the inevitable conclusion with regard to interest in today's paper money economy. He later (pp. 519–520) indulges in some vague rhetoric against Western-type banking. This is a striking example of how most contemporary Islamic jurists feel constrained by popular attitudes to legal issues. Their timorous reaction to misguided public opinion is in sharp contrast to the moral courage and leadership of their predecessors in the golden age of Islam.

11. See the well-reasoned article by Nasr Farid Wasil, then professor at the Shari'a school of al-Azhar on secondment to the University of

9. N. J. Coulson, *Commercial Law in the Gulf States: The Islamic Legal Tradition* (London: Graham & Trotman, 1984), pp. 83–87.

10. Ibn Kathir, *Tafsir*, as cited in Shalabi, *al-Madkhal*, pp. 516–517.

A less radical contemporary opinion, to which the present writer subscribes, is based on the definition of *riba* and the rationale of its prohibition. The definition of *riba* in Islamic jurisprudence is "surplus value without counterpart" (*fadlu malin la yuqabiluhu 'iwad*). The key word "value" must be understood to mean *real*, as opposed to formal or merely numerical, value. In the classical period of Islamic law, new coinage of gold or silver having a lesser content of the precious metal, or older units worn out so that some of the weight was lost, had to be weighed and not merely counted at the time of repayment. A loan of 1000 gold dinars could thus be paid back as 1050 dinars of equal aggregate weight. No jurists ever considered the additional 50 dinars in the example as *riba*. Because the rationale of the prohibitive rule is to ensure equivalency in real value, the surplus in numerical value was immaterial. The present writer obtained, some years ago, a formal opinion (*fatwa*) from the Mufti of Egypt to the effect that this ancient practice was perfectly lawful and did not violate the prohibition of *riba*.¹²

Now, if through religiously inspired though excessive caution we treated paper money, which has no gold cover and no intrinsic value, as money *ex natura sua* and not as the *fiat* money it really is, an interest rate lower than the current rate of inflation would not be *riba* because it only makes up for a lesser real value. In this way, the interest rate would give effect to the rule of equivalency of real values. For years, the rate of inflation in all Muslim countries has been higher than the modest maximum interest rates prescribed by the existing civil and commercial codes. Thus, there is no ground whatsoever for the claim that in today's paper-money economy interest is *riba* and that the existing provisions on interest are un-Islamic.¹³

San'a, in the first issue (1978) of the journal of the School of Shari'a and Law of the University of San'a, *Majallat al-Shari'a wa'l-Qanun*.

12. *Fatwa* No. 181/1979 dated May 19, 1979, signed by the current Rector of al-Azhar, Shaykh Jad al-Haq. The inevitable conclusion regarding interest on paper money with a constantly diminishing real value was not raised with the Mufti because of the constraints of public opinion referred to in note 10 above.

13. Gamal M. Badr, in *al-Ahram al-Iqtisadi* (Cairo), July 1, 1979, pp.

Insurance

With regard to insurance, those present-day Islamic jurists who declare it inconsistent with the *shari'a* base their position on two arguments:

1) that insurance companies invest their funds in ways involving *riba*, which taints any monies received by the insured or the beneficiaries; and

2) that insurance involves uncertainty (*gharar*) since the insurer may have to pay after receiving only one or a few relatively small premiums, and since the insured may not get anything in return for his premiums if the risk does not become an actuality.

The first point has been addressed in the preceding discussion of interest and we need not dwell on it again here. The second argument is based, from the insurer's point of view, on considering a single insurance contract in isolation. The assumption is that the insurer concludes only one contract and may thus be exposed to the uncertainty, and subsequent inequity, of paying a huge sum in return for a relatively insignificant premium. This, of course, is not the case with insurance companies, which issue thousands upon thousands of policies and whose actuarial calculations protect them against any such uncertainty. From the point of view of the insured, this argument disregards the protective coverage which he obtains and which constitutes a valid counterpart for premiums paid.

Opponents of the validity of insurance under the *shari'a* attempt sometimes to classify this new type of transaction in one of the pigeonholes provided by the nominate contracts known to classical jurists. When it does not fit into any of them, they declare it un-Islamic.¹⁴ Some contrive a distinction between insurance bought from a mutual company, which they consider valid under Islamic law, and insurance bought from a commercial profit-making company, which they do not consider to be valid. Such a distinction is of dubious merit. Islam attaches no opprobrium to profit-making as much. The very same activity cannot

19–21 and *ibid.*, August 18, 1980, pp. 32–34; Badr, in *International Lawyers' Newsletter*, 6, No. 5 (1984), p. 5.

14. Yusuf al-Qaradawi, *al-Halal wa'l-Haram fi'l-Islam* (Cairo: Dar al-'Itisam, 1977), pp. 223–224.

be at times valid and at other times invalid according to the absence or presence of a profit motive. Others resort to a fiction which they believe validates casualty insurance, but not life insurance, by assimilating it to the recognized nominate contract of "gift with stipulated counterpart." In this view, the gift is the premiums paid and the counterpart consists of the amount of the insurance.¹⁵ In fact, no such legal fictions are needed to validate insurance under Islamic law.

Insurance is "a social device whereby a large group of individuals, through a system of equitable contributions, may reduce or eliminate certain measurable risks of economic loss common to all members of the group. Its primary function is to substitute certainty for uncertainty as regards the economic cost resulting from the accidental occurrence of disastrous events."¹⁶ This description of insurance by an expert on the subject contains elements which sound distinctly Islamic. Solidarity and cooperation among Muslims is in fact a cornerstone of the Islamic society which the *shari'a* regulates, and certainty in contractual relations and the elimination of loss (*darar*) are two major concerns of Islamic jurisprudence.

Furthermore, among the recognized goals (*maqasid*) of the *shari'a* are protection and promotion of the individual's interests in property (*mal*) and his interest in the well-being of his progeny (*nasl*). Casualty insurance is perfectly consonant with the first goal and life insurance generally with the second. New types of transactions that promote the goals of the *shari'a*, that are not tainted with *riba*, and that involve no uncertainty affecting their validity are perfectly consistent with Islamic law and should not be called un-Islamic merely because they were not known in classical times or because they originated in the non-Muslim West.

THE NEED FOR SUSTAINED IJTIHAD

In a sense, the provisions of the existing codes which regulate new types of transactions and of which the immediate formal sources are foreign codifications can be said to fill the gaps in

traditional Islamic law resulting from the arrest of its progressive development through abandonment of *ijtihad*. Where such provisions do not violate any principles or mandatory rules and can be fitted into the scheme of the *shari'a*, they should be considered part and parcel of an updated Islamic law.

A thorough knowledge of the *shari'a*, not limited to the details and technicalities of the old textbooks of *fiqh*, and an objective review of the existing legislation in the light of such knowledge could thus help achieve two ends:

a) to put to rest the exaggerated claims of a basic incompatibility of the current codes and statutes with the principles and peremptory rules of Islamic law; and

b) to bring further together the two groups of jurists in the Muslim world: those trained exclusively or mainly in the *shari'a* and those who are the products of the law schools of modern universities. By undertaking this mighty exercise jointly they could herald a definitive end to the deceptive dichotomy of the law into Islamic and "modern," and pave the way for a true revival of the *shari'a* that would be responsive to the changing needs of the present and the future. Only thus could the truth of the saying, "The *shari'a* is suitable for all times and all places," be given concrete expression.

A continued development of the *shari'a* in response to the dynamics of evolving social and economic conditions requires a sustained process of *ijtihad*. But *ijtihad* can no longer be the final step in the process of lawmaking or, rather, law formulating. In the Islamic conception, it will be recalled, only God is the lawmaker, the jurists being mere expositors of the law. Theirs is a role of discovery based on the original primary sources, rather than one of creation *ex nihilo* of legal norms. This process, which we call *ijtihad*, naturally leads to a diversity of opinions, as witnessed by the historical development of Islamic law. Modern conditions, including the complexity of present-day social and economic relationships and the transnational nature of many transactions, call for certainty of legal norms and require easy access to them. The results of new *ijtihad*, whether individual or collective, should therefore be ultimately couched in texts enacted by individual parliaments. This would not be an exercise by the parliaments of a veritable legislative power, but merely a necessary act of compilation and dissemination of uniform rules

15. *Ibid.*, p. 225.

16. J. Edward Hedges, "Insurance," *Encyclopaedia Britannica* (Chicago and London: William Benton, 1973), vol. 12, p. 337b.

selected from the results of prior *ijtihad* in order to ensure the certainty of legal norms and their ready accessibility to all concerned. This pre-enactment *ijtihad* would invest the jurists with a positive role in formulating the law, in the best historical traditions of the *shari'a*, rather than giving them merely a negative veto power on parliamentary legislation, as in the case of Iran's Council of Guardians (Articles 91–95 of the Iranian Constitution of 1980).

Of the three tools of *ijtihad*, namely analogy (*qiyas*), consensus (*ijma'*) and the consideration of the public interest or common good (*maslaha*), the last mentioned appears to be the most promising in the context of a renewed and continuous process of *ijtihad*. This is so because the new areas of activity and the novel transactions in need of legal regulation may not lend themselves to strict *qiyas*, which is after all an analogical deduction of a new rule from an existing one by virtue of an identity of rationale between the new situation and the one covered by the existing rule. In a sense, *qiyas* may be said to have been largely exhausted by previous generations of jurists as a source of new rules of law. As to *ijma'*, it is the consensus of those who exercise *ijtihad*. Before reaching that consensus each *mujtahid* must arrive at this own conclusion by one of the other tools of *ijtihad*; *ijma'* does not stand by itself. This leaves *maslaha* as an open-ended possibility for formulating new rules of law.

The use by *mujtahids* of *maslaha* as a source of new rules of law must be accompanied by the two following safeguards:

1) ascertaining that the public interest invoked is one recognized by the *shari'a* in the light of its overall objectives (*maqasid*). This would preclude deviation from the *shari'a* in the guise of rules based on an ill-conceived "public interest";

2) ascertaining further that the rules to be so adopted do not contravene or conflict with any mandatory rules of law derived directly from the Qur'an or the established *sunna*,¹⁷ the two basic

17. The various schools of Islamic law, and individual jurists within each school, often invoked weak and unauthenticated *hadiths* in order to buttress their divergent opinions by relating them ostensibly to the *sunna*. Others of their contemporaries and successors rejected those *hadiths* and upheld different positions than those based on them.

original sources which provide relatively few, but mostly peremptory and always immutable, rules of law.

The use of *maslaha* as advocated here contrasts with the more radical doctrine of the seventh century, A.H. (fourteenth, A.D.) Hanbali jurist Najm al-Din al-Tawfi, who elevated *maslaha* to an autonomous source of the rules of law capable of overriding even the Qur'an and the *sunna*. His argument was that public interest is itself a basic principle of the Qur'an and the *sunna* and the ultimate purpose of the *shari'a*.¹⁸ The trouble with this view is that a public interest defined without reference, or even contrary, to the guidelines of the Qur'an and the authenticated *sunna* would soon transcend the Islamic framework within which all *ijtihad* must be exercised. A legal system whose rules are formulated through such an unrestrained consideration of a public interest subjectively perceived outside the outer perimeters of the primary sources of Islamic law risks the loss of its Islamic character.

Provided that the renewed process of *ijtihad* through *maslaha* meets the above two requirements—i.e., the compatibility of the particular public interest in question with the overall scheme of the *shari'a* and the absence of any conflict with a mandatory rule prescribed by the Qur'an and the established *sunna*—everything is possible by way of stating new rules of law or amending existing ones. This is so because of the principle of "original permissiveness." The law which evolves along these lines would always remain, thanks to the above two safeguards, authentically Islamic. It would reflect Islamic modernization, as opposed to the indiscriminate Westernization in the legal field carried out by some Muslim countries in the second half of the nineteenth century.

Present-day Islamic jurists should consider themselves bound only by established and authenticated *sunna*. They should feel no compulsion to follow this or that opinion of the earlier jurists when based on *hadiths* not generally recognized as genuine.

For an informative study in English of the question of the authenticity of *hadith*, see G. H. A. Juynboll, *Muslim Tradition* (Cambridge: Cambridge University Press, 1983).

18. Majid Khadduri, *The Islamic Conception of Justice* (Baltimore and London: The Johns Hopkins University Press, 1984), pp. 181–182.

GAMAL MOURSİ BADR

This process of sustained *ijtihad* requires think tanks of Islamic jurists who would, preferably at a transnational level, devote themselves, as the need arises, to the task of formulating new rules of law that would be both truly Islamic and effectively modern. This is the challenge which the *shari'a* must meet if it is to put behind it all the lingering effects of its recent crisis. The *shari'a* contains within itself all the resources necessary to achieve that end. One can only hope that current and future generations of Islamic jurists will be both open to and capable of using those resources in the enlightened way required for the successful discharge of this formidable task. It is also hoped that Islamic jurists will resume their leadership role so that they will guide lay public opinion in the right path of the *shari'a*, rather than subserviently follow that public opinion in its misguided whims and impulses.

2

Classical Muslim Family Law

FAMILY LAW, which includes such important areas as marriage, divorce and succession, has enjoyed pride of place within the

Shariyah, a prominence that reflects the *Quranic* concern for the rights of women and the family. Thus, the traditional family social structure, as well as the roles and responsibilities of its members and family values, may be identified in the law.

As noted in Chapter 1, the *Quran* introduced substantial reforms affecting the position of women by creating new regulations and modifying existing customary practice. These *Quranic* reforms, as well as customary practice, constitute the substance of classical Muslim family law.

Where *Quranic* reforms and values were incorporated, they served to raise the status of women and the family in Muslim society by establishing the rights of family members. In order to provide a background against which *Quranic* reforms and customary influences can be appreciated, this chapter will begin with a survey of women and the family in pre-Islamic Arabia. This survey will be followed by a presentation of the major regulations for marriage, divorce, and inheritance in classical family law according to the Hanafi school, which is the predominant official school of Islamic law in the Middle East and South Asia.

Women in Pre-Islamic Arabia

Although pre-Islamic poetry and other sources indicate that several types of marriage—patrilineal/patrilocal, patriarchal, matrilineal/matrilocal, uxorilocal, polyandrous, and polygamous—probably existed in pre-Islamic Arabia, the predominant pattern was patrili-

eal/patrilocal (i.e., a woman was placed under the control of her husband and lived with him and his tribe). Women were not necessarily subservient to men. Some strong women did receive tribute in poetry but women in general are not prominent in pre-Islamic literature. Examples exist of women who conducted their own marriages, participated in business ventures, entered into contracts, and owned and managed property, such as Muhammad's first wife, Khadijah. However, female participation in these ventures was typically contingent upon male permission and support. Moreover, it is unclear how widespread these practices were, particularly in the time period immediately preceding Muhammad.

In matters of marriage, a woman's most important assets were her sexual purity and reproductive capacities. Because a man, who owned property, needed to be certain that his heirs were truly his children, the question of female chastity and fidelity was a point of honor for the prospective bride's family, raising the value of female virginity. In the predominant patrilineal/patrilocal pattern of marriage, the wife—and the children she would bear—became the property of her husband. Her own tribe relinquished its claim to the wife and to the children she would bear in exchange for the payment of a dower (*mahr*).

Consequently, a woman's value to her tribe came to rest primarily on the amount of the dower it could expect to receive upon her marriage. As a wife, a woman became subject to her husband and his kindred and totally dependent upon them for maintenance and support. In addition, a woman's right to inheritance from her own family, especially of fixed property such as land, which would in effect mean transferring family wealth to another tribe, was out of the question. However, she maintained her blood kinship to her own tribe and had the right to their protection in the event that her husband mistreated her.

Women's low status in society is reflected in the *Quranic* condemnations of various practices, especially the prohibitions of levirate (forcing a widowed woman to marry her husband's brother, essentially rendering her a part of the estate) and female infanticide. As the *Quran* notes of the birth of female children: "And if the birth of a daughter is announced to any of them, his face turns black, and he is enraged. He hides from the people on account of the evil news

broken to him; should he keep it in humiliation or bury it in the ground? Evil is what they judge!" (16:58–59).¹

Another factor contributing to women's inferior status was men's right of unlimited polygamy, contingent solely upon the male's ability to capture or purchase women. Furthermore, there was no waiting period after divorce in pre-Islamic Arabia. Some scholars argue that this gave women greater freedom to pursue immediate remarriage and greater control over their own sexuality and reproductive functions. However, it should also be noted that the lack of a waiting period was accompanied by a lack of maintenance after the divorce, so that a woman who did not immediately remarry might find herself in severe financial straits, especially if she happened to be pregnant.

These factors provide the social context against which the life of Muhammad and the revelation of the *Quran* must be understood in order to see the profound changes wrought by Islam.

Islam brought a shift in the basis of the social foundation—from blood kinship to fellowship in a community (*ummah*) of believers, from loyalty to the tribe to a focus on the extended family as the basic social unit. An emphasis on family strength meant recognition not only of male rights but of female rights as well. This realization can be seen in family law reforms in the areas of marriage, divorce and inheritance. *Quranic* injunctions intended to raise women's status and foster equality represented some of the most radical departures from customary law in ancient Arabia.

Marriage

WHY MARRIAGE?

The central role of marriage in Islam is well illustrated by the Prophet's oft-quoted statement that "There shall be no mockery in Islam." Islam considers marriage, which is an important safeguard for chastity, to be incumbent on every Muslim man and woman unless they are physically or financially unable to pursue conjugal life. Through marriage, the Muslim engages in an activity that is life-affirming rather than life-denying. Marriage is central to the growth and stability of the basic unit of society, the Muslim family, the

means by which the world is populated with Muslims to concretize and realize God's Will in history by spreading the faith and fighting for it.

DEFINITION OF MARRIAGE

Marriage (*nikah*) in Islam is recognized as a highly religious sacred covenant. However, it is not religious in the sense of a sacrament, but rather in the sense of realizing the essence of Islam. In Islamic law, marriage is a civil contract legalizing intercourse and procreation. Marriage, reflecting the practical bent of Islam, combines the nature of both *ibadat* (worship) and *mamalat* (social relations).

ESSENTIAL REQUIREMENTS OF MARRIAGE

The contractual nature of marriage in Islam makes the woman a party to the marriage agreement, rather than an object of sale. Islamic law requires the consent of the adult woman to the marriage. A Muslim man or woman who is of sound mind and who has attained puberty (in classical law, twelve years of age for boys and nine years for girls) is considered to be legally eligible for marriage. Because it was customary in an agrarian society to marry at an early age, the sanctioning of marriage at puberty was appropriate to the social situation. Great emphasis was placed on the value of many children, which a young wife with many child-bearing years ahead could more easily provide.

Muslim men of legal majority are permitted to contract their own marriages. Muslim women typically must have a male guardian contract their marriage for them. The Hanafi school of Islamic law theoretically allows a woman of legal majority to contract her own marriage, although this practice does not appear to have been widespread. In order for such a marriage to be considered legally valid, the prospective husband must be of equal social status and piety, and the woman must demand the proper dower. If she does not demand the proper dower, her male guardian has the right to demand that the proper dower be paid or that the marriage be dissolved.

The law does not require any particular form or ceremony in which the contractual agreement must be made, nor does it require

any evidence of the union in writing. The custom of oral contracts seems to have prevailed, although the *Quran* does recommend that such an agreement be in written form: “Let a scribe write it for you with fairness. No scribe should decline to write as God has taught him . . . This is more equitable in God’s sight, more suitable for testimony and less likely to rouse your doubts” (2:282).

Essential to the marriage is the offer (*jab*) of one contracting party and the acceptance (*qabul*) of the other, occurring at the same meeting before two witnesses. In Islamic law, by *Quranic* provision, the place of one male witness may be taken by two female witnesses: “And call to witness two witnesses of your men; if not two men, then one man and two women from such witnesses you approve of, so that if one of them fails to remember, the other would remind her” (2:282). The higher social regard for men as witnesses in worldly affairs is reflected in the above regulation. This higher regard for men results in granting them more extensive rights in the law. In laws governing the arrangement of marriage for minors, the rights of men and women, as well as boys and girls, differ considerably.

GUARDIANSHIP IN MARRIAGE

A distinguishing feature of Islamic law is the power (*jabr*) that it bestows upon the father or grandfather, who can contract a valid marriage for minors that cannot be annulled at puberty. The right of guardianship is known as *wilayat* and the guardian is a *wali*. The inability of minors to repudiate the marriage seems to rest on the jurists’ assumption that fathers and grandfathers who are fond of their offspring would not have sinister motives in arranging marriages. However, this regulation is not supported by any *Quranic* prescription or *Sunnah* of the Prophet. If the marriage is contracted negligently or fraudulently, or by someone other than the father or grandfather, the minor may exercise the “option of puberty” (*khyar al-bulagh*) and repudiate the marriage upon attaining puberty. The option applies to all marriages contracted by anyone other than the father or grandfather, including the minor’s mother, who, as a woman, may be “deficient in judgment.”²

Lack of confidence in a woman’s judgment is an attitude (also reflected in Western countries for many centuries) that probably re-

sulted from the strict division of labor and social activity in Muslim society. The woman who spent most of her life engaged in domestic duties, completely segregated from the world of legal and business agreements, came to be viewed as less competent to deal with such matters. Thus, one can see the influence of custom and traditional attitudes upon the law. Among the many illustrations found in family law are the rules governing the option of puberty. This option is lost to the virgin female who has reached puberty if she takes no action or if she merely remains silent for what is considered a reasonable time after she has been informed of the marriage and of her option. However, the option is preserved for the boy under the same circumstances. His right continues until he actively approves the marriage or implies approval by the act of payment of dower or by actual cohabitation.³

If the husband or wife does exercise the option to repudiate a marriage, it must be confirmed by the court. Until such confirmation, the marriage continues, and if either party should die in the interval, the other would inherit from him or her.

CLASSIFICATION OF MARRIAGE

Like all other contracts, marriage has certain qualifications. However, unless its most basic requirements are violated, its validity remains. Marriages are classified by the degree of their validity as (a) *batil*, void, completely bad in its foundations; (b) *fasid*, irregular, good in its foundations but unlawful in its attributes; and (c) *sabih*, valid and completely lawful. As will be indicated, those marriage partners who do not fulfill all legal requirements for a *sabih* marriage are, in turn, denied many important legal rights.

Batil Marriage

A *batil* (void) marriage is an unlawful union that awards no mutual rights to the partners and imposes no obligations. The death of one partner does not entitle the other to any inheritance. Because the marriage is null and void and thus not considered to exist, the offspring are illegitimate. *Batil* marriages include such situations as marriage of a Muslim woman to more than one husband at the same

Number of Spouses

time, or a marriage prohibited on the grounds of consanguinity (blood relationship through a male ancestor), affinity (marital relationship), or fosterage.

Fasid Marriage

A *fasid* marriage is irregular because of (1) lack of a formality that may be rectified, as in the case of a secret marriage or a marriage contracted with less than the legal number of witnesses, or (2) an impediment that can be removed, as when a husband already has four wives. If a judge (*qadi*) is made aware of such an irregular marriage, he, as guardian of the law of God, must either legalize or terminate the relationship.

An irregular marriage has no legal effect until it is consummated, and even after consummation, the rights of the partners are limited.

The wife has the right of dower but no right of maintenance. Furthermore, there are no mutual rights of inheritance. The children of this marriage are considered legitimate, however, and are entitled to a share of the inheritance. To dissolve the relationship, only a single declaration of divorce is necessary. One of the partners at any time need only say "I have relinquished you" to annul the contract.

Sahih Marriage

A *sahib* (sound or valid) marriage conforms to every requirement of the law and is not affected by prohibitions in the *batil* marriages or in *fasid* marriages. The partners of a *sahib* marriage are entitled to all of the rights and subject to all of the obligations of a valid marriage.

Religion

Under Hanafi law, a Muslim man is allowed to marry a Muslim woman, or a Jewish or Christian woman (*kitabiyah*) who believes in a heavenly or revealed religion that has a *kitab* or revealed book. He cannot, however, marry an idolatress or a fire-worshipper. A Muslim woman, again more controlled in the exercise of her options, can marry only a Muslim man.⁴

COMPETENCY OF THE PARTIES IN A MARRIAGE

The various requirements that determine the classification of a marriage center around the following areas: (1) number of spouses, (2) religion, (3) family relationship, (4) *iddah*, and (5) equality.

Family Relationship

Prohibitions of marriage based on family relationship are derived from the *Quran* (4:23). Marriages are prohibited for partners

another reform raising the status of women, who had been subjected to unlimited polygamy in pre-Islamic times. Social circumstances during the period must be kept in mind, including the widespread acceptance of the practice of polygamy and the existence of many widows and orphans, the wives and children of men who had died in battle, who were in need of protection through marriage. The *Quranic* verse from which the control of polygamy is derived must be understood in the context of problems resulting from the battle of Uhud (625), which had caused the deaths of a substantial percentage of Muslim men: "If you fear that you cannot deal justly with the orphans, then marry such of the women as appeal to you, two, three or four; but if you fear that you cannot be equitable, then only one" (4:3).

Because of the patrilineal social structure through which children belonged to the male's family, a Muslim woman was only permitted to marry one husband at a time so that the paternity of her children could be established. If she married a second husband, this marriage was considered to be completely void. In addition, her children from the second husband were illegitimate and were therefore excluded from inheritance. They could not be legitimized by any later acknowledgment.

who have a certain blood relationship or consanguinity. Thus, a man may not marry his ascendants h.h.s. (how high soever) or descendants h.l.s. (how low soever).⁵

A man is also prohibited from marriage with relations by affinity, that is, the ascendants h.h.s. or descendants h.l.s. of his wife (provided his marriage to this wife was consummated) or the wife of an ascendant h.h.s. or descendant h.l.s. Also prohibited is a marriage where the relationship of fosterage exists, for example, marriage with one's foster-sister, foster-mother, or her daughter.

Another barrier to marriage in the category of family relationship involves unlawful conjunction. A Muslim must not be married at the same time to women related by consanguinity, affinity, or fosterage, such as sisters or an aunt and her niece. An unlawful union in Hanafi law renders a marriage irregular but not void.⁶

Iddah

In Hanafi law, a woman is prohibited from remarrying for a specified period of time (*iddah*) in cases where her previous marriage has been terminated by divorce or by the death of her husband. Only after the completion of *iddah* would a new marriage, if contracted, be lawful. During *iddah*, a woman must remain in seclusion in order to ascertain whether she is pregnant by her husband, and thus avoid any confusion of parentage. As will be discussed later, the *iddah* served a number of purposes in addition to determining parentage. It also was a period for reconciliation and required payment of maintenance. If a marriage is not consummated, *iddah* need not be observed, except in the case of a husband's death, because consummation could be the subject of conflicting claims of paternity, inheritance, and maintenance.

If the marriage is consummated before it is dissolved by divorce, the duration of the *iddah* is three menstrual cycles. If the woman is pregnant, the *iddah* continues until her delivery. If the marriage is terminated by the husband's death, the *iddah* period is four months plus ten days from the death of the husband. If, at the conclusion of this period, the widow is pregnant, her *iddah* continues until delivery of the child.

The prohibitions of *iddah* after divorce extend to the husband,

who may not marry again during the period of his former wife's *iddah*. However, marriage before the completion of the *iddah* is not considered void, but merely irregular.

To determine consummation of the marriage, which is a key issue in the practice of *iddah*, valid retirement (*al-khalwah al-sabi-hah*) can be used. To prove valid retirement, the husband and wife must have privacy and there must be no impediment to marital intercourse. Valid retirement also has the same effect as consummation not only in determining *iddah*, but also in confirming the right to dower, in establishing paternity, and in assessing the wife's right to maintenance.

Equality

The doctrine of *kafalah*, or the rule of equality, states that a marriage is a suitable union in law if the man is equal in social status to the woman. This doctrine is typically only a matter of concern if the man is considered to be of lower status than the woman, because a woman is considered to be raised to the husband's position by marriage. In Hanafi law, equality is determined by (1) family, (2) Islam, (3) profession, (4) freedom, (5) good character, and (6) means. A marriage that does not favorably meet these criteria is not necessarily void. The *qadi* must investigate whether the man misrepresented his social status to the prospective bride's family, as well as whether the marriage guardian was responsible for contracting the marriage or whether the woman contracted the marriage herself. The judge must then exercise his own discretion in deciding whether to annul the marriage (*taskh*) on the basis that it was a mésalliance, provided that the woman is not pregnant and that not more than a year has elapsed since the inequality was discovered.

CONSEQUENCES OF MARRIAGE (RIGHTS AND OBLIGATIONS OF PARTNERS)

Once the essential requirements for a valid marriage have been fulfilled, the marriage agreement imposes specific obligations and ensures specific rights for each marriage partner. Among the most significant rights and obligations are those concerning the duties of

the wife, regulation of marriage agreements, property, dower, and maintenance rights, guardianship, and parentage.

Duties of the Wife

The wife's main obligation involves maintaining a home, caring for her children, and obeying her husband. He is entitled to exercise his marital authority by restraining his wife's movements and preventing her from showing herself in public. This restriction of the wife mirrors the prevailing medieval social customs of veiling and seclusion of women, practiced in order to protect their honor.

Regulation of Marriage Agreements

The rights guaranteed to a woman as a legal entity under Islam ensure her a certain status before the law and grant her some power in her relationships with men. One important right granted by the Hanbali (but not Hanafi) law school that gives women a certain amount of independence and status in marriage is her right to insert conditions that are favorable to her directly into the marriage contract. The wife's ability to make conditions, provided that they are not contrary to the object of marriage, can resolve many inequities in areas such as polygamy and divorce. For example, clauses may be added that eliminate the husband's right to take a second wife or that grant the wife greater freedom of movement. These conditions limit the husband's somewhat automatic and extensive legal control over his wife. Because these conditions can be enforced by granting the wife her husband's power of divorce if they are violated, they bestow more equal rights of divorce to the wife. As will be seen later, this approach has been incorporated into modern reforms of family law.

Agreements on conditions can be drawn up at the time of the marriage or afterward, and are valid and enforceable provided they are not contrary to the policy of the law. Conditions that are contrary to the object of marriage (for example, clauses saying that the wife need not live with her husband or that the husband need not maintain his wife) would be void, although the marriage would still be valid. However, clauses that extend the natural consequences of

marriage, such as a husband's promise to maintain his wife in a certain lifestyle, are valid.

Property Rights

Another right granted to the woman as a result of *Quranic* prescription is her right to dower (*mahr*), intended to safeguard her economic position after marriage. Dower is considered to be essential in every marriage contract. It may be defined as a payment that the wife is entitled to receive from the husband in consideration of the marriage. As the *Quran* specifies: "And give women their dowers as a free gift" (4:4). In pre-Islamic Arabia, *sadaq* represented the husband's gift to his wife, while *mahr* was paid to the bride's father. However, Islamic law made dower payable not to the bride's father, but only to the bride herself. Like the contract itself, this action also made the woman a party to the contract and so the marriage agreement could not be considered a sale.

Dower could also be used as a means for controlling the husband's power of divorce, because upon dissolution of the marriage he is required to pay the total amount of the dower at once. In cases where the wife is divorced before consummation of the marriage, she has the right to one-half of her agreed-upon dower or, in Hanafi law, if there is no agreed-upon dower, she is entitled to a gift of three articles of dress or their value. Such provisions are also derived from the *Quran*: "You incur no offense if you divorce women before the consummation of marriage or fixing the dower. And provide for them in the rightful way" (2:235), and "If, however, you divorce them before the consummation of marriage, but after fixing a dower, then [give them] half of the fixed dower" (2:236).

Dower may be classified into several categories. The first, specified dower (*al-mabr al-musamma*), is usually fixed on the occasion of the marriage and recorded in a register by the *qadi* performing the ceremony. The amount of dower fixed by the father for his minor son binds the son for the amount; in Hanafi law, the father himself is not liable for payment.

Unspecified or proper dower (*mahr al-mithl*) refers to an amount that has not been fixed. Although it may not be specified, dower is a legal responsibility not dependent upon any contract between the parties. If dower is not determined, the amount will be decided by the social position of the bride's father's family as well as her own qualifications, such as those cited by the *Hedaya*: age, beauty, fortune, understanding, and virtue. The amounts of dower set for other females in the bride's family will also be a determinant. The husband's social or financial position is not a consideration.

The practice of dividing dower into two portions, prompt (*muqaddam*) and deferred (*muakkhabar*), is universal in the Hanafi school. Prompt dower is payable upon conclusion of the marriage contract and deferred dower must be paid only on termination of the marriage and thus, as mentioned above, serves as a *bona fide* protection in the event of a divorce.

The wife's claim for the unpaid portion of her dower is legally considered an unsecured debt ranking equally with other unsecured debts due from her husband or, after his death, from his estate. The wife is entitled to receive the debt herself, if she predeceases her husband, her heirs, including the husband, are entitled to the dower.

Under Muslim law, a widow whose dower has not been paid is entitled to the "widow's right of retention," which enables her to retain (but not obtain) possession of her husband's estate until her debt is paid. However, her unpaid debt does not make her the owner of this property.

The guardian of a minor wife whose husband refuses to pay prompt dower may refuse to send the wife to her husband's house. In addition, before consummation, the wife may refuse conjugal rights until the dower is paid. Under these circumstances, the husband must maintain the wife, even if she lives outside of his house. However, the wife loses her right to refuse herself once consummation or cohabitation occur.

These elaborately developed laws for the husband's payment of the dower to his wife represent one part of his monetary obligations to the women in his family. In fact, this sum was often received by the bridegroom from his father or grandfather who, as the traditional head of the extended family, controlled all family wealth. In traditional times, not only payment of dower, but also the other extensive monetary obligations of the male for all his women-folk, were collectively borne by the many male members of his close-knit family group, who often lived in the same household. Women in the family who were secluded, veiled, and restricted from most aspects of public life did not earn their own living. This role was traditionally reserved exclusively for the males, a role fulfilled as a point of honor. Women without an independent means of support were necessarily extensively protected through the legal maintenance obligations of their male kin.

Maintenance Rights

Maintenance (*nafqah*), another important obligation of the husband, includes food, clothing, and lodging. Maintenance is the husband's primary obligation, regardless of his wife's private means. The wife has priority over her children for maintenance. In return for her maintenance, the wife owes the husband her faithfulness and obedience. The husband's obligation begins when his wife reaches puberty and continues unless she refuses him conjugal rights or is otherwise disobedient. However, if her behavior is caused by non-payment of prompt dower or the necessity of leaving her husband's house because of his cruelty, maintenance must still be paid.

A wife is also entitled to maintenance during the period of *iddah* following a divorce, and if she ceases to menstruate before the completion of this period, the wife is entitled to maintenance until she completes three menstrual cycles. This ruling is intended to protect women who may be pregnant. However, a widow does not receive maintenance during the *iddah* following her husband's death as maintenance is considered to be inconsistent with her position as an heir.

If the husband refuses to pay maintenance, the wife has the right

Parentage

to sue for it. The various schools of law have defined the extent of her rights in this situation in different ways. The Hanafi school shows more preference for the male in that it does not allow the wife the right to past maintenance unless a distinct agreement was previously made. The wife who, after a period of time, sues for maintenance, has no means to obtain payment of her husband's past-due debt. In contrast, the Shafi and Hanbali schools consider maintenance arrears to be the husband's ongoing debt that can be claimed regardless of the amount of time that has elapsed.

In classical Hanafi law, the wife is put at a further disadvantage economically by the fact that neither inability nor refusal to maintain is considered sufficient grounds for the dissolution of a marriage. This is contrary to the principles of both the Maliki and the Shafi schools. The hardships resulting from the traditional Hanafi position are numerous. For example, a wife, who in traditional society is unable to support herself and her children, is also unable to free herself from a husband who has been imprisoned for a number of years.

A father is also bound to maintain those of his children falling into the following categories:

1. his infant children, regardless of whether he has custody of them;
2. the infant children of a son who is unable to do so;
3. his disabled son or student son;
4. his unmarried daughter of any age; and
5. his widowed or divorced daughter if she is ill.

If the father is poor, the mother and then the paternal grandmother are bound to maintain the children.⁷

Maintenance is not required of a father-in-law for a widowed daughter-in-law, and a father is not bound to maintain his illegitimate children.

The close ties between members of the larger family are reflected in the laws governing the maintenance of other relatives. Persons who are not poor are bound to maintain their poor relatives. The maintenance required should be determined in proportion to the share which they would inherit from these relatives at their death.

Parentage is established in Islam by birth during a regular or irregular (but not a void) marriage, or by the father's acknowledgement. Thus, the child's rights to legitimacy are at times dependent upon the goodwill of his father. A child's legitimacy determines both his rights to maintenance and to inheritance from his father.

Legitimacy is determined in classical Islamic law by the following rules: (1) A child who is born within six months of a marriage is considered illegitimate unless the father acknowledges him. (2) A child who is born after six months of marriage is considered legitimate unless the father disclaims him. (3) After the dissolution of the marriage, a child is considered legitimate if born within two years (in Hanafi law).⁸

The father's acknowledgement of paternity (*iqrar*) is possible and effective under the following conditions: (1) when the father of a child is not known to be anyone else; (2) if the man could, at the time the child was conceived, have been the husband of the mother [this condition implies that it has not been provided that the child was conceived by illicit intercourse (*zina*) and that the alleged marriage has not been disproved]; (3) if the ages of the parties are appropriate for that of father and son; and (4) if the acknowledgement is not only of sonship but of legitimate sonship.⁹

Divorce

WHY DIVORCE?

Because marriage in Islam is the basis of society, the means by which the human race is perpetuated, it has always been viewed by Sunni Muslims as a permanent institution. Contrary to pre-Islamic practice, temporary marriages (*mutah*) are forbidden. The Prophet is reported to have said that "of all the permitted things, divorce is the most abominable with God." As will be seen, many verses in the *Quran* seek to limit both the frequency and the facility of divorce in pre-Islamic Arabia.

The negative attitudes toward divorce in Islam are clearly re-

flected in the opinions of Hanafi jurists. As the *Hedaya* states, divorce is “a dangerous and disapproved procedure as it dissolves marriage, an institution which involves many circumstances as well of a temporal as of a spiritual nature; nor is its propriety at all admitted, but on the ground of urgency of release from an unsuitable wife.”¹⁰

However, consistent with its view of marriage as a contract, freely entered into by the two parties, provisions were made for legal action to protect the rights of each partner if the terms of the contract were not met. Every attempt should be made to maintain a marriage, but once the marriage becomes a failure, Muslim law allows the parties to separate from one another. Divorce in Islam serves as a safety valve in cases where the spouses can no longer live in harmony and so the very purpose of marriage would be defeated if they remained together.

DEFINITION OF DIVORCE

Divorce is generally referred to as *talaq*, meaning “repudiation.” *Talaq* comes from the root *tallaqa*, meaning to release a human being from any obligation incumbent upon him. It signifies one spouse’s release of the other spouse from the marriage bond, whether by repudiation or legal process.

As will be seen in the forthcoming discussion, the attitudes of the *Quran* regarding the necessary control of divorce are reflected in the approved forms (*absan* and *hasan*) of divorce. In comparison to the husband’s unbridled right to divorce his wife for any or no reason at all with no further responsibility toward her in pre-Islamic Arabia, the forms of divorce approved and outlined in the *Quran* represented a significant improvement in the treatment of women. Nevertheless, although the *Quran* granted the wife some judicial relief from undesirable unions, the strong influence of social customs, especially in the Hanafi school of law, narrowly limited the grounds for that relief.

CLASSIFICATION OF DIVORCE

Divorce can be classified into five major categories: (1) *talaq* proper, (2) *talaq al-tafwid*, (3) *khl* and *mubaraah*, (4) *lian* and *faskh*, and (5) apostasy.

Talaq Proper

The first category and the most comprehensive, *talaq* proper, is the husband’s right to divorce his wife by making a pronouncement that the marriage is dissolved. The male’s extensive duties in the socioeconomic sphere, and the attendant dominant position of the husband in the family and society, are reflected in some of the consequent legal rights he enjoyed over his wife. That men were recognized as enjoying more extensive rights than women is most clearly illustrated in the Muslim male’s essentially blanket right of divorce. Many *Quranic* verses make clear the undesirability of divorce and the punishments awaiting those who exceed the limits set by God.¹¹ However, the law did not translate these teachings and values of the *Quran* into specific legal restrictions on the husband’s right to divorce to guard against abuses.

Conditional, contingent, or qualified pronouncements of divorce are permitted in Hanafi law. For example, a divorce may be pronounced to take place at the occurrence of some future event or at some future point in time.

The husband’s pronouncement of divorce must indicate an intention to divorce, as for example, in the following expressions: “You are divorced,” or “I have divorced you,” or “I divorce my wife forever and render her *haram* (forbidden) for me.” However, regardless of the verbal meaning, actual intention to divorce is not necessary. Because Hanafi law considers the action to be one of immense gravity, if the husband uses the formula of repudiation in jest, in drunkenness, or even under compulsion, it is still considered to be valid and effective.

Although it could cause hardships for wives of impetuous husbands, another consequence of this provision was that it provided wives of undesirable husbands with an unforeseen opportunity to dissolve their marriages. In Turkey, for example, a convention developed during the rule of the sultans that allowed a wife to go before a *qadi* with two witnesses and claim that her husband had divorced her when he was drunk, a claim he would be unable to deny.¹²

A husband’s act of divorce in Hanafi law is unencumbered. A Muslim who has attained puberty and is of sound mind has the right to divorce his wife whenever he wishes without citing a cause. The

tact that the wife has no part in the procedure is further indicated by the fact that she does not have to be present nor must she be informed. The divorce can be either revocable, which gives the man an opportunity to reconsider the decision, or irrevocable. Because the Prophet did not approve of divorce, the revocable form of *talaq* is considered to be the “approved” form. Thus, the forms of *talaq* can be classified into *talaq al-sunnah*, divorce that is in consonance with the Prophet’s teachings, and *talaq al-bidah*, divorce that does not follow the Prophet’s teachings. The latter category of divorce represents an innovation and is therefore unapproved.

Talaq al-sunnah can be further divided into two categories. The first is *talaq al-ahsan*, the more proper and orthodox form of divorce and thus the least disapproved. *Talaq al-ahsan* takes place during the period of *tubr* (“purity”—the time when a woman is not experiencing menstruation). If a woman is beyond the age of menstruation or if the parties have been separated for a long time, *tubr* may be dispensed with. In an *absan* divorce, the husband utters a single pronouncement and then abstains from sexual intercourse with his wife during her *iddah*. The pronouncement is revocable (by words or conduct, as, for example, resumed cohabitation) during the whole period of *iddah*. This restriction provided a considerable period of time for the husband to reconsider his decision and for family arbitration to bring the couple together again, and thus followed the *Quran*: “Their husbands have the right in the meantime to take them back, should they seek reconciliation” (2:227). At the completion of the *iddah*, the divorce becomes irrevocable.

The *absan* divorce is the most approved form because of the kind and fair treatment given to the wife. Her period of suspense is not prolonged, and because there has been only one pronouncement of divorce there is no prohibition against remarriage of the parties. In addition, if the husband or wife dies during the period of *iddah*, the partner still inherits.

The *hasan* form of divorce is also approved, although to a lesser degree than the *absan* because it follows the letter but not the spirit of the Prophet’s injunctions. The *hasan* divorce is carried out by making three consecutive pronouncements (the first two having been consecutively revoked) during three successive periods of *tubr*, with no intercourse taking place during any of the three *tubrs*. The

first pronouncement should be made during a *tubr*, the second during the next *tubr*, and the third during the following *tubr*. The third pronouncement serves as a final and irrevocable dissolution of the marriage, and with it intercourse becomes unlawful and *iddah* is required. Remarriage becomes impossible unless the wife marries another, consummates the marriage, and is then lawfully divorced.

The third pronouncement is irrevocable to prevent the practice of divorcing a wife and then taking her back several times in order to induce her to purchase her freedom by relinquishing her dower (*mahr*) or making some other financial sacrifice: “Divorce may be pronounced twice. Then they [women] are to be retained in a rightful manner or released with kindness. And it is unlawful for you [men] to take back anything of what you have given them” (2:228). Unlike the two approved forms of divorce, the two disapproved forms (*talaq al-bidah*) do not allow for a chance to reconsider a possible capricious or hastily made decision. These forms of divorce, similar to the husband’s unfettered right of divorce in pre-Islamic Arabia, again made their way into common practice through the force of custom and were incorporated into Islamic law. They are valid but disapproved and considered sinful.

The first form of *talaq al-bidah*, consists of three declarations of divorce occurring at one time. The “triple declaration” is made during a single *tubr* by pronouncing one sentence, “I divorce you thrice,” or three separate sentences, “I divorce you; I divorce you; I divorce you,” irrevocably dissolving the marriage.

The second version of the *talaq al-bidah* consists of one irrevocable declaration. The single pronouncement can be made in oral or written form during a *tubr* or even at another time. At the moment of pronouncement or at the writing of the divorce, the marital tie is immediately severed.

The allowance of these two forms in law directly contradicts the *Quranic* prescription: “If you divorce your women, divorce them when they have completed their menstrual period. Calculate the period and fear God, your Lord . . . Those are the bounds of God. He who transgresses the bounds of God has surely wronged himself” (65:1). However, because Islamic law permitted the *talaq al-bidah*, only the husband’s conscience served as a restraint from the use of such disapproved forms of divorce.¹³

Talaq al-Tafwid (*Delegated Divorce*)

In traditional Muslim law, while a husband enjoys an almost unilateral right to divorce, a wife's ability to divorce is very limited, a restriction that mirrors women's dependent role in society. It fails to reflect verses in the *Quran* that suggest a wider range of divorce options for the wife. For example: "And women have rights equal to what is incumbent upon them according to what is just" (2:227).

One power of the wife to divorce, strictly controlled by her husband, is *talaq al-tafwid* (*delegated divorce*), the second main category of divorce. Here, the power of divorce is delegated to a woman by her husband when he expresses such words as "choose" or "divorce yourself."

Khul and Mubaraah (Mutual Divorce)

A *khul* divorce comes about through the common consent of the wife and the husband: "And it is unlawful for you [men] to take back anything of what you have given them, unless both fear that they cannot comply with God's bounds. If you both fear that they cannot do that, then it is no offence if the woman ransoms herself" (2:228). This mutual consent includes the wife's giving some compensation (part or all of her dower) to her husband. However, awarding the dower is not absolutely necessary. A *khul* repudiation can also take place without payment of compensation by the wife. Indeed, the *Quran* explicitly forbids men from treating their wives unjustly and harshly in order to take back part of the dower, unless the women is guilty of open lewdness (4:19). The purpose of this passage is to set a limit on the man's attempt to push his wife into requesting a divorce.

Mutual divorce may take two forms: the above-mentioned *khul* if the desire to separate is expressed by the wife, or *mubarazah* when both husband and wife desire a separation. According to Hanafi law, the correct procedure for divorce involves one meeting during which the husband proposes dissolution and the wife accepts it. Once the offer is accepted, in both the *khul* and *mubarazah* divorces, it operates as a single irrevocable divorce.

Dissolution of marriage may also be brought about by judicial process. The first type in this category is *hizan* (mutual oath swearing), where the husband alleges without legal proof that his wife has committed adultery. The wife then is entitled to file suit to bring about a retraction of her husband's statement or require him to swear an oath that she is guilty of adultery. His insistence upon her guilt under oath would bring the wrath of God upon him if he has accused her falsely. Once the wife has filed suit, intercourse with her husband becomes unlawful unless he retracts his claim. The swearing of the oaths in *hizan* are governed by regulations in the *Quran*:

And those who accuse their wives and have no witnesses except themselves, the testimony of one of them shall be to swear by God four times that he is truthful. The fifth time shall be God's curse on him, if he is a liar. And her swearing four times by God that he is a liar will ward off punishment from her. And the fifth time will be that God's wrath be upon her, if he is truthful (24:6-9).

After the oaths of both husband and wife have been made, the husband can divorce his wife. If he refuses to do so and the parties have not agreed to forgive each other, the court must dissolve the marriage, an action that has the same effect as one irrevocable *talaq*.

A second form of divorce involving judicial process is known as *faskh*, judicial revision of a marriage contract. *Faskh* means "to annul" (a deed) or "to rescind" (a bargain). In family law, it refers to the power of the *qadi* to annul a marriage on the petition of the wife. The grounds that are available to women seeking divorce in the Hanafi school are both limited in number and difficult to prove. In contrast, as we have seen, the husband is required by law to cite no grounds whatsoever to validate his repudiation of his wife.

The schools of law differ considerably in the number and kinds of grounds available to women who wish to divorce. The Maliki school is the most liberal, followed by the Shafii and Hanbali schools. The Hanafi school provides the narrowest grounds. In Hanafi law, a court may dissolve a marriage only if: (1) the marriage

Lian and Faskh (*Divorce by Judicial Process*)

is irregular; (2) a person who has the option to dissolve the marriage exercises it; (3) the parties are prohibited from marriage by fosterage; (4) the marriage was contracted by non-Muslims who subsequently adopt Islam, or vice versa; (5) a husband is unable to consummate the marriage; or (6) he is missing. In the latter case, the court can declare the marriage ended after a period of time, enabling it to presume that the wife is a widow (putative widowhood). However, the wife must wait for a divorce for a period of ninety years from the date of her husband's birth.

In contrast to the Hanafi school, the more liberal Maliki school

allows a wife to divorce on the grounds of her husband's (1) cruelty;

(2) refusal or inability to maintain her; (3) desertion; or (4) serious disease or ailment that would make a continuance of the marriage harmful to the wife. As will be seen in Chapter 3, modern reform legislation looked to Maliki law to expand a wife's grounds for divorce.

Divorce by Apostasy or Conversion

In the Hanafi school, a husband's and wife's renunciation of Islam (apostasy) dissolves the marital tie, *ipso facto*, whether or not the marriage was consummated. This condition provides a possible opportunity for wives to dissolve their marriage, and cases can be found in which wives claimed to have committed apostasy in order to free themselves from their husbands.¹⁴

CONSEQUENCES OF DIVORCE (RIGHTS AND OBLIGATIONS OF PARTNERS)

Following a divorce, certain rights and obligations of both parties come into effect.

Iddah

The wife's main obligation rests in her observance of *iddah* to ensure that if she is pregnant no question will occur regarding the paternity of her child and his right to inherit from his father. In addition, her observance of *iddah* provides a period during which a reconciliation may take place.

Dower

Considering the husband's unilateral right to divorce and the potential wrong to which the wife is exposed, *Quranic* verses cite many conditions granting the wife compensation once the divorce is carried out, and these were incorporated into the law. If the marriage was not consummated, the wife is entitled to a suitable gift, if the amount of dower had not been fixed, or one-half of the agreed-upon dower (2:236–37). If the marriage was consummated, the total amount of dower is due immediately.

Maintenance

During the period of her *iddah*, the wife is entitled to maintenance from her husband, and this right continues, if she is pregnant, until the birth of her child. Furthermore, if the divorced wife has a young child, she can nurse him for two years. During this period, the father must maintain both mother and child (2:233).

Inheritance

Spouses may inherit from each other if their divorce is revocable. However, rights of inheritance terminate in the case of an irrevocable divorce.

CUSTODY

In Hanafi law, the divorced mother has the right to the custody (*hadaanah*) of her male child until he is seven years old and of her female child until puberty, set at age nine. During this time, however, the father, who is legally considered to be the children's natural guardian and maintainer, continues in his supervision of the children and he or his paternal relatives receive custody of sons and daughters at ages seven and nine, respectively.

The awarding of custody to the father is a consistent social reflection of the workings of a traditional, patriarchal, patrilocal family. The family emphasizes the paternal line of ancestry and makes the central residence the home of the paternal grandfather, where

many women (aunts, grandmother) are available within the family to care for children. However, such laws do not allow much consideration for the children's now-divorced mother, whose roles of wife and mother, the main source of a woman's status in a traditional society, may be taken away from her even though she was given no choice in the divorce action. In addition, if she marries another man, custody of her children, regardless of age, is given to her first husband as long as he is an able and proper guardian. A woman loses custody of her child at any age if her behavior is immoral or if she provides poor care for the child.

The collective responsibility of extended family members for each other can be seen in the following assignment of relatives responsible for the child. Such a list illustrates the exact assignment of duties to each relative, paralleling the exact assignments of their own maintenance and inheritance rights.

In the absence of or disqualification of the mother, female relatives in the following order receive custody: (1) mother's mother h.h.s.; (2) father's mother h.h.s.; and (3) full sister or other female relatives, including aunts. In the default of female relations, the following male relatives obtain the right of custody: (1) father; (2) nearest paternal grandfather; (3) full brother; (4) consanguine brother; and (5) full brother's son and other paternal relations (in the order of the nearest male relative determined in the same order as that of inheritance).¹⁵ However, no male relative may obtain custody of a female minor unless he is related within the prohibited degrees of consanguinity. If no qualified guardians exist, the court appoints a guardian for the minor.

RECONCILIATION AND REMARRIAGE

The rules governing the process of reconciliation and remarriage of the spouses reveal the *Quran's* emphasis upon the importance of marriage and the gravity of divorce. Regulations seek to encourage reconciliation and remarriage while at the same time discouraging the divorce which had made a remarriage necessary in the first place.

If reconciliation and remarriage are desired by a husband and wife after a divorce, the parties are subject to the following regulations. If the husband has made one or two declarations of divorce in

the two approved forms (*talaq al-sumah*) following *Quranic* prescriptions, a reconciliation—either a formal revocation of the repudiation (*talaq*) or resumption of conjugal life—can take place during the *iddah* period. Therefore, formal remarriage is not required. Every possible allowance is made after an approved divorce is carried out to rescind the divorce and quickly re-establish married life. However, when one or two declarations in the approved forms have been made and the *iddah* period has expired, a regular remarriage is necessary. In this situation, the gravity of divorce is emphasized by requiring a complete renewal of the marriage agreement.

When three declarations have occurred, the divorce is final and irrevocable. Reconciliation and remarriage are prohibited. A husband who has pronounced a triple repudiation can only remarry his ex-wife if she marries another and that marriage is terminated through the death of her spouse or through divorce.

The intent of these requirements, which originate in the *Quran* (2:229), is aimed at curtailing such pre-Islamic practices as perpetually divorcing a wife, pretending to take her back, and then divorcing her again in order to either convince her to relinquish her dower for her final freedom, or to prevent her from remarrying and seeking the protection of another husband. The damage to his pride that a husband in traditional society had to endure in order to remarry his wife after an irrevocable divorce was doubtless intended to serve as a strong deterrent against hastily conceived divorces.

Succession

WHY INHERITANCE?

The customary laws dealing with inheritance in pre-Islamic Arabia were designed to keep property within the individual tribe, thereby preserving its strength and power. Inheritance passed only to mature male (agnate) relatives who could also fight and defend their possessions. Male minors were totally excluded. Widows, who were regarded as part of the estate, and daughters, who would no longer belong to the family once they were married, were also barred from inheritance.

The inheritance provisions in the *Quran* modified this system in

order to correct injustices. Islam brought a change in the social structure. Loyalty to the *ummah* transcended tribal allegiance, and greater emphasis was placed upon family ties between husband, wife, and children. The consequent shift in allegiance from the individual tribe to the individual family unit significantly raised the status of women in the society. This Islamic reform is mirrored in the rules of inheritance stipulated in the *Quran* that were superimposed upon certain unjust customary laws. The *Quran* granted rights of inheritance to the husband and the wife, to children, and to a number of close female relatives who had previously had no rights of succession at all. These new "Quranic heirs" received fixed proportions from the deceased's estate before the inheritance passed to the close male relatives. Generally speaking, female heirs were awarded a share equal to one-half that of their male counterparts, whose heavy maintenance responsibilities also cited in the *Quran* justified their larger share. However, in cases where the parents and the uterine brothers and sisters of the deceased are only entitled to a small share of inheritance, men and women share equally in the estate. In addition, no reference is made in the *Quran* to primogeniture. Thus, all sons, regardless of age, received an equal portion of inheritance.

The reforms introduced by the *Quran* did not replace the existing legal scheme. Instead, the customary laws and *Quranic* reforms were fused into a comprehensive and coherent legal structure by the efforts of jurists and the force of events. The system of inheritance that resulted represents a feat of juristic achievement. The Prophet is reported to have said that the laws of inheritance comprise "half the sum of *ilm* (true knowledge stemming from divine revelation)."

DEFINITION OF INHERITANCE

The system of inheritance is the science of duties or obligations (*ilm al-faraid*), specifically, religious obligations. The reform of customary law through its modification by *Quranic* verses (Islamification) will be seen in the explanation of classical laws of inheritance that follows. The outline arranging the structure of priority in inheritance demonstrates both the structure of the traditional extended family and the Islamic concept of social values. Furthermore, it illus-

trates the meticulous precision with which jurists formulated this elaborate legal system of succession.

CLASSIFICATION OF HEIRS

Hanafi jurists divide the heirs into seven categories. The first three are the principal classes.

Quranic Heirs

The first class is made up of the *Quranic* heirs (*ahl al-faraid*), whose rights were established by divine revelation. The *Quranic* heirs have been called "sharers" because they receive a precise fractional share prescribed by the *Quran* (4:11-12, 176). Although these relatives, who are mostly women, inherit first, they take only a portion of the estate. The strong influence of customary law can be seen by the fact that the residue, usually the bulk of the inheritance, reverts back to the male agnates (*azabah*).

A list of the twelve relations that make up the *Quranic* heirs follows. It includes a treatment of (1) the fraction of the estate that each class of heirs receives, singly or collectively; (2) those relatives who exclude certain other heirs from inheritance; and (3) the other key circumstances affecting inheritance. The shares mentioned for each heir refer to the net estate, the amount remaining after funeral expenses and other debts have been paid.

The first two *Quranic* heirs are heirs by "affinity," the *husband* and *wife*. These heirs always succeed. They do not exclude nor are they excluded by any other relative. If they exist, they reduce the residue that may be taken by the second class of relatives (agnates). The husband takes one-fourth of his wife's estate. If his wife has no living children or children of a son h.l.s. (agnatic heirs), he takes one-half.

The wife inherits one-eighth of her husband's estate if there are children or children of a son h.l.s., and one-fourth if there are no children. However, the wife's portion is a collective one. In the case

of a polygamous union, the wives share the one-eighth or one-fourth equally. The remainder of the *Quranic* heirs (blood relations) are listed below:

The *father* receives one-sixth. However, when there are children of the deceased or of the deceased's son h.l.s., the father of the deceased is made an agnatic heir.

The *mother* receives one-sixth. However, if there are no children of the deceased, no children of the deceased's son h.l.s., or only one brother or one sister of the deceased, her share is increased to one-third of the whole estate. If the husband or wife and the father of the deceased are alive, she will receive one-third of the residue after deducting the husband's or the wife's share.

One *daughter* of the deceased is entitled to one-half of the estate and two or more daughters receive two-thirds. However, if the deceased has a son, the daughter(s) are made agnatic heirs.

The *paternal grandfather* is entirely excluded from inheritance by the father or nearer paternal grandfather of the deceased. However, if they are not living, he takes their place, receiving one-sixth of the estate, or if there are no children of the deceased or the deceased's son h.l.s., he becomes an agnatic heir.

The *maternal grandmother* is entirely excluded by the living mother of the deceased or nearer maternal or paternal grandmother. The *paternal grandmother* is excluded by the living mother or father of the deceased, a nearer maternal or paternal grandmother and a nearer paternal grandfather. However, when they are not excluded, they receive a share of one-sixth of the inheritance to be distributed to one or more collectively.

The *son's daughter* receives a share of one-half for one and two-thirds for two or more collectively. If only one daughter of the deceased exists or if only one higher son's daughter exists, her share is reduced to one-sixth. Finally, if an equal son's son exists, she is made an agnatic heir.

The *full sister* of the deceased is excluded from inheritance by the deceased's son or son h.l.s., father, and paternal grandfather. If these are not living, one sister receives one-half of the estate and two or more collectively receive two-thirds. However, if a full brother exists, the full sister is made an agnatic heir.

The *consanguine sister* is excluded from inheritance by a son h.l.s., father, paternal grandfather, full brother, or more than one full sister. Otherwise, her share is one-half for one sister and two-thirds collectively for two or more. When only one full sister exists, the consanguine sister's share is reduced to one-sixth and if a consanguine brother exists, the consanguine sister is made an agnatic heir.

The *uterine brother* and *uterine sister* are excluded by the child, child of a son h.l.s., father, or paternal grandfather of the deceased. If these do not exist, uterine brothers and sisters receive one-sixth singly and one-third for two or more collectively.¹⁶

Agnatic Heirs

Once the *Quranic* heirs have received their share, the remainder of the estate passes on to the Class 2 agnatic heirs (*asabah*), or male relations on the male line. The inheritance rights of the agnates derive from pre-Islamic customary law.

Class 2 heirs have often been referred to as "residuaries," because the residue of the estate (often the bulk of the inheritance) goes to them. Class 2 contains all of the male agnates, and due to *Quranic* reforms, four specific female agnates.

Agnatic heirs are formally classified by the *Sirajiyah*¹⁷ in the following way:

1. Males—The agnate in his own right (*asabah bi-nafsihi*). This group, the largest and most important, includes a limitless number of blood relatives, all male agnates who were the tribal heirs of pre-Islamic law—the son, son's son, father, brother, paternal uncle and his son, and so on.

2. Females—The agnate in the right of another (*asabah bi-ghayriha*). This section specifies four female agnates *when they coexist with male relatives of the same degree*: daughter (with son), son's daughter h.l.s. (with equal son's son h.l.s.), full sister (with full brother) and consanguine sister (with consanguine brother).

3. Females—The agnate with another (*asabah maa ghayriha*). These consist of two irregular cases of full and consanguine sisters when they coexist with daughters and there are no nearer heirs.¹⁸

*Uterine Heirs**Escheat*

Following distribution to the *Quranic* and agnatic heirs, the inheritance that remains is distributed among the uterine heirs (*dhaunu al-arham*), often referred to as “distant kinsmen.” Uterine heirs include every relative who is neither a sharer nor a residuary. On close examination, one finds that the agnatic and the uterine together include all possible blood relatives of the deceased.

Following the first three principal categories of heirs described above, four subsidiary classes of heirs (successors unrelated by blood) inherit only as a rare exception.

Successor by Contract

In Hanafi law, in default of all blood relations and subject to the rights of husband or wife, the estate of the deceased goes to the “successor by contract.” Through a contract, this person promises to pay a fine or ransom for which the deceased may become liable, and in exchange he receives this right of succession. Such an agreement is called a *maualat*.

Acknowledged Kinsman

The next in succession is a person of unknown descent about whom the deceased has made an acknowledgement of kinship, not through himself but through another. The deceased could have acknowledged someone as his brother, the descendant of his father or his uncle, or the descendant of his grandfather, but not as his son.

Universal Legatee

The universal legatee is the person to whom the deceased, through a will, has left all of his property. The deceased may leave the whole estate if he has no living heir.

In the default of all possible heirs mentioned above, the estate escheats to the government, the ultimate heir. In early Islamic history, the inheritance would go to the Public Treasury (*bayt al-mal*).

TESTAMENTARY BEQUESTS (*wasiyyah*)

As the Hanafi inheritance laws so fully reveal, a man is not free to bequeath his whole estate to whomsoever he chooses. He is obligated by law to give certain fixed amounts to specific heirs. These shares represent the inviolate right of such heirs to an inheritance.

However, the verses of inheritance had been preceded by earlier verses permitting testamentary bequests to relatives. The law of testamentary bequests has its source in the *Quran*: “It is prescribed for you that when death is imminent for one of you and he leaves wealth, he should equitably make a testament in favor of the parents and the near of kin. This is incumbent upon the righteous”¹⁹ (2:179). This *Quranic* “Verse of Bequests,” which was of a general and discretionary nature, has generally been regarded by the majority of jurists as abrogated by the later *Quranic* verses of inheritance, which, as has been noted above, stipulated fixed portions for specified heirs. However, as will be seen in Chapter 3, a minority of jurists continued to maintain that the “Verse of Bequests” was in force. Modern Egyptian reforms have been based on this position.²⁰

The *Quranic* verses of inheritance only provided for a specific group of heirs and this only “after payment of legacies and debts,” so some form of bequest was still presumed (4:12). Because the *Quran* was silent as to the extent of this continued power of testamentary disposition, jurists turned to the *Sunnah* of the Prophet for regulations that both enabled bequests and protected the rights of *Quranic* heirs. The result is a system that recognizes the right of a Muslim to bequeath up to one-third of his net estate to parties of his own choice as long as they are not his own legal heirs. The bequest can be made for any person capable of owning property, regardless of his religion, or to an institution, or for a religious or charitable object.

The provision limiting the disposition of property to the “bequeathable third” is based on a report by the Companion of the Prophet, Saad b. Abi Waqqas:

The Messenger of God visited me at Mecca . . . since I was near death. So I said to him: “My illness has become very serious. I have a good deal of property and my daughter is my only heir. Shall I give away all my property as alms?” He said: “No.” I said: “Shall I bequeath two-thirds of my property as alms?” He said: “No.” I asked: “Half?” He answered again: “No.” Then he said: “Make a will for one-third and one-third is a great deal. It is better to leave your heirs rich than poor and begging from other people.”²¹

The second restriction that a bequest may not be made in favor of a legal heir stems from the *hadith* reported by Ibn Abbas: “No legacy to an heir unless the other heirs agree.”²²

Sunni jurists devised a further regulation to cover cases in which a testator went beyond the limits of his power and bequeathed in excess of the allowable one-third or bequeathed to an heir. In such cases, the permission of the testator’s heirs is required before such provisions can take effect. In Hanafi law, this consent must be obtained after the death of the testator.

Waqf (CHARITABLE ENDOWMENT)

The legal definition of *waqf*, or endowment, in the Hanafi schools is “the detention of a specific thing in the ownership of the *waqif*, or appropriator, and the devoting or appropriating of its profits or usufruct in charity on the poor or other good objects.”²³

The formation of *waqfs* is consistent with the strong emphasis on charitable deeds stressed in Islam, but in comparison with other institutions, its support in traditions is weak. The legal scholars (*fiqaha*), in explaining *waqf*, put most emphasis on a tradition of Ibn Umar, which says that Umar asked the Prophet what he should do with valuable lands he had just acquired after the partition of Khaibar. The Prophet answered: “Retain the thing itself and devote its fruits to pious purposes.” Umar followed these instructions, prohibiting the land from being sold, given away, or bequeathed, and

giving it as charity to the poor, needy relatives, slaves, wanderers, guests, and for the propagation of the faith. In addition, the property’s maintainer could also obtain sustenance from the property as long as he did not accumulate wealth from it.

Certain conditions must be met for the completion of a valid *waqf*. First, the *waqif* (founder of a *waqf*) must have reached puberty, be of sound mind, and be a free man. He must also possess unrestricted ownership and full right of disposal of his property. Second, the object of the endowment must be of a permanent nature and it must yield a usufruct (profit). A *waqf* is generally associated with real estate, although movable property has also been awarded. Third, the *waqf* must be made in perpetuity (*muabbad*), so that if it is established for individuals, the proceeds are allotted after their death to the poor. Fourth, the purpose of the *waqf* must be pleasing to God. In addition, the ultimate purpose of a *waqf* must be *qurbah* (i.e., for the benefit of the poor).

Two kinds of *waqf* can be distinguished: a religious or charitable endowment (*waqf khairi*) involving mosques, hospitals, bridges, etc., and family endowments (*waqf ahli* or *dhu’uri*) for children or grandchildren, as well as other relatives or other people.

Only in Hanafi law can the *waqif* himself also benefit from the *waqf* after the dedication. For the remainder of his life or for a shorter period of time, he can take the whole of the usufruct from the *waqf*.

Waqfs can be made for the rich and the poor alike, or for the rich and thereafter for the poor, or for the poor only. Thus, when a *waqf* is given in favor of the *waqif*’s descendants, the trust is in their favor as long as a single descendant exists. When they cease to exist, the usufruct will go to the poor. Some limitation is placed on the amount of the *waqif*’s estate dedicated in certain circumstances. If a *waqf* is made through a will or during death illness (*marad al-maut*), the testator cannot award more than one-third of his estate without the consent of his heirs.

Conclusion

The study of classical family law demonstrates the practical bent of Islam, from its earliest days, in applying the divine imperative. The comprehensiveness of the early Muslim jurists’ efforts is attested to

by the highly developed and detailed regulations governing every aspect of marriage, divorce, and succession. As we have seen, these regulations embodied both *Quranic* reforms and customary legal practices.

Quranic reforms corrected many injustices against women, introducing new rights and, in some cases, guaranteeing existing rights—the right to contract their own marriage, receive dower, retain possession and control of wealth, and receive maintenance and shares in inheritance. At the same time, however, family laws were formulated to meet a woman's needs in a society where her largely domestic, childbearing roles rendered her sheltered and dependent upon her father, her husband, and her close male relations. Thus, family law reflected women's dependent position, as can be seen in regulations concerning witnesses, option of puberty, initiation of divorce, and rights of maintenance and inheritance.

Because men had more independence, wider social contacts, and higher status in the world, their social position was translated into greater legal responsibilities (especially in maintenance regulations), as well as more extensive legal privileges proportionate to those responsibilities. The most notable examples of such rights and duties can be found in the areas of guardianship of marriage, extensive divorce rights, wider privileges of custody, and greater shares in inheritance.

In its attempts to meet the needs of a particular social milieu, Muslim family law reflected the social mores of the time—the traditional roles of men and women and the function of the extended family in a patriarchal society. This understanding of classical family law, which demonstrates the interrelatedness of law and society, provides a valuable perspective for modern legal reform. It can be argued generally that the duties and responsibilities of men and women in classical law remained virtually unchallenged up to the twentieth century because they paralleled the socially accepted roles of individuals and the function of the family in a social context that reflected the same patriarchal structure under which the original law was formulated. However, profound social forces in modern times have affected the status and roles of women and the family in Muslim societies. This process has been accompanied by reforms in Muslim family law that have sought to respond to, as well as to foster, social change.

3 Modern Muslim Family Law in Comparative Perspective

Legal Reform in Egypt

REFORM IN THE OTTOMAN EMPIRE

IN THE MIDDLE of the nineteenth century, reform in the Middle East was initiated in the Ottoman Empire, of which Egypt was a part, through the promulgation of commercial and penal codes.¹ These codes, both in form and substance, were largely derived from European codes as a result of increasingly close contact with the West (especially France and Great Britain) in the nineteenth century. In addition, secular (*Nizamiiyah*) courts were established to handle civil and criminal law, and so the jurisdiction of the *Shariyah* courts was limited to the area of family law.

These legal reforms were at first followed by Egypt as an Ottoman province. Foreign legal influence continued to prevail after Egypt gained judicial and administrative independence in 1874, and so, from 1875 onward, the Egyptian government enacted civil and criminal codes modeled on French law.

Islamic law, however, remained central to family law. In 1875, Muhammad Qadri Pasha, under official government sponsorship, compiled a code based on the classical Hanafi school that included 647 articles concerning family inheritance.² Although the code was never officially adopted as legislation, as a compendium of classical law it served as the major reference for Egyptian *Shariyah* courts, as well as for the courts of other Middle Eastern countries.

Despite substantial official legal change in the areas of civil and criminal law during the latter half of the nineteenth century, Muslim family law, which had been practiced through the centuries, re-

Notes

1—The Sources of Islamic Law

1. “[He is] Creator of the heavens and the earth. When He decrees a thing, he only says to it: ‘Be,’ and there it is.” (2:16); see also 7:54 and 31:10. All Quranic references are from Majid Fakhry, trans. The Qur'an: A Modern English Version. Reading, England: Garnet Publishing Limited, 1997.
2. The scope of this study is restricted to Sunni Islam, that branch of Islam which encompasses 90 percent of the world's Muslims.
3. Shihab al-Din al-Qarafi, *Adb Dhakkhita* (Cairo: n.p., 1961) 1:119. See also Muhammad ibn Idris al-Shafii *Al-Risala fi usul al-fiqh* (Cairo: Bulak, 1321 A.H.), 65–66.
4. N. J. Coulson, *A History of Islamic Law* (Edinburgh: Univ. of Edinburgh Press, 1964), 40.
5. Reuben Levy, *The Social Structure of Islam* (Cambridge: Cambridge Univ. Press, 1971), 127.

2—Classical Muslim Family Law

1. See also *Quran* 6:151 and 17:31.
2. Charles Hamilton, trans., *The Hedaya* (Lahore: Premier Book House, 1957), 37.
3. Sir D. F. Mulla, *Principles of Mahomedan Law*, 16th ed. (Bombay: Tripathi, 1968) 263.
4. See Hamudab Abd al-Ati, *The Family Structure in Islam* (Ann Arbor: University Microfilm, 1971), 253–60, for a discussion of the religious, sociological, and psychological reasons for this prohibition.
5. How highsoever (h.h.s.) and how lowsoever (h.l.s.) refer to continuing the same family line as far as conceivable. For example, a son h.l.s. can refer to a son's son's son. A grandfather h.h.s. can refer to a father's father's father's father.
6. Neil B. E. Baillie, *A Digest of Muhammadan Law*, 4th ed. (Lahore: Premier Book House, 1965), 35.
7. Seymour Vesey-Fitzgerald, *Muhammadan Law: An Abridgement* (London: Oxford Univ. Press, 1931), 96–98.

8. Coulson, *History of Islamic Law*, 175.
9. Faiz Badruddin Tyabji, *Muslim Law: The Personal Law of Muslims*, 3d ed. (Bombay: Tripathi, 1940), 264–65.
10. Hamilton, *The Hedaya*, 73.
11. See, for example, *Quran* 65:1.
12. Vesey-Fitzgerald, *Muslim Law*, 73.
13. Two other forms of divorce initiated by the husband are very rare: *ila* and *zihar*. In the case of *ila*, or Vow of Continence, the husband vows not to have intercourse with his wife, and if he abstains for four months, in Hanafi law, the marriage is dissolved without legal process. However, he may revoke the vow by merely resuming marital life.
- Zihar*, derived from *zahr* (back), is an archaic form of an oath coming from pre-Islamic Arabia that means “to oppose back to back.” To represent dissension between husband and wife, the spouses turn their backs on the other partner. In the language of law, *zihar* signifies a husband comparing his wife to a female relative within the prohibited degrees of kinship. *Zihar* by itself does not dissolve the marriage. After the husband has taken this oath, his wife has the right to file for restoration of conjugal rights.
14. See chap. 3, p. 79.
15. Tyabji, *Muslim Law*, 275–76.
16. For additional information, see Baillie, *Digest*, 696–700; Tyabji, *Muslim Law*, 839, 843–60; Mulla, *Principles*, 58–62; N. J. Coulson, *Succession in the Muslim Family* (Cambridge: Cambridge Univ. Press, 1971), 40–46.
17. *The Siratayyah* by Siraj al-din Md. b. Abdu al-Rashid al-Sajawandi is the highest authority on inheritance among the Hanafis.
18. *Siratayyah*, 23–24, as cited in A. A. A. Fyze, *Outlines of Muslim Law*, 3d ed. (London: Oxford Univ. Press, 1964), 411.
19. See also *Quran* 2:240, which prescribes that a testator bequeath one year's maintenance with residence to his widow.
20. See chap. 3, p. 64.
21. *Miskat al-Masabib* (Lahore: Sh. Muhammad Ashraf, 1973) 12:xx, 1.
22. *Ibid.* 12:xx, 2.
23. Baillie, *Digest*, 557.
- 3—Modern Muslim Family Law in Comparative Perspective
1. *Commercial Code of 1850*, *Penal Code of 1858*, *Code of Commercial Procedure of 1861*, and *Code of Maritime Commerce of 1863*.
2. Although the majority of Egyptians were followers of the Shafi school, the Hanafi school has been the authoritative source of the courts since the sixteenth century, when the Ottoman Empire established it as the official law school. This action was reaffirmed by Article 280 of *Shariyah Courts Organization Regulations*, 1910, in which predominant opinions of the Hanafi school were officially endorsed.
3. *Al-Manar*, 35 vols. (Cairo: Manar Press, 1912) 12:331.
4. Muhammad Abdurrahman Rashid Rida, *Tafsir al-Qur'an al-Hakim*, 12 vols. (Cairo: Manar Press, 1349/1930) 4:349 ff.
5. Qasim Amin, *Tahrir al-Mar'ah* (Cairo: n.p., 1899), 165, 184.
6. Quoted in C. C. Adams, *Islam and Modernism in Egypt* (Oxford: Oxford Univ. Press, 1933), 231.
7. J. N. D. Anderson, “Recent Developments in Shariah Law III,” *Muslim World* 41 (1951): 113.
8. See chap. 2, p. 34.
9. See chap. 2, p. 16.
10. See chap. 2, p. 35.
11. This provision requiring payment of past maintenance was the cause of many false claims as to the arrears date. The *Code of 1931* decreed that claims could not be in excess of three years prior to the date of the suit.
12. *Articles 15 and 17, Law No. 25, 1929*.
13. See chap. 2, pp. 35–36.
14. Although the other Sunni schools of law do not allow dissolution of marriage, they each recommend other methods for handling cases of maltreatment.
15. *Article 9, Law No. 25, 1929*. While this legislation is principally of Maliki origin, one significant difference exists. Whereas the Maliki school allows for a *khalul* divorce when the wife is judged at fault, the reform legislation makes no provision for divorce in such cases.
16. See chap. 2, p. 34.
17. The law here differs from traditional Maliki law only in its recognition of valid excuses for separation such as business or study, a position followed by the Hanbali school.
18. In fact, the original intent of this law was to discourage a lighthearted or frivolous treatment of divorce and underscore the seriousness of a repudiation; nevertheless, hardship and injustice often occurred when an “unintended” divorce occurred as a result of a repudiation uttered under compulsion or in a state of intoxication.
19. *Article 4, Law No. 25, 1929*. Inexplicably, formulae uttered in jest were not included.
20. See chap. 2, p. 31.
21. Some legal scholars, such as Ibn Taymiya, condemned *tahhil* as an abuse of the spirit of the law and thus invalid.
22. *Al-Ahram*, June 7, 1971.
23. *Ibid.*, Feb. 8, 1971.
24. *Ibid.*, Dec. 23, 1971.
25. *Ibid.*, Dec. 27, 1971.
26. *Articles 76–79, Law of Testamentary Dispositions of 1946*.
27. The general limitation for testamentary dispositions is one-third of the testator's estate.
28. See pp. 49–50.
29. *Article 30, Egyptian Code of Procedure for Shariyah Courts*, 1897.
30. *Explanatory Memorandum, Law of Rules Relevant to Waqf of 1946*.

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1994

The Chapter of Mary

The figure of Mary, mother of Jesus, looms very large in Qur'anic scripture, scripturalist exegesis, and popular Muslim piety. In the Qur'an, Mary is the only female identified by name, and her name appears far more frequently in the Qur'anic text than in the entire New Testament. Her name is also the title of a Qur'anic Sura (Sura 19). From birth she was surrounded by miracles of divine favor. As a young woman, she received the angelic annunciation of a child from God's spirit, a word from God cast into Mary, whose name was the Christ Jesus son of Mary, chosen to be one of God's righteous prophets. The angels also gave Mary glad tidings that God had chosen and purified her, had chosen her above the women of the worlds. And the Qur'anic revelation celebrates Mary as "an example for the believers" because of her chastity, obedience, and faith.

In the Qur'an, the story of Mary is intertwined with that of her guardian, the prophet Zacharia (Zakariyya). The Qur'anic accounts of Zacharia's prayer for a child in old age and the glad tidings of the birth of John (Yahya) (19:2–15; 21:89–90; 3:38–41) in all instances directly precede Qur'anic passages on Mary's sinless conception of the prophet Jesus (19:16–35; 21:91; 3:42–51); in Sura 3, Zacharia's story (3:38–41) is inserted between verses on Mary's birth and childhood (3:33–37) and the angels' annunciation of the birth of Jesus (3:42–51). The angels' words on the birth of John to Zacharia (3:39) are almost identical with those on the birth of Jesus to Mary (3:45). Both Zacharia (3:40) and Mary (3:47) question the message—"my Lord, how shall I have a son"—and both are told that God "does" (3:40), "creates" (3:47) what He wills. Fur-

thermore, the wording of God's praise and blessing of John (19:12–15) is almost identical to Jesus' words about himself, spoken in the cradle (19:30–33). In this manner, a strong affinity is established between the figures of Zacharia and Mary on the one hand and those of John and Jesus on the other (except that the Qur'an overall awards much greater prominence to Mary and Jesus). Zacharia's wife here remains a figure apart. It is only in Qur'anic exegesis and pious tradition that she is linked with Mary by ties of kinship, gender, and shared life experiences.

The Wife of the Prophet Zacharia and Mother of the Prophet John in the Qur'an

The Qur'an renders the story of the motherhood of Zacharia's wife in Suras 19, 21, and 3.¹ The woman's name is not mentioned, but the revelation speaks of her righteousness and God's favor in restoring her from barrenness and granting her motherhood.

The aged Zacharia² prayed to God in secret in the *mibrab*³ for a son who would be his successor and equal in righteousness (19:2–6; 21:89; 3:38). The prayer was answered, and God (19:7; His angels, 3:39) gave him tidings of a son named John (Yahya), a name not before given (19:7); he would witness to the truth of a word from God and be a lord, an ascetic, and a prophet (3:39). Zacharia doubted because his wife was barren and he himself had grown very old; God restored his wife for him, God's will was done, and the task was very easy for God (19:8–9; 21:90; 3:40). Zacharia asked for a sign, which God granted him; it was that he would not speak for three nights (19:10; three days, 3:41) and would communicate through motions or signs only (19:10–11; 3:41). Zacharia thus (silently) suggested to his people to celebrate God's praises in the morning and in the evening (19:11); he himself was commanded to celebrate God's praises in the evening and in the morning (3:41). The child John was given *hukm* ("jurisdiction;" in Islamic exegesis usually understood as "the wisdom of prophethood") even while still a young boy. He was compassionate, pure, and devout, kind to his parents, neither arrogant nor rebellious (19:12–14). God ordained "peace on him the day he was born, the day he dies, and the day he will be raised alive" (19:15). Zacharia, his wife and their son were a righteous family. They competed in good deeds, prayed to God in longing and fear, and were humble (21:90).

The Wife of the Prophet Zacharia and Mother of the Prophet John in Islamic Interpretation

Islamic tradition has identified Zacharia's wife as Elisabeth (Ishba', daughter of Faqudh).⁴ Zacharia,⁵ before his prophethood a frugal and devout carpenter, is said to belong into the Solomonic line; indeed, he and Amram (Imran), father of Mary, are called the children of Solomon. Elisabeth is the sister of Mary's mother Anna (Hanna)⁶ and also appears in some traditions as the sister

of Mary.⁷ Information on this figure is scanty. She is seen as resembling Sara in that both were blessed with a child, a future prophet, in old age after life-long barrenness. Other traditions tell of her meeting with Mary when both were pregnant. The women embraced, and Elisabeth told Mary that her own unborn child was prostrating himself in obeisance before the child in Mary's womb. This, the commentators explain, was in fulfillment of the Qur'anic words that John would "testify to the truth of a word from God" (3:39).⁸ and that the prostration meant obedience and glorification, as had the angels' prostration before Adam. It signified that the prophet Jesus stood above the prophet John "because God made him resurrect the dead and heal the blind and the leper."⁹ In contemporary works on Qur'anic women figures including those of the *qisas al-anbiya'* genre,¹⁰ Elizabeth is not mentioned; to my knowledge, she also plays no role as "example" in the contemporary pious literature for and about women.

Mary (Maryam) the Mother of the Prophet Jesus (Isa) in the Qur'an

Mary¹¹ is the only female identified in the Qur'an by name. Her name appears in a large number of Qur'anic verses¹² and is also the title of a Sura (Sura 19). Most other personal names used as titles of Qur'anic chapters are those of prophets—for example, Sura 10: Yunus; Sura 11: Hud; Sura 12: Yusuf; Sura 14: Ibrahim; Sura 47: Muhammad; Sura 71: Nuh.¹³ Before birth, Mary's mother consecrated her to God's service. After the baby was born, she invoked God's protection for her and her progeny from Satan. According to authenticated tradition, both Mary and her son Jesus thereby escaped "the pricking of the devil" at birth, which tradition is said to have played a role in the formation of the later Islamic doctrine of prophetic *'isma* (innate quality of "impeccability," "immunity from sin and error" of prophets).¹⁴ Mary served in the *mihrab*¹⁵, where she received miraculous sustenance. While a virgin, God's angels spoke to Mary to give her glad tidings of a word (*kalima*) from God; God cast of His spirit (*ruh*) into Mary; He sent His spirit to Mary to give her a pure son. Was Mary, then, a Qur'anic prophet? Classical Islamic theology debated this issue, especially after it had been championed by the Zahirite school, a relatively marginal and in any case short-lived medieval *madhab* ("school of scriptural interpretation and religious law"), whose focus on the literal (*zabiri*) meaning of the sacred text found proof for Mary's prophethood in the fact that God's angels had informed her of things to come. Neither consensus-based mainstream doctrine nor public piety, however, came to recognize Mary's prophethood. Exegetes have consistently extolled her high Qur'anic rank; but their images of Mary have also reflected the fact that she differs from other Qur'anic women figures in nature and life experiences and also, at least in part, from the Islamic ideal of womanhood as elaborated in Islamic law.

The Qur'anic story of Mary is related in three Meccan¹⁶ and four Medinan¹⁷ Suras. The earliest and longest account is found in Sura 19, the *Sura of Mary*, which relates the annunciation, Jesus' birth, and Jesus' first words, spoken before birth(?) and in the cradle. According to this Sura,

(16) Mary withdrew from her family to an eastern place.¹⁸ (17) She took a screen [or, curtain, *hijab*] [to screen herself] from them. And We sent Our Spirit to her, and it took the shape of a well-proportioned human. (18) She said: I take refuge with the Compassionate from you. [Go away] if you fear God. (19) He said: I am only your Lord's messenger, to give you¹⁹ a pure boy. (20) She said: How could I have a boy when no human has touched me and I am not a whore? (21) He said: Thus. Your Lord says: It is easy for Me, and so that We make him a sign for the people and a mercy from Us. It is a settled matter. (22) So she was pregnant with him, and she retired with him to a remote place.²⁰ (23) And the pains of childbirth drove her to the trunk of a palm-tree. She said: If only I had died before this and were completely forgotten. (24) And he called her from below her²¹: Do not grieve, your Lord has placed beneath you a little brook. (25) And shake the trunk of the palm-tree toward you, so it will drop juicy fresh dates upon you. (26) And eat and drink and be joyful. And when you see a human being, then say: I have vowed a fast to the Merciful, and I will not speak with a human being today.²² (27) Then she brought him to her people, carrying him. They said: Oh Mary, you have done something unheard-of. (28) Oh sister of Aaron,²³ your father was not a bad man nor was your mother a whore. (29) Then she pointed toward him. They said: How can we speak to someone who (as) a small boy is [still] in the cradle? (30) He said: I am God's slave. He has given me the Book and has made me a prophet. (31) He has made me blessed wherever I be and has charged me with prayer and almsgiving as long as I live,²⁴ (32) and filial piety toward my mother.²⁵ And He has not made me tyrannical and villainous. (33) And peace be upon me the day I was born and the day I die and the day I am resurrected alive.²⁶ (34) Such is Jesus, the son of Mary—to say the truth which they doubt. (35) It is not for God to acquire [or, take to Himself] any child.²⁷ Praised be He! When He decides a matter He only says to it: Be! and it is.

In the short verses of Suras 23 and 21, Mary and her son Jesus are revealed to be “a sign” (*aya*) from God: (23:50) “And We made the son of Mary and his mother a sign, and We granted both of them shelter on a hill with *qarar* [“fertile ground,” or, “a secure abode,” “a hollow”],²⁸ and spring water”; (21:91) “And she who guarded her chastity [literally, her shame]. Then We breathed into her of Our spirit, and We made her and her son a sign for the worlds.”

A second annunciation scene is related in Sura 3,²⁹ where it is preceded by the story of Mary’s consecration to God’s service, Zacharia’s guardianship of Mary, and the miraculous sustenance she received while serving in the temple as a young girl.

(33) “God chose Adam and Noah and the family of Abraham and the family of Amram above the worlds. (34) Progeny one from the other. And God hears and knows. (35) [Then] when the wife of Amram said: My Lord, I have pledged [or, I herewith pledge] to you what is in my womb as consecrated.³⁰ So accept [it] from me. You are who hears and knows. (36) And when she had given birth to her, she said: My Lord, I have given birth to her, a female. And God was most aware of what she had borne. The male is not like the female. And I have named her Mary, and I place her and her offspring under

your protection against stone-worthy Satan. (37) And her Lord accepted her graciously and made her grow up in a goodly manner. And He put her charge with Zacharia. Whenever Zacharia entered upon her in the *mibrab*,³¹ he found sustenance with her. He said: Oh Mary, from where do you have this? She said: This is from God. God provides for whom He wills, without accounting.³² (42) And [then] when the angels said: Oh Mary, God has chosen you and purified you and chosen you above the women of the worlds. (43) Oh Mary, be devoutly obedient toward your Lord, prostrate yourself, and bow down with those who bow down.³³ (44) This belongs to the stories of what is hidden. We reveal it to you. You were not with them when they cast their reed-stalks as lots [to establish] who of them would provide for Mary. And you were not with them when they quarreled. (45) And [then] when the angels said: Oh Mary, God gives you glad tidings of a word from Him whose name is Christ Jesus son of Mary, highly regarded in this world and in the hereafter, and one of those brought close [to God]. (46) He will speak to the people in the cradle and as a grown man, and be of the righteous. (47) She said: My Lord, how shall I have a son when no human has touched me? He said: Thus. God creates what He wills. When He has decreed a matter He only says to it: Be! and it is. (59) Jesus is before God like Adam. He created him from dust, then said to him: Be! And he is.

Sura 66 establishes Mary's status as "example for the believers" because of her chastity, faith, and obedience. (11) "And God has given an example to those who believe . . . (12) (in) Mary the daughter of Amram who remained chaste [literally, protected her shame] and We blew into it of Our spirit. And she testified to the truth of her Lord's words and His books and was of the devoutly obedient."³⁴

Suras 4 and 5 emphasize Mary's chastity but also her and Jesus' full humanity; here the language includes the refutation that Jesus and Mary formed part of a "trinity":

(4:156) [Among the sins the Jews committed were . . .] their unbelief and their uttering of an enormous slander against Mary.

(4:171) Oh people of the Book! Do not go too far in your religion, and do not assert against God, except the truth. Christ Jesus son of Mary is only God's messenger and His word which He conveyed to Mary, and a spirit from Him. Therefore believe in God and His messengers and do not say: Three. Cease. It is better for you. God is only one God. Glory be to Him. [He is exalted above] that He should have a son. To Him belongs what is in the heavens and on earth. And God is the best caretaker.

(4:172) Christ does not disdain to be the slave of God, nor [do] the angels brought close [to God]. He who disdains His worship³⁵ and is arrogant, He will gather them all together to Himself [for judgment].

(5:19) Unbelieving are those who say that God is Christ the son of Mary. Say: Then who would prevail against God if He wished to destroy Christ the son of Mary and his mother and all who are on earth? God has the dominion of the heavens and the earth and what is in-between. He creates what He wills. And God is capable of everything.

(5:75) Unbelieving are those who say: God is Christ the son of Mary.

And Christ said: Oh children of Israel, worship God, my Lord and your Lord. He who ascribes partners to God, God has forbidden him paradise. His abode is the fire, and the sinners have no helpers.

(5:78) Christ the son of Mary is only a messenger. Before him have the messengers passed. And his mother is a woman of truth. The two of them used to eat food. See how We clarify the signs for them, then see how they are turned away?

(5:119) And [then] when God said: Oh Jesus son of Mary, did you say to the people: beyond God, take me and my mother as gods? He said: Praise be to you. It is not for me to say what is not my right. If I said [or, had said] it, you knew it. You know what is in my mind, while I do not know what is in your mind. You are the knower of hidden things. (120) I only said to them what you commanded me, to worship God my Lord and your Lord, and I was a witness over them as long as I was among them. And then when you took me unto you, it was you who watched over them. You are witness over everything.

Mary the Mother of the Prophet Jesus in Islamic Interpretation

The medieval Hadith³⁶ relates different "occasions of revelation" of the story of Mary.³⁷ The verses of Sura 19 are said to have been revealed before the first Muslim migration to Abyssinia, where they impressed upon the Negus Islam's status as a monotheistic faith and, consequently, his obligation to protect the Muslim migrants in his realm against their pagan Meccan compatriots.³⁸ Conversely, the verses of Sura 3 are said to have been revealed during meetings that the by then victorious Prophet held in Medina with a large delegation of sixty horsemen from the Yemenite Christian community of Najran. "These began to argue about God and the Messiah, and God revealed the beginning of Sura 3 (*Al Imran*) about that and clarified that Jesus was created, as was his mother before him."³⁹ These traditions may give an inkling not only of the chronology of the sequential Qur'anic segments of Mary's story but also of early Muslim perceptions of the unfolding story's import. Post-Qur'anic Islamic exegesis, however, came to perceive the main purpose of all of the revelations on Mary⁴⁰ as divine clarification of the true natures of Jesus and Mary in order that their creaturedom be but another sign of God's Oneness and Omnipotence. In contemporary exegesis, the reading of Mary's story in terms of *tawhid*, unicity of God, is even more clearly stated.⁴¹

Hadith and Tafsir have dealt with the figure of Mary in several different ways. Firstly, the miraculous events surrounding her birth and childhood, the annunciation and the birth of Jesus were developed and expanded upon in the hagiographic mode. Secondly, the scholars of Islam found in the Qur'anic text a number of theological problems for debate and dogmatic formulation. Among these has been the meaning of "spirit" (*ruh*) and "word" (*kalima*) that the virgin received from God. The debate has also involved the question of whether Mary was one of God's prophets, and how her Qur'an-proclaimed qualities of purity and obedience should be defined. The Hadith has probed Mary's relationship with Eve and, in consideration of her Qur'an-established rank "above the

women of the worlds" has asked if she was, indeed, superior to earlier figures, such as Pharaoh's wife, or later ones, such as Khadija, Fatima, and A'isha. Thirdly, as with all other exemplars in Qur'an and/or Sunna, the religious authorities have attempted to define the social applicability of Mary's qualities, that is, the facets of her model status suited for emulation by the Muslim woman. Modern interpretations show some change from the classical on all three themes. The old hagiographic dimension (based in part on Bible-related Hadith materials) is now largely eliminated. Scholastic probings into the dogmatic significance of key issues in Mary's story are of low priority compared to exegetical emphasis that the story's core is the affirmation of God's Oneness and unlimited power. And while the problematic of Mary's model status for emulation by Muslim females is now addressed with greater purpose and vigor, modern theological efforts in this latter area have not been "pervasive" in that the figure of Mary remains *sui generis* and thus presents problems for Islamic paradigmization.

The Story in Hagiographic Extension

Mary's Consecration, Birth, and Childhood in the Temple

Traditions report that Mary's mother Anna (Hanna),⁴² wife of Amram (Imran), was longing for a child. The sight of a bird brooding over its young moved her to tears, and she entreated her husband to pray for a child. Both prayed, and Amram dreamed that he should lie with his wife. He did and she conceived.⁴³ Else, Anna began to menstruate (i.e., she was once again awarded the physical state of women who can conceive); having been purified from her menstruation, she conceived from her husband.⁴⁴ Assuming that she was carrying a boy, Anna consecrated her unborn child to God's service in the temple, and God accepted the offering even though the child was female.⁴⁵ Anna named her daughter Mary.⁴⁶ Because of Anna's prayer that God protect Mary and her offspring from Satan, neither Mary nor her son Jesus were "touched," or "pricked," or "kicked," or "squeezed," or "pierced in the side" at birth by Satan, which is what happens to all other human beings and explains why babies cry when they are born.⁴⁷ After the infant was weaned, Anna took Mary to the temple. Then Amram died,⁴⁸ and lots were cast for the privilege of the child's care. Of the reed stalks cast into the well of Seloam (or, other bodies of water), only that of Zacharia consistently floated on the surface (or, against the current), and therefore it was he to whom was awarded the privilege of her care.⁴⁹ Mary grew up in the temple a beautiful young girl. She worshipped day and night, her feet swollen and oozing with pus, until her unequalled piety and righteousness became known among the Israelites.⁵⁰ She lived in the *mibrab* to which only Zacharia had the key. He would lock her into the room, but whenever he visited her, he found wondrous provisions: winter fruit during summertime, and summer fruit during wintertime. Mary gave some of these to Zacharia, and it was then that he lay with his wife and she conceived John (Yahya); else, Zacharia prayed to God, provider of "fruit out of season," to give him "a son out of season."⁵¹ When Mary had attained

the age of puberty, she told Zacharia that "she had seen a horrible thing," (i.e., she had begun to menstruate), and from then on Zacharia removed her from the place of worship to his wife's (her maternal aunt's) care until she returned to a state of purity.⁵² Among the people who served with Mary in the temple, mention is made of Joseph son of Jacob,⁵³ a carpenter, who is identified as Mary's cousin on her mother's side.⁵⁴

Annunciation, Pregnancy, and the Birth of Jesus

In Tafsir literature, the annunciation of the angels (Sura 3) is generally interpreted in light of Mary's visitation by God's spirit in the form of a man (Sura 19), and both instances are said to refer to the angel Gabriel (Jibril).⁵⁵ When the angel(s) approached, Mary was alone. Some traditionists say that this was at a well in the wilderness ("desert") to which Mary and Joseph had walked to fill their water jugs.⁵⁶ According to others, Mary had withdrawn to an isolated place for the duration of her menstrual period, as was her habit, and that she had just cleansed herself when the angel(s) appeared. Else, she is said to have sought solitude in order to pray.⁵⁷ God's spirit, that is, the angel Gabriel, approached her in the form of a handsome, beardless young man who had a pure face and curly hair.⁵⁸ Other traditions maintain that God's spirit (Gabriel) took the form of Mary's companion Joseph.⁵⁹ Mary's surprise at the annunciation is explained by the fact that she had no husband.⁶⁰

Identification of the spirit with the angel Gabriel, however, presented the interpreters with a textual problem in that the Qur'anic "spirit" speaks to Mary in the first person, announcing "I am only your Lord's messenger, that I give you a pure boy" (19:19).⁶¹ Exegesis solved the problem by making the angel Gabriel the medium, or means, or instrument, of God's "blowing of His spirit" into Mary (as established in 21:19 and 66:12). "Gabriel could not create life in her, because he himself was a created body."⁶² The theme of Gabriel's blowing, however, was thereafter elaborated with the loving detail of popular legend. Exegesis ponders at length whether Gabriel blew into the *jayb* ("breast-pocket," or "fold," or "neckline") of Mary's chemise, or whether he blew at its hem, or into its sleeve. Some say that the fold of her chemise was ripped in the front, so that the breath reached her breast. Else, the breath entered through her mouth.⁶³ In any case, the breath reached her womb and she conceived her child.⁶⁴ Traditions go on to tell that Joseph was the first to notice Mary's pregnancy, and that he was much astonished and troubled. Eventually, he confronted her by asking whether a crop could grow without seeds, and a child without a father? Mary answered yes, since God had created the first crop from nothing, just as He had created Adam without father or mother. Her answer convinced Joseph that Mary's child was also the result of God's creative power beyond the customary course of nature.⁶⁵

Mary's pregnancy is said to have coincided with that of her maternal aunt Elisabeth, Zacharia's wife. When the two women met and embraced, John prostrated himself in Elisabeth's womb before the unborn Jesus.⁶⁶ When Mary was alone, her unborn child would speak with her, and when she was among people, she could hear him praise God in her womb.⁶⁷ Most traditions relate that Mary

carried Jesus for nine months, "as women carry." Some assume a shorter pregnancy, such as eight, seven, or six months, nine or three hours, one hour, or no time at all, with the delivery occurring immediately after conception.⁶⁸ That Mary was generally thought to have been pregnant for some time is affirmed in the stories involving Joseph and Elisabeth. Furthermore, exegesis perceives Mary's withdrawal "to a remote place" (19:22) as selfprotection against "the heretics among the Israelites," the gossips and slanderers who would accuse her of an immoral relationship with Joseph, or even Zacharia.⁶⁹

It was then that the birthpangs drove Mary to the trunk of a palm tree and she wished that she had died before any of this happened, and to be completely forgotten.⁷⁰ God's favor and blessing then came to her in the form of fresh dates and clear drinking water. Some say that the date palm in that place was a dried-up tree that miraculously began to sprout; others say that it was a living tree that bore no fruit, because these events took place in winter when fruit are not in season. The gifts, when miraculously provided, gave Mary the nourishment "most appropriate for women in labor," and also confirmed the noble status the date palm holds in God's creation. A number of traditions, however, see God's gifts to Mary as greater than physical nourishment in that God's creation of fresh dates in the winter "without pollen" was, primarily, miraculous proof of Mary's sinlessness.⁷¹ Mary stayed with her child in the place of his birth for forty days, that is, until she had regained physical purity.⁷²

According to medieval scholarly Qur'an interpretation, Mary then returned home to her people. The more popular and hagiographic *qisas al-anbiya'* genre of pious legendary tales here records some additional events. Some traditionists "who transmitted from the *ahl al-kitab*" relate that a search party went out for Mary.⁷³ When they came upon Mary and her newborn child, they found them both surrounded by lights.⁷⁴ According to Wahb ibn Munabbih,⁷⁵ the idols East and West collapsed on that day and the satans were confused until Iblis told them about Jesus . . . and they found Jesus lying in his mother's lap, while angels stood all about him. A brilliant star rose in the sky. The priests of the Persian king took this as the sign of an important birth. The Persian king then sent his emissaries to Jesus with gold, myrrh, and frankincense. The Syrian king, however, planned to kill Jesus. When Mary was informed of his intentions, she fled with Jesus to Egypt, where they stayed until Jesus was twelve years old.⁷⁶ Medieval scholarly Tafsir rejects this story by denying that anyone went out in search of Mary. Modern exegesis, much more critical of hagiographic detail in general and Bible-related lore (*isra'iliyat*) in particular, has labeled tales of this nature "fables and legends" which obscure the main Qur'anic issue, that is, God's reminder to the faithful that He is One and His power is absolute.⁷⁷

When Mary returned to her family, she left her defense to her child. The interpreters here speak of the anger of Mary's people at the suggestion that a mere infant would speak to them to exonerate his mother.⁷⁸ The effectiveness of Jesus' defense is seen in the fact that his (Qur'an-recorded) words concerned himself as God's prophet and thereby established Mary's virtue within the parameter of prophetic veracity.⁷⁹

Some Doctrinal Issues in the Qur'anic Revelations on Mary

Spirit (ruh)

Suras 19:17; 21:91; and 66:12 state that Mary was impregnated by "Our spirit."⁸⁰ Jesus is identified as "God's prophet, His word that He cast into Mar and a spirit from Him" (4:171). Jesus was supported with the holy spirit (*ru al-qudus*) (2:87, 253; 5:113).⁸¹ The casting of God's spirit into Mary recall the gift of God's spirit to Adam shaped from clay (15:29; 32:9; 38:72),⁸² while Jesus' support by means of the holy spirit recalls the strengthening of those in whose hearts faith is firmly inscribed "with a spirit from Himself" (58:22). In addition, the Qur'an speaks of "the trusted spirit" (*al-ruh al-amin*) as the agent of God's revelation (26:193; cf. 16:102). The spirit is further mentioned together with, but separate from, the angels (97:4; 70:4; 78:38), and also as something conveyed by the angels to God's chosen servants (16:2). In its role as conveyor of revelation, the spirit is identified as Gabriel (Jibril 2: 97).⁸³

In Mary's story, the spirit is life-creating force of, or from, God. To this day, however, Islamic exegesis has differentiated between "Our [God's] spirit sent to Mary in the form of a man (19:17) and "Our [God's] spirit [of] which We breathed into Mary" (21:91; 66:12). While the former has been "personalized" by way of identification with Gabriel,⁸⁴ the latter is understood as the life substance with which God (directly) awakened Adam to life from clay just as it (directly) awakened Jesus to life in Mary's womb.⁸⁵ Classical exegesis established that Gabriel was the means, or instrument, of God's creative power. But contemporary thinkers perpetuate the notion that, "somehow," "God's spirit in the form of a well-shaped human" *qua* Gabriel in human form was a different "entity" than the spirit which God breathed (directly) into Mary.⁸⁶ This issue, however, has not attracted much further attention. On the whole, the conservative shaykhs familiar with the medieval rationalist tradition are merely imitative of medieval authorities. Others find little use in the scholastic tradition since their attention lies with social, economic and political issues, the new agenda of defining Islam in the modern world.

Kalima, God's Word Bestowed upon Mary

In Sura 3:42, the angels announce to Mary that God gives her glad tidings of a word from Him whose name is Christ Jesus, son of Mary. Sura 4:171 speaks of Jesus as God's apostle and His word bestowed upon Mary. Classical Qur'aic exegesis has recorded different interpretations of the meaning of Jesus as "word from God" (3:42) or "God's word" (4:171).⁸⁷ Once again, the riches formulation is found in the work of the medieval rationalist theologian Razi⁸⁸ and is reiterated, with little change, by the nineteenth century modernist theologian Muhammad Abduh. To these authorities, use of the term "word" is mainly metaphorical. The term can be interpreted as:

1. God's creative power and His act of creation of Jesus.
2. "word" indicates the gospel, essence of Jesus' prophetic mission.

3. Else, Jesus himself is figuratively referred to as "God's word" in order to define his mission, which is to clarify God's message to the world and cleanse the record of past revelations from [Jewish] distortion.
4. The "word" means God's message to Mary *about* the birth of Jesus.⁸⁹

The fundamentalist Sayyid Qutb sums up the lack of interest of many modern and contemporary religious thinkers in the whole scholastic rationalist tradition when he places the notion of Jesus as God's word among the Qur'an's "implicit" or "obscure" (*mutashabih*) teachings, "a matter above human understanding and, therefore, none of man's concern."⁹⁰

Prophethood

Was Mary a prophet? Some Muslim theologians, especially of the Zahirite ("literalist") school, have argued that Mary mother of Jesus, Sara mother of Isaac, and the mother of Moses are to be reckoned among God's prophets because, according to the Qur'an, angels spoke to them (or God otherwise inspired them). In a controversial tract, the Zahirite Ibn Hazm of Cordova (d. 1064) argued in favor of women's prophethood but distinguished *nubuwwa* (prophethood) from *risala* (messengerhood), the latter restricted to men.⁹¹ According to Ibn Hazm, the knowledge the mothers of Isaac, Jesus, and Moses received from God (through word or inspiration) was as true as the knowledge received by male prophets (through revelation). Ibn Hazm further likens the "inspiration" of Moses' mother (to throw her son into the river) to Abraham's "inspiration" (to sacrifice his son). Both would have been crazy as well as sinful in acting on the inspiration unless they trusted its divine source.⁹² According to Ibn Hazm, Mary's prophethood is further clarified in that the Qur'an also calls her "a woman of truth" (5:75) just as it speaks of the prophet Joseph as "a man of truth" (12:46). Finally, the authenticated prophetic tradition that Asya (the Pharaoh's wife) and Mary are "the two perfect women" prompts Ibn Hazm not only to include Asya among the prophets of Islam but also to rank Mary and Asya above the other female prophets in the manner that Muhammad and Abraham are ranked above the male.⁹³

Consensus-based Sunni theology rejected this doctrine and labeled it "heretical innovation" (*bid'a*) on the authority of Suras 12:109 and 16:43 ("We sent not before you other than men whom We inspired"). Critical to the argumentation, however, was also the consideration of "purity" as aspect of *'isma* ("innate quality of immunity from sin and error of prophets"). In orthodox definition, purity includes (constant) physical purity, a state unattainable to women because of menstruation. This legalistic notion has informed scripturalist interpretation of the issue of Mary's prophethood and also the definition of Mary's Qur'an-proclaimed purity.

Purity, Sinlessness, Virginity

In Islamic usage, the terms "purity"⁹⁴ (*tahara*) and "purification" (*tathir*) with relation to women usually signify the physical state marked by absence of menstruation, and the ritual (major ablution, *ghusl*) preceding it. In the Qur'an,

3. Else, Jesus himself is figuratively referred to as "God's word" in order to define his mission, which is to clarify God's message to the world and cleanse the record of past revelations from [Jewish] distortion.
4. The "word" means God's message to Mary *about* the birth of Jesus.⁸⁹

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the angels announce to Mary that God has "purified" her (*tahhara*) (3:42). The Qur'anic text does not indicate whether this signified a physical state. The Hadith, however, has generally insisted that in the physical sense Mary was a woman like all others. She is said to have begun menstruation during the time of service in the place of worship, from which she was then removed until purification. Most interpreters add that Mary was ten or thirteen or fifteen years old at the time of the annunciation, and that she had completed two menstrual cycles at that time.⁹⁵ The forty days of isolation Mary is said to have observed after her delivery "until she was healed of childbirth" further indicate that Jesus' birth was considered ordinary in its physical symptoms.⁹⁶

Conversely, some interpreters have recorded traditions and/or their own scholarly opinions that Mary's purity included freedom from menstruation just as it did "freedom from the touch of men."⁹⁷ The modernist Muhammad Abdurahman speculates that it was this quality that enabled Mary to serve in the temple.⁹⁸ In modern as well as classical sources, however, these readings have remained marginal to consensus-based doctrine that defined Mary's purity in ethical terms. While physically a woman like all others, Mary is said to have been excised of all lowly character traits, also disbelief and rebelliousness/disobedience against God, that is, sin.⁹⁹ In this context, exegesis has awarded prominence to the Prophet's words, enshrined in several authenticated traditions, that of all humans only Mary and her son escaped Satan's touch at birth. These prophetic traditions are generally linked with Anna's prayer that God protect her daughter and the daughter's offspring against Satan (3:35).¹⁰⁰

It is, perhaps, because of Mary's holiness (rather than physical purity) that some interpreters have even considered Mary a man, "because of the perfection apportioned to her," (since) "among women are some who are perfect and knowledgeable and who attain the standard of men—they are in a real sense men."¹⁰¹ The question remains, however, whether such reckoning of (holy) women among men is, or has been, thought to carry true ritual and other legal implications, that is, whether such women are acknowledged full status in the community of believers. Of interest in this context are the scholarly interpretations of 3:43, God's command to Mary to "bow down [in prayer] with those [males] who bow down." According to Smith and Haddad, the modern Qur'anic commentator Muhammad Jamal al-Din al-Qasimi was one of the few Muslim authorities who established the connection between female holiness and women's right to lead the prayer.¹⁰² Traditional exegesis, though acknowledging Mary's sinlessness, interpreted 3:43 as God's call to Mary to pray *with* the congregation, that is, the male members of the community, but nothing more.¹⁰³

According to classical as well as modern Islamic consensus, Mary was virgin (*batul*)¹⁰⁴ when she conceived her child from God's spirit. (The question of whether Mary's virginity prevailed after Jesus' birth is largely disregarded).¹⁰⁵ Clearly controversial (within the Islamic context), then, is the rejection of the notion of virgin birth as advanced by some modernist Qur'an interpreters from among the radical avant garde of modernism on the Indian subcontinent. The nineteenth-century Indian exegete Sayyid Ahmad Khan (d. 1898) interprets

the Qur'anic texts on Mary's chastity ("guarding her shame") as the chastity of a married woman who only has sexual intercourse with her husband, while the twentieth-century Pakistani exegete Ghulam Ahmed Parwez argues that lack of Qur'anic detail on Mary's marriage and the identity of Jesus's father is doctrinally insignificant in that such details are also missing in the Qur'anic histories of other Qur'anic prophets; he adds that the words of the angels' annunciation to Mary (3:47) are identical to those given to Zacharia concerning John (3:40), while John was clearly created in the ordinary way, from a father and a mother. Jesus, then, is here perceived as the legitimate son of Joseph and Mary, and the Qur'an-recorded slander of the Jews concerning Jesus's birth is understood as the unfounded Jewish accusation that Jesus was an illegitimate child.¹⁰⁶ Islamic consensus, however, has upheld the tenet of the virgin birth.¹⁰⁷

Obedience

The Qur'an proclaims Mary as among the devoutly obedient (*qanitah*) of God's servants (66:12). In this context, Mary's questioning of the angel on how she could have a child "while no human has touched me" (19:20), and her outcry at the onset of childbirth, "if only I had died before this and were completely forgotten" (19:23), have attracted exegetic attention in that both could potentially be perceived as rebellious. Exegesis has uniformly upheld the tenet of Mary's obedience. Her words to the angel are seen as the mark of chastity, not doubt in God's omnipotence.¹⁰⁸ Concerning Mary's (more problematic) wish for annihilation, the interpreters emphasize that the very pious are given to such expressions of their unworthiness in situations of distress.¹⁰⁹ Mary neither rejected God's verdict nor did she lose faith in her innocence. Her words of anguish had to do with anxiety about her reputation in that the shame of returning to society with a son would destroy her fame as ascetic servant in the house of worship. Else, she unselfishly worried that her people would fall into sin by doubting the veracity of her story.¹¹⁰ Some interpreters, however, add that for ordinary human beings and under ordinary circumstances, such behavior would be reprehensible, since "it is a sin to wish for death because of sickness or poverty."¹¹¹

Chosen . . . Chosen Above the Women of the Worlds

In 3:42, the angels inform Mary that God has chosen her, purified her, and chosen her above the women of the worlds. Exegesis interprets the "first choosing" as God's acceptance of Mary for His service, her maintenance in the temple with sustenance from paradise that freed her from all labor, and her miraculous ability to hear the angels' words. The "second choosing" is said to have consisted in God's gift of Jesus without a father, the child's words in Mary's defense from the cradle, Mary's and Jesus's status as a sign (*aya*) for the world, and God's guidance of Mary.¹¹² This leaves the question of Mary's status "above the women of the worlds," and here the exegetic debate is remarkable both for its intensity and also the lack of consensus. At stake is Mary's ranking among Qur'anic women figures but also, and more importantly, in relation to the elite women of Islam, especially the Prophet's wives Khadija and A'isha and the

Prophet's daughter Fatima. The problem is addressed by questioning whether Mary's preeminence is absolute (over all other women and for all times) or relative (over the women of *her* time). The larger number of traditions recorded in *Tafsir* and *qisas al-anbiya'* literature establish, on the authority of the Prophet, that Mary and Fatima, Khadija and Asya (the Pharaoh's wife) are the best women of the world and also the ruling females in heaven; traditions on A'isha's inclusion in this group are fewer in number. While Asya's and Mary's merit is established on the basis of the Qur'an (66:11–12), Khadija's merit is seen in her great service to the Prophet's mission, and that of A'isha in her status as Muhammad's most beloved wife and a prominent authority on his legacy after his death.¹¹³ Popular piety has, in some fashion, settled the question of Mary and Asya, Khadija and A'isha by making all four Muhammad's wifely consorts in paradise. Indeed, it is said that Khadija's heavenly mansion will be between the houses of Mary and Asya.¹¹⁴

This leaves the question of Mary's ranking in relation to Muhammad's daughter Fatima. In Muslim piety, and here especially Shi'i piety, the connection of Mary to Fatima is such that the two figures at times appear collapsed into one. Mary was one of four miraculous midwives who assisted Khadija in Fatima's birth,¹¹⁵ and Mary also appeared to Fatima to console her during her last illness.¹¹⁶ Both were visited by angels, received miraculous sustenance during childhood and also during the isolation preceding the birth of their children, and both are believed to have shared the same miraculous qualities of freedom from menstruation and bleeding at childbirth.¹¹⁷ What most deeply binds Mary and Fatima together is the joint image of mistress of sorrows. In Sunni tradition, Fatima's suffering is mainly linked with the Prophet's death, whom of all of his children she alone survived. In Shi'i piety, she is also, and primarily, the grieving mother whose short and hard life was made bitter by the foreknowledge of the future martyrdom of her son Husayn, an event of divine redemption and cosmic significance.¹¹⁸ Although, according to the Qur'an, Jesus was persecuted and rejected by his people but not slain, Shi'i hagiography has recognized strong affinities between Jesus and Husayn¹¹⁹ as, also, between their holy mothers. Mary and Fatima, holy figures of solace and hope, are at times revered simultaneously.¹²⁰ While some traditions reported on the authority of the Prophet award Mary and Fatima equal rank as the two reigning females in the celestial realm hereafter, most Shi'i authorities rank Fatima above Mary; indeed, Fatima is sometimes referred to as *Maryam al-Kubra*, "Mary the Greater."¹²¹

Creaturedom

Muslim exegetes have consistently seen the affirmation of God's Oneness as central issue and purpose of all of the revelations on Mary. Mary, God's handmaiden, and Jesus, God's slave and prophet, are not "gods" (5:78; cf. 5:19). The refutation of the notion of "three" (trinity) (4:171) is interpreted as divine correction of blasphemous Christian association of Mary "the female consort" and Jesus "the son" with God in a "family setting."¹²² It is likened to the Qur'anic refutation of equally blasphemous pagan Arabian allegations that the angels

ire God's "daughters" whom God begat with the jinn (in interpretation of 37:149–159; cf. 43:19–20), or that pagan deities were God's "daughters" 53:19–23).

Mary and Eve

In clarifying that the nature of Jesus is fully human, the Qur'an likens Jesus to Adam in that both are God's creations, brought forth by the might of divine speech and decree. The Hadith has expanded this equation into a creaturely etrogram where Mary parallels Adam and Jesus, Eve. "Just as Eve was created from Adam without a woman, so was Jesus created from Mary without a man."¹²³ The Qur'an-based Islamic doctrine that Adam's and Eve's disobedience was but a "slip" (or, "error"), repented and forgiven (essentially in the divine sift of prophethood) precludes linkage of Eve and Mary in any other way within the Islamic context.¹²⁴

Mary as Model for Emulation by the Righteous

The Qur'an acclaims Mary "an example for the righteous" (66:12). Exegesis as, of course, affirmed her obedience to God, devoutness in His service, and truthful testimony to His revelations as exemplary qualities that the Muslim woman is called upon to emulate. However, given that the Hadith teaches that marriage is one-half of the believer's faith,¹²⁵ important aspects of Mary's nature and history remain beyond what the Muslim woman can, or should, strive to equal. Exegesis, then, has used some parts of the Qur'anic narrative to draw moral lessons and omitted others. The Qur'anic dictum that, prior to the Annunciation, Mary had withdrawn to a place of isolation (19:16–17) has been interpreted as Mary's desire for gender-based segregation at the onset of puberty, and here she is also said to have donned the face-veil (means as well as symbol of Muslim female morality in that it hides the beauty of its wearer).¹²⁶ Mary's words to the angel who appeared to her in the form of a young man while she was alone have served as exemplar of female selfprotective virtue at its best.¹²⁷ Mary's Qur'an-proclaimed qualities of chastity and obedience have so occasioned exegetic emphasis on the duty of women to come to their husband's bed as virgins, to maintain marital fidelity, and to realize obedience to God through obedience to their husbands in whose charge they are placed by God.¹²⁸

But Mary's importance to Muslims, especially Muslim women, is far different and far greater than what these scholarly formulations might suggest. Recitation of "her Sura" (Sura 19) is a favorite especially with women circles throughout the Muslim world, believed to confer special blessings on reciter and listeners alike. Many women in Syria are said to pray through Mary (and prima) in moments of anguish,¹²⁹ as women elsewhere pray through (other) male saints. And sightings of Mary, such as were witnessed by throngs of Copts and Muslims in Old Cairo in May 1968 when many reported miraculous healings,¹³⁰ further attest to the high status and lasting importance of Mary in Muslim piety.

Conclusion

The preceding has discovered a multiplicity of meanings for the Qur'anic women of the sacred past, both in scripture and also interpretation. From the beginning, the women figures signify themselves and also something else. Actors in Qur'anic history, they function as images, or metaphorical extensions, of that historical reality which God revealed to His Prophet. Thus their stories are specifically Qur'anic, in the casting of the individual tale and also its larger message. Muslim interpretation extended the images' symbolic range to accommodate a variety of later readings that often changed their first, Qur'anic, didactic import. Though differing among themselves, the later formulations share in the fact that they were, and are, culturally determined. In different moldings, the images of the Qur'an's women have thus acted as signs of, and for, cultural self-understanding.

Both the concept of Qur'anic history as "real," that is, "factual," history, and also the place of the female actors within that history represent religious "symbols" in the Geertzian sense. Within this shared worldview, Muslims past and present have developed a number of "paradigms,"¹³⁰ that is, specific models that structure perception and also serve as agenda for the future. From Eve to Mary, the interpretations presented above show some measure of internal consistency as to paradigms and paradigmatic shifts on questions of doctrine and ethics. With the modern period, the latter dimension rose to prominence, especially as relating to sociopolitical change in the Islamic world. Like their Qur'anic blueprint, the women of sacred history are still models of guidance and warning, but in a number of new ways. As those of the past, their modern images are occasioned by the need of each generation of Muslims to make sense of the world in light of God's revelation.

The Mothers of the Believers in the Qur'an

The Qur'an specifically addresses the Prophet's wives on numerous occasions; many other revelations are linked with members of their group in the Hadith literature. Their honorific epithet "Mothers of the Believers" was revealed in a late Medinan verse (33:6). Muhammad's consorts thus play a prominent part in the Qur'an-as-process. Their reception of specific divine guidance, occasioned by their proximity to the Prophet, endows them with special dignity. But the latter is matched by more stringent obligations. While the Qur'an says of the Prophet's wives that they "are not like any [other] women" (33:32), their peerlessness also entails the sharper rebukes for human frailties as well as the more stringent codes of private and public probity with which the scripture singles out the Prophet's consorts. It is by linking dignity with obligation, elite status with heightened moral responsibility, that an aspect of God's *sunna* (His "law" for the world) is here defined. Numerous divine reprimands addressed to Muhammad's wives in the Qur'an establish their special responsibility to overcome their human frailties¹ and ensure their individual worthiness. In this manner the Prophet's wives emerge within the Qur'anic context as models of the principle of ethical individualism. As divine censure, when heeded, comes to signify divine grace, the women's obedience to censure becomes the basis of their model status. In this world and the next, peerlessness is their reward. Furthermore, just as God's last prophet Muhammad begins a new chapter of sacred history so do his consorts signify a new beginning of the female example in Islam. As historical figures whose lives yield examples for the righteous, their Islamic importance eclipses that of even the most unblemished women

of the Qur'an-recorded past, and it was their precedent that served as a foundation of later *shari'a* legal structures.

Even though the role of Muhammad's wives as exemplars *qua* targets of God's revelation is clearly established in the Qur'anic text, the text's wording is general in that it does not identify any of the women by name.² It is here that the Hadith as scripturalist exegesis has consistently satisfied pious interest by providing information on the specific individuals involved in the "occasions for revelation" (*asbab al-nuzul*) vouchsafed for the benefit of the members of the Prophet's household. The following summary of the Qur'anic verse directed at the Prophet's wives uses segments of the Hadith and of Hadith based classical (Sunni) Qur'anic exegesis in order to furnish some narrative background and suggest the chronological sequencing of the revelations. A will become apparent, however, the traditionists' interpretations of the "occasion for" and the "meaning of" a Qur'anic revelation tend to have a dynamic all their own. Neither is, nor is meant to be, a form of historicist inquiry. While pious stories and legends pervade the "occasions" literature, the definitions of a revelation's "meaning" derive from the interpreter's world as he knows and also provide him with the scripturalist *ratio* to apply to his world as it should be. The inclusion of Hadith and *tafsir* as background material, then, here primarily means to serve as (by nature piecemeal) introduction to Muslim perceptions of the meaning of Qur'anic revelations on the Prophet's consorts. To identify the various classical paradigms that constituted that perception, a full discussion of the Hadith materials on the Prophet's wives is presented in Chapter 9.³

Muhammad's Wives

*33:50 (categories of females lawful for the Prophet for marriage)
[a late Medinan verse]⁴*

While the Hadith is not unanimous on the number of women whom the Prophet married, the majority of traditions put their number at fourteen, of which nine were alive when the Prophet died.⁵ Some Muslim thinkers now link the large size of the Prophet's harem to the fact that all of the Prophet's marriages had been concluded by the time that the early Medinan revelation of Sura 4:3 "limited the number of wives (for Muslims) to four."⁶ This, however, appears to be a modern argument, or at least an argument favored by modern religious thinkers.⁷ By contrast, classical Hadith and Qur'an interpretation maintained that the Prophet's right to unrestricted polygamy was prerogative that God's *sunna* had extended to all prophets: a "natural right". His spokesmen on earth.⁸ Furthermore, the classical sources found the scriptural legitimization for the Prophet's larger household in Sura 33:50, a late Medinan revelation that determined the "categories of females" lawful for the Prophet for marriage. The verse in question enumerates the following "categories": wives with whom the Prophet contracted marriage involving a dowry; female prisoners of war (slaves) who fell to him as part of his share of the spoils; both paternal and also maternal cousins who had migrated with him to Medina; "and a believing woman, if she gives herself to the Prophet, if the Prophet wishes to marry her."⁹ Especially for you exclusive of/or beyond the believers. V

know what We have imposed upon *them* concerning their wives and slaves. So that there be no restriction [or, "restraint," "anguish," *haraj*] on you. And God is forgiving, compassionate.¹⁰

Hadith reports agree overall that the Prophet was married to the following women:¹¹ Khadija bint Khuwaylid (Asad/Quraysh), who died before the hijra;¹² Sawda bint Zam'a (Amir/Quraysh); A'isha bint Abi Bakr (Taym/Quraysh); Hafsa bint Umar (Adi/Quraysh); Zaynab bint Khuzayma (Hilal), who died about eight months after the wedding; Hind (Umm Salama) bint Abi Umayya (Makhzum/Quraysh); Zaynab bint Jahsh (Asad/Khuza'a); Juwayriyya bint al-Harith (or, al-Harth) of the Banu Mustaliq of the Khuza'a tribe, an Arabian war captive; Rayhana bint Zayd ibn Amr, a Jewish woman of the Banu Nadir, also a war captive, who may have been either wife or concubine; Safiyya bint Huyayy ibn Akhtab, a Jewish woman of the Banu Nadir, also a war captive; Ramla (Umm Habiba) bint Abi Sufyan (Abd Shams/Quraysh); and Maymuna bint al-Harith (or, al-Harth) of the Banu Hilal. Furthermore, the Prophet is said to have married several women whom he divorced (or some of whom divorced him?) before the marriage was consummated; mentioned are Fatima bint al-Dahhak ibn Sufyan of the Kilab tribe, Asma' bint al-Nu'man of the Kinda tribe, Amra bint Yazid of the Kilab tribe, Qutayla bint Qays of the Kinda tribe, and Mulayka bint Ka'b of the Banu Layth. But there is little consensus on who belongs in this "category" of women or whether there may have also been some others.¹³ To some additional women marriage was proposed but the marriage contract was not concluded.¹⁴ Finally, there were some women who "gave themselves to the Prophet," that is, women who offered themselves directly to Muhammad without participation of a *wali* (guardian) to negotiate a marriage contract, and also without expectation of a dower.¹⁵ In addition, here was a concubine Marya the Copt, mother of Muhammad's son Ibrahim.¹⁶

For the time being, we will leave the question of numbers and types of marriages, also the tribal backgrounds, family affiliations, and individual character traits of these women aside in order to present in chronological order the Qur'anic revelations believed to concern them. It must be noted, however, that the Prophet's wives figure unequally in Qur'anic exegesis, which is to say that only a small number of their group are consistently presented as key figures in the Hadith accounts of contexts of specific revelations ("occasions for revelation," *asbab al-nuzul*). Their stories are given in what follows, while a more comprehensive Hadith-based account is provided in the second segment of this chapter.

The earliest clusters of Qur'anic verses linked with a particular consort of the Prophet consist of: 33:37–38; 33:4,40; and 33:53,55.

A Marriage Made in Heaven

3:37–38 (*lawfulness of marriage with former wife of adopted son*);
3:4,40 (*adopted sons are not sons*)

These revelations, dated by Muslim scholarship into the fifth year after the hijra, are commonly linked with the figure of Zaynab bint Jahsh. Zaynab, a granddaughter of Abd al-Muttalib, was Muhammad's first cousin on her

mother's side. She had migrated early with her family to Medina where the Prophet had arranged a marriage between her and Zayd ibn Haritha, a former (Arabian) slave of Khadija whom the Prophet had freed and adopted for a son.

Ibn Sa'd reports that Zaynab rejected Zayd because of her own high social status and his lowly one, but that the Prophet insisted on the marriage¹⁷ which, however, is said to have not been harmonious. A year or more later,¹⁸ the Prophet happened to call on Zayd at his home but only found Zaynab there, while Zayd was out on an errand. Ibn Sa'd reports that Zaynab had dressed in a hurry when she heard that the Prophet was coming, and that the sight of her pleased him. He did not accept her invitation to enter, nor did he look at her, but Zaynab "heard him mutter words that sounded like 'praise be to God, the changer of hearts.'"¹⁹ Tabari²⁰ embroiders the story; he quotes traditions that indicate when the Prophet approached Zayd's and Zaynab's house on this visit, Zaynab was wearing but a single slip; at the house entrance was a curtain made of pelts, and when the wind lifted this curtain, it revealed the sight of Zaynab, "uncovered" in her chamber. It was then, says Tabari, that the Prophet began to feel a liking for Zaynab. Thereafter, Zaynab "was made unattractive to the other" (i.e., by God) so that Zayd eventually approached the Prophet to inform him of his desire to divorce his wife.²¹ Of the medieval exegetes here considered, it is only the traditionalist interpreter Ibn Kathir who states his opposition to such (by then well-established) "seductiveness" and "desire" traditions. Much like the twentieth century Muslim interpreters considered below, Ibn Kathir regarded these materials on "how," or "why," the Prophet began to like Zaynab as "unsound"; while he mentions that a number of authorities, *including* Ahmad ibn Hanbal, had transmitted such tales, he states that "we would like to omit some pages because they are unsound, and we will not mention them."²²

"Hiding in (his) heart what God would make apparent, and fearing the people," the Prophet then instructed Zayd to retain his wife (cf. 33:37), but reportedly Zayd could no longer control Zaynab, and therefore he divorced her.²³ According to Tabari²⁴ and others, what the Prophet was "hiding in his heart" was both his attraction to Zaynab and also the fact that God had given him clear foreknowledge that she would be his wife. His "fear of the people," in turn, derived from the fact that both pre-Islamic custom and also Islam forbade marriage to the former wife of a son because (until this point in time) adopted sons were in all respects regarded as the full equals of legitimate natural sons. According to Zamakhshari,²⁵ the Prophet's desire for Zaynab did not however, affect his '*'isma* (prophetic state of sinlessness), since the matter was lawful (*halal*): "the matter was permitted, no evil accrued to Zayd or anyone as Zayd did not want her while the Prophet did. Indeed, only good came of this affair²⁶. . . . What was sinful was merely to hide the desire, because, in the righteous, internal conscience and external behavior must be one." For Ibn Kathir,²⁷ the theme of the Prophet's concealed desire falls into the category of "unsound information" mentioned above; Ibn Kathir's interpretation of what the Prophet was "hiding in his heart," therefore, could concern only his God-

given foreknowledge of the marriage. The interpreters agree, however, that the divine reprimand directed at the Prophet in 33:37 for his "fear of the people" was the sternest of its kind in all of the Qur'an, and they quote a tradition on the authority of A'isha that "if the Prophet had [ever] concealed a revelation, he would have concealed this one."²⁸

After Zayd's divorce and Zaynab's *'idda* (the waiting period of three menstrual cycles) had passed, the Prophet married Zaynab by virtue of the revelation that specifically commanded him to do so as an obligation (*fard*) (33:38). The Qur'anic rationale for this command is stated in the preceding verse: "that there should be no burden on the believers concerning the wives of their adopted sons, when they [the latter] have terminated a business [or, purpose, desire] with them. And God's command is [inevitably] fulfilled" (33:37). The community, however, is said to have continued in their questioning and criticism, because in their understanding the adoptive relationship between the Prophet and Zayd still rendered Muhammad's marriage to Zaynab incestuous. Some remnants of the communal discussions on the probity of this marriage may perhaps be found in a number of sentimental traditions on Zayd's reaction to it; else, the traditions may be sheer pious embroidery on an interesting story. In any case, the Prophet is said to have sent Zayd to Zaynab's house as his emissary to ask for her hand in marriage. When Zayd arrived, he found her leavening her dough, and the sight of her was so agonizing to him that he could not look at her, knowing that the Prophet was now proposing marriage. So he turned his back to Zaynab and then gave her the good news.²⁹ "This was an enormous trial [for Zayd], and clear proof of the strength of his faith."³⁰ Zaynab, in turn, is said to have declared that she would not give an answer until she had received her Lord's command. She went "to her place of prayer (*masjid*), and it was thereafter that the revelation was vouchsafed to the Prophet."³¹

The communal debate is said to have persevered until two revelations established that "adopted sons are unlike real sons," and that "Muhammad is not the father of any of your men" (33:4,40).³² Ibn Kathir³³ and others call the revelation of 33:40 "the [divine] rejection of the hypocrites' suspicion surrounding [the Prophet's] marriage with the wife of Zayd, his client and adopted son." This statement is important in that it identifies a prominent hostile faction that influenced the civic atmosphere in Medina during the fifth year after the hijra and in relation to which the largely negative public debate on the Prophet's marriage with Zaynab must be understood. The "hypocrites" (*munafiqun*) of Medina were in name Muslims but in fact of unreliable loyalty to the Prophet. In times of Muslim military setbacks and other difficulties (such as the battle of Uhud in year 3 and the Meccan siege of Medina in year 5 after the hijra), hypocrite influence increased to the detriment of the Islamic cause.³⁴ This group spread vicious rumors to divide the community and also harassed women, including the Prophet's wives, especially by night.³⁵ According to the Moroccan sociologist Fatima Mernissi, it was the core of hypocrite strategy to attack the Prophet through his wives,³⁶ of which the rumors surrounding Zaynab's marriage are but an example.

The Beginning of Seclusion

33:53 (the "hijab" verse) and 33:55 (exemptions thereto)

Zaynab bint Jahsh's marriage to the Prophet, likewise said to have occurred during the fifth year after the hijra, is identified in the majority of Hadith and *tafsir* accounts as the occasion for God's legislation of the *hijab* ("curtain," "screen")³⁷ imposed by God to shield the Prophet's women from the eyes of visitors to his dwellings. Most traditions maintain that this revelation was vouchsafed after some of the wedding guests had overstayed their welcome at the nuptial celebration in Zaynab's house. On this occasion, the *hijab* "came down" in a double sense: Firstly, it was, literally, a "curtain" the Prophet loosened while standing on the threshold to Zaynab's chamber, with one foot in the room and the other outside, in order to bar his servant Anas ibn Malik (main authority of the traditions on this event) from entering; secondly, the *hijab* also "came down" by way of God's revelation of 33:53, which the Prophet recited to Anas at that time.³⁸ Other traditions report that the *hijab* was decreed after the Prophet saw some men loitering in the vicinity of Zaynab's house on the morning after the wedding night,³⁹ or after the hand of one of the Prophet's wives had touched a man's hand at a common meal, or after A'isha's hand had accidentally touched the hand of Umar ibn al-Khattab while they were eating together.⁴⁰ A third strand of traditions mentions Umar ibn al-Khattab in the role of "counselor," who urged the Prophet to conceal and segregate his wives, because "both the righteous and the wicked enter into your houses."⁴¹ In this context, it is important to note that, firstly, Umar ibn al-Khattab appears with some consistency in Hadith and classical *tafsir* as spokesman in favor of the segregation, domesticity, and marital obedience of the Prophet's wives. Secondly, the sources record some spirited opposition on the part of the Prophet's wives to Umar's "interference." The aristocratic Umm Salama of the noble Meccan clan of Makhzum here frequently appears as group spokesperson, with Muhammad's other wives in grateful support of her initiative.⁴² Thirdly, for some of the later medieval exegetes such as Baydawi and Ibn Kathir, Umar's vigilance "for the good of the Prophet's wives" rates greater consideration as "occasion for revelation" (of 33:53) than do the accounts of the Prophet's annoyance at the guests who lingered in Zaynab's house on the wedding eve.⁴³

The *hijab* verse (33:53) reads:

Oh believers, do not enter the Prophet's houses except that permission is given you for a meal, without waiting for its time. But when you are invited [or, called], enter, and when you have eaten, disperse, without seeking familiarity for talk. This used to cause the Prophet annoyance, and he is ashamed [or, bashful] of you. But God is not ashamed of what is right. And if you ask them [the women] for a thing, then ask them from behind a *hijab*. That is purer for your hearts and their hearts. And it is not for you to cause annoyance to God's Messenger, nor that you should marry his wives after him. Truly this with God would be enormous.⁴⁴

The *hijab* verse is followed by a revelation that establishes the classes of individuals "in whom there is no sin [or, harm] for them; their fathers, sons,

brothers, brothers' sons, sisters' sons, their women, and their slaves"⁴⁵ (33:55). This revelation is thought to belong together with the *hijab* verse and to concern the categories of relatives and servants with whom the Prophet's wives were permitted to deal face-to-face rather than from behind a partition.

Muslim interpreters past and present stipulate that the Prophet's wives participated fully in the communal affairs of Medina until the revelation of the *hijab* verse. They ascribe their exclusion from public life at that time to several factors. For one, living conditions in Medina were extremely crowded, especially in the area around the mosque, itself the very center of public activity. It was here that the Prophet's wives' quarters were located; indeed, they stood so close to the mosque that the women's rooms were natural extensions of its space. The Hadith gives a vivid picture of throngs of Muslims seeking audience with the Prophet and presenting him with *sadaqa* (free-will offerings), while he sat in the chamber of one of his wives. The *hijab* revelation, then, is seen mainly as the legislation of a means to provide domestic comfort and privacy for the female elite of Islam. This notion, in turn, connotes an element of "privilege." And, indeed, the medieval Hadith informs that the *hijab* was imposed upon the Prophet's wives as criterion of their elite status.⁴⁶ In addition, the *hijab* is also seen as a protective device, especially during periods of civic tension when the hypocrites were instigating disorder and stirring up intercommunal fears. The latter has recently been emphasized by Mernissi in her description of the sociopolitical setting of revelations 33:53 and 33:55 as a time of crisis in Medina. According to Mernissi, it was during the aftermath of Medina's siege by the Meccans (year 5 hijra), when the hypocrites had gained influence and communal tensions were rife, that the Prophet felt compelled to heed Umar ibn al-Khattab's council and seclude his wives.⁴⁷

According to Muslim interpretation, then, both the privileges of privacy and also physical protection were accorded Muhammad's wives by way of seclusion in the home which, in turn, was achieved through the architectural means of "a single curtain," *sitr wahid*.⁴⁸ While the literal Qur'anic meaning of the term *hijab* in 33:53 is that of a concrete object ("curtain", "partition", or "screen"), the term's meaning in the Hadith evolved to connote both the concrete and also the abstract, a domestic fixture to ensure seclusion and also the seclusion itself.

Soon after the revelation of the *hijab* verse, selfprotection of "the Prophet's wives, his daughters, and the women of the believers" was enjoined in Qur'an 33:59–60 by way of God's command that Muslim women cover themselves in their "mantles," or "cloaks" (*jalabib*, singular: *jilbab*) (when abroad) "so that they be known [as free women, not slaves] and not molested [in the streets] by the hypocrites, and those in whose hearts is a disease, and those who stir up sedition in the City [al-Madina]."⁴⁹ This piece of legislation differed from the *hijab* of 33:53 in two ways: Firstly, it concerned individual female appearance when outside of the home, not seclusion within it; and, secondly, it applied to all Muslim women, not just the Prophet's wives. Once again, classical exegesis has here identified Umar ibn al-Khattab as the main spokesman in favor of this clothing law, which he is also said to have "enforced" on several occa-

sions. A subsequent revelation concerning male and female modesty was vouchsafed in Sura 24:30–31, of which 24:30 is directed at Muslim men and 24:31 at Muslim women in general terms. The verses read as follows:

24:30: Tell the male believers that they restrain their eyes and guard their private parts. This is purer for them. God is well aware of what they do.

24:31: And tell the female believers that they restrain their eyes and guard their private parts, and not display of their adornment [or, finery, *zina*] except for what is apparent [or, external], and draw their kerchiefs [*khumur*, singular: *khimar*] over their bosoms [*juyub*, singular: *jayb*], and not display their adornment except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women, or their slaves, or male subordinates who have no natural force (*irba*), or the children who have no knowledge of women's private parts. And that they not stamp their feet to give knowledge of the adornment which they hide. Turn to God in repentence, oh believers, perhaps you will prosper [or, perhaps it may be well with you].

With Islam's expansion into areas formerly part of the Byzantine and Sasanian empires, the scripture-legislated social paradigm that had evolved in the early Medinan community came face to face with alien social structures and traditions deeply rooted in the conquered populations. Among the many cultural traditions assimilated and continued by Islam were the veiling and seclusion of women, at least among the urban upper and upper-middle classes. With these traditions' assumption into "the Islamic way of life," they of need helped to shape the normative interpretations of Qur'anic gender laws as formulated by the medieval (urbanized and acculturated) lawyer-theologians. In the latter's consensus-based prescriptive systems, the Prophet's wives were recognized as models for emulation (sources of *sunna*). Thus, while the scholars provided information on the Prophet's wives in terms of, as well as for, an ideal of Muslim female morality, the Qur'anic directives addressed to the Prophet's consorts were naturally seen as applicable to all Muslim women.

Semantically and legally, that is, regarding both the terms and also the parameters of its application, Islamic interpretation extended the concept of *hijab*. In scripturalist method, this was achieved in several ways. Firstly, the *hijab* was associated with two of the Qur'an's "clothing laws" imposed upon all Muslim females: the "mantle" verse of 33:59 and the "modesty" verse of 24:31. On the one hand, the semantic association of domestic segregation (*hijab*) with garments to be worn in public (*jilbab*, *khimar*) resulted in the use of the term *hijab* for concealing garments that women wore outside of their houses. This language use is fully documented in the medieval Hadith. However, unlike female garments such as *jilbab*, *libaf*, *milhafa*, *izar*, *dir'* (traditional garments for the body), *khimar*, *niqab*, *burqu'*, *qina'*, *miqnd a* (traditional garments for the head and neck)⁵⁰ and also a large number of other articles of clothing, the medieval meaning of *hijab* remained conceptual and generic. In their debates on which parts of the woman's body, if any, are not "*awrd*" (literally, "genital," "pudendum") and may therefore be legally exposed to nonrelatives, the medieval schol-

ars often contrastively paired woman's '*awra*' with this generic *hijab*. This permitted the debate to remain conceptual rather than get bogged down in the specifics of articles of clothing whose meaning, in any case, was prone to changes both geographic/regional and also chronological. At present we know very little about the precise stages of the process by which the *hijab* in its multiple meanings was made obligatory for Muslim women at large, except to say that these occurred during the first centuries after the expansion of Islam beyond the borders of Arabia, and then mainly in the Islamicized societies still ruled by preexisting (Sasanian and Byzantine) social traditions. With the rise of the Iraq-based Abbasid state in the mid-eighth century of the Western calendar, the lawyer-theologians of Islam grew into a religious establishment entrusted with the formulation of Islamic law and morality, and it was they who interpreted the Qur'anic rules on women's dress and space in increasingly absolute and categorical fashion, reflecting the real practices and cultural assumptions of their place and age.⁵¹ Classical legal compendia, medieval Hadith collections and Qur'anic exegesis are here mainly formulations of the system "as established" and not of its developmental stages, even though differences of opinion on the legal limits of the *hijab* garments survived, including among the doctrinal teachings of the four orthodox schools of law (*madhabib*).

The Prophet's Medinan-born biographer Ibn Ishaq, an early source (d. 767), makes an interesting remark on the face veil while describing the nasty end of Muhammad's uncle Abu Lahab (an enemy of Islam) who died in Mecca of "pustules"; in fear of the disease, Abu Lahab's sons left his body unburied for three days, then "threw water at the body from a distance [instead of properly washing it] . . . they did not bury Abu Lahab, but he was put against a wall and stones were thrown against him from behind the wall until he was covered. It is said that when A'isha passed the place she used to veil her face."⁵²

For the later scholars of Islam, the female face veil would be a hotly debated item; not, however, in the context of individual choice, such as horror of a place, but within the parameters of the *hijab* as legally prescribed female "concealment." For the Shafites and Hanbalites, the entire female body, including face, hands, and below the ankles, was '*awra*' and thus to be covered, while Malikites and Hanafites considered face and hands as excluded from '*awra*'.⁵³ Malikites and Hanafites here based their paradigm on a number of authenticated traditions that the Prophet himself instructed "the believing woman" to bare her face, hands, and "one hand's breadth" of the forearms.⁵⁴ The differences between the law schools were perhaps not always this clear cut, however, since authorities belonging to the same *madhab* registered different opinions over time. A chronological factor appears to have prevailed here in that with the progression of time '*ulama'* opinion within a particular *madhab* could prescribe the female face veil as part of the obligatory *hijab* in increasingly absolute and categorical terms. Tabari (d. 923), a *Shafi'ite* who later founded his own short-lived law school,⁵⁵ maintained that women's "lawful" dress permitted her to leave hands and face uncovered.⁵⁶ By contrast, the popular

Qur'anic exegete Baydawi (d. 1286 or 1291), also of *Shafi'i*ite affiliation, opined that the Muslim freeborn woman must conceal her whole body, including face and hands, except during prayer and in cases of "necessity" such as medical treatment and the bearing of witness in court.⁵⁷ This restrictive position was later heightened and emphasized by, for example, Khafaji (d. 1659), author of a *Hashiya* ("marginal commentary") on Baydawi's Qur'anic commentary who, again on the authority of *al-Shafi'i*, argued in agreement with Baydawi that "the whole body of the Muslim woman, including face and hands, is *'awra* [“pudendal”] and must, therefore, be concealed."⁵⁸ While Khafaji continued to allow for women's bare-facedness in cases of prayer, medical emergency, and testimony in court as lawful exceptions from "the established rule," he also presented these cases as more marginally acceptable than did his thirteenth-century source.⁵⁹

Slandering the Prophet's ("Favorite") Wife: The Affair of the Lie

24:11–26 (the Qur'anic injunctions against slander)

In chronological terms, the next block of Qur'anic legislation consistently linked in the Hadith with a member of the Prophet's household is found in 24:11–26, the Qur'anic injunction against slander. The verses in question are dated into the fifth or sixth year after the hijra and are said to have been occasioned by A'isha bint Abi Bakr's involvement in "the affair of the lie [or, slander]" (*al-ifk*).

The medieval Hadith consistently describes A'isha as the Prophet's favorite wife. The only virgin among Muhammad's brides, she was betrothed to the Prophet in the tenth year of the prophethood, that is, three years before the hijra, when she was 6 or 7 years old. The marriage was concluded and consummated when she was 9. She still played with her dolls, including a toy horse, after she had moved into her husband's house as a wife.⁶⁰ The "affair of the lie" thus occurred when she was 11, 12, or 13 years old. On the trip back to Medina from the military expedition against the enemy tribe of Banu Mustaliq, on which A'isha and Umm Salama had accompanied the Prophet, A'isha left the camp in the darkness of early morning to heed the call of nature. She delayed when she discovered that she had lost her necklace of Yemenite onyx, or agate. She was able to retrieve the necklace, but when she returned to camp, she found the grounds deserted. Her curtained litter⁶¹ had been placed on a camel and been led away; since she was slight and slim, the carriers had not realized that she was not inside the litter. A'isha then waited in the deserted camp, until a young man by the name of Safwan ibn al-Mu'attal al-Sulami (or, al-Salmi) arrived with his camel, on which he took A'isha back to Medina. A scandal broke, and malicious gossip and unproven accusations spread throughout the community. It is related that the main instigator was Abdallah ibn Ubayy (a dangerous Medinan hypocrite of the Khazraj tribe); he had found some allies in Awf ibn Uthatha (nicknamed Mistah, a kinsman of Abu Bakr), also Hamna bint Jahsh (sister of the Prophet's wife Zaynab bint Jahsh), and Hassan ibn Thabit (later known as the eulogist of the Prophet and his family). Communal

tensions erupted in mutual public recriminations of the indigenous Medinan tribes of Aus and Khazraj, both now supportive of the Islamic cause but who had shared a long history of mutual feuds and warfare. The Prophet chose two character witnesses for questioning, Usama ibn Zayd and Ali ibn Abi Talib. Usama recommended that A'isha be considered innocent. Ali's role in this consultation, however, was ambiguous. He is reported to have remarked to the Prophet that "women are plentiful, and you can easily change one for another"; then he recommended the questioning of A'isha's slave girl, whom he beat "so that she would tell the truth." The girl, however, had nothing to report. A'isha herself maintained her innocence in the face of her parents' doubts and the Prophet's questioning. A full month later, the revelation of 24:11–26 was vouchsafed, which established A'isha's innocence, severely criticized the believers for their unrighteous behavior, and announced grievous penalties for all who would perpetrate unfounded slander of chaste women.⁶² In Mernissi's words, this crisis was just another example of the threat of hypocrite manipulation of communal unity. By defaming A'isha, the hypocrites had "sexualized their attacks" on the Prophet himself.⁶³

Additional legislation on slander (*buhtan*) is found in Sura 24:4. The transgression was later classified in Islamic jurisprudence as one of the *hudud* offenses⁶⁴ and carries the *hadd* (divinely defined punishment) of flogging. The punishment is based on the legislation of Sura 24:4, "and those who launch a charge against chaste women and then do not produce four witnesses, flog them with eighty stripes, and reject their witness ever after, because they are sinful." In the eyes of the Qur'an, slander is both a crime against society and also an act of sinfulness "enormous in the eyes of God" (24:15). The Qur'anic revelation, then, provides protection for righteous women against unfounded accusations of unchastity, since the Qur'an here defines slander as a crime directed at females, not males. Elsewhere, the Qur'an also establishes that women are forbidden to perpetrate this transgression (60:12). Both sexes in equal measure lose their right to marry righteous spouses when they commit this offense. "Bad [wicked, malicious] women are for bad men, and bad men are for bad women, and good women are for good men, and good men are for good women, these are cleared from what they say, for them is forgiveness and a splendid provision" (24:26). While godliness, then, lies with the innocent victim of slanderous accusations, the accuser, male or female, loses his righteousness in the sight of God and also his membership of good standing in the community.

Disturbances in the Prophet's Household

33:28–29 (*God's order that the Prophet's wives be made to choose between "God and His Prophet" and "the world and its adornment"*)⁶⁵

The traditions do not reflect a consensus on the incident or incidents that led to the Prophet's seclusion from all of his wives for a month and culminated in the revelation instructing him to have his wives choose between "God and His Prophet" and "the world and its adornment" (33:28–29). This revelation

has been dated into the fifth, seventh, eighth, or ninth year after the hijra.⁶⁶ Traditions specify several factors that may have triggered this crisis, such as the Prophet's wives' desire for more possessions, especially clothes, or the women's bickering over shared food; else, the crisis is said to have occurred because of the Prophet's relations with his concubine Marya the Copt, of whom his wives were jealous. Other traditions link the domestic disturbance with the fact that two of the wives "made common cause against the Prophet" (66:4), which led to the divine warning of divorce of all of them (66:5).⁶⁷ It is also possible that the exegetes have here compounded several different episodes of household disagreement into one "crisis." By all accounts, however, the domestic turmoil was of major proportions, even if its historical "reason" or "reasons" may not have been clearly or fully recorded. Ibn Sa'd gives six different "sets" of traditions in exegesis of 33:28–29 which, taken together, indicate that the "crisis" preceding the "verse of choice" occurred because:

1. the Prophet's wives, in the manner of the Ansar women of Medina, had become argumentative and given to insubordination and backtalk (*muraja'a*) against their husband.
2. the Prophet's wives made material demands that the Prophet could not fulfill because of poverty.
3. the Prophet had sexual relations with his concubine Marya in Hafsa's house on A'isha's "day," or on Hafsa's "day"; when confronted, he made an oath that Marya would henceforth be *haram* (forbidden to him for sexual contact) if Hafsa kept this information secret, but she betrayed it to A'isha (this account of the "crisis," then, links 33:28–29 with 66:1–5, cf. below).
4. Hafsa was not satisfied with her share of presents (or, meat) distributed by the Prophet among his wives; she sent the gift back several times to bargain for more, until A'isha blamed the Prophet that he had "lost face" in these dealings, an accusation that is said to have angered him.
5. Hafsa was jealous of A'isha's beauty and the Prophet's love for her (or, she was jealous of A'isha's favored position and Zaynab's beauty).
6. The Prophet's wives bragged about the unequalled value of their dowers.⁶⁸

In any case, the Prophet is said to have segregated himself from all of his wives for the period of a month ("twenty-nine days"), instead of beating them.⁶⁹ Once again, the Hadith here furnishes the figure of Umar ibn al-Khattab as the voice of censorship of the Prophet's wives (especially in relation to their material demands); again, Umar's interference is said to have been rejected as "meddling" by at least one of the women (usually identified as Umm Salama, the Meccan aristocrat).⁷⁰ Other traditions tell of the outrage of Abu Bakr and Umar at the behavior of their daughters, A'isha and Hafsa, and of their fears that the Prophet's month-long seclusion might signify divorce for his wives, including, of course, their own daughters.⁷¹ When the Prophet then returned to his wives, he repeated the newly revealed "verse of choice" to each of them.

Thereupon, all of the women, beginning with A'isha, decided to choose "God and His Prophet" over "the world and its adornment."⁷² The traditions emphasize that A'isha reached her decision swiftly and on her own, without consulting her father (or parents), and that the Prophet was gladdened by her choice.⁷³

Peerlessness and Special Obligations

33:30–34 (double punishment/double reward for the Prophet's wives; their peerlessness; injunction against their complaisant speech; command that they stay in their houses, avoid "tabarruj," be pious, obedient, etc.)

The "verse of choice" (33:28–29) is followed in the Qur'anic text by a group of verses which, firstly, were addressed (most likely in their totality) to the Prophet's wives; secondly, these are generally thought to have been revealed right after the "crisis" that led to the Prophet's seclusion from his wives for a month;⁷⁴ thirdly, the verses both acknowledge the peerlessness of the Prophet's consorts and also impose specific and far-reaching restrictions on the women's accessibility, visibility, and manner of comportment.

The Qu'ranic verses in question, 33:30–34, begin by establishing for the Prophet's wives "double punishment" (in case of clear immoral behavior) or "double reward" (for obedience to God and His Apostle, and for godly acts) (33:30–31).⁷⁵ Muhammad's wives are then told that they are "not like any [other] women" and are enjoined to abstain from submissive (or, complaisant) speech that might be misunderstood (33:32).⁷⁶ In the verses immediately following (33:33–34), the expression "oh women of the Prophet" does not appear. The form of address in both 33:33 and 33:34, however, is to a plurality of women; furthermore, 33:33 begins with the particle *wa-*, which syntactically ties it to the preceding verse. The last third of 33:33 contains the expression "[oh] members of the family [or, [oh] People of the House, *ahl al-bayt*]"; in this latter clause, however, the grammatical cast changes to the masculine plural. Because of the context,⁷⁷ Qur'anic exegesis has traditionally understood 33:33–34 as having been addressed to the wives of the Prophet.⁷⁸

The question of context is here especially significant because verses 33:33–34 include important pieces of restrictive legislation. Specifically, the Prophet's wives [or, a plurality of women] are commanded to: stay in their houses; avoid *tabarruj* ("strutting about," or "swaggering," or "displaying of charms," or "decking oneself out"); pray; give alms; obey God and His Prophet; and remember God's verses and the wisdom recited in their houses (33:33–34).

Because of the fact that these verses have loomed large in Muslim theological and legal thought, they are here translated in full. (The following quotation includes the preceding verse as a means to recreate the context.)

33:32: Oh women of the Prophet, you are not like any of the women. If you fear God, do not surrender in speech [or, be complaisant of speech], so that he in whose heart is a disease should desire, but speak with conventional [or, befitting, good] speech [*qawlan ma'rufan*].

33:33: And stay in your houses [*wa-qarna fi buyutikunna*],⁷⁹ and do not strut about [or, display your charms] [*wa-la tabarrajna*]⁸⁰ in the manner of the

former [or, first or foremost] Jahiliyya [*tabarruja l-jahiliyyati l'-ula*],⁸¹ and perform the prayer and give the alms, and obey God and His Prophet. God wishes but to put all filthiness away from you, People of the House [*ahla l-bayt*], and to cleanse you with a cleansing.⁸²

33:34: And recollect what is rehearsed to you in your houses of God's verses [or, signs, *ayat*] and of wisdom [*hikma*];⁸³ God is indeed keen-sighted, cognizant.

In terms of medieval Islamic legal-theological institution building, most important among these three verses was clearly 33:33 when applied to Muslim females in general. Classical exegesis gives the meanings of *tabarruj* (33:33) as (1) strutting, or prancing about; (2) flirting, coquettishness; or (3) embellishment, the showing off of finery, the flaunting of bodily charms, "as was practiced by women in the period before Abraham's prophethood, when women wore shirts made of pearls, open at the sides, or other garments which did not conceal their persons."⁸⁴ Some said that *tabarruj* included "the unfastened head-veil which permits glimpses of the neck and necklace, ears and earrings of its wearer."⁸⁵ In general terms, *tabarruj* meant a woman's public display of her physical self, including her unrestricted gait and the wearing of revealing garments that aided to display physical features, ornaments, makeup, and the like. Today, the meaning of *tabarruj* includes everything from uncovered hair to the elaborate salon-type coiffure, the hairpiece, and the wig; facial foundation, powder, and blushers; lid color and mascara for the eyes; manicure and enamel for the nails; "revealing" dress of any sort, but also including all Western clothing in generic terms, especially if it is of the *couture* kind or has intentions of being fashionable in the Western sense.⁸⁶ While the exact definition of what constitutes *tabarruj* has varied over the ages, its condemnation by the custodians of communal morality has always included the Qur'anic reference that it is un-Islamic, a matter of *jahiliyya* (33:33) and thus a threat to Islamic society. Applied to all women, *tabarruj* thus came to signify the very antithesis of *hijab* in the latter's extended meaning of a concealing garment worn outside the house.

The Qur'anic command to Muhammad's wives to "stay in your houses" (33:33) was likewise applied to Muslim women in general; in tandem with the *hijab* rule in its original meaning—"screen of separation" from strangers in the home (33:53)—it legitimized the medieval institution of women's segregation⁸⁷ that became a distinctive feature of life for at least the upper-class urban dwellers among them. According to some oft-quoted traditions, the Prophet himself is said to have likened the merit that men gain by fighting for God's cause (*jihad*) to the merit gained by women who stay quietly in their houses and thus remove themselves from becoming Satan's tools in societal corruption.⁸⁸ Domesticity, then, was defined as core of female social righteousness, indeed the crucial criterion of a Muslim woman's true citizenship in the community of her faith. The "scripture-based" legality of women's seclusion in the house, and even within the house (subsumed under the concept of *hijab*, of needs then also signified the legality of the Muslim woman's exclusion from any institutionalized participation in public affairs. Thus, while the pairing of specific key Qur'anic concepts (*hijab*, *tabarruj*, confinement) as antonyms of

metonyms and tropes of each other led to mutually entwined semantic extensions of the concepts' original meaning, women's secluded space, concealing clothing, and unfitness for public activity emerged as three powerful determinants in the medieval Islamic paradigm on women's societal role.

Status and Exclusivity

33:6 and the last sentence of 33:53 (Muhammad's wives are the Mothers of the Believers; Muslims may not marry them "after the Prophet")

According to Qur'anic exegesis, these revelations were vouchsafed at a later date than the "verse of choice" of 33:28–29 and also the "peerlessness and restriction" verses of 33:30–34.⁸⁹ Muslim Qur'an interpretation has recognized a connection between the honorific title of "Mothers of the Believers" (33:6) and the injunction against marriage with the Prophet's wives (33:53) because, according to Qur'an 4:23, marriage with the mother is forbidden (*haram*).⁹⁰ Even though 33:6 and 33:53 are not consecutive in the established Qur'anic text, they are generally considered to belong together; by identifying the same "occasion for" revelation of both, some interpreters even place them into the same revelational context. Traditions have here linked the Qur'anic injunction against marriage with the Prophet's wives "after him" with Muhammad's Companion Talha ibn Ubaydullah, A'isha's cousin, who is said to have intended to marry A'isha after the Prophet's death.⁹¹ Others place the verses in context with similar plans voiced by other men, including a boorish Arabian tribal chief. These men's designs were either voiced up front in the Prophet's and A'isha's presence, or they were circulated in the city by way of rumors. Mernissi interprets these events as additional indication of how badly the Prophet's prestige had been damaged in Medina by the danger and expenses of the war of the siege.⁹² Regarding 33:6 and 33:53, Qur'anic interpreters point out that the injunction against marriage with the Prophet's wives or widows was divinely enjoined in order to glorify the Prophet, alive or dead; the legislation was, furthermore, revealed to bless the Prophet, while alive, with "the serenity, joy, and gratitude which a man feels when he knows that his wife cannot remarry . . . as this is an issue that a man debates with himself and thinks about constantly; indeed, some men are so jealous that they wish for her death so that she cannot remarry. . ." The legislation, however, applied only to the Prophet's established wives with whom he had consummated the marriage and upon whom the *hijab* and "the choice" had been imposed.⁹³

Household Crisis and Restrictions

66:1–5 (the Prophet's release from some past [voluntary?] restrictions in dealing with his wives/expiation of oaths/the wife who betrayed "the secret"/warning to two women who conspired against the Prophet/threat of divorce and enumeration of wifely virtues)

This group of verses has been dated into the period of, or right after, the "crisis" in the Prophet's household that culminated in the Prophet's month-long seclusion from his wives.⁹⁴ The revelation relieves the Prophet of some un-

specified, apparently selfimposed restriction: It asks why, from (mere) desire to please his wives, he should hold forbidden what God had made lawful for him (66:1). Mentioned then is the duty to expiate oaths⁹⁵ (66:2). A "secret tale" is mentioned, which the Prophet confided to one woman and which she then divulged to another (66:3). Two women are called to repent, seriously reprimanded, and warned against conspiring against the Prophet: "and if you two back each other up against him, then verily God is his protector, and Gabriel, and the righteous [one] of the believers; and the angels after that [or, furthermore] are a supporter" (66:4). Thereafter, the wives are threatened with the possibility of divorce: "Perhaps his Lord—if he dismiss [divorce] you⁹⁶—will give him in exchange wives better than you, Muslims, believers, devout, penitent, obedient in worship, observant of fasting and contemplation, both formerly married and virgins" (66:5).

Hadith and Tafsir give several different interpretations of the "occasion for" revelation of 66:1–5. Most relate to petty jealousies among the Prophet's consorts. One story has it that Muhammad's wife Hafsa bint Umar surprised the Prophet in the company of his concubine Marya the Copt "in Hafsa's house and on Hafsa's 'day,'" or "on A'isha's 'day"'; the Prophet swore an oath to Hafsa to abstain henceforth from sexual contact with Marya, if Hafsa would keep the incident secret, but Hafsa shared the secret with A'isha.⁹⁷ Another account attributes the women's jealousy to the extended visits which the Prophet paid Zaynab bint Jahsh (or, Umm Salama) on account of tasty honey drinks offered to him when he came to call. Hafsa and A'isha plotted to terminate these visits, and they succeeded when they told the fastidious Prophet that he smelled badly of *maghafir*, the strong-smelling gum of the '*urfut*-tree (on which the honey bees "had supposedly fed").⁹⁸ Else, Muhammad drank the honey in Hafsa's house, and the "plotters" were A'isha, Sawda, and Safiyya.⁹⁹ A third account in the exegetic literature, while failing to explain verses 66:1 and 66:2, identifies the "secret" of 66:3 as Muhammad's words to Hafsa that A'isha's father Abu Bakr, and thereafter her own father Umar ibn al-Khattab, would be the Prophet's successors in leading the community of the faithful; as it was, however, Hafsa betrayed this secret to A'isha.¹⁰⁰ Once again, Qur'anic exegesis here casts Umar ibn al-Khattab in the role of zealous critic of the Prophet's wives. It is he who is said to have first suggested to the Prophet that God, His angels, and the righteous would be on his side if he divorced his wives, and who also first warned the women that the Prophet might divorce them and in exchange be given better wives.¹⁰¹

The Prophet's Marriages

33:50–52 (classes of women lawful for marriage with the Prophet/special privileges for the Prophet within his polygamous household/injunction against additional marriages)

The Qur'anic verse 33:50¹⁰² specifies the "categories" from which the Prophet was empowered to choose his lawful wives; it also indicates that some special privileges are here involved. This verse has been dated into the late Medinan period.¹⁰³ It reads:

Oh Prophet, We have made lawful for you your wives to whom you gave their dowries ["remunerations," "hires," *ujur*], and what your right hand possesses [slaves] whom God awarded you as booty, and the daughters of your paternal uncle, and the daughters of your paternal aunts, and the daughters of your maternal uncle, and the daughters of your maternal aunts,¹⁰⁴ who emigrated with you; and a believing woman if she give herself to the Prophet, if the Prophet [should] wish to marry her. Especially for you, exclusive of [or, beyond] the believers. We know what We have imposed upon them [as duty] concerning their wives and what their right hands possess. So that there be no restriction [or, restraint, anguish, *haraj*] on you. And God is forgiving, compassionate.

Muslim interpretation of this verse is divided. Some interpreters understand it to refer to the *number* of wives simultaneously lawful to Muhammad. These exegetes emphasize that it is a prophet's prerogative to marry as many women as he may desire, since unrestricted polygamy is an aspect of God's *sunna* ("law," "custom") for His messengers.¹⁰⁵ Conversely, a second line of argumentation finds the Prophet's special prerogatives here legislated in the clause "a believing woman, if she give herself to the Prophet, if he [should] wish to marry her."¹⁰⁶ What is at stake for this latter group of interpreters is the institution of *hiba*, the act by which a woman "offers herself" to a man without a guardian (*wali*) to negotiate the union, and without expectation of a dower.¹⁰⁷ The traditions indicate that the Prophet's wives, among them especially A'isha, did not approve of *hiba*. Indeed, A'isha is to have said that "there is no good in a woman when she offers herself to a man"; and after the revelation of 33:50 she is said to have commented to the Prophet: "God verily is in a hurry for you to do your desire."¹⁰⁸ These traditions coincide with the general discomfort of later Muslim interpreters with the institution of *hiba*, which so blatantly went against the type of marriage formulated in Islamic jurisprudence. Indeed, a tradition from al-Zuhri declares that *hiba* was not lawful for anyone "after the Prophet."¹⁰⁹

Sura 33:51, most probably revealed on the same occasion as 33:50, grants the Prophet greater freedom in choosing, or dealing with, his wives, permitting him to "defer" or to "take in" whom of the women he willed; the verse ends with the words: "and if you desire one whom you had sent away, it is no sin for you. This is more appropriate that their eyes be gladdened and that they should not be sad, and all be satisfied with what you have given them. God knows what is in your hearts. . . ." One school of exegesis links 33:51 with 33:50 to indicate divine permission for the Prophet to enter into new marriage arrangements and terminate old ones.¹¹⁰ Another strand of interpretation stipulates¹¹¹ that "the Prophet was restricted to his [established] wives"; thus, 33:51 is here understood as applicable to the Prophet's relations with his existing spouses, that is, as release from the rigid pattern of marital equity which Muhammad had practiced in the past. The latter traditions also indicate that the revelation of 33:51 did away with all jealousies among the women, because they accepted their new domestic arrangement unquestioningly, in obedience to God.¹¹²

The classical interpreters generally place the following verse, 33:52, into the same revelation as the verses just considered.¹¹³ 33:52 (which appears to

contradict 33:50 and 51) addresses the Prophet: "After this, women are not lawful for you, nor that you (ex)change them for wives, even though their beauty please you; except for your slaves. And God watches over everything." Commentators have registered various opinions on the meaning of this verse. According to some, 33:52 put an end to further marriages by the Prophet, and they maintain that this injunction was God's reward for Muhammad's wives' "choice" (33:28–29) and also recompense for their taboo status as "Mothers of the Believers," which precluded (re)marriage with another man (33:6 and 33:53).¹¹⁴ Others interpret the verse as limitation on the "groups," or "classes," or "categories," from which the Prophet was empowered to choose new marriage partners.¹¹⁵ A third point of view, expressed in a number of traditions on the authority of A'isha, maintains that this verse was "abrogated" by the preceding one (33:51).¹¹⁶ The stipulation of abrogation here both eliminates the apparent contradiction between 33:52 and 33:51, and also serves to establish the Prophet's complete freedom with regard to his marital arrangements.

Conclusion

The Qur'anic legislation directed at the Prophet's wives, then, is entirely of Medinan provenance and belongs into the last six or seven years of the Prophet's life. Considered in chronological sequence of revelation, the duty of seclusion behind a partition in the presence of strangers (i.e., nonrelatives) was the first to be imposed. It was accompanied, or soon followed, by stringent codes of modest comportment in private and public. The latter codes, in turn, emphasized the women's duty to maintain seclusion in their houses, charity, piety, and obedience to God and His Prophet. Added thereto were strongly worded warnings against domestic disobedience in the form of plots or conspiracies. While the Prophet was granted unequalled rights concerning the number and type of marriages he might wish to conclude, remarriage of his wives "after him" was forbidden.

To seek to recover the dynamics of the Qur'an-as-process by way of attending to the chronological sequence of revelations is, of course, not a Western Islamicist invention. Indeed, the problematic of time frame and sequence of revelations was clearly an important concern of early Muslim Hadith and Tafsir, made all the more urgent by the doctrine of "abrogation" (*naskh*) of an earlier revelation by a later one.¹¹⁷ Insofar as the Qur'anic legislation on the Prophet's domestic affairs progresses, in chronological terms, toward Muhammad's increasing control over his women, the time frame of the relevant revelations suggests a trend in the direction of increasing restraint, not increasing "liberation," of the Prophet's wives. The Qur'an itself provides the *ratio legis* for this trend in its repeated statements of concern for the collective wellbeing, indeed, the perfection of the Prophet's household. It is this latter, collective entity that the revelations mean to strengthen and elevate to model status, and be it at the expense of individual ambitions and idiosyncrasies of some of its members. The Prophet's polygamous household here becomes a prime example of Qur'anic reasoning in favor of righteous institutions over individual aspira-

is.¹¹⁸ At the same time, as indicated above, the Qur'anic legislation also signifies aspects of the principle of ethical individualism in its linkage between individual select status and individual virtue, clearly expressed in the "verse of ice" (33:28–29). Double shares of divine reward (and also divinely decreed estrial rank) are compensation for the Prophet's wives' choice to accept obligations more stringent than those the Qur'an imposed upon Muslim women general. The Qur'an's promise of everlasting elite status for the Prophet's sorts hinges on their fulfillment of greater and graver obligations because, their group, the conditions of "obedience to God and obedience to His phe" are cast in more exacting terms.¹¹⁹ But such is God's *sunna*: Human ue bears rewards manyfold, some individual and eternal, others communal of this world when virtuous institutions are maintained by the individual ue of their members.

The Mothers of the Believers in the Hadith

The first generation of Muslims surely regarded the Prophet's comportment and way of life as a model they endeavored to emulate, because he was God's spokesman in their midst and also their divinely appointed leader to whom they had pledged obedience.¹ The notion of the Prophet's personal peerlessness expanded and intensified after his death when the victorious wars of conquest that led to the foundation of a vast Muslim empire were triumphant proof of the truth of Muhammad's mission. Within the newly expanded realm of Islam, later generations of Muslims, most of them not of Arab stock, came to see the Prophet in terms of a personal infallibility and sinlessness that had not been perceived by his contemporaries in Mecca and Medina.² The Hadith is both a record of what Muhammad actually said and did and also a record of what his community in the first two centuries of Islamic history believed that he said and did. Thus, the Hadith has been called "a guide to understanding the historical Muhammad as well as a guide to understanding the evolution of Muslim piety from the seventh to the ninth centuries."³ Even in the authenticated Hadith, "history" and "example" were intertwined in that the compilers' intent and methodology were not to record historical data per se but to institutionalize Muhammad's exemplary behavior for the benefit of the community.⁴

The transformation of Muhammad's historic personality into ideal persona is, in part, reflected in the proliferation, content, and function of early

Islamic Prophetic hagiography. Gordon Newby has recently shown the influence of Jewish and Christian hagiography and prophetology (*qua isra'iliyyat* traditions) on the Prophet's sacred biography.⁵ During the second quarter of the eighth century (beginning of the second century of the Islamic calendar), Islam began to pull back from such influences as part of pervasive spiritual and intellectual processes that, within the parameters of the formation of Islamic law, elaborated the notion that the Prophet's way of life was *sunna* (sacred precedent and impeccable model). The latter principle was made the cornerstone of legal theory by Muhammad ibn Idris al-Shafi'i (d. 819/20) who, on the basis of Qur'an 24:52 (divine command to obey God and His Prophet) declared that the Prophet's actions were tacitly inspired, beyond human questioning, a source of the divine will complementary to the Qur'an, and therefore an infallible "source," or "root," of the law.⁶ In tandem with other factors, this development in Islamic legal theory necessitated the excision of Bible-related foreign "inspirational" models of prophethood⁷ and also established the need for greater vigilance in Hadith transmission, especially regarding *isra'iliyyat* materials. Thus, it was the adoption of the Prophet as authority of law that in the generations after al-Shafi'i called forth the great medieval effort of full-scale Hadith criticism and the "sifting out" of the authentic Hadith. The latter was compiled in the ninth century (third century of the Islamic calendar) by a number of renowned traditionists, six among whom authored collections that the Muslim community accepted as authentic, or "sound" (*sahib*). Among the six, Bukhari (d. 870) and Muslim (d. 875) are held in special esteem.⁸ By their time, Hadith proliferation had reached such dimensions that of the 600,000 traditions which he examined, for instance, Bukhari is said to have retained as authentic only 7257, when the repetitions, which number 4000, are eliminated.⁹ The science of Hadith criticism paid great attention to the question of soundness of "chain of transmitters" (*sanad, isnad*) of each tradition, including reliability of each transmitting authority as examined in biographical dictionaries such as the *Kitab al-tabaqat al-kabir* of Ibn Sa'd (d. 845). While critiquing the authorities, the works of biographical history themselves were, however, less exclusive (i.e., less rigid in the criteria applied) than the authenticated collections that were compiled mainly for legal purposes. Nevertheless, even in Bukhari and Muslim and other *Sahib* collections, contradictory traditions abound that give both sides of an argument, with the noteworthy exception of traditions on some women's issues—especially regarding matters of social status and rights—in which only one side of the argument, the restrictive, is documented.

Similar developments are recognizable in the copious Hadith materials on the Prophet's wives. Although their status and importance, of course, never matched the Prophet's, the women's Qur'an-established rank, also their role as the Prophet's helpmates and supporters in his mission to preach and implement God's truth, and, finally, their intimate involvement with the righteous Prophet in all of the minutiae of daily life elevated them even during their lifetime to a level of prestige above the community's other females. This special status grew more lofty with the progression of time when Muslim piety

came to view the women of the Prophet's household as models for emulation. Eventually, the Prophet's wives' behavior as recorded in the traditions was likewise recognized as *sunna* that furnished many of the criteria of what was lawful (*halal*) or forbidden (*haram*) for Muslims, especially Muslim women. These criteria were then codified (*qua* examples) in the works of early Islamic jurisprudence (*fiqh*).

The Hadith, however, portrays the Prophet's wives in several distinctive ways; that is, the women appear in a number of conflicting sets of personae. On the one hand, they emerge as perfect exemplars of their sex regarding virtue and righteousness. On the other hand, they are portrayed as embodiments of female emotionalism, irrationality, greed, and rebelliousness. As discussed below, these divergent "images" of the Prophet's wives appear in the Hadith as functionally convergent. That is to say, the "images" as recorded/transmitted by the medieval scholars of Islam provided both the paradigm for the limit that needed to be placed on women's roles in religion and society, and also their justification, that is, scripturalist proof of "women's nature." In the scholars' formulation, then, the Qur'anic revelations of restriction directed at (and obeyed by) the Prophet's wives were made applicable to all Muslim women, while the human frailties of Muhammad's wives, which the Qur'an had sought to rectify, were maintained (indeed, highlighted) as symbolic for all that was wrong with the female sex.

What follows is a representative sampling and classification of the Hadith here mainly culled from the eighth volume of Ibn Sa'd's (d. 845) *Kitab al-tabaqa al-kabir*, entitled *Fi al-nisa'* ("On the Women").¹⁰ The material available in this and other Hadith collections constitutes three different categories, here entitled: (1) the Prophet's wives as "ordinary women"; (2) the Prophet's wives in early Hadith hagiography; and (3) the Prophet's wives as paragons of virtue and models for emulation by all Muslim women. Of these, the second category is largely linked to the legacy of the *qussas* (popular tellers of pious lore). The first and third are complex mixtures of history and "image," in which close reading can discover concerns and experiences of the early community as understood by medieval traditionalist scholarship; in addition, the third also bears the imprint of development of the terms of Islamic law.

Our approach to the Hadith on the Prophet's wives is to report the traditions in all their variety in order to be able to investigate the modes of their deployment both medieval and also modern. The literary analysis approach pursued here aims to discover paradigmatic meanings of the text and their symbolic functions. The Hadith on the Prophet's wives signifies both itself and also something else. As text, it presents "images" of the Prophet's consorts. A subtext, these images are meaningful in relation to the society of their first formulation and also the societies to which they then were (or are) applied by way of instruction, explanation, to legitimate the status quo or establish the validity of a new paradigm. At present, new uses of the authenticated Hadith on the Prophet's wives often involve some reformulation or tacit, selective elimination of established traditions. But innovation has recently also yielded

some direct textual criticism of authenticated texts by Muslim scholarship undertaken with the techniques of classical hermeneutics, that is, by way of proof of unreliability of transmitters of a given item.¹¹

Bulky segments of the classical Hadith portray the Prophet's wives as "ordinary women" possessed and motivated by petty jealousies. It is noteworthy that these "anecdotal" household hadiths make up such a large segment of classical Muslim literature on the Mothers of the Believers. Why is it that pious tradition has lavished so much attention on the details of the domestic intrigues, squabbles, jealousies, envies, and other human foibles of the Prophet's wives? Traditions depicting the women as "ordinary females" may, firstly, stem from the Hadith's exegetic function by which the Qur'anic materials of rebuke and censure directed at Muhammad's wives were legitimate topics for pious concern. Secondly, the women's family ties, hence their relations with rival political cadres in early Muslim history, in all likelihood made them fitting targets for enhancing, or, conversely, disparaging detail.¹² Thirdly, the Hadith also developed what may be called a "typology of pettiness" that employed the theme of the women's jealousy in formulaic fashion to "explain" a number of occurrences whose original nature was unknown, or unacceptable, to later Muslim traditionists.¹³ Some of the jealousy accounts, then, may be "encodings" of events and practices known only to the original source and transmitter. Fourthly, the fact that scholarly consensus continued to support and make great use of these traditions is related to the generally low opinion of women's nature expressed in medieval religious literature as a whole. Indeed, in its function of providing exegetic material and also raw legal data, the medieval Hadith on the Prophet's wives may well have served in several ways toward the medieval institutionalization of a decline in women's societal rank and obtainable legal rights. By emphasizing the ambiguity (or, two-sidedness) of the materials on the female elite of Islam, the Prophet's wives, whose scripturalist personae it presented as partially flawed, the Hadith in fact questioned the equality of male and female in the early community; in all justice and by necessity, then, the laws governing women's lives had to be more restrictive. Even the Prophet's wives' "image" as blameless saintly women did not substantially alter this state of affairs because (by the consensus of the scholars of Islam) it failed to eradicate the other.

It is symptomatic of a new age and debate on women's questions, then, that modern and contemporary Muslim literature on the Prophet's consorts has largely excized the "anecdotal" materials so copious in Ibn Sa'd and other medieval sources. The same applies, at least in part, to the hagiographic dimension. Excepting the works of popular piety (often with a Sufi bent) and others of general conservative-inspirational character, contemporary Muslim literature now *de-emphasizes* the miraculous experiences of the Prophet's wives, just as it also *de-emphasizes* their all-too-human frailties. It is as fighters for the establishment of Islamic values, and there mainly by way of their impeccable morality and manner of life, that the Mothers of the Believers are now depicted; as such, they embody that model behavior the contemporary Muslim woman can recognize and must strive to follow.¹⁴

The Prophet's Wives as "Ordinary Women"

Many of the accounts on life in the Prophet's household contain detailed descriptions of the jealousies and domestic political maneuvers of the Mothers of the Believers. These reports present the Prophet's wives as a petty, greedy backbiting, and power-hungry group. The unseemliness of their behavior is shown up all the more by the many traditions on the Prophet's impartiality toward his wives. Indeed, the Prophet is said to have been scrupulous in treating his wives equitably. He visited each of them once a day when he made his daily rounds of their houses, usually after the afternoon prayer (Ibn Sa'd, *Nisa'* p. 59); he would lay his hand on each and kiss her (*ibid.*, p. 122). After the wedding night spent with a new wife he is said to have wished his other wife well and asked to receive their good wishes (*ibid.*, p. 75). In addition, each wife had her turn of a fixed period of companionship and sexual contact with the Prophet.¹⁵ This was a prerogative she guarded zealously as her right (*ibid.*, p. 67) and which she could give to a rival if she so chose.¹⁶ If a new bride opted for a longer period of privacy and intimacy with the Prophet after the wedding, then the other wives were entitled to the same (*ibid.*, pp. 64–66). During his visits to his wives, the Prophet would stand, but when he arrived at the house of the woman whose "day" it was, he would sit (*ibid.*, p. 122). When the Prophet went on travels and military expeditions, he determined by lot which two of his wives would accompany him (*ibid.*, pp. 72, 121–122). The Hadith reports, however, that this equitable system was upset when a wife would think of some trick or other in the attempt to detain the Prophet in her house during his daily visit. An oft-quoted story has it that Hafsa bint Umar who was aware of Muhammad's love for sweets, detained him by offering honey drink, until the ruse was discovered and thwarted by a countermeasure of A'isha, Sawda, and Safiyya (*ibid.*, p. 59). Or it may have been Umm Salama who detained him, and A'isha and Hafsa who plotted to terminate that stratagem (*ibid.*, pp. 122–123).

New arrivals in the Prophet's household are said to have evoked intense jealousies in the already established wives, who feared that a new rival might replace them in the Prophet's affection. Such jealousies could make a new wife appear more beautiful than she was, as fear of competition played havoc with objective observation. For example, such fears are related of A'isha when the Prophet had married Umm Salama (*ibid.*, p. 66), or when she saw the beauty and sweetness of the Arab war captive Juwayriyya (*ibid.*, p. 83).

A sizeable number of traditions state that the women were dissatisfied with the manner in which food and other presents were distributed among them. The faithful reportedly offered their freewill gifts (*sadaqa*) most frequently on the day the Prophet spent in A'isha's house (*ibid.*, p. 117). The other wives are said to have sent his daughter Fatima to request their fair share, but the Prophet requested that Fatima "love A'isha for the sake of his own love for A'isha"; Fatima, in turn, is said to have been so embarrassed that she vowed she would "never talk to him about her again." (This tradition is given on the authority of A'isha, *ibid.*, pp. 123–124). Thereafter, the wives sent Zayn-

bint Jahsh who began to revile A'isha; the latter describes how she looked at the Prophet until she was sure of his permission to avenge herself. Defaming Zaynab, she then silenced her, and "the Prophet smiled and said: verily, she is Abu Bakr's daughter" (*ibid.*, pp. 123–124). The women also competed among themselves by way of boasting how one or the other had played a special role in an "occasion for revelation," or held a special rank with the Prophet. Some traditions, for instance, assert that the wives disliked Zaynab bint Jahsh's reminders that her marriage to the Prophet had occurred by specific divine dispensation (*Qur'an* 33:37–38, also 33:4 and 40) and the *hijab* verse (33:53) had been revealed on the occasion of her wedding (*Ibn Sa'd, Nisa'*, p. 75) A'isha's status claims involved the fact that of all the Prophet's wives she had been the only virgin bride, "an un-grazed slope as compared to all the others that were grazed over," (*ibid.*, p. 55) and that she was the dearest companion of the Prophet who was always aware of her moods, (*ibid.*, pp. 47, 55) calling her "dearer [to him] than butter with dates," (*ibid.*, p. 55) "as superior to all women as breadsoup is to all foods." (*ibid.*, p. 55).

It may be useful to associate traditions of this genre with the fact that the Prophet's wives hailed from different clans and even tribes;¹⁷ by way of family relationships (a factor of considerable import during the formative years of Islam), these women were thus naturally allied with what were, or later turned out to be, opposing political factions in early Islamic history.

To give a few examples: A'isha was the daughter of the first caliph, Abu Bakr of the family of Amir ibn Amr of the Taym clan of the Quraysh tribe. A'isha, who was childless, derived her *kunya* (honorific title) "Mother of Abdallah" from her sister's son Abdallah ibn al-Zubayr, whom she is said to have "adopted" and loved like a son. Abdallah's father al-Zubayr (i.e., A'isha's brother-in-law) was a rival political candidate at the time of the election of the third caliph Uthman ibn Affan (644 A.D.); after the latter's assassination in 656 A.D., he became a declared enemy of Ali, Uthman's successor and fourth caliph of Islam. In the opposition movement against Ali—who was also first cousin to the Prophet and the husband of his daughter Fatima—A'isha played a leading role. Here, she is said to have galvanized the energies of two important allies, the Companions al-Zubayr and Talha (the former her brother-in-law and the latter her cousin who also, reportedly, thought of marrying her after the Prophet's death, until the Qur'anic revelation of 33:53 made this impossible).¹⁸ Hafsa was the daughter of the second caliph, Umar ibn al-Khattab of the Adi clan of the Quraysh tribe; her father is said to have been "the power behind the throne" during the caliphate of his predecessor, Abu Bakr. Umm Salama was of the family of al-Mughira of the wealthy and influential Makhzum clan of the Quraysh in Mecca, a clan that fought against the Prophet for many years in close alliance with the equally wealthy and aristocratic Meccan clan of Umayya. It is reported that Umm Salama at first supported Ali and Fatima (i.e., she declared in favor of the political aspirations of the Prophet's blood relatives), but that she later became a supporter of the Umayyads. (Umm Salama was also the aunt of the Prophet's general Khalid ibn al-Walid, hero of the *ridda* wars and the early wars of Islamic expansion; at the end of his military

career, the latter served as governor of Syria which after him became the crown colony of the Umayyads). Umm Habiba was an Umayyad. She was Ramla, daughter of Abu Sufyan and a half-sister of Mu'awiya; the latter fought Ali ibn Abi Talib for control of the Islamic state in 657 A.D. and then, after Ali's assassination in 661, went on to found the Umayyad dynasty while ruler ("caliph") of Islam. While some of the "jealousy" traditions quoted here may be political statements linked to intercommunal power struggles,¹⁹ later pious understanding took these traditions at face value after the political events in question had long passed. And, indeed, these traditions may very well signify both, their apparent meaning (actual jealousy) and their hidden meaning (support for a group or party against one or a number of other groups and parties).²⁰

Not all traditions of this genre relate to the Arabian power struggles of early Islamic history. Some suggest a functionality of a different kind. At least one of the Prophet's wives, the Makhzumite aristocrat Umm Salama, is said to have hesitated in accepting the Prophet's proposal of marriage because she knew herself to be very jealous, "while you, oh Prophet of God, accumulate women" (Ibn Sa'd, *Nisa'*, p. 63). He persuaded her to the marriage by replying that God would take care of such feelings. Nevertheless, Umm Salama's jealousy is said to have erupted on numerous occasions, one of which occurred during her travels with the Prophet when he mistook his wives' litters and by mistake approached Safiyya's litter on Umm Salama's "day." The latter flew into a rage both at the Prophet and also her new rival (*ibid.*, 67). What distinguishes this tradition is that Safiyya was a young Jewish captive whom the Prophet had received as part of his share of booty after the conquest of Khaybar, and that Umm Salama's anger at being neglected led her to say that "you are talking with the daughter of the Jews on my day, when you are God's Apostle!"²¹ Many other traditions contain similar elements of prejudice of the Prophet's wives toward his Jewish consorts, which may indicate a common subtextual meaning in these traditions. It is reported, for instance, that when the Prophet brought Safiyya home to Medina, she was riding behind him on his mount, fully concealed by a wrap. The camel stumbled and threw off both riders in sight of Muhammad's watching wives who said: "May God banish the Jewess, and do 'that and that' to her" (*ibid.*, pp. 87-88). A'isha is said to have left her house "disguised by a head veil" in order to mingle unrecognized among the throngs of women who welcomed, and inspected, Safiyya; the Prophet reportedly recognized A'isha inspite of her veil, but when he asked her opinion of the new arrival, he received an insolent answer (*ibid.*, p. 90).²² All of the Prophet's Arab wives are said to have looked askance at the beautiful Jewish woman taken prisoner of war (*ibid.*, p. 90). Backbiting and bragging matches involving a wife of Arab and another of Jewish descent are also recorded. For example, A'isha and Safiyya are said to have reviled each other's father (*ibid.*, p. 56) until the Prophet reportedly suggested to Safiyya that she should have stood her ground by saying that "her father was Aaron, and Moses was her uncle" (*ibid.*, p. 91). Muhammad's (other) wives are also said to have mocked Safiyya when she expressed the wish that God inflict the Prophet's illness upon herself in his stead; the Prophet is said to have censured them

(ibid., p. 91). Such unseemly behavior is said to have included unwillingness to help a co-wife in need. Zaynab bint Jahsh, for instance, is said to have refused to lend one of her camels to Safiyya, whose mount had become defective. When the Prophet suggested this loan, she answered: "Should I give anything to this Jewess?" The Prophet is reported to have shown his displeasure by avoiding her for two or three months, until she had given up all hope of reconciliation, but he forgave her in the end (ibid., pp. 90–91). These and many other similar traditions, then, hinge on prejudice shown by the Prophet's Arab wives toward his Jewish consorts, but one may well understand their meaning and purpose in relation to larger and also later sociopolitical developments. Several of the reports indicate that the Prophet censured such behavior on the part of his wives of Quraysh descent. The traditions, then, may have some antitribal and also anti-Arab signification.²³

The theme of jealousy of the Prophet's wives appears in a set of curious traditions on marriages that the Prophet intended to conclude, or did conclude, with Arabian tribal women but which were dissolved before consummation. In all cases, the women under consideration were "strangers" (*ghara'ib*), that is, not of the Quraysh tribe or other tribes located in the area of Mecca and Medina.²⁴ A'isha is reported to have lamented the Prophet's desire to marry such strangers: "he has placed his hands on strangers, they are about to turn away his face from us" (Ibn Sa'd, *Nisa'*, p. 104). It is related that the Prophet sent A'isha on a mission to "look over" a woman of the Kalb tribe to whom he had proposed marriage. A'isha declared her to be "nothing worthwhile," but the Prophet answered: "What you saw was, indeed, worthwhile; you saw a beauty spot on her cheek, and every hair of yours trembled (in apprehension)." A'isha then knew that nothing was concealed from the Prophet (ibid., p. 115). The explanation of the failure of this union by reason of A'isha's jealousy, however, is formulaic and does not make much sense.²⁵ Ibn Sa'd²⁶ furthermore reports on three instances in which a marriage of the Prophet with a tribal woman was dissolved before consummation by a repudiation formula, *a'udhu billahi minka*, "I seek refuge with God from you," pronounced by the woman. According to some of these traditions, the woman repeated the formula three times while the Prophet covered his head with his sleeve. In all cases, he released the woman and sent her back to her tribe.²⁷ Fatima Mernissi²⁸ sees in these traditions remnants of the Arab woman's pre-Islamic customary right to repudiate the man, a counterpart to her right to "bestow herself" (*hiba*). The Islamic Hadith, however, ascribes the dissolution of these marriages to the jealousies of Muhammad's established wives.²⁹ It is A'isha and Hafsa who are said to have suggested use of the "formula of refuge" so that the new bride would "win the Prophet's favor."³⁰ Reportedly they used this ruse while preparing the beautiful Asma' bint al-Ma'mun of the Kinda tribe for her wedding night, "while one applied henna dye to her hands and the other combed her hair."³¹ Thereafter, "the Prophet walked on foot into (the new bride's) presence, then he dropped down on his knees, then reached for her to kiss her, as he used to do when he unveiled women, and she said: 'I take refuge with God from you;' he turned away from her with the words: 'you have certainly sought refuge,' and

he jumped away from her, then gave orders . . . to return her to her tribe."³² Thereafter, when the Prophet was informed who had suggested that she utter these words, he said: "They are surely Joseph's companions [cf. Qur'an 12:28] and their cunning is enormous," while his anger showed in his face (Ibn Sa'd, *Nisa'*, pp. 103, 106).

Finally, the jealousy of the Prophet's wives emerges as the dominant theme in all reports on domestic and communal events involving the Prophet's concubine Marya the Copt, mother of his son Ibrahim. Her figure looms large in the interpretations of Qur'an 33:28–29 ("the choice") and 66:1–5 ("censure of the woman who betrayed the secret"), which Qur'anic exegesis has consistently linked with disturbances in the Prophet's household brought on by intense sexual jealousy of the Prophet's wives toward this concubine. It appears that these reports, however, can likewise be read on several levels: Marya,³³ whose *kunya* (honorific title) was, of course, "Umm Ibrahim," is said to have pleased the Prophet because she was "white and beautiful, and her hair was curly." He lodged her in a piece of property later called "the loft of Umm Ibrahim" where he visited her frequently. Reportedly he imposed on her the *bijab* (segregation in the presence of strangers as imposed on the Prophet's wives by Qur'an 33:53), surely to signal special status, even though she remained his concubine. Marya gave birth to Ibrahim in this loft. Salma, the Prophet's "client" woman, acted as midwife, and it was her husband Abu Rafi' who gave the Prophet the glad tidings of the birth of a son. Abu Rafi' was rewarded with the gift of a household slave. This is said to have occurred in the eighth year after the hijra (Ibn Sa'd, *Nisa'*, p. 153).

As an afterthought to a long and detailed description of her feelings of intense sexual jealousy of Marya, a tradition from A'isha states: "then God gave the child from her, while He had deprived us of a child from him (the Prophet)" (ibid., p. 153). This phrase may give a clue to some otherwise unintelligible information on Marya found at the end of her "chapter" in Ibn Sa'd's *Tabaqat*. The traditions in question (Ibn Sa'd, *Nisa'*, pp. 154–155) appear to echo rumors that Ibrahim was not the Prophet's son but the progeny of a Copt who had taken refuge with Marya in her loft. The Hadith refutes this accusation without clearly stating it. Reportedly the Copt did household chores for Marya and the people gossiped that there was "an infidel man who has access to an infidel woman." The Prophet sent Ali ibn Abi Talib to investigate the matter. When Ali, sword in hand, approached the Copt, the man was either sitting on a date palm and threw his clothes away, or he climbed up on a date palm and his garment slipped off. In either case, Ali saw him to be without genitalia "without a penis or testicles." Ali sheathed the sword and returned to the Prophet but he was worried (the implication being that he had not carried out an order to kill the man). He inquired whether "it was right to check with you first if one be commanded to do a thing but finds that things are different" and the Prophet said "yes." Another tradition indicates that the angel Gabriel came to the Prophet when Ibrahim was born and greeted him with the words "Peace be upon you, father of Ibrahim; and the Prophet found reassurance in that." Thereafter, he is said to have given Marya her freedom with the words

"her child has given her her freedom," that is, he liberated her as his *umm walad* (*ibid.*, pp. 154–155).³⁴

These reports may simply echo "hypocrite" manipulation of Medinan public opinion to the detriment of the Prophet.³⁵ It is more likely that they hint at communal fears, shared by the Prophet's wives, that the birth of a male child of the Prophet by a foreign woman of Christian faith would have political consequences in the form of dynasty building³⁶ or possible future Coptic influence in the Muslim community. The latter is suggested by another (although probably much later) tradition reported by Ibn Sa'd in Marya's "chapter" according to which the Prophet said: "Treat the Copts well. They have a covenant (*dhimma*) and also kinship. Their kinship is that the mother of Ishmael son of Abraham (i.e., Hagar) was one of them, and that the mother of Ibrahim son of the Prophet (i.e., Marya) was one of them" (*ibid.*, p. 154). A historical political crisis as well as later Muslim-Coptic relations, then, may be part of the import of copious Hadith materials on the Prophet's wives' intense jealousy of this Coptic slave.

In the preceding examples the theme of wifely jealousy can be linked to a number of political, social, and legal developments that had occupied the early Muslim community. The image of the jealous wife, as transmitted and maintained by the traditionists, thereafter also served another purpose in that the Hadith in question promulgated (formulaic) character traits of the Mothers of the Believers that were consonant with medieval scholarly opinion of women's irrational/lower nature. The image remained in existence long after any "encoded" earlier information had been forgotten, and even though it was in contradiction to the symbolic themes of moral virtue and saintliness.

The Prophet's Wives in Early Hadith Hagiography

The Hadith collections that include the traditions on Muhammad's wives' human frailties also contain reports of miraculous events that studded the women's lives.³⁷ These occurrences, to be sure, always involve the Prophet, and it is in their relationships with him that the women are granted miraculous experiences or abilities.

The traditions relate such an event in connection with Muhammad's first wife, Khadija bint al-Khuwaylid, said to have occurred during her participation in a popular annual pagan celebration for the women of Mecca that centered around an idol in the shape of a man. This idol began to speak and predicted that a prophet by the name of "Ahmad" would be sent with God's message, and "whichever woman can become a wife to him should do so." While the (other) pagan women pelted the idol with stones, denounced it, and "barked at it," Khadija paid attention to the idol's words and did not treat it as the women did (Ibn Sa'd, *Nisa'*, p. 9). Khadija was the Qurashi "merchant woman of dignity and wealth" who hired Muhammad to trade on her behalf in Syria. It is reported that she *heard about* the miraculous events that occurred on this journey, and that it was *because of* this information that she asked him to marry her.³⁸

Ibn Sa'd reports on dream visions experienced by most of Muhammad's other wives prior to their marriage to the Prophet. Sawda, while still married to her previous husband, dreamt that Muhammad approached her and "placed his foot on her neck,"³⁹ also that a moon hurled itself upon her from the sky while she lay prostrate (*ibid.*, pp. 38–39). When Umm Habiba and her husband lived as temporary refugees in Abyssinia, she had a dream in which she saw her husband disfigured; on the following morning she learned that he had "left Islam" and (some say, again) embraced Christianity. When she rebuked him, he took to drink and died soon afterwards. Then she heard a dream voice addressing her as "Mother of the Believers," and on the following morning the Negus (ruler of Abyssinia) informed her that the Prophet had written a letter asking for her hand in marriage (*ibid.*, p. 68). Similar dreams are reported of Safiyya, the woman of Jewish descent from Khaybar. She is said to have told her Jewish relatives: "I saw as if I were (*sic*) with him who thinks that God sent him, while an angel covered us with his wings," but then they dealt harshly with her (*ibid.*, p. 87). She also dreamt of "a moon that drew close from Yathrib⁴⁰ until it fell into my lap," to which her Jewish husband replied "you want to be married to that king who is coming from Medina" and hit her in the face; the mark was still visible when the Prophet married her after the conquest of Khaybar (*ibid.*, p. 86).

With A'isha, it was not she but the Prophet who is said to have been favored with a sign. Reportedly, Muhammad asked Abu Bakr for A'isha's hand in marriage only after the Angel Gabriel had shown him a picture of A'isha (Ibn Sa'd, *Nisa'*, p. 44);⁴¹ according to another account, Gabriel showed him the infant A'isha in her cradle as his future bride and befitting substitute for Khadija, a divine favor to lessen his grief over Khadija's death (*ibid.*, p. 54). Among the wives, it was only A'isha in whose company Muhammad is said to have received revelations (*ibid.*, pp. 43–44). Some traditions report that A'isha could even see the Angel on these occasions and exchanged salutations with him (*ibid.*, pp. 44, 46), while others say that she could not see him but that she and the Angel greeted each other through the Prophet (*ibid.*, pp. 46–47 55).⁴² Zaynab bint Jahsh, in turn, was miraculously blessed by God when the food the Prophet's servant Anas ibn Malik had prepared for her wedding feast multiplied until it sufficed to feed seventy-one guests, possibly even seventy-two (*ibid.*, pp. 74, 125).

The Hadith establishes that all of Muhammad's terrestrial wives will be his consorts in paradise (e.g., *ibid.*, pp. 44–45, 58, 76). Indeed, the Angel commanded the Prophet to take Hafsa bint Umar back after he had divorced her saying that she was a righteous woman and would be his wife in heaven (*ibid.*, p. 58). In A'isha's case, the Angel even showed the dying Prophet her image in paradise to make his death easier with the promise of their reunion in the hereafter (*ibid.*, p. 45). It was the desire to be resurrected at judgment day as a member of the Prophet's household that led Sawda to implore the Prophet not to divorce her; she wanted no part of men or husbands in this world, she said, but yearned to be his consort in heaven, and therefore offered to assign "her day" with him to A'isha in her stead (*ibid.*, pp. 36–37). The first of the

ives to join the Prophet in heaven was Zaynab bint Jahsh. Muhammad had edicted this when he said that the wife who had "the longest arm" would rive there soon after him. The women later comprehended that by "long-med-ness" he had meant "charity" because the first to die after him was the charitable Zaynab bint Jahsh (*ibid.*, p. 76).

Traditions of this genre, then, are of inspirational character. In the sample narratives just quoted, the Prophet's wives are depicted as divinely favored individuals lifted high above the realm and ranks of ordinary womankind. God's grace surrounds them because they are His Prophet's chosen consorts.⁴³ A close reading of the sort attempted above, however, could perhaps find in this iconographic material a typological resemblance with the Prophet's wives as ordinary women." The material suggests that one of its functions may have been to elevate the Prophet's wives individually but also unequally (in a sort of competition for miracles). This, in turn, would suggest that such traditions, prestige building as they undoubtedly were, may originally have had a political dimension. What remained when the latter had fallen into oblivion was the linkage between the Prophet's wives' wondrous experiences and their exemplary morality.

The Prophet's Wives as Paragons of Virtue, and Precedent-Setting Models for All Women

large segment of the Hadith depicts the Mothers of the Believers as models of piety and righteousness whose every act exemplifies their commitment to establish God's order on earth by personal example. Their battlefields are not the plains of war on which Muslim men fight against infidel armies but involve the struggle to implement and safeguard Islamic norms and values. Indeed, the traditions on the women's personal comportment, dress, performance of ritual and worship, and the like must largely be read as (para-)legal texts in that their intended meaning is normative, not descriptive. Each recorded detail represents a facet of *sunna-in-the-making*, while their sum reflects the proliferation of categories of acceptable, forbidden, or value-neutral behavior first debated and then promulgated in early Islamic law. This process, then, involved a dynamic spiral of mutual reinforcement of its two constituent components, that is, the principle of these women's righteousness on the one hand, and their function as categorical norm-setters on the other. This is especially clear in the traditions which deal with modesty, veiling, and seclusion. Here, the prophet's wives are depicted both as models and enforcers of the then newly imposed Qur'anic norms. It is reported, for instance, that A'isha ripped off the thin, transparent *khimar* ("kerchief") her niece Hafsa wore in her presence; "she chastised her, reminded her of the modesty-verse of the 'Sura of the Light' 24:31), and clad her in a thick cloth" (Ibn Sa'd, *Nisa'*, pp. 49–50). A'isha is said to have worn the "veil" in public at all times, even as a little girl before she had reached puberty (but after the Prophet had asked for her hand in marriage) (*ibid.*, pp. 40, 54).⁴⁴ Indeed, the Hadith—in concert with the Qur'anic text—establishes that the invisibility of the Prophet's wives went beyond re-

strictions placed upon Muslim women in general.⁴⁵ Thus it reports that when the Prophet returned to Medina from the Khaybar expedition, he shared his camel with his war captive Safiyya whom he had wrapped in his *rida'* ("cloak") from the top of her head to the bottoms of her feet; no one, so the story continues, dared to look at her when the camel stumbled and threw off its riders, until the Prophet had replaced the wrap (*ibid.*, pp. 86–89).⁴⁶ During prayer, A'isha was heavily clad in a *dir'* ("chemise"), *jilbab* ("mantle," "cloak"), and *khimar* ("kerchief"), and she performed the circumambulation (*tawaf*) of the Ka'bā in a *niqab* ("head veil") (*Ibn Sa'd, Nisa'*, p. 49). During prayers, Maymuna is likewise said to have worn a *khimar* ("kerchief"), but no *izar* ("wrap") (*ibid.*, p. 98).⁴⁷

The Prophet's wives were scrupulous in hiding behind the *hijab* (enjoined upon them by the revelation of Sura 33:53) in the presence of individuals who did not belong to the "exempt groups" defined in Sura 33:55. A'isha, for instance, is said to have secluded herself (behind the screen) from Hasan and Husayn, the Prophet's grandchildren (*Ibn Sa'd, Nisa'*, p. 50).⁴⁸ She also hid behind the partition in the presence of a blind man, Ishaq al-A'ma, saying that although he could not see her, she nevertheless could see him (*ibid.*, p. 47).⁴⁹ During travels, the Prophet's wives were secluded in camel litters so unrevealing and undistinguishable that even the Prophet mistook one woman's litter for that of another (*ibid.*, p. 67). In A'isha's case, her litter was once moved on even though she was not inside it, as related in the "affair of the lie" (*al-ifk*) mentioned above.

Concerning the Qur'anic command to the Prophet's wives to "stay in your houses" (33:33), the Hadith reports that two women of the Prophet's household, Sawda bint Zam'a and Zaynab bint Jahsh, opted for complete confinement and immobility after the Farewell Pilgrimage at which the Prophet is said to have commanded his wives to stick to "the backs of the mats" (*zubur al-husur*) (*ibid.*, p. 150). Muhammad ibn Umar and others report that the Prophet said on this occasion: "She among you who fears God and does not commit a manifest abomination [*fahisha mubayyina*]⁵⁰ and sticks to the back of her mat [*zahr hasirihā*] is my wife in the hereafter" (*ibid.*, p. 150). Thereupon, Sawda stayed home, "sitting in [her] house as God commanded (her) to do." She and Zaynab never again went on either the greater or the lesser pilgrimage [*hajj* or *'umra*] (*ibid.*, p. 150), saying that "no mount would move [them] about after the death of the Messenger of God" (*ibid.*, pp. 37–38, 150).⁵¹

The most notable exception to such righteous immobility on the part of the Mothers of the Believers is, of course, A'isha's well-established active involvement in public affairs after the Prophet's death, which culminated in the Battle of the Camel.⁵² A'isha's behavior was clearly outside of the norms reportedly observed by the Prophet's other widows. Here it is noteworthy, however, that the Hadith overall refrains from having others censure A'isha for her role in the "affair of the lie" or the Battle of the Camel. Instead it was she herself who is said to have regretted her part in these events most bitterly; reportedly, she passed her final days in selfrecrimination, sighing that she wished she had been "a grass, a leaf, a tree, a stone, a clump of mud . . . not a thing remembered" (*Ibn Sa'd, Nisa'*, pp. 51–52).⁵³

The Hadith also credits the Mothers of the Believers with extending the principle of their segregation from life into death when it reports that Zaynab bint Jahsh was placed into her grave by blood relatives, and that the Prophet's widows prevented Umar, then the caliph of Islam, from descending into her tomb, "as only he may descend to whom it was lawful to look at her while she was alive" (*ibid.*, p. 79).

The righteousness of Muhammad's wives, however, went beyond their role as precedent-setting exemplars of juridic norms put forth in the legalistic reports just quoted. The Hadith, indeed, finds the ideal spirit of a polygamous household embodied in the daily dealings of Muhammad's wives (later, his widows) who coexisted with one another in mutual love and compassion, unified by an intense *esprit de corps*. The women called each other "sister" (*Ibn Sa'd, Nisa'*, p. 78) and praised each other's uprightness, devotion, and charity (*ibid.*, p. 73). When Zaynab bint Jahsh fell ill, it was Muhammad's other widows who nursed her, and when she had died, it was they who washed, embalmed, and shrouded her body (*ibid.*, pp. 78–79). The Prophet's wives are also credited with that true piety which, in ascetic self-sacrifice, foregoes even lawful pleasures. Of A'isha, for instance, it is said that she fasted continuously (*ibid.*, p. 51), provided freewill alms (*sadaqa*) at the expense of her own already meager food supply (*ibid.*, p. 46), and lived in voluntary poverty that meant only threadbare clothes, which she had to mend with her own hands (*ibid.*, p. 50). According to a tradition, this frugality was in obedience to the Prophet's words: "A'isha, if you want to be joined with me, take of this world [as little as] a rider's provisions, beware of associating with the rich, and do not deem a garment worn out until you have patched it" (*ibid.*, 53).⁵⁴ Of Maymuna it is reported that she picked up a pomegranate seed from the ground with the words "God does not approve of waste" (*ibid.*, p. 99). It is especially Zaynab bint Jahsh, "the refuge of the poor,"⁵⁵ of whom the Hadith reports that she gave away all her wealth (*ibid.*, p. 81), including her yearly pension of 12,000 dirhams which the caliph Umar sent her for personal expenses (*ibid.*, pp. 77–78). Indeed, Zaynab regarded this wealth as *fitna* ("temptation," "source of corruption") and screened herself from the money with a garment before she instructed her servant to distribute it in handfuls to relatives, orphans, and the poor (*ibid.*, pp. 77–78). A'isha is said to have given away in charity the five camel loads of gold (180,000 dirhams) obtained from the Umayyad caliph for the sale of her house by the Medinan mosque (*ibid.*, p. 117).⁵⁶

Finally, the Hadith emphasizes that the Prophet's wives' righteousness included profound knowledge of matters of the faith and also complete truthfulness in transmitting traditions. For instance, Ibn Zubayr, when transmitting a tradition from A'isha, reportedly said: "By God, she never tells lies about the Prophet of God!" (*ibid.*, p. 47). Indeed, A'isha is said to have been so knowledgeable about the *fara'id* of Islam⁵⁷ that very old men who had been Companions of the Prophet came to seek her counsel and instruction (*ibid.*, p. 45). This truthfulness theme is, perhaps, especially meaningful where the women's exemplary behavior is reported on their own authority, that is, in traditions ascribed to one of their group.

Conclusion

To conclude the present section, it may be useful to return to a theme presented above. The elite status of the Prophet's wives, established in Qur'anic revelation and historically realized during their lifetime, was turned into a legal paradigm when Muslim scholarly consensus, and not just pious veneration established the Prophet's consorts as models for emulation (sources of *sunna*). The latter process unfolded after the women's lifetime, when their historical presence had become but a memory. Its main stages belong into the formation of Islamic law and jurisprudence whose framework was the newly expanded (now multiethnic and multicultural) Islamic realm of the eighth and early ninth centuries where indigenous patriarchal structures predating the Islamic conquests had been retained and strengthened with the emergence of a Muslim urban middle class. Thus, the traditions presented above that extol the Prophet's wives' virtues again signify themselves (the memory of some outstanding women) and also something else (a cultural model of or for Muslim female morality formulated by the medieval urbanized and acculturated scholars of Islam). Main components of their paradigm in this context are: segregation and quiet domesticity; modest comportment, indeed, invisibility through veiling; ascetic frugality; devout obedience to God and His Prophet. Insofar as the latter was these women's husband, special emphasis is also placed on wifely obedience as an important dimension of female righteousness.

rejection of Muhammad's call to submission led to warfare and the overthrow of the Iranian dynasty during the Islamic-Arabian conquest of Iran.

26. Cairo: al-Halabi, n.d., vol. 4, p. 228.
27. Reading: Addison Wesley, 1991, pp. 49–61.
28. E.g., al-Shal, *Qisas*, pp. 74–81.
29. Vol. 5, p. 2640.
30. *Ibid.*, pp. 2640–2643.
31. *Ibid.*, p. 2643.

Chapter 7

1. 19:2–15 (Middle Meccan), 21:89–90 (Middle Meccan), and 3:38–41 (Medinan). In all cases, the story is immediately followed by verses on Mary's sinless conception of the prophet Jesus.

2. On the priest Zacharias, his wife Elisabeth (of the daughters of Aaron), and their son John, cf. Luke 1–3; on John also Matthew 3 and 14; Mark 1; John 3.

3. Temple niche, or a secluded cell or upstairs chamber in the house of worship; cf. below.

4. Cf. *Shorter Encyclopedia of Islam*, p. 328.

5. In Zacharia's figure in Islamic hagiography, Western biblical scholarship has seen "the conflation of Haggadic elements associated with Zechariah, the prophet and high priest in the time of King Joash, and Zachariah, the father of John the Baptist" (Newby, *Prophet*, p. 201, with further references).

6. Thackston, *al-Kisa'i*, pp. 326–327.

7. Ibn Kathir, *Qisas*, vol. II, pp. 388–389.

8. In the Qur'an, Jesus is "a word from God" (3:42) and "His word bestowed upon Mary" (4:171).

9. Ibn Kathir, *Qisas*, vol. II, pp. 388–389.

10. E.g., the *Qisas al-anbiya'* by the Azharite Shaykh Abd al-Wahhab al-Najjar (Cairo: al-Halabi, n.d.).

11. On Mary, cf. Matthew chs. 1 and 2, and Luke chs. 1 and 2. On Mary in the Gospels, the extracanonical gospels, and early Christian popular religiosity, cf. Gail Paterson Corrington, *Her Image of Salvation* (Louisville: Westminster/John Knox Press, 1992), pp. 145–195; and Marina Warner, *Alone of All Her Sex: The Myth and the Cult of the Virgin Mary* (New York: Random House, 1983), 339 pp.; esp. pp. 3–33.

12. Jane I. Smith and Yvonne Y. Haddad note that "there are 70 verses that refer to her, and she is named specifically in 34 of these (24 in relation to Jesus, son of Mary). . . ." ("The Virgin Mary in Islamic Tradition and Commentary," *The Muslim World*, vol. 79, [1989], p. 162).

13. In one instance, a Sura bears the name of a sage (31: Luqman). Sura 111 (*Lahab*, "Flame") refers to the fires of hell and not to the Prophet's uncle Abu Lahab. The latter was a zealous enemy of Islam and is said to have cursed Muhammad after the inception of his prophethood. This Sura depicts his and his wife's punishment in the hereafter.

14. Cf. *Shorter Encyclopedia of Islam*, p. 329.

15. According to Islamic exegesis, a secluded cell or upstairs chamber in the temple, or "mosque". In this, the temple's "most prestigious part," Mary was given the privilege of complete privacy in her devotions, since the door to this chamber was always locked and only Zacharia had the key (Tabari, *Tafsir*, vol. 6, pp. 353–358; Ibn Kathir, *Qisas*, vol. II, pp. 372, 385).

16. Middle Meccan: 19:16–35; 23:50; 21:91. In these Suras, the emphasis lies on the miracle of Mary's conceiving (of) the spirit while a virgin.

17. 3:33–37, 42–51, 59; 4:156, 171–172; 66:11–12; 5:19, 75, 78, 119–120. In Suras 4 and 5 (and other related Medinan Suras) the thrust is toward the negation of divinity of Mary and, especially, Jesus. In addition to the verses here indicated, Mary's name appears frequently in the Qur'an as part of the formula "Jesus son of Mary." According to Islamic exegesis, this matronymic name derives from the fact that Jesus had no creaturely father and is, therefore, an honorific title (cf., e.g., Zamakhshari, *Kashshaf*, vol. I, p. 279; Razi, *Tafsir*, vol. VIII, p. 53). For the Western debate concerning this name, cf. Geoffrey Parrinder, *Jesus in the Qur'an* (London: Faber and Faber, 1965), pp. 22–29.

18. Exegesis has variously identified this *mashraqa*, "eastern place," as the easternmost chamber of Mary's house; or an area east of Jerusalem; or a place east of "the mosque" on Mount Zion, al-Aqsa mosque in Jerusalem (Tabari, *Tafsir*, vol. 16, p. 4; Zamakhshari, *Kashshaf*, vol. 3, p. 7; Razi, *Tafsir*, vol. 21, p. 196; Baydawi, vol. 1, p. 57; Ibn Kathir, *Qisas*, vol. II, 386).

19. *Li-abaha laki*, "so that I give you."

20. Some interpreters appear to have identified this "remote place" (where Jesus was born) with the "eastern place" (where the annunciation took place). Additional proposed locations include: the remotest corner of Mary's house; the mountains surrounding Jerusalem; an area behind Mount Zion; various places in Palestine on the way from Nazareth to Bethlehem; a place in Damascus; a place on the way of Mary and Joseph's journey to Egypt. Some prominence, however, is given to the town Bethlehem in Palestine (Tabari, *Tafsir*, vol. 16, pp. 48, 50; Zamakhshari, *Kashshaf*, vol. 3, p. 8; Razi, *Tafsir*, vol. 21, pp. 196, 201–202; Ibn Kathir, *Qisas*, vol. II, pp. 393, 411ff.)

21. (Or, perhaps, "from below the palmtree"). Islamic exegesis is divided as to whether the speaker in this verse is the angel Gabriel (who is also said to have acted as midwife in Jesus's birth) or whether it is Jesus himself. If the latter, then the child spoke to his mother before, or right after, birth and his words preceded those which he addressed to her people while in the cradle (Tabari, *Tafsir*, vol. 16, pp. 52–55; Zamakhshari, *Kashshaf*, vol. 3, p. 9; Razi, *Tafsir*, vol. 21, p. 204; Baydawi, *Anwar*, vol. p. 579; Ibn Kathir, *Qisas*, vol. II, pp. 390–391).

22. In Islamic exegesis, the "fast" here imposed upon Mary was to consist of silence. The interpreters stipulate that "silence" was part of "the fasting ritual of the Jews," but they also emphasize that *sawm* (the Islamic fast) does not include the duty to remain silent. Furthermore, however, exegetes have also understood this direction as the divine command that Mary should leave the word, i.e. the defense of her innocence, to her son Jesus (Tabari, *Tafsir*, vol. 16, p. 57; Razi, *Tafsir*, vol. 21, p. 206; Ibn Kathir, *Qisas*, vol. II, p. 392). A contemporary source emphasizes that "(firstly) the word should be left to the better spokesman and (secondly) silence should be maintained in the presence of fools." (Muhammad al-Sayyid Tantawi, *Tafsir Surat Maryam*, part of *al-Tafsir al-wasit lil-Qur'an al-karim* [Cairo: Matba'at al-sa'ada, 1985], p. 36).

23. Mary's designation as "sister of Aaron" (and also "daughter of Amram") led some non-Muslims to allege a Qur'anic "confusion" of Miriam (Maryam) the sister of Aaron and Moses with Mary (Maryam) the mother of Jesus. This controversy is very old (cf. ch. 1, above), and refutation of the allegation by Muslim authorities is well documented. According to the *tafsir*, Mary was addressed as "sister of Aaron" because the Qur'an is drawing a comparison, or because she did have a brother by that name (Tabari, *Tafsir*, vol. 16, pp. 58–59; Zamakhshari, *Kashshaf*, vol. 3, p. 11; Razi, *Tafsir*,

vol. 21, pp. 207–208; Baydawi, *Anwar*, vol. 1, p. 580; Ibn Kathir, *Qisas*, vol. II, pp. 393–394).

24. Exegesis here defines prayer and almsgiving, two of the five “pillars of religion,” as the main means of individual religious purification: prayer because it purifies the soul, and almsgiving because it “purifies one’s wealth” when it is spent on the needy, the guests, and in support of wives, slaves, and relatives (Ibn Kathir, *Qisas*, vol. II, p. 396). In Jesus’s case, *zakat* (almsgiving) is understood as “purification of the body from defiling sin,” since Jesus was known to have adhered to a canon of voluntary poverty. Although he had no material wealth to give, his *zakat* also included the *sadaqa* (freewill offering) of the powers with which he had been endowed (Tabari, *Tafsir*, vol. 16, p. 61).

25. To the Qur’anic interpreters, this statement of loyalty of Jesus toward his mother is both indication that Jesus had no father and also proof of the chastity of Mary, since God does not enjoin his sinless prophets to kindness toward fornicators (Tabari, *Tafsir*, vol. 16, p. 61; Razi, *Tafsir*, vol. 21, p. 215; Ibn Kathir, *Qisas*, vol. II, p. 396).

26. These words of Jesus are almost identical to God’s words to, and about, John (19:14–15).

27. On the terminology employed in this verse (and elsewhere), cf. Parrinder, *Jesus*, pp. 127–128.

28. Smith and Haddad translate *qarar* as “a place of flocks” (“The Virgin Mary in Islamic Tradition,” p. 171).

29. Parrinder suggests that the Qur’anic story of Jesus’s birth was revealed twice because of “the different audiences in Mecca and Medina” (*Jesus*, p. 18). This argument would, of course, be unacceptable to most Muslims.

30. *Muharrar(a)*, “consecrated,” has denoted “freedom to serve in the place of worship without worries about personal maintenance,” . . . “worship of God beyond work for this world” (Smith and Haddad, “The Virgin Mary in Islamic Tradition,” pp. 165–166).

31. In exegesis, the *mihrab* (technical term for the prayer niche) is generally thought of as an honored, or the most honored, space in the mosque, perhaps an upstairs chamber. This space is said to have provided Mary with complete privacy in worship, since only Zacharia had the key to its door and would lock Mary in when he was not around (Tabari, *Tafsir*, vol. 6, pp. 353–358; Ibn Kathir, *Qisas*, vol. II, p. 372, 385); cf. above.

32. Mary’s story is here interrupted by the story of Zacharia’s prayer for a good child; the angels’ glad tidings of the birth of John, “a witness to the truth of a word from God”; Zacharia’s question of how this might be; and God’s “sign” of Zacharia’s silence for the duration of three days (3:38–41).

33. Of either sex: *irkā’i ma’l-rāki’īn* (masculine plural).

34. Of either sex: *kanat min al-qanitīn* (masculine plural).

35. *’ibāda*, the service of the slave (*’abd*) to his master, and also human worship of God.

36. Many of the Hadith-recorded legends on Mary and the child Jesus agree with the apocryphal gospels (The Protevangelium of James; The Arabic Infancy Gospel; The Infancy Story of Thomas; The Pseudo-Matthew Gospel; The Nativity of Mary; The Transitus Mariae; and the History of the Blessed Virgin Mary). Although condemned as noncanonical by Bishop Gelasius at the Council of Rome of 494 A.D., these remained popular with Eastern Christians. On the apocryphal gospels and their spread and influence, see Thackston, *al-Kisā’i*, pp. 354–356, n. 119., and the works of Gail Paterson Corrington and Marina Warner, quoted above.

37. The following segment, while generally based on different sources, reflects the main points made by Jane I. Smith and Yvonne Y. Haddad in "The Virgin Mary in Islamic Tradition and Commentary" (*The Muslim World* vol. 79 [1989], pp. 161–187). Their article has been helpful in arranging the materials here considered over and above indicated direct quotations.
38. Ibn Ishaq, *Life of Muhammad*, p. 152.
39. While the Christian delegates are said to have accepted Muhammad's apostleship on this occasion, they clung to their faith and asked the Prophet to impose upon them the *jizya* (head-tax imposed upon the *abl al-kitab*) (Ibn Ishaq, *Life of Muhammad*, pp. 270ff; Ibn Kathir, *Qisas*, vol. II, pp. 397–398).
40. This applies to all genres of *tafsir*, including the *qisas al-anbiya'*; cf., e.g., Ibn Kathir, *Qisas*, vol. II, p. 367.
41. E.g., Sayyid Qutb, *Fi zilal al-Qur'an*, vol. 4, pp. 2298ff. Qutb and many other interpreters have here decried Muslim-Christian doctrinal differences. In his exegesis of the revelation on Mary, the nineteenth-century modernist Muhammad Abduh regretted that as a matter of course, Christian missionaries consider the Qur'anic dicta which agree with the Bible as "borrowed," and those that do not, as "incorrect." He adds that to Muslims, the Qur'an is truth, and where its teachings differ from those of the Bible they represent the divine rectification of the Bible's mistakes and omissions (*Manar*, vol. 3, p. 302).
42. Marina Warner, writing about the Christian tradition, has linked this name with Hannah, mother of Samuel. Prototypical affinity of Samuel and Jesus, and the genealogical link between his mother Hannah and Mary, made for "a relationship so close that by the second century Mary's mother was believed to be called Anna, another form of the name Hannah." (*Alone of All her Sex* [New York: Vintage Books, 1983], p. 12).
43. Thackston, *al-Kisa'i*, p. 327.
44. Ibn Kathir, *Qisas*, vol. II, p. 369.
45. Thackston, *al-Kisa'i*, p. 327; Ibn Kathir, *Qisas*, vol. II, pp. 369–371, 461. As was well known to the scholars of Islam, women in Jewish tradition are unfit to serve in a place of worship. The exegetic debate on God's acceptance of Mary for service in His temple is important in that it elucidates Muslim reasoning for the traditional Islamic exclusion of women from religious and other public offices, because of the pollutant of menstruation. This issue is discussed below in relation to Mary's Qur'an-proclaimed quality of "purity" (*tahara*).
46. According to Tabari, Anna exclaimed after Mary's birth that she had borne a *gharia*, (slave) girl. With Zamakhshari, this generic exclamation became the "meaning" of the name Mary, "in their language"; Zamakhshari provides an exegetic synonym in *'abida*, "servant/slave (girl)." Baydawi adds that Mary's mother conveyed this name with the expectation that God would protect Mary until she became worthy of it. The Shi'ite exegete Tabarsi (d. 1153) equates *'abida*, "servant/slave girl" with *khadima*, connoting "most obedient servant (of God)." Suyuti (d. 1505), aware of this tradition of interpretations of the name, brings linguistics back to the social reality of his time when he stipulates that "a male may dedicate himself to the service of God, but the weaker sex may not, because of the frailties of her gender." (cf. below.) The preceding is quoted from Michael B. Schub, "The Male is not like the Female: An Eponymous Passage in the Qur'an" (*Zeitschrift für arabische Linguistik*, Heft 23 [1991], pp. 102–104). Schub adds that in Jewish legend the name Miriam is equated with "bitter" (in reference to the bondage in Egypt), an ad hoc folk etymology; Muslim exegetes disregarded this reading in favor of their own ad hoc solution. "However, both groups saw an

eponymous dimension in their respective texts, and felt the need for commentary." (ibid., p. 104).

47. Ibn Kathir, *Qisas*, vol. II, pp. 370–371, 461. This hadith is one of a cluster of prophetic traditions transmitted through several chains of distinguished authorities. Ibn Ishaq reports that after the Muslim conquest of Mecca (630 A.D.), the Prophet cleansed the Ka'ba of all objects of polytheistic worship. The Quraysh had put pictures in the Ka'ba including one of Jesus and one of Mary. The Prophet ordered the pictures erased except those of Jesus and Mary (*Life of Muhammad*, p. 552). According to Ibn Hisham, all pictures were erased (ibid., p. 774).

48. Ibn Ishaq reports that both parents, i.e., Amram and Anna, had died by this time (*Life of Muhammad*, p. 275).

49. Later, a grievous famine befell the children of Israel, and Zacharia was unable to support Mary. Lots were cast again, and Mary's maternal cousin George (Jurayj) the ascetic, a carpenter, became Mary's guardian (Ibn Ishaq, *Life of Muhammad*, p. 275). This cousin has also been identified as Joseph the carpenter (cf. *Shorter Encyclopedia of Islam*, pp. 329, 653). On this figure, fellow servant in the temple and main care-taker of Mary and her son Jesus, cf. below.

50. Tabari, *Tafsir*, vol. 6, pp. 402–403.

51. Ibid., pp. 353ff; Thackston, *al-Kisa'i*, p. 328; Ibn Kathir, *Qisas*, vol. II, pp. 373ff, 385. Modernist exegesis, given to the elimination of legendary materials, has sought the nature of Mary's sustenance from God in provisions gained by secondary means, such as the charity of visitors to the temple; else, the story has been understood as parable for God's provision of the means of livelihood for mankind at large (Baljon, *Modern Muslim Koran Interpretation*, pp. 22, 65–66, quoting the Pakistani exegete G. A. Parwez and the Egyptian Tantawi al-Jawhari).

52. Thackston, *al-Kisa'i*, p. 328; Ibn Kathir, *Qisas*, vol. II, p. 385.

53. On the Qur'anic prophet Joseph son of Jacob, cf. above, ch. 4.

54. According to Tabari, Mary and Joseph both served in "the mosque on Mount Zion." Joseph there took over Mary's share of the work when her pregnancy had weakened her (*Tafsir*, vol. 16, pp. 49–50); cf. Razi, *Tafsir*, vol. 21, p. 202; Ibn Kathir, *Qisas*, vol. II, pp. 388, 390.

55. On the identification of God's spirit with Gabriel, cf. below.

56. Tabari, *Tafsir*, vol. 6, p. 402.

57. Tabari, *Tafsir*, vol. 16, pp. 45–46; Zamakhshari, *Kashshaf*, vol. 3, p. 7; Razi, *Tafsir*, vol. 21, p. 196; Baydawi, *Anwar*, vol. 1, p. 578.

58. If Gabriel had appeared to Mary in his angelic form, he would have frightened her into fleeing (Zamakhshari, *Kashshaf*, vol. 3, p. 7; Razi, *Tafsir*, vol. 21, pp. 196–197; Baydawi, *Anwar*, vol. 1, p. 578; Ibn Kathir, *Qisas*, vol. II, p. 386). For Zamakhshari, the angel's beauty presented a test of Mary's chastity. Baydawi, on the other hand, speculates whether the angel's beauty was not also a means to arouse Mary's sexual desire "so that 'her semen' would drop down into her womb" (ready for fertilization). On the notion of 'female semen' (formed during sexual excitation) as argued by Hippocrates and Galen and developed by Muslim authorities such as Ibn Sina and Ibn Qayyim, cf. Basim F. Musallam, *Sex and Society in Islam* (Cambridge: Cambridge University Press, 1983), pp. 43–52.

59. Zamakhshari, *Kashshaf*, vol. 3, p. 7; Razi, *Tafsir*, vol. 21, p. 197.

60. For most exegetes, Mary's words "no human has touched me" are metonymic for sexual intercourse within lawful marriage (Zamakhshari, *Kashshaf*, vol. 3, p. 7; Razi, *Tafsir*, vol. 21, p. 199; Baydawi, *Anwar*, vol. 1, p. 578). According to Ibn Kathir, Mary was "an ascetic, not of the kind that marries" (*Qisas*, vol. II, p. 385). In any case, her

words to the angel are understood as indication of her chastity, not doubt of God's omnipotence. On this issue, cf. below.

61. Exegesis records a variant reading: "that He (God) give you a pure boy" (Tabari, *Tafsir*, vol. 16, p. 47; Razi, *Tafsir*, vol. 21, p. 198; Baydawi, *Anwar*, vol. 1, p. 578). This variant reading is attributed to Abu Amr ibn al-A'la.

62. Razi, *Tafsir*, vol. 21, p. 198.

63. Tabari, *Tafsir*, vol. 16, p. 48; Zamakhshari, *Kashshaf*, vol. 3, p. 8; Razi, *Tafsir*, vol. 21, p. 201; Baydawi, *Anwar*, vol. 1, pp. 578–579; Thackston, *al-Kisa'i*, p. 328; Ibn Kathir, *Qisas*, vol. II, p. 387–388. Emphasis is placed on the fact that no physical contact occurred between the angel and Mary, and that Mary was fully clothed (e.g., Ibn Kathir, *Qisas*, vol. II, p. 387).

64. Interpreters agree that Jesus' creation in Mary's womb was an instance of *kharq al-'ada* ("the violating of the usual course of nature"). As to the physical process of "how" the spirit awakened life in Mary's womb, the medieval rationalist Razi considers "auto-generation." This, he says, is possible when the body's 'four humors' stand in a specific quantitative relationship to each other for a specific period of time; when this occurs, the *nafs* (life substance) is irresistibly drawn into that body. Razi goes on to say that some animals (mice, snakes, scorpions) have been observed to self-generate in this manner from inanimate matter. Razi further considers "auto-suggestion" ("mental imaginations"), when the mind's imaginings bring forth all sorts of unusual and involuntary physical behavior and functions (Razi, *Tafsir*, vol. 8, pp. 50–52). The modernist Muhammad Abduh, once again following Razi, also speaks of "auto-generation" (*tawallud dhati*), and he reminds his readers that the transformation of inorganic into organic matter is of great concern to modern science. His preference, however, here lies with the notion of "auto-suggestion" when the mind, or strong emotions, overpower the body. Abduh reiterates Razi's claim that Mary's faith in the angels' message so affected her constitution (*mazaj*) that it generated the fertilization process in her womb. Like other modernists, Abduh was fascinated not only with rationalism but "natural causes," and so he adds that natural energy forces are often invisible, as is the case with electricity, and that the spirit that gave Mary her son may have been such a force, even though it (he) belonged to a higher order (*Mandar*, vol. 3, p. 308). Contemporary conservative and fundamentalist interpreters have stated their distance from such "rationalist" interpretations by affirming that the "how" of Mary's pregnancy is one of God's mysteries beyond human understanding and, hence, is not of man's concern (Muhammad al-Bahi, *Tafsir Surat Maryam* [Cairo: Maktabat Wahba, n.d.], p. 14; Sayyid Qutb, *Fi zilal al-Qur'an*, vol. 1, pp. 396–397; vol. 4, p. 2307).

65. Razi, *Tafsir*, vol. 21, pp. 201–202; Thackston, *al-Kisa'i*, pp. 328–329; Ibn Kathir, *Qisas*, vol. II, p. 388. Zamakhshari reports that Joseph thought of killing Mary because he assumed that she had sinned. The angel Gabriel informed him that the child was from the holy spirit, and Joseph let her be (vol. 3, p. 8).

66. Tabari, *Tafsir*, vol. 16, pp. 48, 50; Razi, *Tafsir*, vol. 21, p. 201. Ibn Kathir adds that both children were conceived on the same day (*Qisas*, vol. II, pp. 388–389); else, they were born on the same day (Thackston, *al-Kisa'i*, p. 329).

67. Ibn Kathir, *Qisas*, vol. II, p. 389. Other instances of Jesus speaking before birth (such as 'studying the Torah aloud') are recorded in Smith and Haddad, "The Virgin Mary," p. 169.

68. Zamakhshari, *Kashshaf*, vol. 3, p. 8; Razi, *Tafsir*, vol. 21, p. 202; Ibn Kathir, *Qisas*, vol. II, p. 389. Even the eight months' pregnancy is regarded as miraculous in that, according to the interpreters, "no child other than Jesus born after eight months has lived."

69. E.g., Ibn Kathir, *Qisas*, vol. II, p. 390. On the geographical identification of Jesus' birthplace (the "remote place" of 19:22), cf. above.

70. Exegetes have explained these words in psychological terms both selfcentered fear of accusations and loss of reputation) and also altruistic (fear that those who would malign her would thereby fall into sin). The words have not been understood as indication of disobedience or lack of faith. Cf. below.

71. Tabari, *Tafsir*, vol. 16, p. 54; Zamakhshari, *Kashshaf*, vol. 3, pp. 8–9; Razi, *Tafsir*, vol. 21, p. 203; Baydawi, *Anwar*, vol. 1, p. 579; Thackston, *al-Kisa'i*, p. 329; bn Kathir, *Qisas*, vol. II, pp. 391–392.

72. Ibn Kathir, *Qisas*, vol. II, p. 393. Some say that Joseph took Mary and her on to a cave and that they stayed there for forty days "until Mary was healed of child-birth" (Zamakhshari, *Kashshaf*, vol. 3, p. 11). In Islamic law, the *nifas* is the forty-day period of a woman's confinement, followed by the *ghusl* (major ablution). The traditions on Mary's forty days of isolation after Jesus' birth, then, stipulate that this was a normal birth with postpartem bleeding.

73. Zacharia and Joseph searched for Mary and found her and her child seated beneath a tree. Mary was silent, but Jesus spoke to Joseph and announced his prophethood. When the king heard of this, he ordered that Mary and her son be killed. Zacharia then commanded Joseph to take mother and child to Egypt, and the three of them departed together (Thackston, *al-Kisa'i*, pp. 329–33).

74. Ibn Kathir, *Qisas*, vol. II, p. 393.

75. On this transmitter of Biblical lore, cf. above.

76. Ibn Kathir, *Qisas*, vol. II, pp. 411–412.

77. E.g., Sayyid Qutb, *Fi zilal al-Qur'an*, vol. 4, p. 2305.

78. Tabari, *Tafsir*, vol. 16, p. 60; Ibn Kathir, *Qisas*, vol. II, pp. 395–396. According to Zamakhshari, they said: "her scorn is harder on us than her fornication," and they thought of stoning her to death (punishment for fornication in Islamic canonical law), but desisted when Jesus had spoken. Zamakhshari also reports that on this occasion the infant Jesus stopped nursing, propped himself up in the cradle, pointed at them with his index finger, and exonerated his mother against their slanderous accusations that she had been unchaste. Thereafter, he remained silent until he had reached normal speaking age (*Kashshaf*, vol. 3, p. 11).

79. Razi, *Tafsir*, vol. 21, p. 209.

80. This recalls Luke's Gospel: "the Holy Spirit shall come upon you" (Luke 1,35).

81. According to the Bible, "the Spirit (descended) like a dove" at Jesus' baptism, and Jesus performed his works "armed with the power of the Spirit" (Mark 1,10; Luke 4,14).

82. This recalls Genesis 2,7: "The Lord God . . . breathed into his nostrils the breath of life."

83. Fazlur Rahman here proposes that the spirit is "the highest form of the angelic nature and closest to God," but considers whether the spirit is not also "the actual content of revelation, or a power that develops in the prophet's heart and comes into actual revelatory operation when needed" (*Themes*, pp. 96–98).

84. Reasons given are that the Qur'an speaks of Gabriel as spirit (2:97); that Gabriel is a spirit-like creature, or created of spirit; that religion was "spirited" by Gabriel's conveyance of revelations; or because God metaphorically called Gabriel His spirit to convey His love for him, as one would call a lover "my spirit" (*rubi*). (Razi, *Tafsir*, vol. 21, p. 196)

85. On 21:91, see Razi, *Tafsir*, vol. 22, p. 218, also vol. 21, pp. 200–201; on 6:12, see Razi, vol. 30, p. 50.

86. Cf. the Qur'anic interpretation of the Azharite shaykh Muhammad al-Sayyid al-Tantawi, *Tafsir surat Maryam* (Cairo: Matba'at al-Sa'ada, 1985) pp. 26 and 30, and the Qur'anic interpretation of the Egyptian fundamentalist Sayyid Qutb, *Fi zilal al-Qur'an*, vol. 4, p. 2306.

87. On The Word (Logos) as Christ's essence/name in John 1,1 and Revelations 19,13 (cf. Colossians, 1 and Hebrews, 1), and The Word as God's creative power in Genesis 1 and Psalms 33, 6, cf. Parrinder, *Jesus*, pp. 47–48.

88. *Tafsir*, vol. 8, pp. 49–50; some of Razi's arguments are already found with Tabari, *Tafsir*, vol. 6, p. 411.

89. *Manar*, vol. 3, pp. 304–305.

90. *Fi zilal al-Qur'an*, vol. 1, p. 397.

91. The distinction between *nabi* ("giver of news from God") and *rasul* ("God's messenger"), on the whole established in the Qur'anic text, was recognized and elaborated upon by mainstream orthodox theologians. *Nabi* to them generally meant a divine envoy without a revealed book, while *rasul* was an emissary with a law and a revealed book (cf. Rahman, *Themes*, pp. 81–82). These theologians, however, have always restricted both categories of envoys to males. Some Mu'tazilite interpreters even considered the angels' words to Mary as a miracle vouchsafed to Zacharia, the acknowledged prophet of that time, or as a miracle in preparation for the prophethood of Jesus (Zamakhshari, *Kashshaf*, vol. 1, p. 277; refuted by Razi, *Tafsir*, vol. 21, p. 206; cf. Baydawi, *Anwar*, vol. 1, p. 155).

92. Abu Muhammad Ali ibn Ahmad Ibn Hazm, *al-Hasl fi al-milal wal-abwa' wal-nihal*, vol. 5, ed. Dr. Muhammad Ibrahim Nasr and Dr. Abd al-Rahman Umayra (Jeddah: Ukaz Publications, 1402/1982), pp. 119–120.

93. Ibid., p. 121. Ibn Hazm derives the notion of ranking from Sura 2:253.

94. In the Catholic faith, Mary's purity is enshrined in the dogma of her immaculate conception. Because of its preeminent importance to the Christian dogma of original sin, Mary's purity in Catholicism is doctrinally much more specific than is the Qur'anic notion, and the two cannot be equated (George Anawati, "Islam and the Immaculate Conception," in *The Dogma of the Immaculate Conception: History and Significance*, ed. E. D. O'Connor [Notre Dame, Indiana: University of Notre Dame, 1958], pp. 447–461; quoted in Smith and Haddad, "The Virgin Mary in Islamic Tradition," p. 172). It is noteworthy, however, that Muslim popular piety has affirmed the notion of immaculate conception in the case of the Prophet, his parents, and even his grandparents (Smith and Haddad, *ibid.*, p. 174).

95. Tabari, *Tafsir*, vol. 16, pp. 45–46; Zamakhshari, *Kashshaf*, vol. 3, pp. 7–8; Razi, *Tafsir*, vol. 21, pp. 196, 201; Baydawi, *Anwar*, vol. 1, pp. 578–579; Thackston, *al-Kis'a*, p. 328; Ibn Kathir, *Qisas*, vol. II, p. 385, cf. p. 457.

96. Zamakhshari, *Kashshaf*, vol. 3, p. 11; Ibn Kathir, *Qisas*, vol. II, p. 393.

97. E.g., Razi, *Tafsir*, vol. 8, p. 46; Baydawi, *Anwar*, vol. 1, p. 155.

98. He adds that the Prophet's daughter Fatima was equally pure, i.e., never defiled, and therefore given the honorific title of *al-Zahra'*, "the Radiant" (or, "Luminous") (*Manar*, vol. 3, p. 300). Cf. below.

99. (Some add that Mary was "purified" from Jewish slander concerning Jesus' birth.) Tabari, *Tafsir*, vol. 6, p. 400; Zamakhshari, *Kashshaf*, vol. 1, p. 277; Razi, *Tafsir*, vol. 8, p. 46; Baydawi, *Anwar*, vol. 1, p. 155; Ibn Kathir, *Qisas*, vol. II, p. 374; Abduh and Rida, *Manar*, vol. 3, p. 300. While these theologians clearly define Mary's purity in terms of *'isma*, "sinlessness," which is also the quality Islamic dogma ascribes to God's prophets, the scholars fail to reconsider the issue of Mary's prophethood in this context. The reason, of course, lies with the doctrine of Mary's physical nature as that of ordinary women.

100. *Ibn Kathir, Qisas*, vol. II, pp. 310–311. Ibn Kathir (*ibid.*, p. 461) adds that *atan* came to prick Jesus but pricked the *hijab* with which Mary had curtained herself from her people (Sura 19:17).

101. Muhammad Jamal al-Din al-Qasimi, *Tafsir al-Qasimi* (Cairo, 1914) vol. 4, . 841; and Isma'il Haqqi, (here in reference to Mary, Khadija, Fatima, and Asya), *Tafsir* i.pl., n.d.) p. 447; both as quoted in Smith and Haddad, "The Virgin Mary in Islamic tradition," pp. 173 and 179. Farid al-Din al-Attar, famous biographer of Sufi saints, wrote that "attainment of purpose lies not in appearance but in [sincerity of] purpose. Since a woman on the path of God becomes a man, she cannot be called a woman." Quoted in Reuben Levy, *The Social Structure of Islam* [Cambridge: Cambridge University Press, 1969], p. 132.)

102. Smith and Haddad, "The Virgin Mary in Islamic Tradition," p. 173. To grant omen (even holy women) the right to act as prayer leaders for male worshippers is radical departure from Islamic law that excludes women from this, and other, public nctions.

103. Zamakhshari, *Kashshaf*, vol. 1, p. 277; Baydawi, *Anwar*, vol. 1, p. 155; -Suyuti (d. 1505) (Jalal al-Din Muhammad ibn Ahmad al-Mahalli and Jalal al-Din ibd al-Rahman ibn Abi Bakr al-Suyuti, *Tafsir al-Qur'an al-'azim* [Cairo: Matba'at istiqama, n.d.], p. 52). These interpretations must be understood as part of the ongoing medieval debate on whether women should have full access to the mosque r prayer. Razi's opinion may well represent the "liberal" stance in this debate when : interprets 3:43 to mean that "women's emulation of men (in public prayer practices), while being invisible to (screened off from) them, is better than the emulation women (sc. in private prayer)." In other words, women's participation in public prayer is to be condoned as long as they were not visible to the male members of the conegation (*Tafsir*, vol. 8, p. 47).

104. This title does not appear in the Qur'an, but pious Muslims often use it in ference to Mary. Smith and Haddad document that in popular Muslim piety this title also applied to the Prophet's daughter Fatima ("The Virgin Mary in Islamic Tradition," pp. 179–180).

105. Mary's purification "from the touch of men" (e.g., Razi, *Tafsir*, vol. 8, p. 46)uld imply perpetual virginity, but the matter is not fully discussed. Some modern erpreters appear to deny that Mary retained her virginity beyond Jesus' birth (cf. Bahi, *Tafsir Surat Maryam*, p. 14).

106. Baljon, *Modern Muslim Koran Interpretation*, pp. 69–70; Parrinder, *Jesus*, . 69ff. Smith and Haddad rightly place Sayyid Ahmad Khan's interpretation into : context of "intensive and aggressive Christian missionary activity in India which picted Jesus as superior to Muhammad, even citing the Qur'an as proof. Thus the nial of virginity, although not in the tradition of Islam, may well be seen as part of : apologetic to defend the faith against its Christian detractors" ("The Virgin Mary Islamic Tradition," p. 175).

107. Cf. Abdur and Rida, *Manar*, vol. 3, p. 300. Even the Indian Muslim modist Abu al-Kalam Azad (d. 1958) stated in his *Tarjuman al-Qur'an* (1930) that "the r'an accepts the dogma" (of the virgin birth); cited in Baljon, *Modern Muslim Koran Interpretations*, p. 70.

108. Mary knew full well that God has the power to create a child outside of stomary natural processes" ('*add*), since she knew that He had created Adam from nimate matter (Razi, *Tafsir*, vol. 21, p. 199; Baydawi, *Anwar*, vol. 1, p. 156).

109. Razi (vol. 21, p. 203) records traditions attributing similar words to Abu ur, Umar, and Ali (first, second, and fourth caliphs of Islam), and to the Prophet's

first *mu'adhdhin* ("caller to prayer"), Bilal. It is noteworthy that the interpreters here fail to mention the very similar words of the Prophet's wife A'isha, which she is said to have uttered at the end of her life, i.e. after her involvement in public politics, for which she was much criticized (Cf. below, Part II).

110. Physical modesty, i.e., a sense of "shame at the birth-process" that involves "the uncovering of genitalia," is also reckoned among the factors of Mary's distress, as are the pains of childbirth. (Tabari, *Tafsir*, vol. 16, pp. 50–51; Zamakhshari, *Kashshaf*, vol. 3, p. 9; Razi, *Tafsir*, vol. 21, p. 202; Ibn Kathir, *Qisas*, vol. II, p. 390). The modern exegete Sayyid Qutb explains Mary's words by relating them to her "physical and psychological pain," the perplexion of the virgin who has no knowledge of physical matters, the young woman's fear to confront a censorious society (*Fi zilal al-Qur'an*, vol. 4, p. 2307).

111. Muhammad al-Sayyid Tantawi, *Tafsir Surat Maryam*, p. 35.

112. Zamakhshari, *Kashshaf*, vol. 1, p. 277; Razi, *Tafsir*, vol. 8, pp. 45–46; Baydawi, *Anwar*, vol. 1, 155.

113. Tabari, *Tafsir*, vol. 6, pp. 393–400; Razi, *Tafsir*, vol. 8, pp. 45–46; Ibn Kathir, *Qisas*, vol. II, pp. 375–381; *Manar*, vol. 3, p. 300.

114. Ibn Kathir, *Qisas*, vol. II, pp. 375–383. Moses' sister is here sometimes included among the members of the Prophet's celestial household.

115. The other three were Abraham's wife Sara, the Pharaoh's wife Asya, and Moses' sister. Jane McAuliffe, "Chosen of All Women: Mary and Fatima in Qur'anic Exegesis," *Islamochristiana* VII (1981), pp. 26–27.

116. Mahmoud Ayoub, *Redemptive Suffering in Islam: A Study of the Devotional Aspects of 'Ashura' in Twelver Shiism* (The Hague: Mouton, 1978), p. 50.

117. McAuliffe, "Chosen," pp. 22–23; Ayoub, *Redemptive Suffering*, pp. 70–72, 75. According to some Shi'i thinkers, the quality of virginity was common to both as well; and, indeed, popular piety refers to both Mary and Fatima as *al-batul*, "the Virgin." Since Fatima was married to a husband who fathered her children, virginity in her case has sometimes been defined as freedom from menstruation; McAuliffe (p. 23) quotes a tradition found in an early twelfth-century Shi'i exegesis according to which the Prophet defined virginity in these terms.

118. Ayoub, *Redemptive Suffering*, pp. 27, 30, 39, 48–50.

119. Ibid., p. 35.

120. Louis Massignon, "La notion du voeu," *Studia orientalistica* II, p. 111; and Seyyed Hossein Nasr, *Traditional Islam in the Modern World* (London: Routledge and Kegan Paul, 1987), p. 262; both as quoted in Smith and Haddad, "The Virgin Mary in Islamic Tradition," pp. 180–181.

121. McAuliffe, "Chosen," pp. 23–24, 26–27.

122. Parrinder links these and similar Qur'anic passages on Mary and Jesus with early Christian heresies and heretical practices, especially Adoptionism, Arianism, Patripassianism, and Mariolatry, whose tenets are "as heretical to Christianity as they are to Islam" (*Jesus*, pp. 62–63, 80, 126–141).

123. Ibn Kathir, *Qisas*, vol. II, p. 387.

124. Even though medieval traditions have attributed women's menstruation to Eve's disobedience (cf. above), the *Tafsir* here considered fails to link the notions of Mary's obedience and purity with Eve's disobedience and its punishment in the form of defilement. It is only in esoteric mysticism that the tetragram of Adam, Eve, Mary, and Jesus, placed into the context of God's self-revelation, has been said to signify God's forgiveness for the sin of Eve through Mary (Smith and Haddad, "The Virgin Mary in Islamic Tradition," pp. 182–183).

123. ADD al-MU IZZ KHATTAB, *Ishrun imra'a fi al-Qur'an al-karim* (Cairo: n.d.), p. 47; as quoted in Smith and Haddad, "The Virgin Mary in Islamic Tradition," p. 166.

126. Sayyid Qutb, *Fi zilal al-Qur'an*, vol. 4, pp. 2305–2306.

127. Qur'an 4:34. Smith and Haddad, "The Virgin Mary in Islamic Tradition," p. 187.

128. Nasr, *Traditional Islam in the Modern World*, p. 262, as quoted in Smith and Haddad, "The Virgin Mary in Islamic Tradition," p. 181.

129. Cf. Smith and Haddad, "The Virgin Mary in Islamic Tradition," p. 161.

130. In science, paradigms are "universally recognized scientific achievements that for a time provide model problems and solutions to a community of practitioners" (Thomas S. Kuhn, *The Structure of Scientific Revolutions* [Chicago: University of Chicago Press, 1962, 2nd ed., 1970], p. viii); paradigmatic adjustment, or paradigmatic shift, occurs when too many observed facts remain "anomalous" (*ibid.*, pp. 52ff).

Chapter 8

1. The theme of their human weaknesses is fully developed in the Hadith; cf. below.

2. As indicated above, personal names occurring in the Qur'anic text are, on the whole, those of prophets; occasionally, figures of the far distant past are also mentioned. Mary the mother of Jesus is the only woman whose name appears in the Qur'an. From among Muhammad's contemporaries, the Qur'an mentions the names of Muhammad's uncle Abu Lahab (denounced together with his wife in Sura 111) and Zayd (ibn Haritha, Muhammad's adopted son, mentioned in 33:37).

3. Narrative source material used in the present segment is mainly culled from the eighth volume of the *Kitab al-tabaqat al-kabir* of Ibn Sa'd (d.845). The volume in question, entitled *Fi l-nisa'* ("On the Women") was edited by Carl Brockelmann (Leiden: Brill, 1904). Also consulted were the following works of medieval Qur'an exegesis: Abu Ja'far Muhammad ibn Jarir al-Tabari (d.923), *Jami' al-bayan 'an tafsir 'ay al-Quran*, ed. Mahmud Muhammad Shakir and Ahmad Muhammad Shakir (Cairo: Dar al-ma'arif, 1950s–1969), up to Qur'an 14:27; thereafter, *Jami' al-bayan fi tafsir al-Qur'an* (Beirut: Dar al-ma'rifa, 2d printing, 1972); Mahmud ibn Umar al-Zamakhshari (d.1144), *Kashshaf 'an haqd'iq ghawamid al-tanzil*, ed. Mustafa Husayn Ahmad, (Cairo: Matba'at al-istiqlama, 1953); Abdallah ibn Umar al-Baydawi (d.1286?), *Anvar al-tanzil fi asrar al-ta'wil*, ed. H. O. Fleischer; phototypical reproduction, (Osnabrück: Biblio Verlag, 1968); Isma'il ibn Umar Ibn Kathir (d. 1373), *Tafsir al-Qur'an al-'azim*, (Cairo: Dar ihy'a al-kutub al-'arabiyya, n.d.). It should here be noted that, in addition to information on the Prophet's wives, the classical Hadith and *tafsir* also contain much material on the Prophet's daughters: Zaynab, Ruqayya, Umm Kulthum, and Fatima. It is Fatima who emerges most prominently in these sources. This is not surprising in view of her status as wife of Ali ibn Abi Talib, mother of Hasan and Husayn, and member of the "holy family" (*ahl al-bayt*, *al al-bayt*) of, especially, Shi'i and Sufi piety and doctrine. While Fatima's role in Sunni Hadith and *tafsir* is important, it is even greater in Shi'i literature, which interprets a sizeable number of Qur'anic verses as revealed on account of, and specifically concerning, Fatima.

4. Cf. below.

5. Cf. Ibn Sa'd, *Nisa'* pp. 156–159; Tabari, *Tafsir*, vol. 22, pp. 15–18; Zamakhshari, *Kashshaf*, vol. 3, pp. 434–436; Baydawi, *Anwar*, vol. 2, p. 132; Ibn Kathir, *Tafsir*, vol. 3, pp. 498–500.

6. Muhammad Husayn Haykal, *The Life of Muhammad*, translated from the eighth

edition by Isma'il R. al-Faruqi (Indianapolis: North American Trust Publications, 1976), p. 293.

7. Sura 4:3 is generally dated soon after the battle of Uhud (third year hijra), several years before revelation of Sura 33:50. In her historical analysis of Sura 4:3 as a piece of legislation to "regularize" the institution of marriage in Islam, Gertrude H. Stern conversely stipulates that the Prophet had four wives, and not more, at the time of the revelation of 4:3. He later added others to this number in order to provide support for widows of slain Muslim warriors, thereby also setting an example for his community (*Marriage in Early Islam* [London: The Royal Asiatic Society, 1939], pp. 78–81). In similar fashion, Rudi Paret has understood this verse not as limitation of polygamous unions at four but as a call to the men of the community to conclude additional marriages in order to provide for the young women in their care who were orphaned by the war (*Schriften zum Islam*, ed. Josef van Ess [Stuttgart: W. Kohlhammer, 1981], pp. 43–49).

8. E.g., Zamakhshari (*Kashshaf*, vol. 3, p. 430, in exegesis of 33:38) indicates that by God's "law," or "custom" (*sunnat Allah*) David had 100 wives and 300 concubines, while Solomon had 300 wives and 700 concubines.

9. The technical term for this form of marriage is *hiba*. On the women who "gave themselves to the Prophet," cf. Ibn Sa'd, *Nisa'* pp. 98, 100–113, 145, 158; Ibn Hisham's notes to Ibn Ishaq, in *The Life of Muhammad*, A. Guillaume, transl. (London: Oxford University Press, 1955), p. 794; Tabari, *Tafsir*, vol. 22, pp. 15–18; Zamakhshari, *Kashshaf*, vol. 3, pp. 434–436; Baydawi, *Anwar*, vol. 2, p. 132; Ibn Kathir, *Tafsir*, vol. 3, pp. 498–500. On the practice of *hiba*, cf. below.

10. (Emphasis added). Perhaps because of the late date of this revelation in the Prophet's life and, especially, in consideration of the fact that it was vouchsafed after Muhammad had married all of his wives, classical exegetes have found in this verse more than the divine directive on the Prophet's right to unrestricted polygamy. All classical interpreters emphasize that this verse also entails God's permission (exclusively for the Prophet) to marry "a believing woman who offered herself" to him. This verse and its interpretations are considered more fully below.

11. Cf. Ibn Sa'd, *Nisa'*, pp. 8–11, 35–100, 156–159; Ibn Hisham's "Notes" in Ibn Ishaq's *Life*, pp. 792–794; Tabari, *Tafsir*, vol. 21, p. 99 and vol. 22, p. 21; Zamakhshari, *Kashshaf*, vol. 3, pp. 436–437; Ibn Kathir, *Tafsir*, vol. 3, pp. 481, 499, 500. Also Nabia Abbott, *Aishah—The Beloved of Mohammad* (Chicago: University of Chicago Press, 1942; 2d ed. London: Al Saqi Books, 1985), pp. 3–81 in the 2d ed.; W. Montgomery Watt, *Muhammad at Medina* (Oxford: Clarendon, 1956, lithographical reprint Oxford: Oxford University Press, 1962), pp. 393–399; Sa'id Harun Ashur, *Nisa' al-nabi* (Cairo: Matba'at al-Qahirah al-haditha, n.d.), pp. 1–171 passim. According to Ibn Hisham (who does not consider Rayhana a wife) the Prophet married thirteen women: "there were six Quraysh women among the Prophet's wives, namely, Khadija, A'isha, Hafsa, Umm Habiba, Umm Salama, and Sawda; the Arab women and others were seven, namely Zaynab bint Jahsh, Maymuna, Zaynab bint Khuzayma, Juwayriyya, Asma', and Amra; the non-Arab woman was Safiyya bint Huyay" (Ibn Ishaq, *Life*, p. 794). When Rayhana is included, the number rises to fourteen. Three of them (Khadija, Zaynab bint Khuzayma, and Rayhana) died while the Prophet was alive; he separated from Asma' and Amra; he died while being married to nine (Ibn Sa'd, *Nisa'*, p. 159).

12. The Prophet married Khadija when he was about twenty-five years old and she was in her early forties. He lived with her in monogamous marriage until her death some twenty-five years later. Khadija bore the Prophet two sons (al-Qasim and Abdallah

al-Tahir al-Mutahhar, both of whom died in infancy) and four daughters (Zaynab, Ruqayya, Umm Kulthum, and Fatima). The Prophet had no children with his other wives, but had a son, Ibrahim, from his concubine Marya the Copt. Ibrahim died when he was two years old.

13. E.g., Ibn Sa'd, *Nisa'*, pp. 100–107; Ibn Hisham's "Notes" in Ibn Ishaq's *Life*, p. 794. Cf. Watt, *Muhammad*, pp. 397–399.

14. Ibn Sa'd, *Nisa'*, pp. 108–115. Cf. Watt, *Muhammad*, p. 399.

15. The women identified in the sources as having engaged in *hiba* to the Prophet, and to whom these words are said to refer, are: Umm Sharik al-Asadiyya, or Ghaziya bint Jabir (who may be one and the same) (Ibn Sa'd, *Nisa'*, pp. 110–111, and Ibn Hisham's "Notes" in Ibn Ishaq's *Life*, p. 794). Other traditions link the verse with Maymuna bint al-Harith (or, al-Harth), or Zaynab bint Jahsh (Ibn Hisham's "Notes" in Ibn Ishaq's *Life*, p. 794). Additional names put forth in Qur'anic exegesis are those of Zaynab bint Khuzayma "mother of the destitute (*umm al-masakin*)" and Khawla bint Hakim ibn al-Awqas of the Banu Sulaym (Tabari, *Tafsir*, vol. 22, p. 17; Zamakhshari, *Kashshaf*, vol. 3, pp. 434–435; Baydawi, *Anwar*, vol. 2, p. 132; Ibn Kathir, *Tafsir*, vol. 3, pp. 499–500. Cf. Watt, *Muhammad*, pp. 398–399).

16. According to Ibn Sa'd and Ibn Hisham, Marya came from Hafn in the province of Ansina (or Ansa), i.e., she hailed from a place located on the east bank of the Nile in Upper Egypt (Ibn Sa'd, *Nisa'*, pp. 153–156; Ibn Hisham's "Notes" in Ibn Ishaq's *Life*, p. 691). Ibn Sa'd reports that Marya was sent to the Prophet as a gift from al-Muqawqas, "ruler of Alexandria, together with her sister, one thousand *mithqal* of gold, twenty robes, a mule, a donkey, and an old eunuch who was her brother. This occurred in the year seven after the hijra" (p. 153). Al-Muqawqas is the Islamic name for Cyrus, last Byzantine patriarch and ruler of Egypt who surrendered to the Muslim troops led by Amr ibn al-As (Cf. Gustav Weil, *Geschichte der Chalifen*, vol. I [Mannheim: Bassermann, 1846], pp. 105, 109–111, 121; and Christopher S. Taylor, "Sacred History and the Cult of Muslim Saints," *The Muslim World*, vol. 80, no. 2 [1990], p. 77).

17. Ibn Sa'd, *Nisa'*, p. 71. Qur'anic exegesis sometimes links the revelation of Sura 33:36 ["No believing man nor believing woman, when God and His Apostle have decided upon a matter, has the right to choose in (this) their matter. Who disobeys God and His Apostle is in manifest error"] with Zaynab's opposition to this marriage to Zayd.

18. During the fifth year after the hijra.

19. Ibn Sa'd, *Nisa'*, pp. 71–72.

20. Tabari, *Tafsir*, vol. 22, pp. 10–11; also his *Tarikh al-rusul wal-muluk*, vol. 2, ed. Muhammad Abu al-Fadl Ibrahim (Cairo: Dar al-ma'arif, 1961), pp. 562–563.

21. Tabari, *Tafsir*, vol. 22, pp. 10–11; cf. also Zamakhshari, *Kashshaf*, vol. 3, pp. 427–430; Baydawi, *Anwar*, vol. 2, pp. 129–130.

22. Ibn Kathir, *Tafsir*, vol. 3, p. 491.

23. E.g., Ibn Sa'd, *Nisa'*, p. 72.

24. *Tafsir*, vol. 22, pp. 10–11.

25. *Kashshaf*, vol. 3, pp. 428–429.

26. I.e., the divine legislation on the status of adopted sons of Sura 33:37, cf. below.

27. *Tafsir*, vol. 3, p. 491.

28. Tabari, *Tafsir*, vol. 22, p. 10; Ibn Kathir, *Tafsir*, vol. 3, p. 491.

29. Ibn Sa'd, *Nisa'*, 73; Zamakhshari, *Kashshaf*, vol. 3, p. 427; Baydawi, *Anwar*, vol. 2, p. 130; Ibn Kathir, *Tafsir*, vol. 3, pp. 491 and 505.

30. E.g., Baydawi, *Anwar*, vol. 2, p. 130.

31. Ibn Sa'd, *Nisa'*, p. 73; Zamakhshari, *Kashshaf*, vol. 3, p. 427; Ibn Kathir, *Tafsir*, vol. 3, p. 491.
32. Ibn Sa'd, *Nisa'*, pp. 71–82; Tabari, *Tafsir*, vol. 21, pp. 74–76 and vol. 22, pp. 12–13; Zamakhshari, *Kashshaf*, vol. 3, pp. 411–412 and 430; Baydawi, *Anwar*, vol. 2, pp. 122 and 130; Ibn Kathir, *Tafsir*, vol. 3, pp. 465–466 and 492. While 33:40 thus established that "Muhammad is not the father of any of your men," 33:6 later proclaimed his wives as "the believers' mothers." Stipulated in these strikingly parallel but contrastive revelations are 1. the permission for the Prophet to marry Zaynab and 2. the prohibition of any later (re)-marriage for any of the Prophet's established wives (legislated in 33:53); cf. below.
33. *Tafsir*, vol. 3, p. 492.
34. Cf. Fatima Mernissi, *The Veil and the Male Elite*, Mary Jo Lakeland, transl. (Reading: Addison-Wesley, 1991), pp. 110ff. (Hereafter quoted as *Veil*.)
35. Cf. Qur'an 33:59–60.
36. Mernissi, *Veil*, pp. 105ff, 170ff.
37. The term *hijab* occurs seven times in the Qur'an. In chronological sequence of revelation, the verses are: 19:17; 38:32; 17:45; 41:5; 42:51; 7:46; 33:53. In three instances, the term has metaphorical meaning, twice the meaning of a concrete object of visual separation, and once, in an eschatological context, which has been interpreted as a mixture of the two. The concept of *hijab*, therefore, involves both the concrete and the metaphorical, whence it developed to connote both the concrete and also the abstract (Cf. Stern, *Marriage*, p. 118). In some instances, though not in all, later uses of the term *hijab* derive from these Qur'anic bases (*Encyclopedia of Islam*, 2d. ed., vol. III, pp. 359–361). Shared semantic theme of most of the meanings of *hijab* is the concept of "separation", most commonly in the sense of a (desirable) protection or an (undesirable) obstacle, which are either concrete, metaphorical, or abstract. The dictionary gives examples of *hijab* as a concrete protective device in a number of membranes by that name in the body, such as *al-hijab al-hajiz* (or, *bijab al-jawf*), "diaphragm"; *al-hijab al-mustabtin*, "pleura" (Ibn Manzur, d. 1311/12 A.D., *Lisan al-'Arab* [Beirut: Dar Sadir, 15 vols., 1955–1956], vol. 1, pp. 289–290). A related meaning, even though involving the concrete as well as the abstract, inheres in the *hijab* as "a supra-terrestrial protection, in fact an amulet . . . which renders its wearer invulnerable and ensures success for his enterprises" (*Encyclopedia of Islam*, 2d. ed., vol. III, p. 361). At the same time, the *hijab* in a metaphorical sense can be an obstacle to union, communion, indeed, comprehension of and participation in the truth. In the language of the mystics, the *hijab* is that painful barrier between man and God which, rooted in man's sensual or mental passion, conceals the truth and impedes man's progress toward God (Ibid., vol. III, p. 361). Lastly, the *hijab* is both the concrete means to segregate an individual or a group of individuals from society at large, and also the abstract institution of such segregation. In medieval royal circles, the *hijab* was the curtain behind which the ruler was hidden from the eyes of courtiers and commoners alike. This practice, first documented for the Umayyads and Abbasids, later became part of an elaborate system of court ceremonials of, especially, the Fatimids (Ibid., vol. III, pp. 360–361). While the custom of screening-off was unknown among the Prophet and his four rightly guided (*rashidun*) successors, it is here divinely legislated for the female elite of the first Medinan community, the Prophet's wives.
38. Ibn Sa'd, *Nisa'*, pp. 74–75, 81–82, 124–125; Tabari, *Tafsir*, vol. 22, p. 26; Zamakhshari, *Kashshaf*, vol. 3, p. 437; Ibn Kathir, *Tafsir*, vol. 3, pp. 503–504; also Abbott, *Aishah*, pp. 20–24, and Mernissi, *Veil*, pp. 85ff.
39. Ibn Sa'd, *Nisa'*, p. 74.

40. Ibid., p. 126; also Tabari, *Tafsir*, vol. 22, p. 28; Zamakhshari, *Kashshaf*, vol. 3, p. 439; Baydawi, *Anwar*, vol. 2, 134; Ibn Kathir, *Tafsir*, vol. 3, p. 505.

41. Tabari, *Tafsir*, vol. 22, pp. 27–28; Zamakhshari, *Kashshaf*, vol. 3, pp. 438–439; Baydawi, *Anwar*, vol. 2, p. 134; Ibn Kathir, *Tafsir*, vol. 3, pp. 503 and 505.

42. Tabari, *Tafsir*, vol. 22, p. 28; Zamakhshari, *Kashshaf*, vol. 3, pp. 438–439; Baydawi, *Anwar*, vol. 2, p. 134.

43. Baydawi, *Anwar*, vol. 2, p. 134; Ibn Kathir, *Tafsir*, vol. 3, p. 503.

44. While the revelation of the bulk of the *hijab* verse is generally dated in the fifth year after the hijra, its last sentence containing the prohibition of marriage with Muhammad's wives "after him" is said to have been revealed in the ninth year after the hijra, i.e., toward the end of the Prophet's life. Cf. Abbott, *Aishah*, pp. 20–21, 57; also cf. below.

45. Paternal and maternal uncles do not belong in this "exempt" group. Traditionists agree that the term "their women" refers to free believing (Muslim) women and implies the permission to show *zina* ("embellishment," i.e., the head, including the hair, also hands and feet) in their presence, but nothing more (Tabari, *Tafsir*, vol. 22, pp. 30–31; Baydawi, *Anwar*, vol. 2, p. 134; Ibn Kathir, *Tafsir*, vol. 3, p. 506). They differ on the meaning of "what their right hands possess (slaves)." For some, female and male slaves alike are included here (Tabari, *Tafsir*, vol. 22, p. 31; Baydawi, *Anwar*, vol. 2, p. 134; Ibn Kathir, *Tafsir*, vol. 3, p. 506), while others apply the term to female slaves only (Ibn Kathir, *Tafsir*, vol. 3, p. 506). Rudi Paret quotes Dirk Bakker's interpretation of "their women" as female slaves (*Man in the Qur'an*, [Amsterdam, 1965], p. 80 n. 89), and "their slaves" as male slaves (*Der Koran: Kommentar und Konkordanz* [Stuttgart: W. Kohlhammer, 2d printing, 1981] p. 401). It is noteworthy that, unlike Sura 24:31 addressed to "the female believers" in general (cf. below), 33:55 does not mention "husband, husband's father, and husband's sons" among the exempt categories. This textual feature of 33:55, according to some Muslim modernists, proves that the *hijab* verse and its exemptions were addressed to, and made obligatory for, only the Prophet's household in that Muhammad's father and his sons had died, and Muhammad himself, the husband, "was already mentioned" in this revelation. (Aftab Hussain, *Status of Women in Islam* [Lahore: Law Publishing Co., 1987], p. 151).

46. E.g., Ibn Sa'd, *Nisa'*, pp. 84, 91, 93.

47. *Veil*, pp. 85ff, 162ff. Conservative and fundamentalist Muslims will here reject Mernissi's historicist interpretation and also her conclusion that his women's segregation was merely the sacrifice Muhammad had to offer to the opposition in order to save the community of Islam. Modernists will agree with Mernissi's approach that segregation (and veiling, and other Qur'anic social laws) were decreed for the Medinan community and are now open for reinterpretation; but unlike Mernissi, Muslim modernists do emphasize the divine origin and nature of the Qur'an whose verses, then, are much more than mere records of historical political necessity. Cf. below.

48. Ibn Sa'd, *Nisa'*, p. 126.

49. This Qur'anic verse indicates both that the veil as head cover was known in Arabian society, and also that its wearing was the mark of women of social stature. Its imposition upon the Prophet's wives, daughters, and "the women of the believers" thus marks them as members of the new elite.

50. On these items, cf. R. P. A. Dozy, *Dictionnaire détaillé des noms de vêtements chez les Arabes* (Beirut: Librairie du Liban, 1969; photomechanical reproduction of Amsterdam: Jean Muller, 1845); s.v.

51. Cf. Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992), pp. 79–101.

52. Ibn Ishaq, *Life*, pp. 310–311.
53. Darwish Mustafa Hasan, *Fasl al-khitab fi mas'alat al-hijab wal-niqab* (Cairo: Dar al-tisam, 1987), p. 51.
54. E.g., Tabari, *Tafsir*, vol. 18, pp. 93ff.
55. Tabari founded his own, short-lived *madhab* called *Ja'fari*. Tabari opposed Ahmad ibn Hanbal in the capacity of jurist, i.e., as authority on *fiqh*, but recognized him as a traditionist, i.e., authority on hadith. Consequently, his relations with the supporters of Ahmad ibn Hanbal were strained.
56. Cf. Tabari, *Tafsir*, vol. 18, pp. 92–98, in exegesis of Qur'an 24:31.
57. Baydawi, *Anwar*, vol. 2, p. 20, in exegesis of Qur'an 24:31.
58. Ahmad ibn Muhammad al-Khafaji, *Hashiyat al-Shihab al-musamma bi-Inayat al-qadi wa-kifayat al-radi 'ala tafsir al-Baydawi* (Beirut: Dar Sadir, 1974), vol. 6, pp. 371–373.
59. For greater detail on this medieval exegetic debate, cf. Barbara Freyer Stowasser, "The Status of Women in Early Islam," in: *Muslim Women*, ed. Freda Hussain (London: Croom Helm, 1984), pp. 25–28.
60. Ibn Sa'd, *Nisa'*, pp. 11, 39–42, 44–45, 52–54. The betrothal occurred in the same year as Khadija's death. The Prophet first married Sawda, with whom he consummated the marriage while still in Mecca; he asked for A'isha's hand one month after the marriage with Sawda. A'isha is said to have been fifty years younger than the Prophet. She was eighteen years old when he died. Her death is said to have occurred in 678/9 A.D. at age sixty-six.
61. This detail is generally taken as proof that the "affair of the lie" occurred after the revelation of 33:53 had made the *hijab* obligatory for the Prophet's wives.
62. Ibn Ishaq, *Life*, pp. 493–499. Ibn Ishaq indicates that his account is based on various reports originating with A'isha and later assembled by al-Zuhri. These traditions also appear in Tabari, *Tafsir*, vol. 18, pp. 68–84; Zamakhshari, *Kashshaf*, vol. 3, pp. 171–177; Baydawi, *Anwar*, vol. 2, pp. 16–19; Ibn Kathir, *Tafsir*, vol. 3, pp. 268–278. (It is curious that these events are not related by Ibn Sa'd in his chapter on A'isha). Cf. also Abbott, *Aishah*, pp. 29–38. Among additional details reported by Ibn Ishaq is a hadith on the authority of A'isha that "the people found Ibn al-Mu'attal impotent . . . he never touched women . . . he was killed as a martyr after this" (p. 499). Ibn Sa'd relates that at the end of her life A'isha deeply regretted her role in this affair and also in the Battle of the Camel (during which she exhorted the forces opposing Ali ibn Abi Talib to fight, while the battle surged around her camel). A'isha is reported to have passed her last days in selfrecrimination (Ibn Sa'd, *Nisa'*, pp. 51–52). On both occurrences in relation to the classical Islamic doctrine of A'isha's model status, cf. below.
63. *Veil*, p. 163.
64. Canon law cases with unalterable punishments.
65. On the negative connotation of the term *zina* ("finery", "adornment") in the Qur'an, cf. Paret, *Der Koran: Kommentar*, pp. 44–45.
66. Theodor Nöldeke dates these verses into the end of the fifth year after the hijra (*Geschichte des Qorans* [Dritter reprographischer Nachdruck der 2. Auflage, Leipzig 1909–1938; Hildesheim: Georg Olms Verlag, 1981], vol. I, p. 207). The same dating is proposed by Stern who associates the "crisis" with the newly restrictive lifestyle imposed upon the Prophet's consorts by way of the *hijab* (33:53) (*Marriage*, p. 114ff.). Abbott places the revelation between years seven and nine after the hijra, mainly in consideration of the fact that the Coptic concubine Marya is said to have joined the Prophet's household in the seventh year after the hijra, and also because the tradi-

ons pertaining to the "crisis" mention the threat of a Ghassanid invasion (which, in turn, led to the Prophet's expedition to Tabuk in the ninth year after the hijra) (*Aishah*, p. 51). Classical Muslim exegesis here provides ample background materials of the occasion for revelation" genre, but does not suggest a date for the revelations; cf. Ibn Sa'd, *Nisa'*, pp. 123–124, 129–39; Tabari, *Tafsir*, vol. 21, pp. 99–101; Zamakhshari, *Kashshaf*, vol. 3, pp. 422–423; Baydawi, *Anwar*, vol. 2, p. 127; Ibn Kathir, *Tafsir*, vol. 3, p. 480–481 and vol. 4, pp. 385–390.

67. Cf. below under 66:1–5.

68. Ibn Sa'd, *Nisa'*, pp. 117, 123–124, 129–139. Cf. also Abbott, *Aishah*, pp. 48–56.

69. Beating of (potentially) rebellious wives was sanctioned in Qur'an 4:34, a later revelation but one which the Prophet is said to never have heeded.

70. Ibn Sa'd, *Nisa'*, pp. 129, 137; Tabari, *Tafsir*, vol. 21, p. 99.

71. Ibn Sa'd, *Nisa'*, p. 132; Ibn Kathir, *Tafsir*, vol. 3, p. 481.

72. One tribal woman reportedly left the prophet at this time (Ibn Sa'd, *Nisa'*, p. 100–102, 137). Tabari (*Tafsir*, vol. 21, p. 100) only identifies her as "a Bedouin 'oman". Cf. Watt, *Muhammad*, p. 367. Abbot (*Aishah*, p. 52) observes that this woman, with whom Mohammed was contracting a marriage supposedly in the Year 8, elected to leave him at the time of 'the choice.' Unfortunately, however, . . . the . . . traditions in be questioned, . . . because (one) is a singleton tradition and the (other) because of some uncertainty as to the identity of the woman in question and as to the real motive of her separation from Mohammed."

73. Tabari, *Tafsir*, vol. 21, pp. 100–101; Zamakhshari, *Kashshaf*, vol. 3, p. 422; Baydawi, *Anwar*, vol. 2, p. 127; Ibn Kathir, *Tafsir*, vol. 3, pp. 480–481.

74. Late in year five after the hijra according to Nöldeke (*Geschichte*, vol. I, p. 207), during year seven, eight, or nine after the hijra according to Abbott (*Aishah*, p. 56–57).

75. For the exegesis of these verses, cf. Tabari, *Tafsir*, vol. 21, p. 101, and vol. 22, p. 203; Zamakhshari, *Kashshaf*, vol. 3, pp. 423–424; Baydawi, *Anwar*, vol. 2, p. 127; Ibn Kathir, *Tafsir*, vol. 3, pp. 481–482. All commentators agree that such punishment and reward will be meted out in the hereafter. They disagree on what would constitute for these women "clear abomination/manifest immoral behavior." Tabari (*Tafsir*, vol. 21, p. 101) identifies it as "a clear [or: proven] act of fornication." The Mu'tazilite Zamakhshari (*Kashshaf*, vol. 3, pp. 423–424) interprets the term as involving "all of their major sins" (*kaba'ir*), and also (specifically) their acts of ingratitude and rebellion against the Prophet, including their demands for the wealth which he was not able to avert. Thus, Zamakhshari opts against the meaning of "fornication" . . . "because God tempted the Prophet from this" (i.e., by providing him with virtuous and blameless wives). Ibn Kathir (vol. 3, p. 481) proposes "rebellion" (*nushuz*, cf. Sura 4:34) and "bad-manneredness," but is careful to point out that such behavior was contrary to these women's natures. On the other hand, the exegetes agree that the "working of righteousness" mentioned in 33:31 must be understood to mean: the women's efforts to create marital harmony and contentment, including frugality on their part.

76. Legal and theological doctrine decreed the application to all Muslim women "all but one of the Qur'anic restrictions imposed upon the Prophet's wives (the exception being prohibition of remarriage after the husband's death). Inspite of the specific wording of 33:32, then, interpreters have agreed that by this verse all Muslim women have been forbidden to use that "soft, effeminate [manner of] speech of the prostitutes" (or else, "that mellow tone of voice reserved only for the husband"); Tabari, *Tafsir*, vol. 22, p. 3; Zamakhshari, *Kashshaf*, vol. 3, p. 424; Baydawi, *Anwar*, vol. 2, p. 128; Ibn Kathir, *Tafsir*, vol. 3, p. 482.

77. I.e., their textual location immediately subsequent to 33:30–32 (three verses explicitly addressed to “the Prophet’s women”).

78. Here it is only the *ahl al-bayt* clause of 33:33 that has consistently presented a problem for (especially the Sunni) Qur’anic interpreters, because of the large number of available trustworthy traditions according to which the Prophet is said to have excluded his wives from the *ahl al-bayt*; cf. below.

79. *wa-qarna fi buyutikunna*, “and stay in your houses”: The exegesis indicates that the established reading of the second person feminine plural *wa-qarna* presents a grammatical problem, because the correct imperative form of *qarra/yagarru* or *qarra/yagirru* (“stay put in a place”) would be *wa-qrarna* or *wa-qrirna*. Therefore, interpreters have proposed that the verb here employed may be *waqara/yaqiru* (“to behave with dignity/stay quietly, sedately in a place”); even so, the feminine plural imperative form would then be *wa-qirna*. In the end, however, the classical interpreters’ lengthy grammatical explanations do not affect or override scholarly consensus 1. that the meaning of this imperative is “stay, remain,” and 2. that it applies to all Muslim women (Tabari, *Tafsir*, vol. 22, pp. 3–4; Zamakhshari, *Kashshaf*, vol. 3, p. 425; Baydawi, *Anwar*, vol. 2, p. 12). Modernists attempting to prove that the Qur’an did not legislate the duty of female seclusion in the home even for the Prophet’s wives have, on occasion, proposed to understand the *wa-qarna* as derived from *qara/yagaru* (“to walk noiselessly on the toes, or the sides of the feet—so as to avoid the seductive jingle of anklets”), a reading already suggested by Baydawi (*Anwar*, vol. 2, p. 128) and which would be the only grammatically correct one. Cf. Nazira Zayn al-Din, *al-Sufur wal-hijab: muhadarat wa-nazarat* (Beirut: n.p., 1345/1928), pp. 180ff. The question remains, however, why women would be commanded “to creep around in their own homes” (Afaf Marsot’s comment on this interpretation as quoted in my manuscript).

80. On *tabarruj*, see also Qur’an 24:60.

81. *al-jahiliyya al-ula*, the “former,” or “first,” or “foremost” *jahiliyya*. Exegesis here stipulates that this term has a contrastive meaning, i.e., that it must imply the existence of a “latter,” or “second,” *jahiliyya*. Some traditions place both periods into the pre-Muhammadan past (e.g., the “first” between Adam and Noah, or David and Solomon, etc., the “second” between Jesus and Muhammad). Preferred, however, is the interpretation of “the former *jahiliyya*” as the period of sinfulness before the rise of Islam, while its equivalent, “the latter *jahiliyya*,” is believed to refer to the superstitions, pagan customs, iniquity and immorality that have crept into Islam since its foundation. (Tabari, *Tafsir*, vol. 22, pp. 4–5; Zamakhshari, *Kashshaf*, vol. 3, p. 425; Baydawi *Anwar*, vol. 2, p. 128; Ibn Kathir, *Tafsir*, vol. 3, p. 438) As pointed out above, it is this latter meaning that the concept of *jahiliyya* is used by contemporary Muslim thinkers, especially the fundamentalists among them.

82. As indicated above, the “you” here is in the second form masculine plural Shi’i interpretation, also Sufi teaching and piety understand under *ahl al-bayt* (33:33 also 11:73) the “people of the mantle,” that is, the Prophet, Ali, Fatima, Hasan, and Husayn; especially in Shi’ite belief, the latters’ descendants are also included. The “purification” mentioned in 33:33 is thus often understood to mean that God purified Ali, Fatima, and their descendants, so that they share in the Prophet’s *isma* (immunity from sin) and thus are “more entitled” (*ahaqqu*), i.e., to guide and rule the Muslim community. The majority of traditions quoted by the classical Qur’an interpreters here considered exclude the Prophet’s wives from membership in the *ahl al-bayt*. Nevertheless the interpreters themselves (all of them Sunnis) either opine to include the wives, together with the Prophet’s bloodrelatives, or even state their individual opinion that the term *ahl al-bayt* was directed exclusively at the Prophet’s wives, “as established by the con-

text of the revelation" (Tabari, *Tafsir*, vol. 22, pp. 5–8; Zamakhshari, *Kashshaf*, vol. 3, p. 425; Baydawi, *Anwar*, vol. 2, p. 128; Ibn Kathir, *Tafsir*, vol. 3, pp. 483–486). A. Yusuf Ali follows the middle course when he says that "the statement in this clause is now more general, including (besides the Consorts) the whole family, namely, Hadhrat Fatima the daughter, Hadhrat Ali the son-in-law, and their sons Hasan and Husain, the beloved grandsons of the Prophet. . . ." (*The Holy Qur'an: Text, Translation and Commentary* [Washington D.C.: The Islamic Center, 1978], pp. 1115–1116). Rudi Paret interprets along similar lines, but also adds another, more original and also more inclusive reading of the *ahl al-bayt* clause when he says: "Mit den 'Leuten des Hauses' sind entweder die Angehörigen der Familie Mohammeds gemeint, oder die 'Leute des Gotteshauses', d.h. die Anhänger des in der Ka'ba symbolisierten Gottesglaubens" (*Der Koran: Übersetzung* [Stuttgart: W. Kohlhammer, 3d printing, 1983], p. 295); cf. his exegesis of *ahl al-bayt* in Sura 11:73 in *Der Koran: Kommentar*, pp. 239–240.

83. *hikma*, "wisdom": Zamakhshari (*Kashshaf*, vol. 3, p. 425) identifies *hikma* as "the sciences and laws (of religion)," Baydawi (*Anwar*, vol. 2, p. 128) as "the content of the Qur'an;" cf. Paret's definition of *hikma* as "content of the revelation" (*Der Koran: Kommentar*, p. 68). Tabari (*Tafsir*, vol. 22, p. 8) and Ibn Kathir (*Tafsir*, vol. 3, p. 486) aptly sum up medieval legal theory when they identify *ayat* with the Qur'an, and *hikma* with "the (prophetic) sunna."

84. Tabari, *Tafsir*, vol. 22, p. 4; Zamakhshari, *Kashshaf*, vol. 3, p. 425; Baydawi, *Anwar*, vol. 2, p. 128; Ibn Kathir, *Tafsir*, vol. 3, pp. 482–483.

85. Ibn Kathir, *Tafsir*, vol. 3, pp. 482–483.

86. Ni'mat Sidqi, *al-Tabarruj* (Cairo: Dar al-l'tisam, 1975), pp. 1–62 passim. This small treatise is very popular in Islamist circles and is available in a large number of editions.

87. Cf., e.g., Tabari, *Tafsir*, vol. 22, pp. 3–4; Zamakhshari, *Kashshaf*, vol. 3, p. 425; Baydawi, *Anwar*, vol. 2, p. 12.

88. E.g., Ibn Kathir, *Tafsir*, vol. 3, p. 482.

89. Some classical Qur'anic exegetes opine that the "verse of choice" (33:28–29) represented the option of divorce by the Prophet and remarriage with another man for those of the Prophet's wives who would have chosen "the world and its adornment" (Baydawi, *Anwar*, vol. 2, p. 127; Ibn Kathir, *Tafsir*, vol. 3, pp. 480–481). Therefore, revelation of 33:6 and the last sentence of 33:53 is said to have occurred later than the revelation of 33:28–29. Abbott argues likewise when she notes that "in connection with the harem crisis (i.e., the Prophet's month-long separation from his wives), Mohammed's wives are referred to generally as his 'wives' or his 'women' and not as the 'Mothers of the Believers.' It is highly improbable that they had before then acquired that title and dignity and, as most commentators believe, the consequent prohibition of remarriage even after Mohammed's death. . . . The 'Verse of Choice' means nothing at all if it does not mean that those who 'desired the world and its adornment' were free to marry again after being divorced from Mohammed. The title and the prohibition were most probably more closely associated with the harem crisis than with the earlier occasion of the institution of the *hijab*, or seclusion. . . ." (*Aishah*, p. 57).

90. The Hadith reflects debate on this point when it reports that A'isha refused to be addressed as "mother" by a woman, saying: "I am not your mother, I am the mother of your menfolk" (Ibn Sa'd, *Nisa'*, p. 46), while Umm Salama is reported to have said: "I am the mother of the men among you and also the women" (Ibn Sa'd, *Nisa'*, p. 128). According to scholarly consensus expressed in Qur'anic exegesis on the "nature of motherhood" of the Prophet's wives, this honorific title means that: (1) their group must be exalted and honored by both male and also female Muslims,

"as mothers are," and (2) marriage with them is forbidden. In all other respects, they are like nonrelatives, and the injunction against marriage does not extend to their sisters or their daughters (Tabari, *Tafsir*, vol. 21, p. 77; Zamakhshari, *Kashshaf*, vol. 3, p. 414; Baydawi, *Anwar*, vol. 2, p. 123; Ibn Kathir, *Tafsir*, vol. 3, pp. 468–469).

91. Ibn Sa'd, *Nisa'*, p. 145. As it was, Talha ibn Ubaydallah eventually married A'isha's younger half-sister whose hand A'isha had previously refused to Umar ibn al-Khattab "because of his well-known severity toward the women, his own wives included" (Abbott, *Aishah*, pp. 59–60).

92. *Veil*, pp. 170–171.

93. Tabari, *Tafsir*, vol. 22, pp. 29–30; Zamakhshari, *Kashshaf*, vol. 3, p. 439; Baydawi, *Anwar*, vol. 2, p. 134; Ibn Kathir, *Tafsir*, vol. 3, p. 506.

94. Nöldeke places the events connected with 66:1–5 "before Ibrahim's birth" (which reportedly occurred in the eighth year after the hijra) (*Geschichte*, vol. I, p. 208); Abbott's dates for this revelation are year seven, eight, or nine after the hijra (*Aishah*, pp. 59–60). Richard Bell has suggested that 66:5 ("threat of divorce and enumeration of wifely virtues") originally had the place of 33:35 ("enumeration of Islamic virtues in men and women, and their reward"), and vice versa (*The Moslem World*, vol. 29 (1939), p. 55, as quoted in Paret, *Der Koran: Kommentar*, pp. 400 and 482). That location would put the "threat of divorce" of 66:5 into close proximity with the "restriction" verses presented above. As indicated above, some medieval traditionists and exegetes have identified the events addressed in 66:1–5 with the "crisis" that led to the "verse of choice" of 33:28–29 (Cf. Ibn Sa'd, *Nisa'*, pp. 129–139; Tabari, *Tafsir*, vol. 28, pp. 100–106; Zamakhshari, *Kashshaf*, vol. 4, pp. 450–451; Ibn Kathir, *Tafsir*, vol. 4, pp. 385–390).

95. The form of address here is in the second person masculine plural.

96. Second person feminine plural.

97. Ibn Sa'd, *Nisa'*, p. 145; Tabari, *Tafsir*, vol. 28, pp. 100–102; Zamakhshari, *Kashshaf*, vol. 4, pp. 450–451; Baydawi, *Anwar*, vol. 2, pp. 340–341; Ibn Kathir, *Tafsir*, vol. 4, p. 386.

98. Tabari, *Tafsir*, vol. 28, p. 102; Zamakhshari, *Kashshaf*, vol. 4, p. 451; Ibn Kathir, *Tafsir*, vol. 4, p. 387.

99. Baydawi, *Anwar*, vol. 2, p. 340; Ibn Kathir, *Tafsir*, vol. 4, p. 387. On this story so popular in the Hadith literature, cf. Abbott (*Aishah*, pp. 44–45) and also below.

100. Zamakhshari, *Kashshaf*, vol. 4, p. 453; Baydawi, *Anwar*, vol. 2, p. 341; Ibn Kathir, *Tafsir*, vol. 4, p. 389.

101. Tabari, *Tafsir*, vol. 28, pp. 105–106; Ibn Kathir, *Tafsir*, vol. 4, p. 389.

102. Quoted at the beginning of this section.

103. Exegesis of the verse is found in Tabari, *Tafsir*, vol. 22, pp. 15–18; Zamakhshari, *Kashshaf*, vol. 3, pp. 434–436; Baydawi, *Anwar*, vol. 2, p. 132; Ibn Kathir, *Tafsir*, vol. 3, pp. 498–500. Abbott (*Aishah*, p. 60) places 33:50–52 into a "somewhat later period" than 66:1–5.

104. In this verse, the word "uncle" is used twice in the singular, and the word "aunt" twice in the plural. Ibn Kathir explains that "the males are here used in the singular because of their high rank, and the females in the plural because of their inferiority" (*Tafsir*, vol. 3, p. 499). Ibn Kathir also contrasts the merit of the marriage system here revealed with the deficiencies of Christian and Jewish marriage patterns; he says that "this verse establishes the sound median between 'going too far' and 'not far enough': Christians only marry women from whom they are removed by seven grandfathers or more, while Jews marry daughters of a sister or brother, a horrible custom" (*ibid.*, vol. 3, p. 499).

105. According to Zamakhshari (*Kashshaf*, vol. 3, p. 430), David had 100 wives & 300 concubines, while Solomon had 300 wives and 700 concubines. Ibn Sa'd relates a number of traditions that decry Jewish criticism of the size of the Prophet's polygamous household: "the Jews said when they saw the Prophet of God marrying men: 'look at him who does not satisfy his appetite with food, by God, he has no portion except for women', and they envied him the large number of his women, & they found fault in him because of it . . . (saying) 'if he were a prophet, he would have no desire for women' . . . But God showed them to be liars and informed them of God's favor and largesse" (i.e., to the Abrahamic line of prophets, which involved thousand consorts for Solomon and a hundred for David") (*Nisa'*, pp. 146–147).

106. Exegetes concur that all of the women to whom the Prophet was married at the time of this revelation belonged into one, or several, of the "categories" declared "lawful" in 33:50, but that no *hiba* type marriage had been concluded with any of Muhammad's established wives (a few isolated traditions on Zaynab bint Jahsh, Zaynab bint Khuzayma, or Maymuna bint al-Harith [or, al-Harth] notwithstanding).

107. Ibn Sa'd, *Nisa'*, pp. 98, 100–113, 145, 158; Tabari, *Tafsir*, vol. 22, pp. 16–; Zamakhshari, *Kashshaf*, vol. 3, pp. 434–436; Baydawi, *Anwar*, vol. 2, p. 132; Ibn Kathir, *Tafsir*, vol. 3, p. 499. The *hiba*-type marriage is here presented as a specialrogative of the Prophet.

108. Ibn Sa'd, *Nisa'*, pp. 111–112; Tabari, *Tafsir*, vol. 22, p. 19; Zamakhshari, *Kashshaf*, vol. 3, pp. 435–436; Ibn Kathir, *Tafsir*, vol. 3, pp. 500–501. Stern (*Marriage*, pp. 75–76, 151–157) considers *hiba* not an early Islamic innovation instituted deference to the Prophet but a custom that survived from pre-Islamic times. Stern postulates that *hiba* may have been "commonly practiced in earlier times, when a trilinear society flourished in Arabia but . . . was less frequent at the time of the rise of Islam, when a patrilinear system had been established. . . . It also may be that real significance was unknown to Ibn Sa'd, but that he was aware of the fact that it did not conform with the more usual type of marriage practiced by Muhammad at Madinah. . . ." (*Marriage*, p. 154) The *hiba*-type marriages documented in the Hadith may appear to have involved Arabian tribal women, and to have been of a "looser" nature than those involving the Prophet's "established wives." It is possible that the Prophet considered, or else concluded, *hiba* linkages in order to gain the support of Arabian tribesmen. On *hiba* as remnant of pre-Islamic female selfdetermination, cf. Arnissi, *Beyond the Veil* (New York: John Wiley and Sons, 1975), pp. 19–21; on *hiba* as a category in proto-Islamic law, cf. David S. Powers, *Studies in Qur'an and Hadith: the Formation of the Islamic Law of Inheritance* (Berkeley: University of California Press, 1986), p.81. Regarding some curious traditions on how the Prophet's wives thwarted several of his intended marriages with Arabian tribal women (which may have included some cases of *hiba*), cf. below.

109. Ibn Sa'd, *Nisa'*, p. 145. Medieval exegetes, in turn, emphasized that *hiba* type marriages were lawful for the Prophet only, "as a sign of honoring his prophethood" (Tabari, *Tafsir*, vol. 22, pp. 16–18; Zamakhshari, *Kashshaf*, vol. 3, p. 435; Baydawi, *Anwar*, vol. 2, p. 135; Ibn Kathir, *Tafsir*, vol. 3, pp. 499–500).

110. Ibn Sa'd, *Nisa'*, p. 140; Tabari, *Tafsir*, vol. 22, pp. 19–20; Baydawi, *Anwar*, vol. 2, p. 132; Zamakhshari, *Kashshaf*, vol. 3, p. 436; Ibn Kathir, *Tafsir*, vol. 3, p. 501. These exegetes here mainly link 33:51 with the *hiba* clause of 33:50.

111. With reference to 33:52, cf. below.

112. Ibn Sa'd, *Nisa'*, pp. 121, 124, 141; Tabari, *Tafsir*, vol. 22, pp. 18–21; Zamakhshari, *Kashshaf*, vol. 3, p. 436; Baydawi, *Anwar*, vol. 2, pp. 132–133; Ibn Kathir, *Tafsir*, vol. 3, p. 501. The exegetes favor this second interpretation of 33:51.

113. Conversely, Nöldeke isolates 33:52 and dates this verse into "the last years of the Prophet's life" (*Geschichte*, vol. I, p. 208).

114. Tabari, *Tafsir*, vol. 22, p. 23; Zamakhshari, *Kahshshaf*, vol. 3, p. 436; Baydawi, *Anwar*, vol. 2, p. 127; Ibn Kathir, *Tafsir*, vol. 3, p. 501.

115. Ibn Sa'd, *Nisa'*, pp. 109, 142, 145; Tabari, *Tafsir*, vol. 22, pp. 21–24; Zamakhshari, *Kashshaf*, vol. 3, pp. 436–437; Baydawi, *Anwar*, vol. 2, p. 133; Ibn Kathir, *Tafsir*, vol. 3, pp. 501–503. Cf. Abbott, *Aishah*, pp. 60–61. In fact, the Prophet did not marry a new spouse after the seventh year of the hijra, i.e., his last marriage (to Maymuna bint al-Harith, or, al-Harth) was concluded long before this verse was revealed (Ibn Sa'd, *Nisa'*, pp. 94ff).

116. Tabari, *Tafsir*, vol. 22, p. 24; Zamakhshari, *Kashshaf*, vol. 3, p. 437; Baydawi, *Anwar*, vol. 2, p. 133; Ibn Kathir, *Tafsir*, vol. 3, pp. 501–502.

117. On *naskh* as an early Islamic legal-theological institution, cf., for instance, John Burton's introductory essay to Abu Ubayd al-Qasim ibn Sallam, *Kitab al-nasikh wal-mansukh*, ed. John Burton (Bury St. Edmunds: St. Edmundsbury Press, 1987), pp. 1–45; and David S. Powers, "The Exegetical Genre *nasikh al-Qur'an wa-mansukhuhu*," in *Approaches to the History of the Interpretation of the Qur'an*, ed. Andrew Rippin (Oxford: Clarendon Press, 1988), pp. 117–138.

118. This fundamental truth is central to Qur'anic sociopolitical legislation.

119. Izutsu remarks that "the ethico-religious system of the Qur'an is, very broadly speaking, based on the concept of eschatology. In other words, the ethics of the present world is not simply there as a self-sufficing system; on the contrary, its structure is most profoundly determined by the ultimate (eschatological) end to which the present world (*al-dunya*) is destined. In the Islamic system the thought—or rather the vivid image—of the Hereafter should behave as the highest moral principle of conduct" (*Ethico-Religious Concepts in the Quran*, p. 108).

Chapter 9

1. The Qur'an enjoins obedience to the Prophet (e.g., 24:52) and also calls him "the beautiful model" (33:21), "of noble nature" (68:4), blessed by God and His angels (33:56), sent "as a mercy for [or, to] the worlds" (21:107).

2. The Prophet's cosmic significance and concomitant role of savior of his community later came to be essential aspects of Sufi doctrine and piety. Cf. Annemarie Schimmel, *And Muhammad is His Messenger: The Veneration of the Prophet in Islamic Piety* (Chapel Hill: University of North Carolina Press, 1985), esp. pp. 24–175; also Seyyed Hossein Nasr, "Shiism and Sufism," in *Shiism: Doctrines, Thought, and Spirituality*, ed. Seyyed Hossein Nasr, Hamid Dabashi, and Seyyed Vali Reza Nasr (Albany: State University of New York Press, 1988) pp. 100–108. On similar doctrines concerning the innate nature of the Prophet and his descendants in Shiism, cf. Nasr, *Shiism*, pp. 127–187.

3. Tarif Khalidi, *Classical Arab Islam* (Princeton: The Darwin Press, 1985), p. 36.

4. Cf. *ibid.*, pp. 36–37.

5. Gordon D. Newby, *The Making of the Last Prophet* (Columbia: University of South Carolina Press, 1989), pp. 1–32.

6. N. J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), pp. 55ff; and Gordon D. Newby, "Tafsir Isra'iliiyat," *Journal of the American Academy of Religion*, vol. 47, no. 4S (1979), pp. 694–695.

7. Newby, "Isra'iliiyat," p. 695.

8. The other four compilers of *Sahih* collections are: Abu Da'ud (d. 888), al-Tirmidhi (d. 892), Ibn Maja (d. 896), and al-Nisa'i (d. 915).

9. Abu Abdallah Muhammad ibn Isma'il al-Bukhari, *al-Sahib*, ed. with "marginal commentary" by al-Sindi (Cairo: Dar ihyā' al-kutub al-'arabiyya, n.d.) vol. 1, p. 1.

10. For additional samples of traditions taken from Ibn Sa'd's *Tabaqat*, cf. the exegetic materials quoted in the first segment of this chapter. This source is identified as Ibn Sa'd, *Nisa'* in the following narrative text and in its footnotes. Ibn Sa'd's Hadith collection was chosen here because of the fact that that author's interest lay mainly with writing biographical history, not a text for legal or theological purposes. He thus strove to give all points of view, contradictory though they often were, which in turn gives access to a greater number of early Muslim opinions than would be provided in a law-oriented Hadith collection.

11. For example, Mernissi's feminist "deconstruction" of several classical mysogynist traditions transmitted by the Prophet's contemporaries Abu Bakra and Abu Hurayra (*Veil*, pp. 49–81).

12. Many of these "household traditions" might, therefore, be read in relation to larger, as well as later, sociopolitical communal developments. This applies, for instance, to the many traditions that elevate A'isha (Muhammad's wife and Abu Bakr's daughter) at the expense of Fatima (Muhammad's daughter and Ali ibn Abi Talib's wife), or Fatima at the expense of A'isha. Similar valuation/devaluation traditions exist on several other individuals of the Prophet's household.

13. An example of this genre of medieval "reformulation" may be found in the traditions transmitted on the institution of *hiba* ("marriage offered by a woman without participation of a guardian or expectation of a dower"); this institution, presented above under Qur'an 33:50, is further pursued by way of the Hadith in what follows. Another example is constituted by the traditions which indicate that the Prophet's wives showed a special kind of jealousy toward Muhammad's wives of Jewish origin, and also his Coptic concubine; cf. below.

14. The images of the Prophet's wives in modern and contemporary Muslim literature are discussed below in the final segment of this chapter.

15. Several traditions report that God favored His Prophet with sexual potency "the power of forty men" by sending Gabriel with a cooking pot that contained meat. The food enabled the Prophet to have sexual intercourse with his nine wives in a single night. He is said to have performed the ablution after each sexual act (Ibn Sa'd, *Nisa'*, p. 140).

16. The latter is reported of Sawda, an early wife whom the Prophet later wished to divorce until she begged him to retain her and gave her share of his time to A'isha (Ibn Sa'd, *Nisa'*, pp. 36–37, 43–44, 121–122). The Prophet is said to have prayed to God that He might accept such equitable sharing "regarding things over which I have control," and forgive partiality "in things which are under your control, not mine (i.e., the love of the heart)" (*ibid*, p. 121).

17. On the women's family affiliations, cf. the Qur'anic chapter of this segment, above.

18. Ibn Hisham's notes to Ibn Ishaq (Ibn Ishaq, *Life*) pp. 792–794. Cf. Abbott, *Aishah*, pp. 82–176, 219. Safiyah, Muhammad's wife of Jewish descent, is also said to have been involved in early Islamic politics, but she is said to have been on the side of (the third caliph) Uthman whom she reportedly supplied with food and water during the siege of his house (Ibn Sa'd, *Nisa'*, p. 91; cf. Abbott, *Aishah*, p. 122).

19. Intercommunal tensions were largely contained by the Prophet during his lifetime, but erupted in three civil wars after his death. The main protagonists in the first military confrontation following the Prophet's death were A'isha (in alliance with Talha and al-Zubayr) against Ali ibn Abi Talib (husband of Fatima). The second, larger,

civil war was a confrontation between Ali and the Umayyads. The third war involved the attempt of Abdallah ibn al-Zubayr (A'isha's "adopted son") to wrest the caliphate away from the Umayyads. His "countercaliphate" occurred after A'isha's death.

20. Stern, quoting Wellhausen, points out that the term *ghayra*, "jealousy," denotes "feelings of the woman's male relatives toward her intended husband" and other manifestations of pride and jealousy of one's honor and position; simultaneously, of course, *ghayra* can also mean sexual jealousy between a man and a woman (*Marriage*, pp. 76–77), or jealousy of a woman toward another. Though not always clear in these texts, Arabic differentiates between *ghayra min* ("jealousy of a rival") and *ghayra 'ala* ("jealousy of/toward a loved one") (Marsot's comment on this manuscript).

21. It is reported that she later repented and asked the Prophet to forgive this remark of hers which had been brought on by jealousy (Ibn Sa'd, *Nisa'*, p. 67).

22. The Prophet said: "Little blond one, what did you think of her?" She said: "I saw an ordinary Jewess." In another, similar tradition, the Prophet answers: "Do not say this, because she has become a good Muslim" (*ibid.*, p. 90).

23. Conversely, Ibn Sa'd reports two curious traditions according to which Safiyya, after declaring her long-standing love and desire for Islam, converted with the words: "You (Muhammad) have made me choose between *kufir* ["unbelief," here used to indicate Judaism] and Islam; God and His Apostle are more beloved to me than freedom (from slavery), or that I should return to my people" (Ibn Sa'd, *Nisa'*, p. 88). These traditions reflect a strongly negative attitude toward Judaism which contradicts both the Qur'an and also the shari'a.

24. Kalb, Kilab, Kinda, and Layth.

25. Stern points out that marriages to women from distant tribes were not the norm in the Prophet's time. In his own case such betrothals, whether proposed by himself or the women's relatives or the women in question (*biba*), motivated though they may have been by the desire for political alliances, reportedly did not lead to marriages (*Marriage*, pp. 151–152).

26. *Nisa'*, pp. 100–104, 106.

27. One tradition reports that he also ordered "that she be given compensation" (*wa-matti'ha*) (Ibn Sa'd, *Nisa'*, p. 104). (On this term in the Qur'an, cf. 2:236 and 33:28). The term *mut'a* is used in medieval Qur'anic exegesis in the meaning of a "severance fee" paid to a wife with whom marriage had not been consummated. Payable in money or in kind, it should not exceed one half of the woman's dower, "but not be less than five dirhams, because the smallest (permissible) dower is ten dirhams" (Zamakhshari, *Kashshaf*, vol. 3, p. 423). Stern likewise argues against inferring from this term that this and similar marriages were of the *mut'a* (i.e., "temporary") type (*Marriage*, pp. 155–156).

28. *Beyond the Veil* (Cambridge, Mass.: Schenkman, 1975) pp. 19–20.

29. Mernissi is undoubtedly right when she says (*ibid.*, pp. 19–20) that these episodes do not mean what they appear to mean on the surface. Later Muslim inability to imagine that the Prophet was "repudiated" and also, one would assume, the fact that the practice itself was no longer known demanded a different explanation of the events that was then found in the formulaic jealousy theme of Muhammad's wives.

30. Ibn Sa'd, *Nisa'*, p. 104.

31. *Ibid.*, p. 104; this is said to have occurred in the ninth year after the hijra.

32. *Ibid.*, p. 103; Ibn Hisham in his notes to Ibn Ishaq (Ibn Ishaq, *Life*, p. 794) says that the Prophet "married (Asma' bint al-Nu'man al-Kindiyya) and found (her) to be suffering from leprosy and so returned her to her people with a suitable gift."

33. The material on Marya is taken from Ibn Sa'd, *Nisa'*, pp. 153–156; on Marya also cf. above.

34. It was Islamic practice to manumit a female slave who had given birth to her master's child, especially if the child was a son.

35. Cf. above.

36. The Prophet's two sons by Khadija, al-Qasim and Abdallah, had both died in early childhood, so he was without a male heir until Ibrahim's birth. As it was, Ibrahim also died in infancy.

37. The origins of "miracle-relating traditions" are generally ascribed to the *qussas*, early Islamic story-tellers (e.g., Stern, *Marriage*, p. 13). Juynboll traces the beginnings of their profession into the period of the second caliph, Umar ibn al-Khattab (634–644). The edifying material they spread was, according to Juynboll, the 'proto-hadith' in that it was devoid of shari'a-related information on the *halal* (lawful) and *haram* (forbidden). Cf. *Muslim Tradition* (Cambridge: Cambridge University Press, 1983), pp. 11–17. On hagiographic and legal Hadith, cf. above.

38. Ibn Ishaq, *Life*, pp. 82–83. In popular legend, Khadija's miraculous experiences are more numerous. Jan Knappert quotes a Swahili poem describing Khadija's dream prior to her first meeting with Muhammad in which she saw the full moon falling into her lap whence its light shone out across all the countries of the world. The learned monk Bahira interpreted the dream as symbolizing her upcoming marriage with the future Prophet. Khadija also witnessed "the sign" of Muhammad's protection against the hot desert sun by means of a cloud that was, in reality, an angel's wings; she perceived this while sitting on the roof of her three-story house on the northern outskirts of Mecca and watching her caravan's return. When Khadija had proposed marriage to Muhammad who was too poor to provide her with a *mahr* (bridegift), the angel Gabriel brought precious gems from heaven for her *mahr*. Khadija's *'afan* (burial shroud) was woven by angels and she received it from the hands of Gabriel. Before Khadija died, the Prophet told her where she would find him on judgment day, and he assured her that she would be with him in paradise (*Islamic Legends*, vol. 1 [Leiden: Brill, 1985], pp. 192–197).

39. *Wati'a 'ala 'unqiha*; the verb *wati'a* when transitive means "to have intercourse" with a woman).

40. The old name of Medina.

41. In a Swahili folk version, A'isha's picture is painted by the angels, then Gabriel gives it to the Prophet with the words: "God tells you that she shall be your future wife" (Knappert, *Legends*, p. 199).

42. In some lengthy traditions, A'isha herself gives an account of miraculous and other special events that distinguished her life and signified her "superiority over the other wives of the Prophet." They were: "that the Prophet was married to no other virgin but me; that only my parents both made the hijra; that God revealed my innocence [after 'the affair of the lie,' see above]; that Gabriel brought him my picture from heaven and said: 'marry her, she is your woman'; that he and I did our ablutions in the same vessel, which he did with no other wife but me; that he used to pray while I lay stretched out in front of him, which he did with no other wife but me; that he used to receive revelations while in my company, which did not occur in the presence of another wife but me; that he died while lying between my lungs and my throat; that he died during the night in which he was wont to make his rounds to me; and that he was buried in my house" (Ibn Sa'd, *Nisa'*, pp. 43–44).

43. Muslim popular piety has continued to embrace, and embellish upon, this hagiographic mode.

44. The term here used in Ibn Sa'd (*Nisa'*, p. 40) for an article, or a manner, of lothing is *bijab*. As presented above, traditional exegesis has understood the term *bijab*

(Qur'an 33:53) as a "curtain" to ensure the segregation of the Prophet's wives from strangers. The term may also have denoted the concept of segregation and other instruments to achieve it. Its use to signify articles of women's clothing, most notably the veil, is not Qur'anic but documented in the Hadith. Cf. below.

45. Obligatory seclusion/invisibility (subsumed under *hijab*) emerges as the primary Hadith criterion to distinguish the Prophet's wives from his concubines. To this is added "the sharing," the women's right to a share of the Prophet's time on an established and regular basis and/or their right to an established share of annual provisions, mainly dates from Khaybar. Occasionally, the criterion of "the choosing," i.e. the women's choice of God and His Prophet over the world and its adornment (33:28-29) is also included (Ibn Sa'd, *Nisa'*, pp. 91-93).

46. This story is noteworthy for two reasons: 1. Safiyya's "invisibility" is her clearly used as proof of her wisely status, and 2. the *hijab* concept of 33:53 (domestic seclusion) has been extended to include "concealment" when outside of the house. A similar legal point is made in the traditions that maintain that Hafsa bint Umar wore the *jilbab* ("mantle") in the presence of her maternal uncles (Ibn Sa'd, *Nisa'*, p. 48). As indicated in Qur'an 33:55, paternal and maternal uncles were not included among the blood relatives given the right to deal with the Prophet's consorts face-to-face rather than from behind a partition (*hijab*). Traditions such as these, then, are further examples of the merging of the *hijab* verses of 33:53 and 33:55 with clothing restrictions, here the *jilbab* ("mantle") verse of 33:59.

47. Similar (clearly normative) traditions exist on other wives of the Prophet (cf., e.g., Ibn Sa'd, *Nisa'*, pp. 98-99). The Hadith is here silent on whether A'isha performed her prayers with the community or in private (as Islamic law especially of the Hanbali school later "preferred" for Muslim women). A tradition indicating the Prophet's wives' participation in communal prayers is found in Ibn Sa'd, *Nisa'*, p. 37 where it is reported that Muhammad's wife Sawda, a tall and large woman, complained to the Prophet about the speed with which he performed the *rak'as* (ritual prayer movements) and said that she was afraid it would give her a nose bleed; the Prophet is reported to have been very amused.

48. Abu Hanifa and Malik ibn Anas considered this seclusion supererogatory since they reckoned a husband's grandsons among the *dhawu mahram* (individuals to whom marriage is forbidden, hence seclusion not necessary) (Ibn Sa'd, *Nisa'*, p. 50 cf. p. 127).

49. According to some other traditions, it was the Prophet who commanded his wives to remain behind the *hijab* in the blind man's presence (Ibn Sa'd, *Nisa'*, pp. 126, 128; also cf. Stern, *Marriage*, pp. 118-119).

50. Cf. Qur'an 33:30; 4:19; 65:1.

51. It is not certain that these conditions formed part of the Prophet's Farewell Address. The Hadith, however, reports that the second caliph Umar ibn al-Khattab forbade the Prophet's wives to perform the *hajj* until year 23 after the hijra, at which time he is said to have given in to their pleas. "He ordered their equipment and they were carried in litters covered in green, accompanied by Abd al-Rahman ibn Auf and Uthman ibn Affan, the latter riding in front of them and the former behind, so that the women were inaccessible. At night they camped with Umar at all stops" (Ibn Sa'd, *Nisa'*, p. 150). This pattern of concealing the women from the glances of all onlookers continued during Uthman's caliphate (ibid. pp. 150-153). In light of extensive traditions "advising against" women's participation in public prayer, the traditions on the Prophet's wives' righteous immobility after the Fairwell Pilgrimage may perhaps signify an early Islamic, but post-Muhammadan, attempt to exclude women from participation.

ation in the pilgrimage. Injunctions of this kind, however, were not carried by consensus and were not included in shari'a legislation.

52. This battle, instigated in part by A'isha bint Abi Bakr and fought against Ali bn Abi Talib, centered and surged around A'isha's camel. It occurred in 656 A.D.

53. These traditions of repentance, as it were, salvage A'isha's status as *sunna*-providing model in the face of historical evidence that would otherwise cast a shadow on her qualifications for this role as formulated by medieval Islamic legal-theological consensus.

54. Other traditions report that A'isha used perfume (ibn Sa'd, *Nisa'*, p. 50), henna dye (p. 50), wore silk and leather (pp. 48–49), a number of red garments, both chenises and also cloaks (pp. 48–50), and had gold rings (p. 48). She forbade the use of fake hair but was in favor of hair dyes to darken the color (p. 357). These and many other, equally diverging traditions reflect the elevation of the Prophet's wives to sources of *sunna* as indicated above. They also show the proliferation of categories of *halal* (lawful) and *haram* (forbidden) behavior debated in early Islamic law.

55. Another wife, Zaynab bint Khuzayma, who died eight months after the marriage with the Prophet, was known as "mother of the poor" (Ibn Sa'd, *Nisa'*, p. 82); the Hadith may have confused the two Zaynabs.

56. Surely it was this theme of avoidance of the temptations of wealth that Muslim piety heralded as a note of warning in the newly money-rich Islamic community of the wars of conquest, and also during Islam's imperial phase.

57. Here in the general meaning of "the religious duties," not the specific meaning of "distributive shares" (Islamic estate law).

Chapter 10

1. Here used in the English translation by Isma'il Ragi A. al Faruqi (Indianapolis: North American Trust Publications, 1976).

2. Especially *Abqariyyat Muhammad* ("The Genius of Muhammad") (Beirut: Dar al-kitab al-lubnani, 1974).

3. Beirut: Dar al-kitab al-arabi, 1984. This book is a collection of the author's previous publications during the 1960s on The Prophet's Mother; The Prophet's Wives (1965); The Prophet's Daughters; The Lady Zaynab, Daughter of the Imam Ali; and The Lady Sukayna, Daughter of the Imam Husayn.

4. Cf. Charles D. Smith, *Islam and the Search for Social Order in Modern Egypt: A Biography of Muhammad Husayn Haykal* (Albany: State University of New York Press, 1983), pp. 89–157.

5. *Life*, pp. XLVIIff, XCIf; Antonie Wessels, *A Modern Arabic Biography of Muhammad: A Critical Study of Muhammad Husayn Haykal's Hayat Muhammad* (Leiden: Brill, 1972), pp. 43, 241ff; Charles Smith, *Islam*, pp. 109–130.

6. Wessels, *Modern*, pp. 41ff, 194–241. The fact that the prominent theologian al-Maghari, then Rector of the Azhar, wrote a preface to Haykal's book on its first appearance (1935) may have contributed to its eventual acceptance by conservative Muslims (cf. Wessels, *Modern*, p. 40).

7. Therefore, Haykal's ideogram here is *sui generis*. On women's issues, Haykal does not question the medievals' extension of Qur'an 33:53 (*bijab* as "means of domestic seclusion of Muhammad's wives") to include "the veil" (as obligatory garment for all Muslim women), an issue much supported by the conservatives. On the other hand, like many modernists, Haykal speaks out in support of monogamy in Islam when he argues by the power of Muhammad's example that monogamy is the preferred form

ORIENTALISM

— Edward W. Said —

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They cannot represent themselves; they must be represented.

—Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte*

The East is a career.

—Benjamin Disraeli, *Tancred*

Introduction

I

On a visit to Beirut during the terrible civil war of 1975–1976 a French journalist wrote regretfully of the gutted downtown area that "it had once seemed to belong to . . . the Orient of Chateaubriand and Nerval."¹ He was right about the place, of course, especially so far as a European was concerned. The Orient was almost a European invention, and had been since antiquity a place of romance, exotic beings, haunting memories and landscapes, remarkable experiences. Now it was disappearing; in a sense it had happened, its time was over. Perhaps it seemed irrelevant that Orientals themselves had something at stake in the process, that even in the time of Chateaubriand and Nerval Orientals had lived there, and that now it was they who were suffering; the main thing for the European visitor was a European representation of the Orient and its contemporary fate, both of which had a privileged communal significance for the journalist and his French readers.

Americans will not feel quite the same about the Orient, which for them is much more likely to be associated very differently with the Far East (China and Japan, mainly). Unlike the Americans, the French and the British—less so the Germans, Russians, Spanish, Portuguese, Italians, and Swiss—have had a long tradition of what I shall be calling *Orientalism*, a way of coming to terms with the Orient that is based on the Orient's special place in European Western experience. The Orient is not only adjacent to Europe; it is also the place of Europe's greatest and richest and oldest colonies, the source of its civilizations and languages, its cultural contestant, and one of its deepest and most recurring images of the Other. In addition, the Orient has helped to define Europe (or the West)

as its contrasting image, idea, personality, experience. Yet none of this Orient is merely imaginative. The Orient is an integral part of European *material* civilization and culture. Orientalism expresses and represents that part culturally and even ideologically as a mode of discourse with supporting institutions, vocabulary, scholarship, imagery, doctrines, even colonial bureaucracies and colonial styles. In contrast, the American understanding of the Orient will seem considerably less dense, although our recent Japanese, Korean, and Indochinese adventures ought now to be creating a more sober, more realistic "Oriental" awareness. Moreover, the vastly expanded American political and economic role in the Near East (the Middle East) makes great claims on our understanding of that Orient.

It will be clear to the reader (and will become clearer still throughout the many pages that follow) that by Orientalism I mean several things, all of them, in my opinion, interdependent. The most readily accepted designation for Orientalism is an academic one, and indeed the label still serves in a number of academic institutions. Anyone who teaches, writes about, or researches the Orient—and this applies whether the person is an anthropologist, sociologist, historian, or philologist—either in its specific or its general aspects, is an Orientalist, and what he or she does is Orientalism. Compared with *Oriental studies* or *area studies*, it is true that the term *Orientalism* is less preferred by specialists today, both because it is too vague and general and because it connotes the high-handed executive attitude of nineteenth-century and early-twentieth-century European colonialism. Nevertheless books are written and congresses held with "the Orient" as their main focus, with the Orientalist in his new or old guise as their main authority. The point is that even if it does not survive as it once did, Orientalism lives on academically through its doctrines and theses about the Orient and the Oriental.

Related to this academic tradition, whose fortunes, transmigrations, specializations, and transmissions are in part the subject of this study, is a more general meaning for Orientalism. Orientalism is a style of thought based upon an ontological and epistemological distinction made between "the Orient" and (most of the time) "the Occident." Thus a very large mass of writers, among whom are poets, novelists, philosophers, political theorists, economists, and imperial administrators, have accepted the basic distinction between East and West as the starting point for elaborate theories, epics, novels, social descriptions, and political accounts concerning the

Orient, its people, customs, "mind," destiny, and so on. This Orientalism can accommodate Aeschylus, say, and Victor Hugo, Dante and Karl Marx. A little later in this introduction I shall deal with the methodological problems one encounters in so broadly construed a "field" as this.

The interchange between the academic and the more or less imaginative meanings of Orientalism is a constant one, and since the late eighteenth century there has been a considerable, quite disciplined—perhaps even regulated—traffic between the two. Here I come to the third meaning of Orientalism, which is something more historically and materially defined than either of the other two. Taking the late eighteenth century as a very roughly defined starting point Orientalism can be discussed and analyzed as the corporate institution for dealing with the Orient—dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a Western style for dominating, restructuring, and having authority over the Orient. I have found it useful here to employ Michel Foucault's notion of a discourse, as described by him in *The Archaeology of Knowledge* and in *Discipline and Punish*, to identify Orientalism. My contention is that without examining Orientalism as a discourse one cannot possibly understand the enormously systematic discipline by which European culture was able to manage—and even produce—the Orient politically, socio-logically, militarily, ideologically, scientifically, and imaginatively during the post-Enlightenment period. Moreover, so authoritative a position did Orientalism have that I believe no one writing, thinking, or acting on the Orient could do so without taking account of the limitations on thought and action imposed by Orientalism. In brief, because of Orientalism the Orient was not (and is not) a free subject of thought or action. This is not to say that Orientalism unilaterally determines what can be said about the Orient, but that it is the whole network of interests inevitably brought to bear on (and therefore always involved in) any occasion when that peculiar entity "the Orient" is in question. How this happens is what this book tries to demonstrate. It also tries to show that European culture gained in strength and identity by setting itself off against the Orient as a sort of surrogate and even underground self.

Historically and culturally there is a quantitative as well as a qualitative difference between the Franco-British involvement in the Orient and—until the period of American ascendancy after

World War II—the involvement of every other European and Atlantic power. To speak of Orientalism therefore is to speak mainly, although not exclusively, of a British and French cultural enterprise, a project whose dimensions take in such disparate realms as the imagination itself, the whole of India and the Levant, the Biblical texts and the Biblical lands, the spice trade, colonial armies and a long tradition of colonial administrators, a formidable scholarly corpus, innumerable Oriental "experts" and "hands," an Oriental professorate, a complex array of "Oriental" ideas (Oriental despotism, Oriental splendor, cruelty, sensuality), many Eastern sects, philosophies, and wisdoms domesticated for local European use—the list can be extended more or less indefinitely. My point is that Orientalism derives from a particular closeness experienced between Britain and France and the Orient, which until the early nineteenth century had really meant only India and the Bible lands. From the beginning of the nineteenth century until the end of World War II France and Britain dominated the Orient and Orientalism; since World War II America has dominated the Orient, and approaches it as France and Britain once did. Out of that closeness, whose dynamic is enormously productive even if it always demonstrates the comparatively greater strength of the Occident (British, French, or American), comes the large body of texts I call Orientalist.

It should be said at once that even with the generous number of books and authors that I examine, there is a much larger number that I simply have had to leave out. My argument, however, depends neither upon an exhaustive catalogue of texts dealing with the Orient nor upon a clearly delimited set of texts, authors, and ideas that together make up the Orientalist canon. I have depended instead upon a different methodological alternative—whose backbone in a sense is the set of historical generalizations I have so far been making in this Introduction—and it is these I want now to discuss in more analytical detail.

II

I have begun with the assumption that the Orient is not an inert fact of nature. It is not merely *there*, just as the Occident itself is not just *there* either. We must take seriously Vico's great obser-

vation that men make their own history, that what they can know is what they have made, and extend it to geography: as both geographical and cultural entities—to say nothing of historical entities—such locales, regions, geographical sectors as "Orient" and "Occident" are man-made. Therefore as much as the West itself, the Orient is an idea that has a history and a tradition of thought, imagery, and vocabulary that have given it reality and presence in and for the West. The two geographical entities thus support and to an extent reflect each other.

Having said that, one must go on to state a number of reasonable qualifications. In the first place, it would be wrong to conclude that the Orient was *essentially* an idea, or a creation with no corresponding reality. When Disraeli said in his novel *Tancred* that the East was a career, he meant that to be interested in the East was something bright young Westerners would find to be an all-consuming passion; he should not be interpreted as saying that the East was *only* a career for Westerners. There were—and are—cultures and nations whose location is in the East, and their lives, histories, and customs have a brute reality obviously greater than anything that could be said about them in the West. About that fact this study of Orientalism has very little to contribute, except to acknowledge it tacitly. But the phenomenon of Orientalism as I study it here deals principally, not with a correspondence between Orientalism and Orient, but with the internal consistency of Orientalism and its ideas about the Orient (the East as career) despite or beyond any correspondence, or lack thereof, with a "real" Orient. My point is that Disraeli's statement about the East refers mainly to that created consistency, that regular constellation of ideas as the pre-eminent thing about the Orient, and not to its mere being, as Wallace Stevens's phrase has it.

A second qualification is that ideas, cultures, and histories cannot seriously be understood or studied without their force, or more precisely their configurations of power, also being studied. To believe that the Orient was created—or, as I call it, "Orientalized"—and to believe that such things happen simply as a necessity of the imagination, is to be disingenuous. The relationship between Occident and Orient is a relationship of power, of domination, of varying degrees of a complex hegemony, and is quite accurately indicated in the title of K. M. Panikkar's classic *Asia and Western Dominance*.² The Orient was Orientalized not only because it was discovered to be "Oriental" in all those ways considered common-

place by an average nineteenth-century European, but also because it could be—that is, submitted to being—made Oriental. There is very little consent to be found, for example, in the fact that Flaubert's encounter with an Egyptian courtesan produced a widely influential model of the Oriental woman; she never spoke of herself, she never represented her emotions, presence, or history. He spoke for and represented her. He was foreign, comparatively wealthy, male, and these were historical facts of domination that allowed him not only to possess Kuchuk Hanem physically but to speak for her and tell his readers in what way she was "typically Oriental." My argument is that Flaubert's situation of strength in relation to Kuchuk Hanem was not an isolated instance. It fairly stands for the pattern of relative strength between East and West, and the discourse about the Orient that it enabled.

This brings us to a third qualification. One ought never to assume that the structure of Orientalism is nothing more than a structure of lies or of myths which, were the truth about them to be told, would simply blow away. I myself believe that Orientalism is more particularly valuable as a sign of European-Atlantic power over the Orient than it is as a veridic discourse about the Orient (which is what, in its academic or scholarly form, it claims to be). Nevertheless, what we must respect and try to grasp is the sheer knitted-together strength of Orientalist discourse, its very close ties to the enabling socio-economic and political institutions, and its redoubtable durability. After all, any system of ideas that can remain unchanged as teachable wisdom (in academies, books, congresses, universities, foreign-service institutes) from the period of Ernest Renan in the late 1840s until the present in the United States must be something more formidable than a mere collection of lies.

Orientalism, therefore, is not an airy European fantasy about the Orient, but a created body of theory and practice in which, for many generations, there has been a considerable material investment. Continued investment made Orientalism, as a system of knowledge about the Orient, an accepted grid for filtering through the Orient into Western consciousness, just as that same investment multiplied—indeed, made truly productive—the statements proliferating out from Orientalism into the general culture.

Gramsci has made the useful analytic distinction between civil and political society in which the former is made up of voluntary (or at least rational and noncoercive) affiliations like schools,

families, and unions, the latter of state institutions (the army, the police, the central bureaucracy) whose role in the polity is direct domination. Culture, of course, is to be found operating within civil society, where the influence of ideas, of institutions, and of other persons works not through domination but by what Gramsci calls consent. In any society not totalitarian, then, certain cultural forms predominate over others, just as certain ideas are more influential than others; the form of this cultural leadership is what Gramsci has identified as *hegemony*, an indispensable concept for any understanding of cultural life in the industrial West. It is hegemony, or rather the result of cultural hegemony at work, that gives Orientalism the durability and the strength I have been speaking about so far. Orientalism is never far from what Denys Hay has called the idea of Europe,³ a collective notion identifying "us" Europeans as against all "those" non-Europeans, and indeed it can be argued that the major component in European culture is precisely what made that culture hegemonic both in and outside Europe: the idea of European identity as a superior one in comparison with all the non-European peoples and cultures. There is in addition the hegemony of European ideas about the Orient, themselves reiterating European superiority over Oriental backwardness, usually overriding the possibility that a more independent, or more skeptical, thinker might have had different views on the matter.

In a quite constant way, Orientalism depends for its strategy on this flexible *positional* superiority, which puts the Westerner in a whole series of possible relationships with the Orient without ever losing him the relative upper hand. And why should it have been otherwise, especially during the period of extraordinary European ascendancy from the late Renaissance to the present? The scientist, the scholar, the missionary, the trader, or the soldier was in, or thought about, the Orient because he could be there, or could think about it, with very little resistance on the Orient's part. Under the general heading of knowledge of the Orient, and within the umbrella of Western hegemony over the Orient during the period from the end of the eighteenth century, there emerged a complex Orient suitable for study in the academy, for display in the museum, for reconstruction in the colonial office, for theoretical illustration in anthropological, biological, linguistic, racial, and historical theses about mankind and the universe, for instances of economic and sociological theories of development, revolution, cultural person-

ality, national or religious character. Additionally, the imaginative examination of things Oriental was based more or less exclusively upon a sovereign Western consciousness out of whose unchallenged centrality an Oriental world emerged, first according to general ideas about who or what was an Oriental, then according to a detailed logic governed not simply by empirical reality but by a battery of desires, repressions, investments, and projections. If we can point to great Orientalist works of genuine scholarship like Silvestre de Sacy's *Chrestomathie arabe* or Edward William Lane's *Account of the Manners and Customs of the Modern Egyptians*, we need also to note that Renan's and Gobineau's racial ideas came out of the same impulse, as did a great many Victorian pornographic novels (see the analysis by Steven Marcus of "The Lustful Turk").

And yet, one must repeatedly ask oneself whether what matters in Orientalism is the general group of ideas overriding the mass of material—about which who could deny that they were shot through with doctrines of European superiority, various kinds of racism, imperialism, and the like, dogmatic views of "the Oriental" as a kind of ideal and unchanging abstraction?—or the much more varied work produced by almost uncountable individual writers, whom one would take up as individual instances of authors dealing with the Orient. In a sense the two alternatives, general and particular, are really two perspectives on the same material: in both instances one would have to deal with pioneers in the field like William Jones, with great artists like Nerval or Flaubert. And why would it not be possible to employ both perspectives together, or one after the other? Isn't there an obvious danger of distortion (of precisely the kind that academic Orientalism has always been prone to) if either too general or too specific a level of description is maintained systematically?

My two fears are distortion and inaccuracy, or rather the kind of inaccuracy produced by too dogmatic a generality and too positivistic a localized focus. In trying to deal with these problems I have tried to deal with three main aspects of my own contemporary reality that seem to me to point the way out of the methodological or perspectival difficulties I have been discussing, difficulties that might force one, in the first instance, into writing a coarse polemic on so unacceptably general a level of description as not to be worth the effort, or in the second instance, into writing so detailed and atomistic a series of analyses as to lose all track of the general

lines of force informing the field, giving it its special cogency. How then to recognize individuality and to reconcile it with its intelligent, and by no means passive or merely dictatorial, general and hegemonic context?

III

I mentioned three aspects of my contemporary reality: I must explain and briefly discuss them now, so that it can be seen how I was led to a particular course of research and writing.

1. *The distinction between pure and political knowledge.* It is very easy to argue that knowledge about Shakespeare or Wordsworth is not political whereas knowledge about contemporary China or the Soviet Union is. My own formal and professional designation is that of "humanist," a title which indicates the humanities as my field and therefore the unlikely eventuality that there might be anything political about what I do in that field. Of course, all these labels and terms are quite unnuanced as I use them here, but the general truth of what I am pointing to is, I think, widely held. One reason for saying that a humanist who writes about Wordsworth, or an editor whose specialty is Keats, is not involved in anything political is that what he does seems to have no direct political effect upon reality in the everyday sense. A scholar whose field is Soviet economics works in a highly charged area where there is much government interest, and what he might produce in the way of studies or proposals will be taken up by policymakers, government officials, institutional economists, intelligence experts. The distinction between "humanists" and persons whose work has policy implications, or political significance, can be broadened further by saying that the former's ideological color is a matter of incidental importance to politics (although possibly of great moment to his colleagues in the field, who may object to his Stalinism or fascism or too easy liberalism), whereas the ideology of the latter is woven directly into his material—indeed, economics, politics, and sociology in the modern academy are ideological sciences—and therefore taken for granted as being "political."

Nevertheless the determining impingement on most knowledge

Orientalist, as interpreter, exhibitor, personality, mediator, representative (and representing) expert. In a remarkable way Gibb and Massignon produced pages that recapitulate the history of Orientalist writing in the West as that history has been embodied in a varied generic and topographical style, reduced finally to a scholarly, monographic uniformity. The Oriental specimen; the Oriental excess; the Oriental lexicographic unit; the Oriental series; the Oriental exemplum: all these have been subordinated in Gibb and Massignon to the linear prose authority of discursive analysis, presented in essay, short article, scholarly book. In their time, from the end of World War I till the early sixties, three principal forms of Orientalist writing were radically transformed: the encyclopedia, the anthology, the personal record. Their authority was redistributed or dispersed or dissipated: to a committee of experts (*The Encyclopedia of Islam*, *The Cambridge History of Islam*), to a lower order of service (elementary instruction in language, which would prepare one not for diplomacy, as was the case with Sacy's *Chrestomathie*, but for the study of sociology, economics, or history), to the realm of sensational revelation (having more to do with personalities or governments—Lawrence is the obvious example—than with knowledge). Gibb, with his quietly heedless but profoundly sequential prose; Massignon, with the flair of an artist for whom no reference is too extravagant so long as it is governed by an eccentric interpretative gift: the two scholars took the essentially ecumenical authority of European Orientalism as far as it could go. After them, the new reality—the new specialized style—was, broadly speaking, Anglo-American, and more narrowly speaking, it was American Social Scientese. In it, the old Orientalism was broken into many parts; yet all of them still served the traditional Orientalist dogmas.

IV The Latest Phase

Since World War II, and more noticeably after each of the Arab-Israeli wars, the Arab Muslim has become a figure in American popular culture, even as in the academic world, in the policy

planner's world, and in the world of business very serious attention is being paid the Arab. This symbolizes a major change in the international configuration of forces. France and Britain no longer occupy center stage in world politics; the American imperium has displaced them. A vast web of interests now links all parts of the former colonial world to the United States, just as a proliferation of academic subspecialties divides (and yet connects) all the former philological and European-based disciplines like Orientalism. The area specialist, as he is now called, lays claims to regional expertise, which is put at the service of government or business or both. The massive, quasi-material knowledge stored in the annals of modern European Orientalism—as recorded, for example, in Jules Mohl's nineteenth-century logbook of the field—has been dissolved and released into new forms. A wide variety of hybrid representations of the Orient now roam the culture. Japan, Indochina, China, India, Pakistan: their representations have had, and continue to have, wide repercussions, and they have been discussed in many places for obvious reasons. Islam and the Arabs have their own representations, too, and we shall treat them here as they occur in that fragmentary—yet powerfully and ideologically coherent—presence, a far less frequently discussed one, into which, in the United States, traditional European Orientalism disbursed itself.

1. *Popular images and social science representations.* Here are a few examples of how the Arab is often represented today. Note how readily "the Arab" seems to accommodate the transformations and reductions—all of a simply tendentious kind—into which he is continually being forced. The costume for Princeton's tenth-reunion class in 1967 had been planned before the June War. The motif—for it would be wrong to describe the costume as more than crudely suggestive—was to have been Arab: robes, headgear, sandals. Immediately after the war, when it had become clear that the Arab motif was an embarrassment, a change in the reunion plans was decreed. Wearing the costume as had been originally planned, the class was now to walk in procession, hands above heads in a gesture of abject defeat. This was what the Arab had become. From a faintly outlined stereotype as a camel-riding nomad to an accepted caricature as the embodiment of incompetence and easy defeat: that was all the scope given the Arab.

Yet after the 1973 war the Arab appeared everywhere as something more menacing. Cartoons depicting an Arab sheik standing behind a gasoline pump turned up consistently. These Arabs, how-

ever, were clearly "Semitic": their sharply hooked noses, the evil mustachioed leer on their faces, were obvious reminders (to a largely non-Semitic population) that "Semites" were at the bottom of all "our" troubles, which in this case was principally a gasoline shortage. The transference of a popular anti-Semitic animus from a Jewish to an Arab target was made smoothly, since the figure was essentially the same.

Thus if the Arab occupies space enough for attention, it is as a negative value. He is seen as the disrupter of Israel's and the West's existence, or in another view of the same thing, as a surmountable obstacle to Israel's creation in 1948. Insofar as this Arab has any history, it is part of the history given him (or taken from him: the difference is slight) by the Orientalist tradition, and later, the Zionist tradition. Palestine was seen—by Lamartine and the early Zionists—as an empty desert waiting to burst into bloom; such inhabitants as it had were supposed to be inconsequential nomads possessing no real claim on the land and therefore no cultural or national reality. Thus the Arab is conceived of now as a shadow that dogs the Jew. In that shadow—because Arabs and Jews are Oriental Semites—can be placed whatever traditional, latent mistrust a Westerner feels towards the Oriental. For the Jew of pre-Nazi Europe has bifurcated: what we have now is a Jewish hero, constructed out of a reconstructed cult of the adventurer-pioneer-Orientalist (Burton, Lane, Renan), and his creeping, mysteriously fearsome shadow, the Arab Oriental. Isolated from everything except the past created for him by Orientalist polemic, the Arab is chained to a destiny that fixes him and dooms him to a series of reactions periodically chastised by what Barbara Tuchman gives the theological name "Israel's terrible swift sword."

Aside from his anti-Zionism, the Arab is an oil supplier. This is another negative characteristic, since most accounts of Arab oil equate the oil boycott of 1973–1974 (which principally benefitted Western oil companies and a small ruling Arab elite) with the absence of any Arab moral qualifications for owning such vast oil reserves. Without the usual euphemisms, the question most often being asked is why such people as the Arabs are entitled to keep the developed (free, democratic, moral) world threatened. From such questions comes the frequent suggestion that the Arab oil fields be invaded by the marines.

In the films and television the Arab is associated either with lechery or bloodthirsty dishonesty. He appears as an oversexed de-

generate, capable, it is true, of cleverly devious intrigues, but essentially sadistic, treacherous, low. Slave trader, camel driver, moneychanger, colorful scoundrel: these are some traditional Arab roles in the cinema. The Arab leader (of marauders, pirates, "native" insurgents) can often be seen snarling at the captured Western hero and the blond girl (both of them steeped in wholesomeness). "My men are going to kill you, but—they like to amuse themselves before." He leers suggestively as he speaks: this is a current debasement of Valentino's Sheik. In newsreels or newsphotos, the Arab is always shown in large numbers. No individuality, no personal characteristics or experiences. Most of the pictures represent mass rage and misery, or irrational (hence hopelessly eccentric) gestures. Lurking behind all of these images is the menace of *jihad*. Consequence: a fear that the Muslims (or Arabs) will take over the world.

Books and articles are regularly published on Islam and the Arabs that represent absolutely no change over the virulent anti-Islamic polemics of the Middle Ages and the Renaissance. For no other ethnic or religious group is it true that virtually anything can be written or said about it, without challenge or demurral. The 1975 course guide put out by the Columbia College undergraduates said about the Arabic course that every other word in the language had to do with violence, and that the Arab mind as "reflected" in the language was unremittingly bombastic. A recent article by Emmett Tyrrell in *Harper's* magazine was even more slanderous and racist, arguing that Arabs are basically murderers and that violence and deceit are carried in the Arab genes.¹⁰² A survey entitled *The Arabs in American Textbooks* reveals the most astonishing misinformation, or rather the most callous representations of an ethnic-religious group. One book asserts that "few people of this [Arab] area even know that there is a better way to live," and then goes on to ask disarmingly, "What links the people of the Middle East together?" The answer, given unhesitatingly, is, "The last link is the Arab's hostility—hatred—toward the Jews and the nation of Israel." Along with such material goes this about Islam, in another book: "The Moslem religion, called Islam, began in the seventh century. It was started by a wealthy businessman of Arabia, called Mohammed. He claimed that he was a prophet. He found followers among other Arabs. He told them that they were picked to rule the world." This bit of knowledge is followed by another, equally accurate: "Shortly after Mohammed's death, his teachings

were recorded in a book called the Koran. It became the holy book of Islam."¹⁰³

These crude ideas are supported, not contradicted, by the academic whose business is the study of the Arab Near East. (It is worth noting incidentally that the Princeton event I referred to above took place in a university that prides itself on its department of Near Eastern Studies founded in 1927, the oldest such department in the country.) Take as an instance the report produced in 1967 by Morroe Berger, a professor of sociology and Near Eastern studies at Princeton, at the behest of the Department of Health, Education, and Welfare; he was then president of the Middle East Studies Association (MESA), the professional association of scholars concerned with all aspects of the Near East, "primarily since the rise of Islam and from the viewpoint of the social science and humanistic disciplines,"¹⁰⁴ and founded in 1967. He called his paper "Middle Eastern and North African Studies: Developments and Needs," and had it published in the second issue of the *MESA Bulletin*. After surveying the strategic, economic, and political importance of the region to the United States, and after endorsing the various United States government and private foundation projects to support programs in universities—the National Defense Education Act of 1958 (a directly Sputnik-inspired initiative), the establishing of links between the Social Science Research Council and Middle Eastern studies, and so on—Berger came to the following conclusions:

The modern Middle East and North Africa is not a center of great cultural achievement, nor is it likely to become one in the near future. The study of the region or its languages, therefore, does not constitute its own reward so far as modern culture is concerned.

... Our region is not a center of great political power nor does it have the potential to become one. ... The Middle East (less so North Africa) has been receding in immediate political importance to the U.S. (and even in "headline" or "nuisance" value) relative to Africa, Latin America and the Far East.

... The contemporary Middle East, thus, has only in small degree the kinds of traits that seem to be important in attracting scholarly attention. This does not diminish the validity and intellectual value of studying the area or affect the quality of work scholars do on it. It does, however, put limits, of which we should be aware, on the field's capacity for growth in the numbers who study and teach.¹⁰⁵

As a prophecy, of course, this is fairly lamentable; what makes it even more unfortunate is that Berger was commissioned not only because he was an expert on the modern Near East but also—as is clear from the report's conclusion—because he was expected to be in a good position to predict its future, and the future of policy. His failure to see that the Middle East was of great political significance, and potentially of great political power, was no chance aberration of judgment, I think. Both of Berger's main mistakes derive from the first and last paragraphs, whose genealogy is the history of Orientalism as we have been studying it. In what Berger has to say about the absence of great cultural achievement, and in what he concludes about future study—that the Middle East does not attract scholarly attention because of its intrinsic weaknesses—we have an almost exact duplication of the canonical Orientalist opinion that the Semites never produced a great culture and that, as Renan frequently said, the Semitic world was too impoverished ever to attract universal attention. Moreover, in making such time-honored judgments and in being totally blind to what is before his eyes—after all, Berger was not writing fifty years ago, but during a period when the United States was already importing about 10 percent of its oil from the Middle East and when its strategic and economic investments in the area were unimaginably huge—Berger was ensuring the centrality of his own position as Orientalist. For what he says, in effect, is that without people such as he the Middle East would be neglected; and that without his mediating, interpretative role the place would not be understood, partly because what little there is to understand is fairly peculiar, and partly because only the Orientalist can interpret the Orient, the Orient being radically incapable of interpreting itself.

The fact that Berger was not so much a classical Orientalist when he wrote (he wasn't and isn't) as he was a professional sociologist does not minimize the extent of his indebtedness to Orientalism and its ideas. Among those ideas is the specially legitimated antipathy towards and downgrading of the material forming the main basis of his study. So strong is this in Berger that it obscures the actualities before his eyes. And more impressively still, it makes it unnecessary for him to ask himself why, if the Middle East "is not a center of great cultural achievement," he should recommend that anyone devote his life, as he has, to the study of its culture. Scholars—more than, say, doctors—study what they like and what interests them; only an exaggerated sense of cultural duty drives a scholar

to the study of what he does not think well of. Yet it is just such a sense of duty Orientalism has fostered, because for generations the culture at large put the Orientalist at the barricades, where in his professional work he confronted the East—its barbarities, its eccentricities, its unruliness—and held it at bay on behalf of the West.

I mention Berger as an instance of the academic attitude towards the Islamic Orient, as an instance of how a learned perspective can support the caricatures propagated in the popular culture. Yet Berger stands also for the most current transformation overtaking Orientalism: its conversion from a fundamentally philological discipline and a vaguely general apprehension of the Orient into a social science specialty. No longer does an Orientalist try first to master the esoteric languages of the Orient; he begins instead as a trained social scientist and "applies" his science to the Orient, or anywhere else. This is the specifically American contribution to the history of Orientalism, and it can be dated roughly from the period immediately following World War II, when the United States found itself in the position recently vacated by Britain and France. The American experience of the Orient prior to that exceptional moment was limited. Cultural isolatos like Melville were interested in it; cynics like Mark Twain visited and wrote about it; the American Transcendentalists saw affinities between Indian thought and their own; a few theologians and Biblical students studied the Biblical Oriental languages; there were occasional diplomatic and military encounters with Barbary pirates and the like, the odd naval expedition to the Far Orient, and of course the ubiquitous missionary to the Orient. But there was no deeply invested tradition of Orientalism, and consequently in the United States knowledge of the Orient never passed through the refining and reticulating and reconstructing processes, whose beginning was in philological study, that it went through in Europe. Furthermore, the imaginative investment was never made either, perhaps because the American frontier, the one that counted, was the westward one. Immediately after World War II, then, the Orient became, not a broad catholic issue as it had been for centuries in Europe, but an administrative one, a matter for policy. Enter the social scientist and the new expert, on whose somewhat narrower shoulders was to fall the mantle of Orientalism. In their turn, as we shall see, they made such changes in it that it became scarcely recognizable. In any event, the new Orientalist took over the attitudes of cultural hostility and kept them.

One of the striking aspects of the new American social-science attention to the Orient is its singular avoidance of literature. You can read through reams of expert writing on the modern Near East and never encounter a single reference to literature. What seem to matter far more to the regional expert are "facts," of which a literary text is perhaps a disturber. The net effect of this remarkable omission in modern American awareness of the Arab or Islamic Orient is to keep the region and its people conceptually emasculated, reduced to "attitudes," "trends," statistics: in short, dehumanized. Since an Arab poet or novelist—and there are many—writes of his experiences, of his values, of his humanity (however strange that may be), he effectively disrupts the various patterns (images, clichés, abstractions) by which the Orient is represented. A literary text speaks more or less directly of a living reality. Its force is not that it is Arab, or French, or English; its force is in the power and vitality of words that, to mix in Flaubert's metaphor from *La Tentation de Saint Antoine*, tip the idols out of the Orientalists' arms and make them drop those great paralytic children—which are their ideas of the Orient—that attempt to pass for the Orient.

The absence of literature and the relatively weak position of philology in contemporary American studies of the Near East are illustrations of a new eccentricity in Orientalism, where indeed my use of the word itself is anomalous. For there is very little in what academic experts on the Near East do now that resembles traditional Orientalism of the sort that ended with Gibb and Massignon; the main things that are reproduced are, as I said, a certain cultural hostility and a sense based not so much on philology as on "expertise." Genealogically speaking, modern American Orientalism derives from such things as the army language schools established during and after the war, sudden government and corporate interest in the non-Western world during the postwar period, Cold War competition with the Soviet Union, and a residual missionary attitude towards Orientals who are considered ripe for reform and re-education. The nonphilological study of esoteric Oriental languages is useful for obvious rudimentary strategic reasons; but it is also useful for giving a cachet of authority, almost a mystique, to the "expert" who appears able to deal with hopelessly obscure material with firsthand skill.

In the social-science order of things, language study is a mere tool for higher aims, certainly not for reading literary texts. In 1958, for example, the Middle East Institute—a quasi-govern-

from *Sahih Muslim*
Chapter 42: SUTRA FOR PRAYER

Book 004, Number 1007:

وَحَدَثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنُ نَمِيرٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ إِسْحَاقُ أَخْبَرَنَا وَقَالَ أَبْنُ نَمِيرٍ حَدَثَنَا عُمَرُ بْنُ عَبْدِ الطَّنَافِسِيِّ
عَنْ سَمَاكِ بْنِ حَرْبٍ عَنْ مُوسَى بْنِ طَلْحَةَ عَنْ أَبِيهِ قَالَ
كَانَا نَصْلِي وَالدِّوَابُ تَمَرُ بَيْنَ أَيْدِينَا فَذَكَرْنَا ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ مِثْلُ مُؤْخِرَةِ الرَّحْلِ تَكُونُ بَيْنَ يَدِيهِ
أَحْدَكُمْ ثُمَّ لَا يَضُرُّهُ مَا مِرَ بَيْنَ يَدِيهِ
وَقَالَ أَبْنُ نَمِيرٍ فَلَا يَضُرُّهُ مَا مِرَ بَيْنَ يَدِيهِ

Muhammad b. ‘Abd Allâh b. Numayr, and Ishâq b. Ibrâhîm informed us (Ishâq saying “reported” and Ibn Numayr saying “informed”) (that) ‘Umar b. ‘Abîd al-Tanâfusi informed us from (the authority of) Salmân b. Harb, on (the authority of) Mûsâ b. Talha, on (the authority of) his father; he said: We used to say prayer and the animals moved in front of us. We mentioned it to the Messenger of Allah (may peace be upon him) and he said: If anything like the back of a saddle is in front of you, then what walks in front, no harm would come to him. Ibn Numair said: No harm would come whosoever walks in front.

Book 004, Number 1008:

حَدَثَنَا زَهِيرُ بْنُ حَرْبٍ حَدَثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ أَخْبَرَنَا سَعِيدُ بْنُ أَبِي أَيُوبَ عَنْ أَبِي الْأَسْوَدِ عَنْ عَرْوَةَ عَنْ عَائِشَةَ أَنَّهَا قَالَتْ
سَأَلَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ سُرْتَةِ الْمَصْلِيِّ فَقَالَ مِثْلُ مُؤْخِرَةِ الرَّحْلِ

Zuhayr b. Harb informed us (that) ‘Abd Allâh b. Yazîd informed us (that) Sa‘îd b. Abî Ayûb reported to us on (the authority of) Abû l-Aswad on (the authority of) ‘Urwa on (the authority of) ‘A’isha, that she said: The Messenger of Allah (may peace be upon him) was asked about sutra of a worshipper; he said: (Something) like the back of a saddle.

Book 004, Number 1010:

حَدَثَنَا مُحَمَّدُ بْنُ الْمَتْنَى حَدَثَنَا عَبْدُ اللَّهِ بْنُ نَمِيرٍ حَدَثَنَا أَبْنُ نَمِيرٍ حَدَثَنَا عَبْدُ اللَّهِ عَنْ نَافِعٍ عَنْ أَبِيهِ
عُمَرٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ إِذَا خَرَجَ يَوْمَ الْعِيدِ أَمْرَ بِالْحَرْبِ فَتَوَضَّعُ بَيْنَ يَدِيهِ فَيَصْلِي إِلَيْهَا وَالنَّاسُ وَرَاءَهُ
وَكَانَ يَفْعُلُ ذَلِكَ فِي السَّفَرِ فَمِنْ ثُمَّ اتَّخَذَهَا الْأَمْرَاءُ

Muhammad b. al-Mithnâ informed us (that) ‘Abd Allâh b. Numayr informed us likewise, and Ibn Numayr informed us (and the expression is his) (that) “My father informed us” (that) ‘Ubayd Allâh informed us on (the authority of) Nâfi‘ on (the authority of) Ibn Umar: When the Messenger of Allah (may peace be upon him) went out on the ‘Id day, he ordered to carry a spear, and it was fixed in front of him, and he said prayer towards its (direction), and the people were behind him. And he did it on a journey, and that is the reason why the Amirs carried it.

Book 004, Number 1015:

Abu Juhaifa reported on the authority of his father: I saw the Messenger of Allah (may peace be upon him) (in Mecca at al-Abtah) in a red leather tent. and I saw Bilal take the ablution water (left by Allah's Messenger), and I saw the people racing, with one another to get that ablution water. If anyone got some of it, he rubbed himself with it, and anyone who did not get any got some of the moisture from his companion's hand. I then saw Bilal take a staff and fix it in the ground, after which the Messenger of Allah (may peace be upon him) came out quickly in a red mantle and led the people in two rak'ahs facing the staff, and I saw people and animals passing in front of the staff.

Book 004, Number 1023:

Abu Sa'id al-Khudri reported that the Messenger of Allah (may peace be upon him) said: When any one of you prays he should not let anyone pass in front of him (if there is no sutra), and should try to turn him away as far as possible, but if he refuses to go, he should turn him away forcibly for he is a devil.

Book 004, Number 1033:

Abu Dharr reported: The Messenger of 'Allah (may peace be upon him) said: When any one of you stands for prayer and there is a thing before him equal to the back of the saddle that covers him and in case there is not before him (a thing) equal to the back of the saddle, his prayer would be cut off by (passing of an) ass, woman, and black dog. I said: O Abu Dharr, what feature is there in a black dog which distinguish it from the red dog and the yellow dog? He said: O, son of my brother, I asked the Messenger of Allah (may peace be upon him) as you are asking me, and he said: The black dog is a devil.

Book 004, Number 1034:

وَحَدَثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ أَخْبَرَنَا الْمَخْرُومِيُّ حَدَثَنَا عَبْدُ الْوَاحِدِ وَهُوَ ابْنُ زَيْدٍ حَدَثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ الْأَصْمَ حَدَثَنَا يَزِيدُ بْنُ الْأَصْمَ عَنْ أَبِيهِ هَرِيرَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقْطَعُ الصَّلَاةَ الْمَرْأَةُ وَالْحَمَارُ وَالْكَلْبُ وَيَقِيِّ ذَلِكَ مِثْلُ مَؤْخِرَةِ الرَّحْلِ

Ishâq b. Ibrâhîm informed us (that) al-Makhrûmî reported to us (that) 'Abd al-Wâhid (that is, Ibn Ziyâd) informed us (that) 'Ubayd Allâh b. 'Abd Allâh b. al-Asîmm (that) Yazîd b. al-Asîmm informed us on (the authority of) Abu Huraira; he said: **The Messenger of Allah (may peace be upon him) said: A woman, an ass and a dog disrupt the prayer, but something like the back of a saddle guards against that.**

Book 004, Number 1035:

حدثنا أبو بكر بن أبي شيبة وعمرو الناقد وزهير بن حرب قالوا حدثنا سفيان بن عيينة عن الزهرى عن عروة عن عائشة أن النبي صلى الله عليه وسلم كان يصلى من الليل وأنا معرضة بيته وبين القبلة كاعتراض الجنازة

صحيح مسلم بشرح النووي

قوله : (عن عائشة رضي الله عنها أنها قالت : كان النبي صلى الله عليه وسلم يصلى من الليل وأنا معرضة بيته وبين القبلة كاعتراض الجنازة)
استدللت به عائشة رضي الله عنها والعلماء بعدها على أن المرأة لا تقطع صلاته الرجل ، وفيه جواز صلاته إليها ، وكراهة العلماء أو جماعة منهم الصلاة إليها لغير النبي صلى الله عليه وسلم لخوف الفتنة بها وتنكرها ، وإشغال القلب بها بالنظر إليها ، وأما النبي صلى الله عليه وسلم فمنزله عن هذا كله وصلاته مع أنه كان في الليل ، والبيوت يومئذ ليس فيها مصابيح .

Abû Bakr b. Abî Shayba and 'Amr al-Nâqid and Zuhayr b Harb informed us, saying: Sufyân b. 'Uyayna informed us (on the authority of) al-Zuhri on (the authority of) 'Urwa on (the authority of) 'A'isha that the Prophet (may peace be upon him) used to pray at night while I lay interposed between him and the Qibla like a corpse on a bier.

Book 004, Number 1037:

وحدثي عمرو بن علي حدثنا محمد بن جعفر حدثنا شعبة عن أبي بكر بن حفص عن عروة بن الزبير قال قالت عائشة ما يقطع الصلاة قال فقلنا المرأة والحمار فقالت إن المرأة لدابة سوء لقد رأيتني بين يدي رسول الله صلى الله عليه وسلم معرضة كاعتراض الجنازة وهو يصلى

صحيح مسلم بشرح النووي

قوله : (إن المرأة لدابة سوء)
تريد به الإنكار عليهم في قوله : إن المرأة تقطع الصلاة .

'Amr b. 'Alî informed me (that) Muhammad b. Ja'far informed us (that) Sha'ba informed us on (the authority of) Abû Bakr b. Hafs on (the authority of) 'Urwa b. Zubair, saying: 'A'isha asked: What disrupts the prayer? We said: The woman and the ass. Upon this she remarked: Is the woman an ugly animal? I lay in front of the Messenger of Allah (may peace be upon him) like the bier of a corpse and he said prayer.

Book 004, Number 1038:

حدثنا عمرو الناقد وأبو سعيد الأشجع قالا حدثنا حفص بن غياث قال ح وحدثنا عمر بن حفص بن غياث واللطف له حدثنا أبي حدثنا الأعمش حدثني إبراهيم عن الأسود عن عائشة ح قال الأعمش وحدثني مسلم عن مسروق عن عائشة وذكر عندها ما يقطع الصلاة الكلب والحمار والمرأة فقالت عائشة قد شبھتمونا بالحمير والكلاب والله لقد رأيت رسول الله صلى الله عليه وسلم يصلي وإنى على السرير بيته وبين القبلة مضطجعة فتبعد لي الحاجة فاكره أن أجلس فلؤذني رسول الله صلى الله عليه وسلم فاتسل من عند رجله

'Amr al-Nâqid and Abû Sa'îd al-Ashaj both informed us, saying, Hafd b. Ghayâth informed us, saying likewise, and 'Amr b. Hafs b. Ghayâth (and the expression is his) informed us (that) "My father informed us" (that) al-A'mash informed us (that) Ibrâhîm informed me on (the authority of) al-Aswad on (the authority of) 'A'isha, likewise al-A'mash said..., and Muslim informed me on (the authority of) Masruq on (the authority of) 'A'isha: It was mentioned before her that prayer is invalidated (in case of passing) of a dog, an ass and a woman (before the worshipper, when he is not screened). Upon this 'A'isha said: You likened us to the asses and the dogs. By Allah I saw the Messenger of Allah (may peace be upon him) saying prayer while I lay on the bedstead interposing between him and the Qibla. When I felt the need, I did not like to sit in front and disturb the Messenger of Allah (may peace be upon him) and quietly moved out from under its (i. e. of the bedstead) legs.

Book 004, Number 1039:

Al-Aswad reported that 'A'isha said: You have made us equal to the dogs and the asses, whereas I lay on the bedstead and the Messenger of Allah (may peace be upon him) came there and stood in the middle of the bedstead and said prayer. I did not like to take off the quilt from me (in that state), so I moved away quietly from the front legs of the bedstead and thus came out of the quilt.

Book 004, Number 1041:

Maimuna, the wife of the Apostle (may peace be upon him), reported: The Messenger of Allah (may peace be upon him) said prayer and I (lay) opposite to him while I was in menses. Sometimes his clothes touched me when he prostrated.

Book 004, Number 1042:

'A'isha reported: The Apostle of Allah (may peace be upon him) said prayer at night and I was by his side in a state of menses and I had a sheet pulled over me a portion of which was on his side.

Some Ḥadīth on Veiling

Ṣaḥīḥ Al-Bukhārī Volume 6, Book 60, Hadith # 282

Narrated Safiya bint Shaiba: 'Aisha used to say: "When (the Verse): "They should draw their veils over their necks and bosoms," was revealed, (the ladies) cut their waist sheets at the edges and covered their faces with the cut pieces.

Ṣaḥīḥ Al-Bukhārī Volume 1, Book 8, Hadith # 368

Narrated 'Aisha (may Allāh be pleased with her) the Messenger of Allāh (may Allāh bless him and give him peace) used to offer the Fajr prayer and some believing women covered with their veiling sheets used to attend the Fajr prayer with him and then they would return to their homes unrecognized.

Ṣaḥīḥ Al-Bukhārī Volume 1, Book 4, Hadith # 148

Narrated 'Aisha (may Allāh be pleased with her): The wives of the Messenger of Allāh (may Allāh bless him and give him peace) used to go to Al-Manasi, a vast open place (near Baqia at Medina) to answer the call of nature at night. 'Umar used to say to the Prophet "Let your wives be veiled," but the Messenger of Allāh (may Allāh bless him and give him peace) did not do so. One night Sauda bint Zam'a, the wife of the Prophet, went out at 'Isha' time and she was a tall lady. 'Umar addressed her and said, "I have recognized you, O Sauda." He said so, as he desired eagerly that the verses of Al-Hijab may be revealed. So Allah revealed the verses of "Al-Hijab".

Tirmidhi with a *sahīh* chain reports...

"The Messenger of Allāh (may Allāh bless him and give him peace) said "All of a woman is 'awra."

Abu Dawood Book 14, Hadith # 2482

Narrated Thabit ibn Qays (may Allāh be pleased with him): A woman called Umm Khallad came to the Prophet (may Allāh bless him and give him peace) while she was veiled. She was searching for her son who had been killed (in the battle). Some of the Companions of the Prophet (may Allāh bless him and give him peace) said to her: You have come here asking for your son while veiling your face? She said: If I am afflicted with the loss of my son, I shall not suffer the loss of my modesty. The Messenger of Allāh (may Allāh bless him and give him peace) said: You will get the reward of two martyrs for your son. She asked: Why is that so, oh Prophet of Allah? He replied: Because the people of the Book have killed him.

Abu Dawood Book 32, Hadith # 4090

Narrated Umm Salamah, Umm al-Mu'minin (may Allāh be pleased with her): When the verse "That they should cast their outer garments over their persons" was revealed, the women of Ansar came out as if they had crows over their heads by wearing outer garments.

Abu Dawood Book 32, Hadith # 4091

Narrated Aisha, Ummul Mu'minin (*Radhi'Allahu Anha*) "May Allah have mercy on the early immigrant women. When the verse "That they should draw their veils over their bosoms" was revealed, they tore their thick outer garments and made veils from them.

Abu Dawood Book 10, Hadith # 1829

Narrated Aisha, Ummul Mu'minin: (*Radhiallaahu Ánha*) who said, "The riders would pass us while we were with the Messenger of Allah (*Sallallaahu Álayhi Wasallam*). When they got close to us, we would draw our outer cloak from our heads over our faces. When they passed by, we would uncover our faces.

Ṣaḥīḥ Al-Bukhārī Volume 1, Book 8, Hadith # 347

Narrated Umm 'Atiya (may Allāh be pleased with her) We were ordered (by the Messenger of Allāh, may Allāh bless him and give him peace) to bring out our menstruating women and veiled women in the religious gatherings and invocation of Muslims on the two 'Eid festivals. These menstruating women were to keep away from their prayers. A woman asked, "O Allah's Apostle ' What about one who does not have a veil?" He said, "Let her share the veil of her companion."

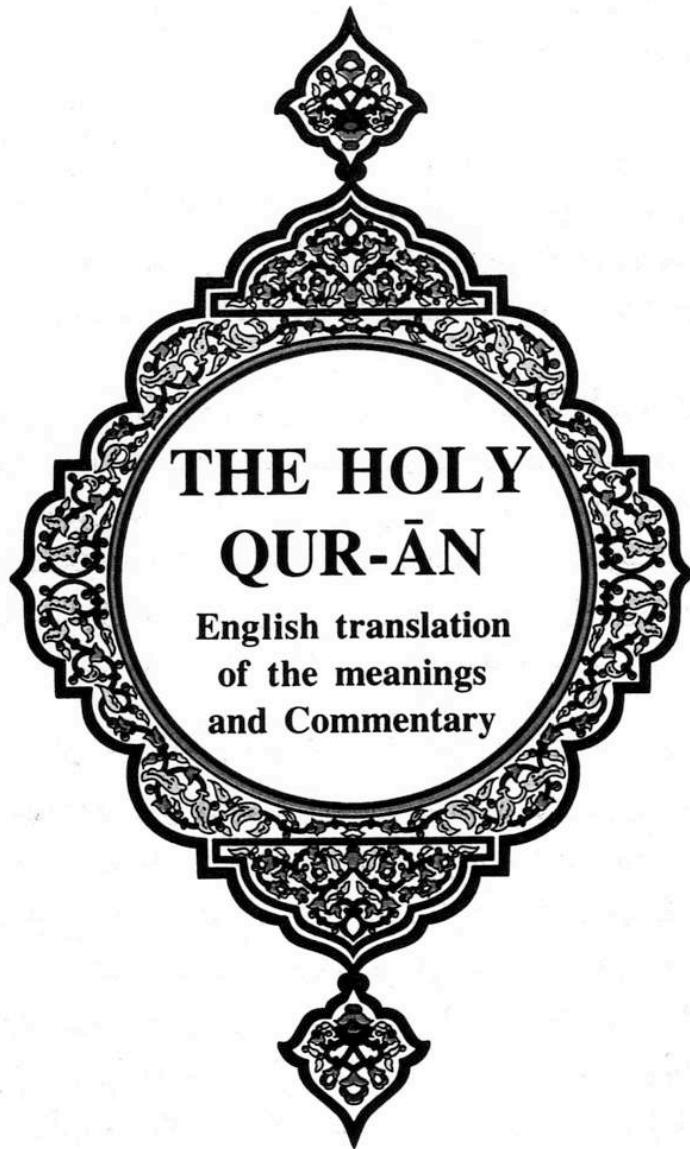
Abu Dawood Book 2, Hadith # 0641

Narrated Aisha, Ummul Mu'minin (*Radhiallaahu Ánha*) "Rasulullah (*Sallallaahu Álayhi Wasallam*) said "Allah does not accept the prayer of a woman who has reached puberty unless she wears a veil."

Abu Dawood Book 32, hadith # 4100

Narrated Umm Salamah, Mother of the Believers (may Allāh be pleased with her): I was with the Messenger of Allāh (may Allāh bless him and give him peace) while Maymunah was with him. Then Ibn Umm Maktum came. This happened when we were ordered to observe veil. the Messenger of Allāh (may Allāh bless him and give him peace) said: Observe veil from him. We asked: oh the Messenger of Allāh! is he not blind? He can neither see us nor recognize us. the Messenger of Allāh (may Allāh bless him and give him peace) said: Are both of you blind? Do you not see him?

Muṣḥaf Al-Madinah
An-Nabawiyah



Revised & Edited By
THE PRESIDENCY OF ISLAMIC RESEARCHES, IFTA,
CALL AND GUIDANCE

King Fahd Holy Qur-ān
Printing Complex.

from Sūra 20 Tāhā [Meccan]:

115. We had already, beforehand, taken the covenant of Adam, but he forgot, and We found in him little resolve.
116. When We said to the angels, “Prostrate yourselves to Adam”, they prostrated themselves, but not Iblis: he refused.
117. Then We said: “O Adam! Verily this is an enemy to thee and thy wife. So let him not get you both out of the Garden, so that thou art landed in misery.
118. “There is therein (enough provision) for thee not to go hungry not to go naked,
119. “Nor to suffer thirst nor the sun’s heat.”
120. But Satan whispered evil to him, saying: “O Adam! Shall I lead thee to the Tree of Eternity and to a kingdom that never decays?”
121. And so they both ate of the tree, and their nakedness appeared to them. They began to sew together leaves from the Garden for their covering. Thus did Adam disobey his Lord and fell into error.
122. But is Lord chose him (for his Grace): He turned to him and gave him guidance.
123. He said: “Get ye down, both of you together, from the Garden, with enmity one to another. But if, as is sure, there comes to you guidance from Me, whosoever follows my guidance will not lose his way nor fall into misery.
124. “But whosoever turns away from my message, truly for him is a life narrowed down, and We shall raise him up blind on the Day of Standing.”
125. He will say: “O my Lord! Why hast thou raised me up blind, while I had sight before?”
126. (Allāh) will say: “Thus didst thou, when Our signs came unto thee, forgot them. So wilt thou this day be forgotten.” ...

from Sūra 30 The Romans [Meccan]:

21. And among His Signs is this: that He created for you mates from among yourselves, that ye may dwell in tranquility with them. And He has put love and mercy between your (hearts). Verily in that are Signs for those who reflect.

from Sūra 4 Women [Madinan]:

1. O mankind! Fear your Guardian-Lord, Who created you from a single soul, and created out of it its mate, and from the two scattered (like seeds) countless men and women. Fear Allāh, through Whom ye demand your mutual rights, and be heedful of the wombs (that bore you): for Allāh ever watches over you.
2. To orphans restore their property (when they come of age), and do not substitute what is worthless for what is good. And devour not their substance along with your own. This is indeed a great sin.
3. If ye fear that ye shall not be able to deal justly with orphans, marry women of your choice — two, threee or four. But if ye fear that ye shall not be able to deal justly, then only one, or that which your right hands possess. That will be more suitable to prevent you from doing injustice.
4. And those who throw charges at chaste women, but do not produce four witnesses, flog them with eighty stripes and reject their evidence ever after: for such men are wicked transgressors

...

19. O ye who believe! Ye are forbidden to inherit women against their will. Nor should you treat them with harshness, that ye may take away their dowry ye have given them — except when they have been guilty of open lewdness. On the contrary, live with them on a footing of kindness and equity. If ye take a dislike to them, it may be that ye dislike a thing, but Allāh brings about through it a great deal of good.
20. But if ye decide to take one wife in place of another, even if ye had given the latter a whole treasure for a dowry, take not the least bit of it back. Would ye take it by slander and manifest sin?
21. And how could ye take it, when ye have gone in unto one another, and they have taken from you a solemn covenant?
22. And marry not women whom your fathers married — except what is (already) past: it was shameful and odious, an abominable custom indeed.
23. Prohibited to you in marriage are: your mothers, daughters, sisters, father's sisters, mother's sisters, brother's daughters, sister's daughters, foster-mothers (who nursed you), foster-sisters, your wives' mothers, your step-daughters under your guardianship born of your wives to whom ye have gone in — no prohibition if ye have not gone in — (those who have been) wives of your sons proceeding from your loins, and two sisters in wedlock at one and the same time — except for what is (already) past. For Allāh is Forgiving, Most Merciful.
24. Also (prohibited are) women already married, except those whom your right hands possess. Thus hath Allāh ordained (prohibitions) against you. Except for these, all others are lawful, provided ye

seek (marriage) with gifts of property, desiring chastity not fornication. Give them their dowry for the enjoyment you have of them as a duty. But if, after a dowry is prescribed, ye mutually agree to vary it, there is no blame on you. And Allāh is All-Knowing, Wise.

25. If any of you have not the means wherewith to wed free believing women, they may wed believing women from among those whom your right hands possess. And Allāh hath full knowledge of your faith. Ye are one from another: wed them with the leave of their owners, and give them their dowries, according to what is reasonable. They should be chaste, not fornicators nor adulterous. When they are taken in wedlock, if they commit indecency their punishment is half that for free women. This is for those among you who fear sin. But it is better for you that you practice self-restraint. And Allāh is Forgiving, Most Merciful.

...

34. Men are the protectors and supporters of women, because Allāh hath given the one more (strength) than the other, and because they support them from their means. Therefore, righteous women are devoutly obedient and guard in the husband's absence what Allāh would have them guard. As to those women on whose part ye fear disloyalty and ill conduct [*nusūz*], (first) admonish them [*fa'izūhunna*], then refuse to share their beds [*wa-hjurūhunna fī l-madāji'i*], and (lastly) strike them [*wa-dribūunna*]. But if they return to obedience, seek not means of annoyance against them, for Allāh is Most High, Great.

...

124. If any do deeds of righteousness — be they male or female — and have faith, they will enter Heaven, and not the least injustice will be done to them.

...

129. Ye are never able to do justice between wives, even if it is your ardent desire. But turn not away altogether, so as to leave her hanging. If ye come to a friendly understanding, and practice self-restraint, Allāh is Forgiving, Most Merciful.

from Sūra 33 *The Confederates* [Madinan]:

32. O Consorts of the Prophet! Ye are not like any of the other women: If ye do fear (Allāh), be not too complaisant of speech, lest one in whose heart is a disease should be moved with desire; but speak a speech that is just.
33. And stay quietly in your houses and make not a dazzling display like that of the Era of Ignorance (*jāhiliyya*), and establish regular prayer, and give alms, and obey Allāh and His Messenger. And Allāh only wishes to remove all abomination from you, ye members of the family, and to make you pure and spotless

...

53. O ye who believe! Enter not the Prophet's houses until leave is given you for a meal, and then not (so early as) to wait for its preparation, but when you are invited, enter. And when you have taken your meal, disperse without seeking familiar talk. Such behavior annoys the Prophet, for he is shy to dismiss you, but Allāh is not shy (about) the truth. And when ye ask (his wives) for anything ye want, ask them from behind a screen: that makes for greater purity for your hearts and for theirs ...

...

59. O Prophet! Tell thy wives and daughters and the believing women, that they should cast their outer garments [*jalābibihinna*] over themselves (when out of doors). That is most convenient that they should be known and not molested. And Allāh is Forgiving, Most Merciful.

from Sūra 24 Light [Madinan]:

30. Say to the believing men that they should lower their gaze and guard their private parts: that will make for greater purity for them. And Allāh is well acquainted with all that they do.
31. And say to the believing women that they should lower their gaze and guard their private parts, that they should not display their adornments, except what (ordinarily) appears of it, that they should draw their head coverings [*khumūr*] over their bosoms and not display their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brother or their brothers' sons, or their sisters' sons, or their women, or those whom their right hands possess, or male attendants free of sexual desires, or small children who have no carnal knowledge of women, and that they should not strike their feet to draw attention to their hidden ornaments. And ye believers! Turn ye all together towards Allāh in repentance the ye may be successful.

...

60. Such older women who do not look forward to marriage [*al-qawā'idi min al-nisā'i llātī lā yarjūna nikāḥan*], there is no blame on them if they lay aside their outer garments, provided that they make not (excessive) display of their beauty, while modesty is best for them. And Allāh is All-Seeing, All-Knowing.



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Journal of the American Oriental Society, Vol. 111, No. 4. (Oct. - Dec., 1991), pp. 671-693.

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THE EFFEMINATES OF EARLY MEDINA

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There is considerable evidence for the existence of a form of publicly recognized and institutionalized effeminacy or transvestism among males in pre-Islamic and early Islamic Arabian society. Unlike other men, these effeminate or *mukhannathūn* were permitted to associate freely with women, on the assumption that they had no sexual interest in them, and often acted as marriage brokers, or, less legitimately, as go-betweens. They also played an important role in the development of Arabic music in Umayyad Mecca and, especially, Medina, where they were numbered among the most celebrated singers and instrumentalists. Although they were subject to periodic persecution by the state, such measures were not based on any conclusions about their own sexual status—they were not assumed to be homosexual, although a few were—but on their activities as musicians and go-betweens, which were seen as corrupting the morals of society and especially of women. A particularly severe repression under the caliph Sulaymān put an end to the *mukhannathūn*'s prominence in music and society, although not to their existence.

IN THE COURSE OF THE FIRST ISLAMIC CENTURY, the holy cities of Mecca and Medina suffered a drastic loss of political power. As the rapidly expanding empire incorporated the populous provinces of Syria and Iraq, the caliphal capital was moved first to Küfa and then to Damascus, and, after the defeat of the counter-caliph Ibn al-Zubayr in Medina in 73 A.H./A.D. 692, the political significance of the Hijaz was reduced to an occasional futile rebellion. At the same time, the institution of the annual pilgrimage to Mecca from all corners of the empire assured the prosperity of the two cities, and the system of stipends (*dīwān*) instituted by the caliph ʻUmar provided the local aristocracy, among the Quraysh and Anṣār, with a dependable, and bountiful, source of wealth which—more or less intentionally—compensated for their political impotence. The result of this situation was the development of a refined and self-indulgent society, dedicated to luxury and the pursuit of the arts. Traditional Arabic poetry underwent a rapid evolution, producing among other innovations the independent love lyric; and a series of celebrated musicians, closely associated in their endeavors with the love poets, introduced new instruments and new musical styles into the peninsula.

Studies of this first, classical period of Arabic music have often remarked on the fact that the sources regularly identify many male musicians, including some of

the most prominent, as “effeminate,” *mukhannathūn*.¹ Observing that our meager sources on pre-Islamic music refer almost exclusively to women, while the most celebrated musicians of the subsequent ʻAbbāsid period were men, Owen Wright has suggested that these *mukhannathūn* represent “an intermediate, transitional stage in the transfer from a female-dominated to a male-dominated profession”,² and he has further speculated that their presumably dubious social status, like that of the slave-girls who, with them, dominated musical circles, contributed to an increasing hostility by the pious to entertainment music, which they associated with wine, sexual license, and the frivolous pursuit

¹ Or *mukhannithūn*. The lexicographers generally consider the forms *mukhannath* and *mukhannith* simple variants, and I shall use the former throughout this article; on attempts to distinguish between the two semantically, see below, p. 675.

² Owen Wright, “Music and Verse,” in *The Cambridge History of Arabic Literature, I: Arabic Literature to the End of the Umayyad Period*, ed. A. F. L. Beeston et al. (Cambridge: Cambridge Univ. Press, 1983), 446f. See also H. G. Farmer, *A History of Arabian Music to the XIIIth Century* (London: Luzac, 1929), 44; Shawqī Dayf, *al-Shiʻr wa-l-ghinā’ fi l-Madīna wa-Makka li-ʻasr Banī Umayya* (Beirut: Dār al-Thaqāfa, 1967), 67.

of pleasure.³ To my knowledge, no further investigation into who and what these *mukhannathūn* were has heretofore been undertaken, despite a relative abundance of sources, particularly anecdotal ones, which tell us a great deal about their identity, behavior, social function, and status, as well as their ultimate fate.

The very existence of a recognized category of persons labelled "effeminate" raises a number of obvious questions. In what way were they effeminate? Was it their mannerisms that were so recognized, their speech, their behavior? Did they wear women's clothes or adopt feminine hairstyles: were they transvestites? To what extent was their effeminacy voluntary, or seen as such? Did they constitute a cohesive social group, a subculture? What social functions, if any, did they perform? Did they represent a kind of *berdache* institution?⁴ What sort of social status did they in fact have? Why, and to what extent, did they come to be associated with music?

Another important question is that of their sexual identity. It is well known to sociologists that the majority of transvestites in our own society are heterosexual in orientation,⁵ and the anthropological literature on institutions classified as *berdache* in various societies reveals considerable diversity in their real or assumed sexual orientation and behavior, including celibacy, heterosexuality, and various forms of bisexuality, as well as homosexuality, although the latter is probably the most common.⁶ An automatic link between the *mukhannathūn* of the Hijaz and homosexuality can therefore by no means be assumed. This question of

sexual identity is all the more significant because of its pertinence to the far larger problem of homosexuality in classical Islamic culture, a subject which has enjoyed remarkably little scholarly attention to date, despite its obvious importance. An inquiry into the role and identity of the early *mukhannathūn* may thus serve in part as a preliminary to future investigation of this larger problem.

The following study will focus on the evidence available on *mukhannathūn* through the first Islamic century. That they had a well-defined role already in pre-Islamic Arabian society is suggested by a number of Prophetic *hadīth*, which at least purportedly tell us something about the situation in the Prophet's time. Much richer, however, is the information provided by anecdotal literature, and above all by the *Kitāb al-Aghānī* of Abū l-Faraj al-Isfahānī (d. 356/967), on musical circles in Medina and Mecca several decades later, in the early Umayyad period; these sources offer a relatively full picture of a society in which the *mukhannathūn*, for a period of some two generations, enjoyed a position of exceptional visibility and prestige, and suggest answers to many of the questions posed above. They also describe how this unusual situation came to an abrupt and violent end, under the caliph Sulaymān (reigned 96–99/715–17), although there are wide divergences among the various accounts of this disaster which raise problems of interpretation. We have considerably less information about the *mukhannathūn* in late Umayyad society, and with the coming of the 'Abbāsids their entire social context seems to have changed radically. Apart from a brief characterization of the nature of this social shift, investigation of the subsequent fortunes of the *mukhannathūn* in the 'Abbāsid period must await a future study.

MUKHANNATHŪN IN THE TIME OF THE PROPHET: THE EVIDENCE FROM HADĪTH

According to the lexicographers, the verb *khanatha* in the first form means to fold back the mouth of a waterskin for drinking. Derived terms develop the basic idea of bending or folding in the direction of pliability, suppleness, languidness, tenderness, delicacy.⁷ According to Abū 'Ubayd (d. 224/838), the *mukhannathūn* were so called on account of their languidness (*takassur*, elsewhere usually paired with *tathanni*), supple-

³ Wright, *ibid.*

⁴ Or *berdache*. This term is applied by anthropologists to a social institution common to many American Indian cultures, in which a male adopts gender attributes (notably, clothing) assigned otherwise to females. See W. Roscoe, "Bibliography of Berdache and Alternative Gender Roles Among North American Indians," *Journal of Homosexuality* 14.3/4 (1987): 81–171; Walter L. Williams, *The Spirit and the Flesh: Sexual Diversity in American Indian Culture* (Boston: Beacon, 1986); and, on the term *berdache* (ultimately from Persian *bardaj*, "slave," via Arabic, Italian, and French), Claude Couroué, "The Word 'Bardache,'" *Gay Books Bulletin* 8 (Fall–Winter 1982): 17–19.

⁵ See C. A. Tripp, *The Homosexual Matrix* (New York: McGraw-Hill, 1975), 26.

⁶ David E. Greenburg, *The Construction of Homosexuality* (Chicago: Univ. of Chicago Press, 1988), 44; J. M. Carrier, "Homosexual Behavior in Cross-Cultural Perspective," in *Homosexual Behavior: A Modern Reappraisal*, ed. J. Marmor (New York: Basic Books, 1980), 106.

⁷ Ibn Manzūr, *Lisān al-ṣārīb* (Cairo: Dār al-Maṣārif, n.d.), 2:1272; al-Zabīdī, *Tāj al-ṣārūs* (Kuwayt: Maṭba'at Ḥukūmat al-Kuwayt, 1965–76), 5:240ff.

ness), while a languid woman was called *khunuth*.⁸ The *Kitāb al-Āyn* attributed to al-Khalīl b. Aḥmad (d. c. 170/786), on the other hand, derives *mukhannath* rather from *khunthā*, hermaphrodite, on the basis of parallel gender ambiguity.⁹ (Despite the plausibility of the latter, it should be noted that there is no term from this root signifying a mannish woman.) Later lexicographers define the *mukhannath* as a man who resembles or imitates a woman in the languidness of his limbs or the softness (*līn*) of his voice.¹⁰ Al-Azharī (d. 370/980) defines the verb *takhannatha* as *fa‘ala fi'l al-mukhannath*, “to do the act of a *mukhannath*,” but does not specify what this *fi'l* is.¹¹ The lexicographers nowhere make mention of dress. From their evidence, then, *mukhannath* has the general meaning “effeminate,” without distinction between involuntary and voluntary behavior, and does not indicate transvestism.

A somewhat different picture of the *mukhannath* emerges, however, if we consider its occurrence in a number of generally accepted Prophetic traditions. These *hadīth*, and the literature of comment that developed around them, are of special importance for our subject, because—with the usual caveats about the authenticity of this material—they give us an indication of circumstances and attitudes at the very beginning of Islam, as well as Prophetic pronouncements on the subject which were considered as defining legal and ethical norms. In addition, the commentary literature gives some hints of change over time in societal attitudes.

Although they display the usual profusion of variants, the *hadīth* about the *mukhannathūn* which appear in the *Muwaṭṭa'* of Mālik b. Anas (d. 179/797), the *Musnad* of Aḥmad b. Ḥanbal (d. 241/855), and the six canonical collections number essentially seven, which can be summarized as follows:

1. The Prophet cursed those exhibiting cross-gender behavior. In its most common form this *hadīth* reads:

⁸ Abū ‘Ubayd al-Qāsim b. Sallām, *Għarib al-hadīth* (Cairo: al-Hay'a al-‘Āmma li-Shu‘ūn al-Maṭābi‘ al-Amīriyya, 1984), 2:150f. Cf. Ibn Durayd, *Jamharat al-lugha* (Beirut: Dār al-‘Ilm lil-Malāyīn, 1987), 1:418; al-Jawharī, *al-Šihāh*, ed. A. ‘A. Āttār (Cairo: Dār al-Kitāb al-‘Arabī, 1957), 281.

⁹ Al-Khalīl b. Aḥmad, *Kitāb al-Āyn*, ed. M. al-Makhzūmī and I. al-Samarrā‘ī (Baghdad: Dār al-Rashīd, 1980), 4:248. On the question of attribution of this work, see *EI*², s.v. “al-Khalīl b. Aḥmad.”

¹⁰ Al-Zabidī, *Tāj al-‘arūs* 5:240ff.

¹¹ al-Azharī, *Tahdhīb al-lugha*, ed. ‘A. Sarhān (Cairo: al-Dār al-Miṣriyya lil-Ta‘līf wa-l-Tarjama, 1964–67), 7:335–37.

“The Prophet cursed effeminate men (*al-mukhannathīn min al-rijāl*) and mannish women (*al-mutarajjilāt min al-nisā’*).”¹² The principal variant substitutes “men who imitate women” (*al-mutashabbihīn min al-rijāl bil-nisā’*) and “women who imitate men.”¹³ The two versions appear side by side in al-Bukhārī’s (d. 256/870) chapter on dress (*libās*); while the *hadīth* itself does not specify the kind of cross-gender behavior condemned, the great *muḥaddith*’s apparent assumption that this involved dress, or at least ornament, is supported by other evidence, as will be seen. Some authorities add, to the second version, the further statement that the Prophet commanded, “Cast them out from your houses!” and that he and the caliph ‘Umar each banished one.¹⁴

2. Ibn Māja (d. 273/886) and al-Tirmidhī (d. 279/892), in the section on false accusation (*qadhf*) of their books on *hudūd*, give *hadīth* specifying twenty lashes for falsely calling someone a *mukhannath*. In Ibn Māja this is paired with the same penalty for falsely calling someone a *lūṭī* (approximately, one who takes the active role in homosexual intercourse), but al-Tirmidhī pairs it rather with the same penalty for falsely calling someone a Jew.¹⁵

3. Slightly more specific information on the *mukhannathūn* is provided by a *hadīth* in Abū Dāwūd (d. 275/888), on the authority of Abū Hurayra, according to which, “A *mukhannath*, who had dyed his hands and feet with henna, was brought to the Prophet. The Prophet asked, ‘What is the matter with this one?’ He was told, ‘O Apostle of God, he imitates women.’ He

¹² Ibn Ḥanbal, *Musnad*, ed. A. M. Shākir (Cairo: Dār al-Maṭābi‘, 1949–56), nos. 1982, 2006, 2123, 2291, 3458, 7842, 7878, 5649, 5328; al-Bukhārī, *Ṣaḥīḥ*, ed. L. Krehl and Th. W. Juynboll (Leiden: Brill, 1862–1908), *libās* 62 (4:94f.), *hudūd* 33 (4:308); Abū Dāwūd, *Sunan*, ed. M. M. ‘Abd al-Ḥamīd (Cairo: Dār Ihyā’ al-Sunnah al-Nabawiyah, 1970), *adab*, no. 4930 (4:283); al-Tirmidhī, *Sunan* (Himṣ: Dār al-Da‘wah, 1965), *adab* 34, no. 2786 (8:24).

¹³ Al-Bukhārī, *libās* 61 (4:94); Ibn Māja, *Sunan*, ed. M. F. ‘Abd al-Baqī (Cairo: Maktabat Isā al-Bābī, 1952–53), *nikāh* 22, nos. 1903–4 (1:613); al-Tirmidhī, *adab*, no. 2785 (8:24). The primary *isnād* for both versions goes back to ‘Ikrima from Ibn ‘Abbās.

¹⁴ Ibn Ḥanbal (ed. Shākir), nos. 1982, 2006, 2123; al-Bukhārī, *libās* 62 (4:94f.), *hudūd* 33 (4:308); Abū Dāwūd, *adab*, no. 4930 (4:283).

¹⁵ Ibn Māja, *hudūd* 15, no. 2568 (2:857f.); al-Tirmidhī, *hudūd* 29, no. 1462 (5:159). The *isnāds* are essentially identical, and go back, again, to ‘Ikrima from Ibn ‘Abbās.

ordered him banished to al-Naqī^c.¹⁶ They said, ‘O Apostle of God, shall we not kill him?’ He replied, ‘I have been forbidden to kill those who pray.’”¹⁷

4. Banishment also figures in some versions of the most celebrated, and widely commented, of the *hadīth* on *mukhannathūn*, that concerning a person usually identified as Hīt.¹⁸ According to various authorities, Umm Salama, one of the Prophet’s wives, reported that on the eve of the taking of al-Tā’if (8/630) the Prophet visited her while a *mukhannath* (Hīt) was also present. She heard the latter say to her brother, ‘Abdallāh b. Abī Umayya, “If God grants that you take al-Tā’if tomorrow, go after Ghaylān’s daughter; for she comes forward with four and goes away with eight!” To this the Prophet said, “Do not admit these into your (fem. pl.) presence!”¹⁹ Hīt’s “four” and “eight” are explained by the commentators, at great length, as referring to the woman’s belly wrinkles (*‘ukan*), four in front, whose ends can be seen wrapping around on the two sides of her back when she walks away, thus appearing to be eight.²⁰ Some versions of the *hadīth* give the masculine plural rather than the feminine plural pronoun in “your presence,” which the commentators explain as referring collectively to the women and the underage males or eunuchs present in the women’s quarters.²¹ In addition, some versions substitute “Cast

¹⁶ A place some three or four miles from Medina; see Yāqūt, *Mu‘jam al-buldān* (Beirut: Dār Ṣādir, 1986), 5:301f.

¹⁷ Abū Dāwūd, *adab*, no. 4928 (4:282). According to a well-known *hadīth*, the shedding of a Muslim’s blood is lawful only in cases of adultery, murder, and apostasy; see, e.g., al-Bukhārī, *diyāt* 6 (4:317).

¹⁸ Al-Khalil b. Ahmad, *Kitāb al-‘Ayn*, 6:325, claims that the reading “Hīt” favored by the *muhaddithūn* is a mispointing for “Hinb.” This view was supported by Ibn Durustawayh, according to Ibn Ḥajar, *Faṣḥ al-bārī* (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1959), 2:331, but is contested by al-Azharī, *Tahdhīb al-lugha*, 4:325. In the canonical collections considered here, the *mukhannath* is unnamed, except by al-Bukhārī, who gives the name in the form “Hīt.”

¹⁹ Al-Bukhārī, *Ṣaḥīḥ*, *maghāzī* 56 (3:150f.), *libās* 62 (4:94f.); cf. Ibn Ḥanbal, *Musnad* (Cairo, 1895), 6:290. In the event, ‘Abdallāh b. Abī Umayya was killed in the battle; see Ibn Qutayba, *Kitāb al-Ma‘ārif*, ed. Th. ‘Ukāsha, 4th ed. (Cairo: Dār al-Ma‘ārif, 1981), 136.

²⁰ E.g., Ibn Ḥajar, *Faṣḥ al-bārī* 11:249. The ultimate source of most of these explanations is Abū ‘Ubayd, *Gharib al-hadīth*, 2:96–102.

²¹ Mālik b. Anas, *al-Muwaṭṭa’* (Beirut: Dār al-Nafā’is, 1971), no. 1453 (p. 544); Muslim, *Ṣaḥīḥ* (with *sharḥ* of al-Nawawī) (Cairo: al-Maṭba‘a al-Miṣriyya bil-Azhar, n.d.), *salām* (14:162); and cf. al-Bukhārī, *Ṣaḥīḥ*, *nikāh* 113 (3:454).

them out of your (masc. pl.) houses!” for “Do not admit these into your presence!”²² or have both phrases together.²³

5. An apparent doublet of this story is a *hadīth* reported from Ḥāfiẓa, which Ibn Ḥanbal and Muslim (d. 261/875) have preserved in the following form: “There was a *mukhannath* who used to be admitted to the presence of the Prophet’s wives. He was considered one of those lacking interest in women (*min ghayr ulī l-irba*). One day the Prophet entered when this *mukhannath* was with one of his wives; he was describing a woman, and said ‘When she comes forward, it is with four, and when she goes away, it is with eight.’ The Prophet said, ‘Oho! I think this one knows what goes on here! Do not admit him into your (fem. pl.) presence!’ So he was kept out (*hajabūhu*).”²⁴ Abū Dāwūd supplies two additions to the story. The first states that the Prophet banished the *mukhannath*, who lived in the desert and came into Medina once a week to beg for food. According to the second, it was said to the Prophet (after the banishment), “He will die of hunger, then!” and he then permitted him to enter the city twice a week to beg and then return to the desert.²⁵

6. Finally, Ibn Māja reports on the authority of Ṣafwān b. Umayya the following *hadīth*, the only one to link the *mukhannathūn* with music: “We were with the Apostle of God when ‘Amr b. Murra came to him and said, ‘O Apostle of God, God has made misery my lot! The only way I have to earn my daily bread is with my tambourine (*duff*) in my hand; so permit me to do my singing, avoiding any immorality (*fāhiṣha*).’ The Apostle of God replied, ‘I will not permit you, not even as a favor! You lie, enemy of God! God has provided you with good and permissible ways to sustain yourself, but you have chosen the sustenance that God has forbidden you rather than the permissible which He has permitted you. If I had already given you prior warning, I would now be taking action against you. Leave me, and repent before God! I swear, if you do it

²² Ibn Māja, *Sunan*, *nikāh* 22, no. 1902 (1:613), *hudūd* 38, no. 2614 (2:872); Abū Dāwūd, *Sunan*, *adab*, no. 4929 (4:283).

²³ Ibn Ḥanbal, *Musnad* (Cairo, 1895), 6:318. All these versions are traced back to Hishām b. ‘Urwa b. al-Zubayr, from his father, from Zaynab, Umm Salama’s daughter.

²⁴ Ibn Ḥanbal, *Musnad* (Cairo, 1895), 6:152; Muslim, *Ṣaḥīḥ*, *salām* (14:162f.). Abū ‘Ubayd, *Gharib al-hadīth*, 2:96–102, conflates the Prophet’s comment in this *hadīth* with the circumstances of the previous one, and appeals to the phrase “*min ghayr ulī l-irba*” (from Qur’ān 24:31; see below) in his interpretation without including it in the *hadīth* itself.

²⁵ Abū Dāwūd, *Sunan*, *libās*, nos. 4107–10 (4:62f.). The *isnād* is from al-Zuhri from ‘Urwa b. al-Zubayr from Ḥāfiẓa.

(*fa'alta*) after this warning to you, I will give you a painful beating, shave your head as an example, banish you from your people, and declare plunder of your property permissible to the youth of Medina! ²⁶ Amr went away, burning with a grief and shame that none but God could comprehend. When he was gone, the Prophet said, ‘Any of these rebels (*'usāh*) who dies without repenting will be gathered by God on the Day of Resurrection just as he was in this world—*mukhannath*, naked, without a fringe to cover him before people, unable to stand without falling!’”²⁷

7. A final mention of *mukhannathūn* in al-Bukhārī occurs, not in a *hadīth*, but in an opinion (*ra'y*) by al-Zuhrī (d. 125/742), added as a supplement to a number of *hadīth* on the validity of a prayer led by an *imām* of questionable orthodoxy or morals, namely, that one should pray behind a *mukhannath* only in cases of necessity.²⁸

A number of conclusions can be drawn from this *hadīth* material, and can in turn be supplemented by further information from the commentaries, much of which is conveniently brought together in the massive commentaries on al-Bukhārī’s *Sahīh* by Ibn Ḥajar al-‘Asqalānī (d. 852/1449) and al-‘Aynī (d. 855/1451). First, the *mukhannathūn* were an identifiable group of men who publicly adopted feminine adornment, at least with regard to the use of henna, and probably in clothing and jewelry as well. Al-‘Aynī quotes from al-Tabarānī (d. 360/971) the statement that in the days of the Prophet the *mukhannathūn* spoke languidly, and dyed their hands and feet (with henna), but were not accused of immoral acts (*fāhisha*)—although they sometimes played hobbyhorse (*kurraj*), a frowned-upon frivolous activity.²⁹ According to Ibn Ḥabīb (d. 238/852), “a *mukhannath* is an effeminate (*mu'an-nith*) man, even if he is not known to be guilty of immoral acts, the derivation being based on the idea of languidness in gait and in other ways.”³⁰ Later com-

mentators make less historically based, but nevertheless interesting, distinctions. Al-Kirmānī (d. 786/1384), defining a *mukhannath* as a man who imitates women in his speech and acts, distinguishes between constitutional (*khilqī*) and affected (*takallufī*) effeminacy, only the latter being blameworthy.³¹ Al-‘Aynī himself speaks specifically of imitation of women in dress and adornment (listing veils and several types of ornament as examples) and in acts, “such as languidness of body and feminine modes of speeching and walking.”³² Both al-‘Aynī and Ibn Ḥajar repeat al-Kirmānī’s distinction between involuntary and voluntary effeminacy, but go on to say that the man who is constitutionally, as opposed to affectedly, effeminate must make efforts (*takalluf*) to stop being so; if he does not do so, he becomes blameworthy, “especially if he seems to take pleasure in (his effeminacy).”³³ Al-‘Aynī further adds that “in our time” *mukhannath* means simply the passive partner in homosexual intercourse, and makes both male and female homosexual activity a more heinous extension of *takhannuth* and *tarajjul*; he also claims that the difference between *mukhannath* and *mukhannith* (generally considered simply variants) is that the first signifies “effeminate” and the second “catamite.”³⁴

On the basis of the *hadīth* themselves, we may infer that in the first/seventh century the *mukhannathūn* were sometimes, and perhaps customarily, admitted to the women’s quarters, on the assumption that they lacked sexual interest in women. “*Ghayr ulī l-irba*” in the fifth *hadīth* cited above refers to Qur’ān 24:31, where a list of persons to whom women are permitted to reveal their charms includes, besides various relatives, female slaves, male retainers who lack desire (*al-tābi'iñ ghayr ulī l-irba min al-rijāl*), and children. Al-‘Aynī glosses the phrase as “impotent” (*‘innīnī*) as well as “insensitive to women’s charms.”³⁵ Nowhere in

²⁶ Ibn Māja, *Sunan*, *ḥudūd* 38, no. 2613 (2:871f.). I have not succeeded in identifying this ‘Amr b. Murra.

²⁷ Al-Bukhārī, *Sahīh*, *adhān* 56 (1:181).

²⁸ Al-‘Aynī, *Umdat al-qārī* (Beirut: Muḥammad Amīn Damaj, 1970), 17:304; cf. Ibn Ḥajar, *Fatḥ al-bārī*, 11:248. On the *kurraj*, see F. Rosenthal, tr., *The Muqaddima of Ibn Khaldūn*, 2nd ed. (Princeton: Princeton Univ. Press, 1967), 2:404f., and note; M. Gaudefroy-Demombynes, “Sur le cheval-jupon et al-*kurraj*,” in *Mélanges offerts à William Marçais* (Paris: G.-P. Maisonneuve, 1950), 155–60.

²⁹ Al-‘Aynī, *Umdat al-qārī* 20:215; Ibn Ḥajar, *Fatḥ al-bārī* 11:248. This Ibn Ḥabīb is the Andalusian Mālikī *faqīh* and historian ‘Abd al-Malik b. Ḥabīb, not his better-known Iraqi contemporary, Muḥammad b. Ḥabīb (d. 245/860).

³⁰ Al-‘Aynī, *Umdat al-qārī* 22:42, and cf. 5:232f., 20:25. See also Ibn Ḥajar, *Fatḥ al-bārī* 2:331 and 10:248.

³¹ Al-‘Aynī, *Umdat al-qārī* 22:41; cf. Ibn Ḥajar, *Fatḥ al-bārī* 12:452.

³² Al-‘Aynī, *Umdat al-qārī* 22:41; Ibn Ḥajar, *Fatḥ al-bārī*, 11:248 and 12:452, the latter quoting al-Nawawī (d. 676/1278).

³³ Al-‘Aynī, *Umdat al-qārī* 5:232f., 20:25; cf. Ibn Ḥajar, *Fatḥ al-bārī* 2:331, 12:452. See also al-Zabīdī, *Tāj al-‘arūs* 5:240ff.

³⁴ Al-‘Aynī, *Umdat al-qārī* 20:216. Al-Tabarī, *Tafsīr* (Cairo, 1961), 19:38, gives a total of five interpretations of the phrase, including the two cited by al-‘Aynī as well as “eunuch” (*khaṣī majbūb*), “old man,” and “young slave.” The Ḥanafī *faqīh* al-Sarakhsī (d. 483/1090), in a discussion of the seclusion of women in his *Mabsūt* (Cairo: Maṭba‘at al-Sa‘āda, 1906),

the early material, however, is it implied that these *mukhannathūn* were sexually interested in males. Ibn Ḥabīb in the ninth century and al-Tabarānī in the tenth make this distinction explicitly, thereby suggesting that by their own time assumptions had changed and *mukhannathūn* were expected to be homosexually inclined.³⁵

In the *ḥadīth* of Ā’isha, the Prophet’s words imply that the *mukhannath*’s awareness of what men found attractive in women was proof of his *own* sexual interest in them, and that it is for this reason that he and those like him should be barred from the women’s quarters. The various *ḥadīth* about banishment of the *mukhannathūn*, however, go well beyond this in implying that *takhannuth* was objectionable in itself, and that the *mukhannathūn* should be banished from society altogether, not just from the women’s quarters. Only these latter *ḥadīth*, it should be noted, condemn *takhannuth* as a behavioral complex in itself. But there is apparently another factor involved. In the two *ḥadīth* of Umm Salama and Ā’isha, the *mukhannath* is not simply expressing his own appreciation of a woman’s body, but describing it for the benefit of another man;

10:158, offers three interpretations—*majbūb*, *mukhannath*, and *ablah* (“insensitive to women’s charms”)—and makes a further distinction between two kinds of *mukhannath*, stating that a man who is *mukhannath* “in evil acts (*fī l-rādī min al-af’āl*) is, like other men—indeed, like other sinners (*fus-sāq*)—prohibited from (being admitted to) women; as for the one whose limbs are languid and whose tongue has a lisp (*takassur*) by way of gentle natural constitution, and who has no desire for women and is not *mukhannath* in evil acts, some of our shaykhs would grant such a person license (*rakhhāsa*) to be with women”—on the basis of the *ḥadīth* of al-Tā’if, which al-Sarakhsī cites in a version that has the Prophet remark, “I did not realize that he was acquainted with this sort of thing,” the implication being that only Hīt’s “obscene remark” (*kalima fāhiṣha*) led to his expulsion from the women’s company.

³⁵ Al-Zabīdī (*Tāj al-‘arūs* 5:240ff.), commenting on the attempt to relate this distinction to two distinct terms *mukhannith* and *mukhannath*, states flatly that “the *takhnūth* which is an act of immorality (*fī'l-fāhiṣha*) is unknown to the (pure, original) Arabs, is not present in their language, and is not what is meant (by the word) in the *ḥadīth*.” Ibn Ḥajar (*Fath al-bārī* 15:174), discussing the *ḥadīth* prescribing exile for those exhibiting cross-gender behavior, which al-Bukhārī puts in his section on the *hudūd*, cites a legal argument for the necessity of distinguishing the *mukhannath* from the passive homosexual offender, based on the fact that the penalty for the latter, stoning, would obviate the penalty of exile.

and there is evidence, from the time of the Prophet as well as the following half century, that, because of their admission to the women’s quarters (which continued despite the Prophet’s reported disapproval), the *mukhannathūn* played a significant role as matchmakers for eligible bachelors with secluded women. In a non-canonical variant of the *ḥadīth* of Ā’isha, the Prophet’s wife asks a *mukhannath* named Annah to direct her to (*tadullunā ‘alā*, the standard verb for match-making) a suitable wife for her brother ‘Abd al-Rahmān; and al-Muhallab explains that the Prophet “only barred (the *mukhannath*) from the women’s quarters when he heard him describe the woman in this way (i.e., her belly-wrinkles) which excites the hearts of men; he forbade him (to enter) in order that he not describe (prospective) mates to people and thus nullify the point of secluding women (*al-hijāb*).”³⁶ It is not entirely clear, then, to what extent the *mukhannathūn* were punished for their breaking of gender rules in itself, and to what extent such measures were taken rather because of the perceived damage to social institutions from their activities as matchmakers and their corresponding access to women.

The second alternative is supported by the isolated *ḥadīth* in Ibn Māja, the sixth cited above, according to which the Prophet chastised ‘Amr b. Murra for making his living as an entertainment musician. This is the only *ḥadīth* to link the *mukhannathūn* with music, and at that only weakly, as ‘Amr is nowhere referred to directly as a *mukhannath*; on the other hand, the specific association of *mukhannathūn* with the tambourine (*duff*) is common in later reports, which might suggest anachronism here. If the Prophet found *takhannuth* shameful, his real quarrel with ‘Amr seems to have been the latter’s frivolity and purveyance of music, itself thought to be a corrupter of morals.³⁷ If the

³⁶ Al-‘Aynī, “*Umdat al-qārī* 20:216; Ibn Ḥajar, *Fath al-bārī* 11:250. Ibn Ḥajar adds, however, that the context gives the impression that Annah was barred also on his own account, since his words showed that he was one of the *ulū l-irba*. I have not been able to identify al-Muhallab.

³⁷ On the debates about the licitness of music, and the *ḥadīth* pro and con, see Wright, “Music and Verse,” 447; J. Robson, *Tracts on Listening to Music* (London: Royal Asiatic Society, 1938) (translation of works by Ibn Abī l-Dunyā and Ahmad al-Ghazālī); D. B. MacDonald, “Emotional Religion in Islam as Affected by Music and Singing,” *Journal of the Royal Asiatic Society* 1901: 195–252, 705–48, and 1902: 1–28 (translation of a section from Abū Ḥāmid al-Ghazālī’s *Iḥyā’ ‘ulūm al-dīn*); L. I. al-Faruqi, “Music, Musicians and Islamic Law,” *Asian Music* 17 (1985): 3–36.

mukhannathūn, or rather a few of them who took advantage of their unique social position, endangered the social fabric by breaking down appropriate barriers between men and women and inciting passions with music and with intimate descriptions of respectable ladies to perfect strangers, perhaps this would be considered reason enough for banishment.

None of our sources in fact state that Muḥammad actually banished more than two *mukhannathūn*, and there is considerable evidence that such men continued to have access to women's quarters and to describe women to other men. (On the other hand, there can be no question about the low social status of the *mukhannath*, as is clear from the second *hadīth* cited above, which imposes a punishment for use of the term as an insult.) The various sources marshalled by al-‘Aynī and Ibn Ḥajar give altogether five different names of *mukhannathūn* banished by Muḥammad, of which Hīt (or Hinb) is the one most often mentioned; a long discussion can be traced through the commentators over whether Hīt and Māti^c (or Māni^c) were two different banished *mukhannathūn* or only one with two names.³⁸ A total of six different places of banishment are mentioned as well.³⁹ A particularly elaborate version of the Tā’if *hadīth* quoted by al-‘Aynī and Ibn Ḥajar from Ibn al-Kalbī has Hīt going beyond belly-wrinkles to give a longer and more extravagant description of the woman (to which are added glosses by Abū ‘Ubayd), and the Prophet replying “You have taken too good a look, enemy of God!” and banishing him from Medina to al-Ḥimā; Ibn al-Kalbī reports further that after the Prophet’s death Abū Bakr refused to reconsider the man’s sentence, but ‘Umar was finally prevailed upon, when he had become old and sick, to permit him to enter the city once a week to beg.⁴⁰ A parallel but even more elaborate account, in which the *mukhannath* cites verses, appears in the *Aghānī*, likewise citing Ibn al-Kalbī, but making it ‘Uthmān who finally relented and permitted the weekly visits.⁴¹

³⁸ Al-‘Aynī, *‘Umdat al-qārī* 20:215; Ibn Ḥajar, *Fatḥ al-bārī* 11:247f. Besides Hīt, Māti^c, and Annah, al-‘Aynī mentions al-H.d.m and al-Hurr (*‘Umdat al-qārī* 17:304); the former appears as Harim in Ḥamza al-Isfahānī, *al-Durra al-fākhira fīl-amthāl al-sā’ira*, ed. ‘Abd al-Majid Qutāmish (Cairo: Dār al-Ma‘ārif, 1971–72), 1:182.

³⁹ Al-‘Aynī, *‘Umdat al-qārī* 17:303f., 20:215f.; Ibn Ḥajar, *Fatḥ al-bārī* 11:250.

⁴⁰ Al-‘Aynī, *‘Umdat al-qārī* 17:303f.; Ibn Ḥajar, *Fatḥ al-bārī* 11:249. This longer form of the *hadīth* with Abū ‘Ubayd’s glosses does not appear in his *Gharīb al-hadīth*.

⁴¹ Abū l-Faraj al-Isfahānī, *Kitāb al-Aghānī* (Cairo, 1323/1905–6), 2:166.

As indicated by the *Aghānī* citation, the story of Hīt also entered the *adab* tradition. Al-‘Āḥīz gives a straightforward version of it in his *Mufākharat al-jawārī wa-l-ghilmān*, as does Ibn ‘Abd Rabbih in the *al-‘Iqd al-farīd*.⁴² A longer version, similar to that in the *Aghānī* but even fuller, appears in Ḥamza al-Isfahānī’s book of proverbs, under the expression “more effeminate than Hīt (*akhnath min Hīt*)”; according to this version, Hīt was exiled to Khākh, where he remained until the days of ‘Uthmān. Ḥamza drew material from many earlier books of proverbs, and in particular from several of the *Amthāl ‘alā af’al* genre, and a wider search in both earlier and later *adab* literature would undoubtedly turn up many more (and varied) citations.⁴³

THE MUKHANNATHŪN AND MUSIC IN MEDINA: TUWAYS

Except for the reports just cited about Hīt’s later years, and the *hadīth* which report that the Prophet and ‘Umar each banished one (anonymous) *mukhannath*, we have very little information about the *mukhannathūn* after the death of Muḥammad, until the consolidation of Marwānid rule sixty years later under ‘Abd al-Malik. But from the following period we have relatively rich sources, primarily because of the importance of a number of *mukhannathūn* in the development of Arabic song in the Hijaz at this time. The *Kitāb al-Aghānī*, by far the most important of these sources, offers extensive biographies of all the leading musicians, both male and female, who contributed to this development, including two men, Tuways and al-Dalāl, who were equally celebrated as *mukhannathūn*, meriting inclusion beside Hīt in the books of proverbs under the rubric “more effeminate than.” From these biographies, supplemented by scattered information in

⁴² Al-‘Āḥīz, *Mufākharat al-jawārī wa-l-ghilmān*, in *Rasā’il al-‘Āḥīz*, ed. A. M. Hārūn (4 vols., Cairo: Maktabat al-Khānjī, 1965), 2:101; Ibn ‘Abd Rabbih, *al-‘Iqd al-farīd*, ed. A. Amin et al. (Cairo: Lajnat al-Ta’lif wa-l-Tarjama wa-l-Nashr, 1940–53), 6:105.

⁴³ Ḥamza’s version is the one reproduced in later proverb books, e.g., Abū Hilāl al-‘Askari, *Jamharat al-Amthāl*, ed. M. A. Ibrāhīm and ‘A. Qutāmish (Cairo: al-Mu’assasa al-‘Arabiyya al-Ḥadītha lil-Tab‘ wa-l-nashr wa-l-tawzī‘, 1964), 1:435f.; al-Maydānī, *Majma‘ al-Amthāl* (Beirut: Dār al-Qalam, n.d.), 1:249f.; al-Zamakhsarī, *al-Mustaṣqā fī l-amthāl* (Hyderabad: Majlis Dā’irat al-Ma‘ārif al-‘Uthmāniyya, 1962), 1:111f. This “long” version also appears (minus the poetry) in al-Ābī, *Nathr al-durr* (Cairo: al-Hay‘a al-Miṣriyya al-‘Āmma lil-Kitāb, 1980–), vol. 5, ed. M. I. ‘Abd al-Rahmān, 1:292, and in Ibn al-Athīr, *al-Kāmil fī l-ta’rīkh*, ed. C. J. Tornberg (Leiden: Brill, 1868), 2:268.

other *adab* works, it is possible to draw a rather fuller picture of the *mukhannathūn* in general, especially in Medina.

Tuways,⁴⁴ the older of the two, was celebrated not only for his music and his *takhannuth*, but also as a jinx—thus meriting a second entry in the proverb books, under the rubric “more unlucky than Tuways (*ash'am min Tuways*).” The explanation given of this (with a number of variants) is that he was born the day the Prophet died, weaned the day Abū Bakr died, circumcised the day ‘Umar was killed, married the day ‘Uthmān was killed, and blessed with his first child the day ‘Alī was killed.⁴⁵ Born in the year 10/632, he died, according to Ibn Khallikān, in 92/711, at the age of 82 (lunar).⁴⁶ According to most accounts, his name was Abū ‘Abd al-Mun‘im ‘Isā b. ‘Abdallāh, Tuways (“little peacock”) being a nickname (*laqab*).⁴⁷ While the various *mukhannathūn* mentioned from the time of the Prophet in the *hadīth* all have regular given names (*asmā'*), albeit mostly quite unusual ones, after Tuways the adoption of fanciful *laqabs* seems to have become standard practice among the *mukhannathūn* of Me-

⁴⁴ He has, uniquely and inexplicably, two biographies in the *Aghānī* (2:164–72, 4:37–39). Despite the fact that the former gives his real name as ‘Isā, while according to the latter it was Tāwūs, the general congruence of the two accounts rules out the possibility that they refer to two different people.

⁴⁵ Al-Mufaddal b. Salama, *al-Fākhir*, ed. C. A. Storey (Leiden: Brill, 1915), 85; Hamza al-Isfahānī, *al-Durra al-fākhira* 1:185f.; Abū Hilāl al-‘Askarī, *Jamharat al-amthāl* 1:436f.; al-Thālibī, *Thimār*, 145f.; al-Maydānī, *Majma‘ al-amthāl* 1:258f.; al-Zamakhsharī, *al-Mustaqṣā* 1:109f. See also *Aghānī* 2:165, 4:38, and the biographies in Ibn Khallikān, *Wafayāt al-a‘yān*, ed. I. ‘Abbās (Beirut: Dār Ṣādir, n.d.), 3:506f.; al-Nuwayrī, *Nihāyat al-arab* (Cairo: al-Mu‘assasa al-Miṣriyya al-‘Āmma lil-ta‘lif wa-l-tarjama wa-l-tibā'a wa-l-nashr, n.d.), 4:246–49; al-Kutubī, *Fawāt al-wafayāt*, ed. I. ‘Abbās (Beirut: Dār Ṣādir, n.d.), 2:137f.; and al-Safadī, *al-Wāfi bil-wafayāt*, vol. 16, ed. W. al-Qādī (Wiesbaden: Franz Steiner, 1982), 501f., with further references to later biographical works.

⁴⁶ Ibn Khallikān, *Wafayāt al-a‘yān* 3:506, repeated in al-Kutubī, *Fawāt al-wafayāt* 2:137, both without indication of source. According to *Aghānī* 2:166, he died in the caliphate of al-Walīd (86–96/705–15).

⁴⁷ *Aghānī* 2:164. But according to *Aghānī* 4:37, his real name was Tāwūs, and Hamza, *Durra* 1:185, also gives him the name Tāwūs, changed to Tuways “*lammā takhannatha*” (so also in al-Jawharī, *Sīhāh*, 941f.). A very brief notice in Ibn Qutayba, *Ma‘ārif*, 322, says his name was ‘Abd al-Malik. Ibn Khallikān, *Wafayāt* 3:506, notes these variant reports.

dina. The other *mukhannathūn* are said also to have changed Tuways’s *kunya* to Abū ‘Abd al-Na‘īm, apparently in reference to the frivolity and hedonism normally associated with the *mukhannath*. Tuways was a client (*mawlā*) of the Banū Makhzūm;⁴⁸ *mawlā* status seems in fact to have been usual among *mukhannathūn* both earlier and later.

According to the *Aghānī*, Tuways was the first of the *mukhannathūn* to sing “art music” (? *ghinā'* *mutqan*), and the first person to compose in the “lighter” rhythms of *hazaj* and *ramal* in Islam—in fact, he is mentioned in yet a third proverbial expression, “better at *hazaj* than Tuways (*ahzaj min Tuways*).”⁴⁹ Elsewhere, Abū l-Faraj reports rather that Tuways was the first person to sing in Arabic in Medina, and also the first to flaunt publicly his effeminacy (? *alqā' l-khanath*) there; or again that he was the first in Medina to sing in measured rhythm (*ghinā'* *yadkhulu fī l-iqā'*).⁵⁰ Al-Nuwayrī in his *Nihāyat al-arab* attempts to rework the information provided in the *Aghānī* on early Arabic song into a rough chronology, which he begins with three men, naming Sa‘īd b. Misjah, a black *mawlā* in Mecca, and Sā‘ib Kāthir, a *mawlā* who settled in Medina, as well as Tuways.⁵¹ The first two, neither of whom is ever called a *mukhannath*, are said to have been active in the days of Mu‘āwiya (41–60/661–80). All three men trained pupils who were to become the leading musicians of the next generation. They differed from one another in the instruments they employed, as well as in their styles of music, although the exact meanings of the technical terms specifying these styles are difficult to interpret.⁵² Sā‘ib Kāthir introduced the *ūd* to Medina, while Tuways relied exclusively on the *duff*, a

⁴⁸ Ibn Qutayba, *Ma‘ārif*, 322 (see previous note) makes him a *mawlā* of Arwā bt. Kurayz, the mother of the caliph ‘Uthmān.

⁴⁹ *Aghānī* 4:37. There is probably a reference to a particular vocal quality or technique here; E. W. Lane defines *hazij* as “a singer . . . who prolongs his voice, with trilling, or quavering, making the sounds to follow close, one upon another” (*An Arabic-English Lexicon* [Cambridge: Islamic Texts Society, 1984], s.v.).

⁵⁰ *Aghānī* 2:165. For other versions of Tuways as “first” singer see Ibn ‘Abd Rabbīhi, *Iqd* 6:27; al-Bayhaqī, *al-Maḥāsin wa-l-masāwī*, ed. M. A. Ibrāhīm (Cairo: Maktabat Nahḍat Miṣr, n.d.), 2:71; Hamza, *Durra*, 1:185; Abū Hilāl al-‘Askarī, *Kitāb al-Awā'il*, ed. M. al-Miṣrī and W. Qaṣṣāb (Damascus: Wizārat al-Thaqāfa wa-l-Irshād al-Qawmī, 1975), 2:161–66.

⁵¹ Al-Nuwayrī, *Nihāya* 4:239–48.

⁵² See Wright, “Music and Verse,” 435–44.

square tambourine, and sang “lighter” songs, both characteristic of later *mukhannathūn* as well. One of Sā’ib Kāthir’s pupils, ‘Azza al-Maylā^c, is called by Abū l-Faraj the first woman to sing in measured rhythm (? *al-ghinā’ al-mūqā’*) in the Hijaz; although she is also said to have sung the songs of the earlier slave girls (*aghānī al-qiyān min al-qadā’im*), none of the names mentioned of the latter recur elsewhere in the *Aghānī*.⁵³ In general, while our contradictory sources do not give us a clear picture of the earliest developments of Arabic song, these indications seem to offer little support for a chronological progression of singers from women to *mukhannathūn* to other men, as suggested by Wright.⁵⁴

Music was very much part of the frivolity and high living which our sources describe in the Holy Cities in the years after the final defeat of Ibn al-Zubayr, and of which the poet ‘Umar b. Abī l-Rabī^ca is the best-known representative.⁵⁵ Bon vivants such as ‘Abdallāh b. Ja‘far b. Abī Ṭālib and, especially, Ibn Abī ‘Atīq, a great-grandson of the caliph Abū Bakr, patronized musicians, and defended music against the strictures of the pious, as well as those of the caliph himself and his governors in Medina.⁵⁶ While some anecdotes indicate a general disapproval of singing by the aristocracy (*ashrāf*) of the city, numerous others tell of Tuways being asked to sing by groups of young men (*fityān*) from Quraysh, apparently his most appreciative audience; there seems to have been a generational split on the question. These young men sometimes invited Tuways to entertain them at pleasure parties in the “parks” (*muntazahāt*) outside Medina. They seem to

have appreciated his wit and charm as much as his music, but held more mixed opinions about his *takhan-nuth*. Here is how one authority describes him:⁵⁷

A group of people in Medina were one day talking about the city, and Tuways’ name came up for discussion. One man said, “If you had seen him, you would have been impressed by his knowledge, his elegance, his singing, and his skill with the *duff*. He could make a bereaved mother laugh!” But another said, “Still, he was ill-omened”—and he told the story of his birth, etc. . . .—“and, on top of that, he was a *mukhannath*, who would try to trip us up and make us stumble.⁵⁸ He was tall, ungainly, and wall-eyed.” Then another, from the midst of the group, said, “If he was as you say, he was nevertheless diverting, astute, respectful to anyone who treated him with appropriate politeness, and quick to be of service; but he refused to listen to anyone who granted him less than equal respect. He was a great partisan of his patrons, the Banū Makhzūm, and their allies among the Quraysh, but behaved peaceably toward their enemies and avoided provoking them. One cannot blame someone who speaks with knowledge and astuteness. ‘Blame to the wrong-doer, and the initiator does more wrong!’” Yet another said, “If what you say is true, then the Quraysh should have crowded around him, enjoyed his company, eagerly listened to his speech, and clamored for his singing. His downfall was his *khunth*; were it not for that, there is not one of the Quraysh, or the Ansār, or anyone else, who would have failed to welcome him.”

⁵³ *Aghānī* 16:12f.

⁵⁴ For attempts to reconstruct the earliest period of Arabic music, see H. G. Farmer, *A History of Arabian Music* (London: Luzac, 1929); N. Asad, *al-Qiyān wal-ghinā’ fī l-‘asr al-jāhili* (Cairo: Dār al-Ma‘ārif, 1969); A. Shiloah, “Music in the Pre-Islamic Period As Reflected in Arabic Writings of the First Islamic Centuries,” *Jerusalem Studies in Arabic and Islam* 7 (1986): 109–20.

⁵⁵ See R. Blachère, *Histoire de la littérature arabe des origines à la fin du XV^e siècle de J.-C.* (Paris: Adrien-Maisonneuve, 1952–66), 661–716; Dayf, *al-Shi‘r wal-ghinā’ fī l-Madīna wa-Makka li-‘asr Banī Umayya*; J.-Cl. Vadet, *L’Esprit courtois en Orient dans les cinq premiers siècles de l’Hégire* (Paris: G.-P. Maisonneuve et Larose, 1968), 61–158.

⁵⁶ See, for example, Ibn ‘Abd Rabbihī, *Iqd* 6:55f.; also al-Mubarrad, *al-Kāmil fī l-lugha wa-l-adab* (Beirut: Mu‘assasat al-Ma‘ārif, 1985), 1:380; Ibn ‘Abd Rabbihī, *Iqd* 6:49f.; al-Huṣrī, *Jam‘ al-jawāhir*, ed. ‘A. M. al-Bijāwī (Cairo: ‘Isā al-Bābī al-Ḥalabī, 1953), 54f.; *Aghānī* 8:9f.

Another anecdote shows a similar difference of opinion, as well as illustrating Tuways’ sharp tongue. ‘Abdallāh b. Ja‘far was enjoying a spring evening with some companions in the *muntazah* of al-‘Aqīq, when they were overtaken by a shower. He proposed that they take refuge with Tuways, near whose residence they were standing, and enjoy his conversation, but ‘Abd al-Rahmān b. Ḥassān b. Thābit objected, saying, “With all due respect, what do you want with Tuways? He is under the wrath of God, a *mukhannath* whom it is shameful to know.” ‘Abdallāh replied, “Don’t say that! He is a witty, delightful person, and will give us good company.” Overhearing this conversation, Tuways instructed his wife to cook a goat and ran to invite the party in. After serving them a princely dinner,

⁵⁷ *Aghānī* 2:165.

⁵⁸ *Yakīdūnā wa-yātlubu ‘atharātīnā*. On the *kayd* or *kiyād* of the *mukhannathūn*, see note 135 below.

he offered to sing and dance for the company, and was encouraged to do so. They were delighted with his song and praised its verses, but then Tuways asked them if they knew who had composed them. When they said no, he revealed that they were love verses written by Hassān b. Thābit's sister about a prominent Makhzūmī, and thus took his revenge on 'Abdallāh b. Hassān b. Thābit, who was mortified.⁵⁹

Tuways showed himself more conciliatory in a similar account, which links him with the earlier *mukhannath* Hīt. With an audience that included the son of 'Abdallāh b. Abī Umayya, to whom Hīt had made his unfortunate matchmaking proposal, Tuways sang the very verses with which Hīt had praised the proposed bride of al-Tā'if. Although pressed to stop, Tuways insisted on completing the song, but then promised 'Abdallāh's son that he would never sing it again if it angered him. Abū l-Faraj links these two anecdotes by making Hīt the *mawlā* of 'Abdallāh and suggesting that Tuways owed his *khunth* in some way to association with Hīt.⁶⁰

Our sources offer very little information on the outward manifestations of this *takhannuth*. Perhaps relevant here is a joke in Ibn Qutayba's *Kitāb al-Ma'ārif*, according to which Tuways was seen performing the pilgrimage rite at Minā of throwing stones at a stone representing the devil—but he had coated the stones with sugar and saffron. Questioned on this, he replied, "I owed the devil a favor, and I'm making up for it."⁶¹ More concrete are two accounts which associate *takhannuth* with irreligion and frivolity, and show an ambivalence toward it on the part of the government similar to that it displayed toward music. When Yahyā b. al-Hakam was 'Abd al-Malik's governor over Medina (75–76/694–95),⁶² he noticed a suspicious-looking character and had him hauled before him. The man

had the appearance of a woman: he was wearing fine dyed garments, and had dressed his hair and applied henna to his hands. He was identified to the governor as Ibn Nughāsh the *mukhannath*. The governor said, "I doubt that you ever read the Qur'ān! "⁶³ Ibn Nughāsh replied, "O Father, if I knew the mother, I would know the daughters!" Outraged at this irreverence, Yahyā had him executed, and put a bounty of three hundred dirhams on the other *mukhannathūn*. The narrator subsequently found Tuways entertaining a party. Informed of the news, Tuways sang verses deriding the governor, and complained that he had not had a higher bounty placed on him than did the others.⁶⁴

We hear no more about this policy or its effect on the *mukhannathūn*, and a year later Yahyā b. al-Hakam was replaced by Abān b. 'Uthmān.⁶⁵ As the latter approached Medina to take up his office, the townspeople and their leaders went out to meet him. Tuways was among them, and when he saw Abān he said, "O amīr, I swore to God that if I saw you become amīr I would dye my hands and arms with henna up to the elbows and strut with my tambourine," and proceeded to do so, delighting the new governor with his singing. The latter cried, "Enough, Tāwūs!" addressing him by the non-diminutive form of his *laqab* out of respect. He seated Tuways beside him, then said, "They claim you are an unbeliever." Tuways replied with the confession of faith and the assertion that he observed the five prayers, the fast of Ramaḍān, and the pilgrimage. When the governor (tactlessly?) asked Tuways whether he or the governor's (elder) brother 'Amr was older, he replied, "I was trailing at the heels of the women of my people who accompanied your blessed mother's wedding procession to your good father."⁶⁶

All of this anecdotal material is too riddled with variants and chronological improbabilities to warrant belief in the historicity of any single account. A variant of the bounty story, for example, is assigned by Ibn al-Kalbī to the much earlier governorship of Yahyā's

⁵⁹ *Aghānī* 2:167, followed by another version, which also appears in Ibn 'Abd Rabbīhi, *Iqd* 6:28f. The story may hinge in part on political rivalries between the Anṣār, among whom the family of Hassān b. Thābit was prominent, and the Banū Makhzūm (of whom Tuways was a *mawlā*). Cf. a similar anecdote in Ibn 'Abd Rabbīhi, *Iqd*, 6:29; Ibn Qutayba, *Uyūn al-akhbār*, ed. Y. 'A. Ṭawīl (Beirut: Dār al-Kutub al-'Ilmiyya, 1986), 1:441f.; idem, *Ma'ārif*, 294.

⁶⁰ *Aghānī* 2:167. The text is obscure and possibly corrupt: "wa-kāna Hīt mawlan li-'Abdallāh . . . wa-kāna Tuways lahu fa-min thamma qīla (l. qabilā) al-khunth. 'Abdallāh b. Abī Umayya was a Makhzūmī.

⁶¹ Ibn Qutayba, *Ma'ārif*, 322. For other versions of this story, see p. 685 below.

⁶² Al-Ṭabarī, *Ta'rīkh al-rusul wal-mulūk* (Cairo: Dār al-Ma'ārif, 1960–69), 6:202, 209, 256.

⁶³ That is, the first *sūra*.

⁶⁴ *Aghānī* 2:166.

⁶⁵ Governor from 76/695 to 82/701; see al-Ṭabarī, *Ta'rīkh* 6:256, 355.

⁶⁶ *Aghānī* 4:38; cf. Ibn 'Abd Rabbīhi, *Iqd* 2:424, 4:27f. Al-Jāhīz mentions the last part of this anecdote, pointing out Tuways' delicacy in avoiding the (expected?) locution "your good mother" (and "your blessed father"), which could be taken as a double entendre (*al-Bayān wa-l-tabyīn*, ed. A. M. Hārūn [Cairo: Maktabat al-Khānjī, n.d.], 1:263f.; cf. idem, *al-Hayawān*, ed. A. M. Hārūn [Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1965–69], 4:58).

brother Marwān, under the caliph Mu‘āwiya, and Ibn al-Kalbī claims that at that time Tuways went into self-imposed exile at al-Suwaydā’, two nights’ journey north of Medina, where he spent the rest of his life.⁶⁷ Compatible with this is Ibn al-Kalbī’s version of the account of the verses by Ḥassān b. Thābit’s sister, which makes Ḥassān’s grandson Tuways’ target, and sets the scene at al-Suwaydā’, under the governorship of ‘Umar b. ‘Abd al-‘Azīz (87–93/706–12).⁶⁸ Despite such inconsistencies, however, I think we can accept the general picture drawn of Tuways, as the most prominent example, and perhaps in some sense leader, of a group of male professional musicians who publicly adopted women’s fashions and were appreciated by many for their wit and charm as well as their music, but were disapproved of by others who, in varying degrees, saw their music, their *takhannuth*, and their flippant style as immorality and irreligion. They were also subject to varying degrees of repression by the state. References to a role as matchmaker are lacking in the case of Tuways, as are any references to homosexuality, or indeed to sex at all.⁶⁹ It may be noted in passing that Tuways is reported to have married and fathered children.⁷⁰

OTHER MUKHANNATH MUSICIANS IN MEDINA AND MECCA

A lengthy anecdote in Abū l-Faraj’s biography of the songstress Jamīla, while historically implausible (as he himself points out), illustrates the role of the *mukhan-*

⁶⁷ *Aghānī* 2:166; the other *mukhannath* is here named al-Nughāshī, and the bounty specified as ten dinars. According to Yāqūt, *Mu‘jam al-buldān* (Beirut: Dār Ṣādir, n.d.), 3:228, Tuways died and was buried in Suqyā al-Jazl, a place somewhere near the Wādī al-Qurā, north of Medina; cf. idem, *al-Mushtarak*, ed. F. Wüstenfeld (Göttingen: Dieterichschen Verlag, 1846), 250, and Ibn Khallikān, *Wafayāt* 3:507.

⁶⁸ *Aghānī* 2:168, and Ibn ‘Abd Rabbihī, *Iqd* 6:28f.; cf. note 59 above. An appended report asserting that these verses were by “Ibn Zuhayr *al-mukhannath*” (rather than Ḥassān’s sister herself?) is probably garbled from an attribution of the song to this Ibn Zuhayr; cf. Ibn Khurradādhbih, *Mukhiṭār Kitāb al-Lahw wa-l-malāḥī*, ed. A. Khalīfī, in *al-Machriq* 54 (1960): 151, where the verses, attributed to Ḥassān’s sister, are quoted as a famous song by the Medinese *mukhannath* Ṣāliḥ b. Zuhayr al-Khuza‘ī. On ‘Umar b. ‘Abd al-‘Azīz’s tenure as governor of Medina and Mecca, see al-Ṭabarī, *Ta’rīkh* 6:427, 481f.

⁶⁹ A single exception will be dealt with below, p. 686.

⁷⁰ In the story of his *shu‘m*. The anecdote with ‘Abdallāh b. Ja‘far and ‘Abd al-Rahmān b. Ḥassān b. Thābit also refers to his wife (*Aghānī* 2:167).

nathūn of Medina as a distinct group among the musicians of the Hijaz, while never using the word. Jamīla was a Medinese who owed her start in the profession to being a neighbor of Sā‘ib Kāthir, and became the principal teacher of Ma‘bad, the most famous singer of the next generation.⁷¹ According to the story,⁷² she once went on pilgrimage, taking with her all the principal Medinese singers, of both sexes, as well as the principal poets and other luminaries, including Ibn Abī ‘Atīq. Arriving in Mecca in grand procession, these were met by an equally dazzling assemblage of the most famous musicians and poets in that city, including in particular ‘Umar b. Abī Rabī‘a. After performing the pilgrimage rites, Jamīla was asked to organize a concert (*majlis lil-ghindā*), but refused to mix the serious and the frivolous (*jidd* and *hazl*). ‘Umar b. Abī Rabī‘a then resolved to return with her to Medina, and in the event all the prominent Meccans joined the Medinese on their return, in a yet statelier procession than the first. ‘Umar then arranged for all to convene at Jamīla’s house for three days of song.⁷³

Jamīla opened the proceedings by singing some verses by ‘Umar, and then called on the other singers, one by one. On the first day, thirteen male singers performed, Meccans alternating with Medinese. On the second day, it was the turn of “Tuways and his companions.” All these were Medinese, whose names were included in the earlier list of participants in the pilgrimage procession, but grouped separately from the other Medinese male musicians. The eight names given are: Hīt, Tuways, al-Dalāl, Bard al-Fu‘ād (“coolness/contentment of the heart”), Nawmat al-Duḥā (“morning nap”), Qand (“candy”),⁷⁴ Rahma, and Hibat-allāh. Tuways was called on to sing first, then al-Dalāl. Hīt was exempted on account of his advanced age. (This detail is apparently a concession to chronological plausibility, despite the otherwise drastic chronological telescoping of the story.) Then Bard al-Fu‘ād and Nawmat al-Duḥā performed together, and the last three as a group. Finally, on the third day, eleven women performed, and the grand occasion closed with a song sung by all in unison.

Although they are nowhere in this account so identified, the singers of the second day undoubtedly represent the *mukhannathūn* of Medina. All but two of

⁷¹ *Aghānī* 7:118ff.; *EI* 2, s.v. “Djamīla.”

⁷² *Aghānī* 7:128–33; cf. al-Nuwayrī, *Nihāya* 5:44ff.

⁷³ From the *Aghānī*’s statement that, at the end of the first day’s concert, the *‘āmma* left, while the *khāṣṣa* remained, it appears that this was a public event.

⁷⁴ This *laqab* is, however, probably to be emended to the *ism* Find; see below, p. 687, n. 124.

them are in fact so described in other sources, and the gratuitous and anachronistic inclusion of Hīt, who is nowhere else associated with music and even here does not sing, confirms that *takhannuth* is essential to the identity of these musicians as a distinct group.⁷⁵ Their placement between the other men and the women is certainly a reflection of their ambiguous gender status, although one version of the story has it that Jamīla had “Tuways and his companions” and “Ibn Surayj and his companions” draw lots for the first day, with the latter winning.⁷⁶ Noteworthy, too, is the fact that the *mukhannathūn*, like the women, are known by nicknames (*alqāb*), in contrast to all but one of the other men, suggesting that the *mukhannathūn* shared with the women the kind of inferior status which permitted relative familiarity in address and general social intercourse.

The one participant from the first day who is known by a *laqab*, al-Gharīd, was, however, apparently also a *mukhannath*—as was, according to some accounts, his master Ibn Surayj.⁷⁷ Their participation on the first day, rather than the second, would seem to rule out a distinction between the two groups exclusively on the basis of *takhannuth*; on the other hand, both men were Meccans, and our sources give no indication of the existence in Mecca of any wider, high-profile group of *mukhannathūn*, musical or otherwise, comparable to what we hear of in Medina. The concocter of the Jamīla anecdote may simply have been unaware of reports of the *takhannuth* of Ibn Surayj and al-Gharīd (which does not loom very large in their biographies in the *Aghānī*); or, plausibly, the *mukhannathūn* of Medina may have developed a musical style that set them apart from the other male musicians, one which the Meccan *mukhannathūn* did not share.

There is in any case evidence that the songs of the *mukhannathūn* were, in some way, recognizable as such. Tuways’ preference for the *duff* and for the “lighter” rhythms of *hazaj* and *ramal* was shared by al-Dalāl, in particular, as well as his other *mukhan-*

⁷⁵ All these names are attested also in other anecdotes, except Rahma (who appears as “Zujja” [?] in the parallel to this account in al-Nuwayrī).

⁷⁶ This version is juxtaposed by the *Aghānī* with another version that has Tuways protesting Jamīla’s organization of the event and, by implication, his and his companions’ relegation to the second day. As in the anecdotes cited above, Tuways seems here to be insisting, against widespread prejudice, on his equality of status with other men.

⁷⁷ *Aghānī* 1:95, 105, 2:125ff.

nathūn pupils. In a sequel to the account of Tuways’ impudent singing before ‘Abd al-Rahmān b. Ḥassān of verses by his aunt, Tuways, al-Dalāl, and an otherwise unknown *mukhannath* named al-Walīd are said to have been together at a wedding when ‘Abd al-Rahmān arrived. Seeing them, the latter said, “I will not sit in company that includes these.” But when Tuways acknowledged his earlier offense, and al-Dalāl lightened the atmosphere with a song in *hazaj*, accompanied by all three *mukhannathūn* on their tambourines, ‘Abd al-Rahmān agreed to stay.⁷⁸ In another anecdote, Ibn Abī ‘Atīq praises specifically al-Dalāl’s “light” (*khafīf*) rendition of some verses by al-Āḥwās, as opposed to the “heavy” style (*thaqīl*).⁷⁹ Less clear is the statement that al-Dalāl sang only “doubled” songs (*ghinā’ muḍāqaf*), glossed in our source as “*kathīr al-amal*” (carefully composed? complex?).⁸⁰ But a special “*mukhannath*” style of singing does seem to be implied by another anecdote; praised for his setting of verses by al-Νābigha, in which he is said to have outdone Ibn Surayj, al-Dalāl responded, “And there is in it something yet greater than that!” and when asked what, replied, “Reputation (*sum‘a!*)! Anyone who hears this will know that it is by a *mukhannath* in truth!”⁸¹ A full generation later, in the early ‘Abbāsid period, *mukhannathūn* were still associated with *hazaj* and with the *duff*.⁸²

Where the two Meccan *mukhannathūn*, Ibn Surayj and al-Gharīd, fit in this picture is unclear. According

⁷⁸ *Aghānī* 4:65.

⁷⁹ This anecdote appears in many sources, with numerous variants; it is usually presented as a sequel to the castration story discussed below. See al-Mubarrad, *Kāmil* 1:395f.; Ibn ‘Abd Rabbīhi, *Iqd* 6:50; Ḥamza, *Durra* 1:188; *Aghānī* 4:62 (two versions, one of which opposes *hazaj* rather than *khafīf* to *thaqīl*); Abū Āḥmad al-‘Askarī, *Sharḥ mā yaqūfi fihi l-tashīf wa-l-tahrīf*, ed. S. M. Yūsuf (Damascus: Majma‘ al-Lughā al-‘Arabiyya, 1978), 1:54–56; al-Ābī, *Nathr al-durr*, vol. 7, ed. U. Büğhānimī (Tūnis, 1983), 221; al-Ḥuṣrī, *Jam‘ al-jawāhir*, 51; al-Maydānī, *Majma‘ al-amthāl* 1:251.

⁸⁰ *Aghānī* 4:59.

⁸¹ *Aghānī* 4:63.

⁸² *Aghānī* 6:64; 4:169f. In his *Gharīb al-hadīth* (3:64), Abū ‘Ubayd refers to the *duff* as “that which women beat,” but does not mention *mukhannathūn*; on the other hand, the association of the latter with the *duff* is still attested in the fifth/eleventh century by al-‘Utbī, who describes captives after a defeat being met in Bukhara by *makhānīth* bearing *duffūs* and spindles (al-Manīnī, *Sharḥ al-Yamīnī* [Cairo: Jam‘iyyat al-Ma‘ārif, 1869], 1:139).

to one account in the *Aghānī*, both men began as professional lamenters (*nā’ih*), an activity traditionally restricted to women. Confronted with the younger al-Gharīd’s competition, Ibn Surayj switched to conventional singing (*ghinā’*), but then al-Gharīd followed suit. Another version reports that Ibn Surayj, noting the similarity of al-Gharīd’s singing style to lamentation (*nawh*), himself turned to (the lighter) *ramal* and *hazaj*. Accused then by al-Gharīd of corrupting song, he retorted, “You, you *mukhannath*—may you sing laments over your mother and father—you say this to me!” and swore to sing the “heaviest” song ever heard. Both men, it should be noted, performed with the *ūd*, unlike the *mukhannathūn* of Medina.⁸³

Apart from questions of musical style, additional information on the appearance and behavior of the *mukhannathūn* is offered by our sources in their biographies of al-Dalāl, the third *mukhannath*, after Hīt and Tuways, whom the Medinese included among the sophisticates (*zurafā’*) and wits (*ashāb nawādir*) to whom they pointed with pride.⁸⁴ Al-Dalāl’s real name was Nāfid, his *kunya* was Abū Yazīd, and like his master Tuways he was a *mawlā*.⁸⁵ The *laqab* al-Dalāl (“coquetry”) is explained as referring to his physical beauty and the charm of his manner; but the wit which constituted much of the latter was often crude, and he

was also criticized in some quarters for his profligacy (*mujūn*) and flippancy (*safah*).⁸⁶ A story that he farted during prayers and said, “I praise Thee fore and aft!” is typical; according to another account, when the *imām* recited, “And why should I not serve Him Who created me?”⁸⁷ he said, “I don’t know,” and caused most of the assembled worshippers to laugh and invalidate their prayer.⁸⁸

More serious, in the eyes of some, were al-Dalāl’s activities as a go-between, about which we have a number of anecdotes (in notable contrast to Tuways).⁸⁹ While some of these stories, such as the account of his role in the marriage of ‘Abdallāh b. Ja‘far’s daughter to the governor al-Hajjāj b. Yūsuf,⁹⁰ imply no impropriety, others depict al-Dalāl as encouraging immodesty and immorality among women. Of particular interest is one which mentions al-Dalāl as a close associate to two of the most profligate women in Medina (they are said to have indulged in horse-racing and while riding to have shown their ankle-bracelets), one of whom was the daughter of Yaḥyā b. al-Ḥakam. When Yaḥyā’s brother Marwān, the governor, was instructed by the caliph Mu‘āwiya to do something about his niece’s behavior, he used trickery to bring about her death. He also pursued al-Dalāl, who fled to Mecca. There he was reproached by the women, who said, “After killing the women of Medina you have come to kill us!” He retorted, “Nothing killed them but the Tempter(?)!”⁹¹ When they warned him with threats to stay away from them, he said, “Who then will diagnose your illness and know where to find the proper

⁸³ *Aghānī* 1:95–97, 124f.; according to some reports, Ibn Surayj’s instrument was the *qaḍīb*, a percussion instrument. I am not sure of the implications of the reply by Ibrāhīm al-Mawṣilī (d. 188/804) to the question who was the best singer, “Of the men, Ibn Muhriz, and of the women, Ibn Surayj” (*Aghānī* 1:96); another version of this story adds that “It is said that the best male singers are those who imitate (*ta-shabbaha bi-*) women, and the best female singers are those who imitate men” (*Aghānī* 1:119). It would be tempting to speculate that the *mukhannathūn* sang in falsetto, but I have found no evidence for this; from a century later we are told that Ibrāhīm al-Mawṣilī’s son Ishāq (d. 235/850) compensated for some natural defect in his voice by inventing the technique of *takhnīth*, which E. Neubauer translates “Kopfstimme”; see *Aghānī* 5:75, 96, and E. Neubauer, *Musiker am Hof der frühen Abbāsiden* (Frankfurt am Main: Diss. J. W. Goethe-Universität, 1965), 25.

⁸⁴ *Aghānī* 4:59.

⁸⁵ *Aghānī* 4:59; Ḥamza, *Durra* 1:186. Variants in: Ibn Khurradādhbih, *Mukhtār* 149 (Abū Zayd Nāfid); al-Maydānī, *Majma‘* 1:251 (Abū Zayd Nāfidh); al-Zamakhsharī, *Mustaqṣā* 1:109 (Abū Yazīd Nāfidh); al-Nuwayrī, *Nihāya* 4:298 (Abū Zayd Nāqid).

⁸⁶ *Aghānī* 4:59, 64.

⁸⁷ Qur‘ān 36:22.

⁸⁸ *Aghānī* 4:62, 64.

⁸⁹ The possibility of vocalizing his *laqab* as al-Dallāl, “marriage broker,” is ruled out implicitly by the *Aghānī* (see note 85) and explicitly by Ibn Mākūlā, *al-Ikmāl* (Hyderabad: Majlis Dā’irat al-Ma‘ārif al-‘Uthmāniyya, 1962), 3:343–46, and Ibn Ḥajar, *Tabṣīr al-muntabīh*, ed. ‘A. M. al-Bijāwī (Cairo: al-Mu‘assasa al-Miṣriyya al-‘Āmma lil-Ta‘līf wa-l-Anbā’ wa-l-Nashr, n.d.), 564. The proverb books (Hamza, Abū Hilāl al-‘Askarī, al-Maydānī, al-Zamakhsharī) give the *laqab* without the article.

⁹⁰ *Aghānī* 4:70. The marriage was short-lived; see *Aghānī* 13:102f. Al-Hajjāj was governor of Medina in 74–75/693–94; see al-Ṭabarī, *Ta’rīkh* 6:195, 202, 209.

⁹¹ *Al-Hakkāk*, literally, “scratcher.” The lexica define *ḥakkākāt* as the devil’s whisperings in the heart. Perhaps the correct reading is simply *al-ḥukkām*, “the authorities.”

treatment? By God, I have never been guilty of fornication, nor of submitting to a fornicator! I have no desire for what the men and women of your city lust after!"⁹²

Al-Dalāl seems here to be referring to his activity as a go-between, while absolving himself of responsibility for its consequences. His claims about his own behavior are less clear. He might mean that he has neither committed nor been tempted by illicit sexual conduct; or that he lacks sexual desire altogether,⁹³ or, indeed, that he had nothing to do with specifically heterosexual, as opposed to homosexual, behavior.⁹⁴ All of these alternatives are compatible with the statement that al-Dalāl "adored women and loved to be with them; but any demands (by them for his sexual favors) were in vain."⁹⁵ But it is the third—an exclusively homosexual orientation—which is supported by another story, set at the time of the caliph Hishām's pilgrimage to Mecca.⁹⁶ One of Hishām's Syrian commanders, lodged in Medina near al-Dalāl's home, overhears his singing and accepts an invitation to visit him, bringing along two servant boys. He is ravished by al-Dalāl's first song, but the latter refuses to sing another until he agrees to sell him one of the boys, which he does with alacrity. The commander then tells al-Dalāl, whom he calls a "beautiful man" (*ayyuhā l-rajul al-jamīl*), that he is looking for a slave-girl of a particular—and very voluptuous—description. Al-Dalāl replies, "I have just

the girl!" and offers to arrange a viewing, in return for being made a gift of the other boy, to which the commander again agrees with alacrity. Al-Dalāl then goes to one of the respectable ladies of Medina and asks her help, describing his infatuation with the two servant boys and maintaining that only her daughter fits the commander's description; there is no real danger involved, since the second boy is to be given up after a viewing of the girl, not after the sale. The commander is allowed to see the girl, naked, and touch her; but when he makes a specific offer, the mother reveals her identity and that of her daughter and heaps scorn on the commander as a typical representative of the "crudeness of the Syrians" (*ghilaż ahl al-Shām wa-jafā'uhum*).⁹⁷

More explicit testimony to this aspect of al-Dalāl's shameless behavior (*mujūn*) comes from an account of his accompanying a party of young men of Quraysh on one of their pleasure excursions outside the city.⁹⁸ Among them was a good-looking boy to whom al-Dalāl was attracted. This attraction was noticed by the party, who congratulated themselves, saying, "Now we have him for the entire day!" (The explanation for this is that al-Dalāl was always impatient to get away, finding men's conversation tiresome and much preferring that of women.) When they winked at the boy, al-Dalāl noticed, and, angry, rose to depart; but they persuaded him to stay and sing, and then brought out wine and began to drink, plying al-Dalāl with wine as well. Their exuberance attracted the attention of the authorities, who arrived as they fled. All escaped except for al-Dalāl and the boy, who were too drunk to move, and were brought before the governor (unnamed). Al-Dalāl's impudent responses to the governor are classic *mujūn*: when the latter bursts out, "You wanton degenerate (*fāsiq!*)!" he replies, "From your lips to heaven!"⁹⁹ To the command, "Slap his jaw, (guards)!" he retorts, "And cut off his head, too! (?)"¹⁰⁰ The governor asks, "Enemy of God, were you not comfortable enough at home, so that you had to go out into the desert with this boy and do your foul business there?" Al-Dalāl answers, "If I had known that you were going to attack us, preferring that we do our foul business as a woman (unlike, he implies, his interlocutors).

⁹² *Aghānī* 4:63. The anecdote seems improbably early for al-Dalāl, and it would be tempting to move it forward to the governorship of Yaḥyā b. al-Hakam himself, under ʿAbd al-Malik. On the other hand, Marwān is reported elsewhere to have been particularly severe toward people of loose morals; see p. 687 below.

⁹³ In contrast to Tuways, none of the anecdotes about al-Dalāl I have seen mention his wife; but this cannot be taken as evidence that he did not have one.

⁹⁴ Al-Dalāl's statement that "*mā zaraytu qajtu wa-lā zuniya bī*" is problematical. The passive verb would seem to imply a passive role in (necessarily) homosexual intercourse; the latter, however, would not ordinarily be called *zinā*, but *liwāt*. Since, however, the verb is negated, perhaps he means simply that, not being a woman, he has not submitted to fornication as a woman (unlike, he implies, his interlocutors).

⁹⁵ *Aghānī* 4:59. The phrase is, however, obscure and the reading uncertain: *wa-kāna yuṭlabu* (*yaṭlabu?*) *fa-lā yuqdaru* (*yaqdīru?*) *“alayhi*. Another possibility would be "he attempted (to have intercourse with them) but was incapable of doing so."

⁹⁶ The only pilgrimage by Hishām reported by al-Ṭabarī was in the year 106/725 (*Ta’rīkh* 7:35f).

⁹⁷ *Aghānī* 4:67f.

⁹⁸ *Aghānī* 4:64f.

⁹⁹ That is, "May your prayer be answered!"

¹⁰⁰ Literally, "strike his neck, too!": *qāla ji’ū fakkahu qāla wa-‘unqahu aydan*. Were it not that the lexica define "waja‘a" "unqahu" as "to behead," I would suspect a reference to masturbation here; as it is, I do not get the joke.

secretly, I would never have left my house!" "Strip him and give him the stipulated flogging!"¹⁰¹ "That will do you no good, for, by God, I get stipulated foggings every day!" "And who undertakes to do that?" "The penises of the Muslims!" "Throw him on his face and sit on his back!" "I suppose the amīr wants to see what I look like when I'm sodomized!" Then the governor ordered him and the boy paraded in shame through the city. When the people asked, "What is this, Dalāl?" he said, "The amīr wanted to "bring two heads together,"¹⁰² so he has brought me and this boy together and proclaimed our union; but if someone now calls him a pimp, he will be angry!" Hearing of this, the frustrated governor let them both go.

TAKHANNUTH AND PASSIVE HOMOSEXUALITY

Unlike his predecessors among the *mukhannathūn*, then, al-Dalāl is presented by at least some sources as an unabashed *ma'būn*, that is, someone who sought the passive role in homosexual relations; as Hamza al-Isfahānī has him say, in a version of the anecdote of the sugared stones at Minā attributed to al-Dalāl rather than Tuways, the Devil's favor for which he owes recompense is that he "made me like *ubna*".¹⁰³ Although a comprehensive investigation of this phenomenon in early Muslim society cannot be undertaken here, a few basic observations will help to put this statement in context.¹⁰⁴ Beginning with early Abbāsid times, when the literary expression of homosexual sentiment became fashionable, our sources on the topic are extraordinarily rich. In contrast, homosexuality is

rarely mentioned in our sources for Umayyad and pre-Umayyad society, and most references occur either in the *hadīth* and *fiqh* literature, or in vituperative poetry. Both the Qur'ān and the *hadīth* strongly condemn homosexual activity;¹⁰⁵ the *fiqh* literature defines this activity, more or less exclusively, as anal intercourse, and prescribes equal punishment for both the active and passive partners, distinguished when necessary as "*fā'il*" and "*ma'fūl bihi*." It is, however, abundantly clear that in classical Islamic culture in general "active" and "passive" homosexuality were considered essentially two different, albeit complementary, phenomena. (This state of affairs is hardly surprising, given the fact that the same was, on the whole, true of Western classical civilization, and, arguably, of medieval Europe; indeed, it remains the case in much of Middle Eastern—and of Western—society today.)

The Arabic terminology alone leaves little room for doubt about the importance of this distinction. *Liwāt*, formed from *Lūt*, is the general as well as legal term for homosexual anal intercourse, and technically may refer to the "activity" of either partner; *lūtī*, on the other hand, a term rare in the legal literature but otherwise common, always refers to the active partner, who, at least from Abbāsid times, was inevitably exposed to less intense societal disapproval than the passive partner, and, indeed, whose desires, if not his acts, were widely considered normal from at least the fourth/tenth century.¹⁰⁶ Furthermore, the *lūtī*'s partner was not assumed himself necessarily to be acting from motives of sexual desire, and no single term refers simply to such a person, without reference to his motives: if he is paid, for instance, he is a *mu'ājir*; if he agrees to be the passive partner in exchange for a turn as the active partner, he is a *mubādil*; if he is indeed acting out of sexual desire for the passive role, he is most commonly called a *ma'būn*. The word *ma'būn* carries strong connotations of pathology, and *ubna* is in fact frequently called a "disease" (*dāṣ*).¹⁰⁷ It is perhaps due to this rather clinical tone that a number of other, synonymous terms have been adopted over time, which are

¹⁰¹ *Idrabūhu haddan*. The *hadd* punishment applied only to certain specific offenses. The relevant offence here is *zinā*, to which *liwāt* was analogized. Whether *liwāt* was in fact punishable with a *hadd* penalty was controversial; see al-Sarakhsī, *Mabsūt* 9:77–79; Abū Ishāq al-Shīrāzī, *al-Muhadhdhab* (Cairo: Muṣṭafā al-Bābī, 2nd ed., 1976), 2:344.

¹⁰² That is, to make a match.

¹⁰³ Hamza, *Durra* 1:188; Abū Hilāl al-Askarī, *Jamhara* 1:437f.; al-Maydānī, *Majma'* 1:251; al-Zamakhsharī, *Musṭaqṣā* 1:109. A more elaborate version of this anecdote, mentioning both Tuways and al-Dalāl and attributing to the former the comment that the Devil "made me like this desire (*shahwa*)," appears in al-Ṣafadī's biography of Tuways, *al-Wāfi bil-wafayāt* 16:502.

¹⁰⁴ For fuller treatment of the issues discussed in the following pages, see my essay "The Categorization of Gender and Sexual Irregularity in Medieval Arabic Vice Lists," in *Body Guards: The Cultural Politics of Gender Ambiguity*, ed. J. Epstein and K. Straub (forthcoming).

¹⁰⁵ Qur'ān 7:80f., 26:165f., 27:54f., 29:27f., 54:37. For the *hadīth*, see, e.g., Mālik b. Anas, *al-Muwaṭṭa'*, no. 1503 (p. 593). See also *EI*², s.v. "liwāt."

¹⁰⁶ The normal object of such "active" desires was a pubescent boy; the expression of such desires toward a full adult male was considerably more controversial, but never considered as reprehensible—or pathological—as the desire for the passive role.

¹⁰⁷ See F. Rosenthal, "Ar-Rāzī on the Hidden Illness," *Bulletin of the History of Medicine*, 52.1 (1978): 45–60.

used more commonly in non-medical (and non-legal) contexts. In the fourth/tenth and fifth/eleventh centuries, the most common of these was *baghghā*¹⁰⁸, with an abstract form *bighā*.¹⁰⁹ In the Umayyad period, the more common synonym for *ubna* seems to have been *hulāq*, the practitioner being a *halaqī*.¹¹⁰

What, if any, is the relationship between the *ma'būn*, *halaqī*, or *baghghā* and the *mukhannath*? For the 'Abbāsid and later periods, the answer is clear: *mukhannathūn* were assumed to be *baghghā'ūn*, while continuing to display many of the distinctive traits for which they were known in the Umayyad period, such as wit and flippancy, association with music in general and certain musical instruments in particular, and activity as go-betweens, as well as cross-dressing. The combination of their flippancy, effeminacy, and *bighā* earned them their own subsection in some of the later joke collections.¹¹⁰ For the pre-'Abbāsid period, we have seen reason to doubt this equation. The accounts of Hīt neither state nor imply it, and in some respects seem to contradict it. Tuways is nowhere in the *Aghānī* associated with *ubna*. In al-Thā'ālibī's *Thimār al-qulūb*, Tuways is indeed called *ma'būn*, and even said to be famous for *ubna*, as well as *takhannuth* and *shu'm*,¹¹¹ but al-Thā'ālibī is here generalizing from a single passage in Ḥamza, in an account which nowhere else mentions *ubna*. What Ḥamza says is that Tuways was *ma'ūf*, that is, he had an affliction (*ā'a*), which he was not ashamed of and did not hide from people; he even composed the following verses about it:

I am Abū 'Abd al-Nā'īm,
I am the Peacock of Hell (*Tāwūs al-Jahīm*),
And I am the most ill-omened (*ash'am*) person
To creep over the face of the earth.
I am a *hā*, then a *lām*,
Then a *qāf* and the stuffing of a *mīm* (i.e., a
yā).

¹⁰⁸ See, e.g., al-Qādī al-Jurjānī, *al-Muntakhab min Kitāb al-Kināyat* (Beirut: Dār al-Kutub al-Ilmiyya, 1984), 37–52.

¹⁰⁹ See, e.g., al-Khafājī, *Shifā' al-ghalil fīmā fī kalām al-'arab min al-dakhil*, ed. M. A. Khafājī (Cairo: al-Ḥaram al-Ḥusaynī, 1952), 105, and, for examples of usage, al-Jāhiz, *Madḥ al-nabīdh*, in *Rasā'il*, ed. A. M. Hārūn (Cairo: al-Khānjī, 1979), 3:118; al-Tawhīdī, *al-Imtā' wa-l-mu'ānasa*, ed. A. Amīn and A. al-Zayn (Beirut: al-'Aṣriyya, n.d.), 2:52.

¹¹⁰ See the successive chapters in al-Ābī's *Nathr al-durr*, vol. 5, ed. M. I. 'Abd al-Rahmān (Cairo: al-Hay'a al-Miṣriyya al-'Āmma lil-Kitāb, 1987), 277–306, entitled *Nawādir al-mukhannathūn*, *Nawādir al-lāṭa*, and *Nawādir al-baghghā'īn*.

¹¹¹ Al-Thā'ālibī, *Thimār al-qulūb*, ed. M. A. Ibrāhīm (Cairo: Dār al-Ma'ārif, 1985), 145f.

Certainly no more emphatic association between Tuways and *hulāq* could be imagined than these verses; they could not, even with considerable textual tampering, refer to anyone or anything else. On the other hand, their authenticity might well be questioned, since *hulāq* seems otherwise to play no role in Tuways' persona, in such notable contrast to al-Dalāl; if Tuways was famous as the leader, in some sense, of the *mukhannathūn* of Medina, and if all *mukhannathūn* were later assumed to be *ma'būnūn*, then some motivation for such a fabrication might be imagined.¹¹²

Besides al-Dalāl, the other prominent figure from the Umayyad period to achieve some notoriety as a *ma'būn* was, in fact, not one of the *mukhannathūn* musicians of Medina, but rather the city's most famous poet, al-Aḥwaṣ.¹¹³ The *Aghānī* several times refers to accusations that al-Aḥwaṣ was guilty of *ubna* or *hulāq*,¹¹⁴ and also offers a number of anecdotes which imply the activity without naming it. One of these concerns a beautiful boy whom al-Aḥwas brought with him to one of Jamīla's public concerts,¹¹⁵ while two others claim that women associated with the poet were actually men.¹¹⁶ None of these stories, however, specify the nature of these relationships explicitly; and the need for caution in interpreting them is suggested by al-Aḥwaṣ's own reported statement that when he was aroused it did not matter to him whether he met a *nākiḥ* (active sexual partner), *mankūḥ* (passive), or *zānī* (heterosexual fornicator).¹¹⁷ Whether an anecdote

¹¹² It should perhaps be stated explicitly that we can, of course, say nothing about Tuways' actual sex life. What is in question here is the public image of the *mukhannathūn* and whether this included assumptions about homosexual behavior, either explicitly or implicitly.

¹¹³ On him, see Shawqī Dayf, *al-Shi'r wa-l-ghinā'*, 151–89; 'Ādil Sulaymān Gamāl, ed., *Shi'r al-Aḥwaṣ al-Anṣārī* (Cairo: Dār al-Ma'ārif, 1970), 1–55; K. Petráček, "Das Leben des Dichters al-Aḥwaṣ al-Anṣārī," *Orientalia Pragensia* 7 (1970): 23–57.

¹¹⁴ *Aghānī* 1:113 and 7:39 (the two accounts are identical, except for the use of *hulāq* in the first and *ubna* in the second); 1:139 and 14:167; 4:43.

¹¹⁵ *Aghānī* 7:139.

¹¹⁶ *Aghānī* 18:196–98, in two versions, and 198f.

¹¹⁷ *Aghānī* 4:43. If the text is sound, *nākiḥ* must here have, unusually, the meaning *lūtī*; it would be tempting to emend *zānī* to *zāniya*. Petráček, "Leben," 35, takes all three terms as referring to women, and translates "verlobte, verheiratete oder ehebrecherische," but while the lexica support the meaning "married woman" for *nākiḥ*, I have found no lexical justification for his feminine interpretation of the other two terms.

portraying him as entering a mosque wearing two polished, saffron-dyed garments, bedaubed with saffron perfume and with a bundle of basil behind his ear is intended to imply *takhannuth* is quite unclear, although he is called a *mukhannath* explicitly once in the *Aghānī*—by the caliph ‘Abd al-Malik on the occasion of his pilgrimage (in 75/695), when he sermonized the Medinans and reproached them for their frivolity, illustrating his point with verses by al-Aḥwāṣ, whom he calls “your *mukhannath* and brother.”¹¹⁸

One anecdote, however, does testify quite explicitly to al-Aḥwāṣ’s *ubna*. During a stay with the caliph al-Walīd, he is said to have attempted to seduce the baker boys in the retinue of a fellow guest into having (active) intercourse with him (*yaf’alū bihi*); about to be exposed for this, he compounded his problem by attempting a diversionary tactic, inciting a disgruntled client of the guest to accuse the latter himself of sexual harassment. The truth came out, however, and the caliph sent al-Aḥwāṣ to Ibn Ḥazm, his *qādī* in Medina, with orders to give him a hundred lashes, pour oil on his head, and parade him in shame before the people.¹¹⁹ Either at this time or somewhat later, Ibn Ḥazm, an inveterate enemy of al-Aḥwāṣ, went a step further and banished him to the Red Sea island of Dahlak, where the poet remained for something over five years, until pardoned by the caliph Yazīd II. The reason usually given for this banishment is not, however, al-Aḥwāṣ’s *ubna*, but his unwillingness to give up his practice of mentioning aristocratic ladies by name in his amatory verses.¹²⁰ Such behavior, in its challenge to society’s mores and the dignity of its members, was seen as symptomatic of a general profligacy which could then be readily fleshed out by accusations of sexual irregularity—*zinā* and *liwāṭ*, as well as *ubna*—whatever the truth of the latter. The suggestion of *takhannuth* belongs to another, but related range of objectionable activities, representing luxury, self-indulgence, and frivolity, and including the adoption of ostentatious dress and perfumes, wine-drinking, and music.¹²¹

¹¹⁸ *Aghānī* 4:51.

¹¹⁹ *Aghānī* 4:43f. On the *bulus*, sacks on which offenders were set as a form of public humiliation, see Lane, s.v.

¹²⁰ *Aghānī* 4:43, 48, and 8:54. For further references and discussion, see Gamāl, *Shīr al-Aḥwāṣ*, 35ff., and Petráček, “Leben,” 41–49; on the Hijazi *tashbīb*, see Vadet, *L’Esprit courtois*, 102–12.

¹²¹ Summed up by the word *lahw*. Besides his close association with Jamīla, al-Aḥwāṣ was closely tied with musical circles because of Ma’bad and Mālik’s musical settings of his *ghazal*, which contributed considerably to his celebrity.

GOVERNMENT PERSECUTION OF THE *MUKHANNATHŪN*

That there were sporadic attempts by the government to suppress these trends has been noted above. Sanctions against *mukhannathūn* in the time of the Prophet and the early caliphs seem to have been intended to safeguard the privacy of the realm of women—infringed upon in a different way by the *tashbīb* of al-Aḥwāṣ. Under the early Umayyads, the execution of Ibn Nughāṣ and the bounty put on the heads of other *mukhannathūn* was, according to the extant reports, based on a perceived connection between cross-dressing and a lack of proper religious commitment. This persecution is attributed both to Mu‘āwiya’s governor Marwān b. al-Ḥakam and to the latter’s brother Yaḥyā, later governor under ‘Abd al-Malik. While the latter attribution may be chronologically more plausible, the former is supported by other evidence for Marwān’s severity. The account of his drastic measures to stop Yaḥyā’s daughter’s too-public behavior, with al-Dalāl’s consequent flight to Mecca, has been noted above; elsewhere, the *Aghānī* claims that Mu‘āwiya appointed Marwān and Sa‘īd b. al-Āṣ as governor of Medina for alternate years, and contrasts the harshness of Marwān, under whom the (sexually) profligate¹²² would flee the city, with the mildness of Sa‘īd, under whom they would come back.¹²³

This last statement is made in the context of an account of the *mukhannath* Find, a participant in Jamīla’s concert and a close friend of the poet Ibn Qays al-Ruqayyāt, many of whose verses he set to music.¹²⁴ Like al-Dalāl, Find acted as a go-between—specifically, he provided a space in his house for lovers’ trysts—and Ibn Qays composed some verses in appreciation of this service. According to the story in the *Aghānī*, Marwān, during one of his years out of office, was on his way to the mosque when he encountered Find; striking him with his staff, he quoted these verses by Ibn Qays, accused him of promoting immorality, and threatened him. Find turned and coolly replied, “Yes, you’re right about me! But, praise God, what an ugly ex-governor you are!” Marwān laughed, but added, “Enjoy while you can! It won’t be long before you see what I have in store for you!” (We hear nothing,

¹²² *Ahl al-di‘āra wa-l-fusūq*.

¹²³ *Aghānī* 16:59f.; cf. Ibn ‘Abd Rabbih, *Iqd* 6:34f.

¹²⁴ On him, see the references in F. Rosenthal, *Humor in Early Islam* (Philadelphia: Univ. of Pennsylvania Press, 1956), 8, n. 7. His name appears in the sources as both Find and Qand; Abū l-Faraj, *Aghānī* 16:59, expresses a preference for Find.

however, of a sequel to this story.) Here once again it is the promotion of *heterosexual* immorality which occasions government intervention. About Find's own sexual proclivities we are told nothing.¹²⁵ What we do hear about is, as with other *mukhannathūn*, his charm and his ability to make people laugh. It is striking that he, as well as at least five other Medinan *mukhannathūn*, are included in a list in the *Fihrist* of nineteen buffoons (*battālūn*) about whom monographs had been written;¹²⁶ the most famous comics of this period, however, were not *mukhannathūn*.¹²⁷

No mention is made of Find in our accounts of the bounty put on the *mukhannathūn*, whether by Marwān or by his brother Yahyā, and there seems to be no other evidence for persecution by the latter of either *mukhannathūn* or musicians. That Tuways went into permanent exile under either seems unlikely, particularly in view of the account referred to above of his reception of Yahyā's successor, the more indulgent Abān b. ʻUthmān.¹²⁸ Concerning the attitude of Abān's successor, Hishām b. Ismāʻīl al-Makhzūmī (83–87/702–6), I have found no information. Hishām was ʻAbd al-Malik's last governor of Medina, and was replaced only when al-Walīd came to the throne, by ʻUmar b. ʻAbd al-ʻAzīz (87–93/706–12), who is described as being at this time rather a *bon vivant* and devotee of

poetry and even music (in contrast to his later ascetic piety as caliph). These years seem to represent the heyday of poetry and music in the Hijaz, and the first hint of trouble comes only under ʻUmar's successor, ʻUthmān b. Hayyān (93–96/712–15). When the latter arrived in Medina, we are told, some prominent citizens urged him to put an end to the rampant "corruption" by purifying the city of "singing and fornication"; he responded by giving the people involved in these activities three days to leave town. At the eleventh hour, the eminently respectable—but music-loving—Ibn Abī ʻAtiq, who had been away, returned and heard the news from Sallāma al-Zarqā', one of the city's best-loved singers. Going immediately to the governor, he convinced him to admit Sallāma, who impressed him first with her piety, then her skill at Qur'ānic recitation, and finally was permitted to sing, at which ʻUthmān was so delighted that he dropped his banishment order.¹²⁹

ʻUthmān's original order was directed against singing and fornication, and nothing is said about the *mukhannathūn*. In contrast, probably about the same time, al-Walīd's governor of Mecca, Nāfiʻ b. ʻAlqama al-Kinānī, "took stringent measures against singing, singers, and date-wine, and issued a proclamation against the *mukhannathūn*".¹³⁰ Only two of the latter, Ibn Surayj and his pupil al-Gharīd, are mentioned by name; Ibn Surayj seems to have played a game of cat and mouse with the governor, and escaped serious reprisals (he apparently died soon thereafter), while al-Gharīd is said to have fled to Yemen, where he spent the rest of his life. Although we have no indication of a wider *mukhannathūn* "community" in Mecca, the relevant anecdotes about both these musicians conform to the image of the *mukhannath* we have seen in Medina. Ibn Surayj is described as wearing dyed clothing and playing with a locust which he had on a string; when someone chided him for this, he retorted, "What harm does it to do people if I color my garments and play with my locust?" To the rejoinder that his "immoral

¹²⁵ The entry on him in the rather mangled *Mukhtār kitāb al-lahw wa-l-malāḥī* of Ibn Khurradādhbih edited by Khalīfē (p. 150) may refer to these, but is unclear in its present textual state.

¹²⁶ Al-Nadīm, *Fihrist* (Beirut: Dār al-Maʻrifa, n.d.), 435. Also included are Nawmat al-Duhā and Hibatallāh, known from Jamīla's concert; Ibn al-Shūnīzī (?), who has an entry, in the form "Ṭarīfa b. al-Shūtarī," in Ibn Khurradādhbih's *Mukhtār* (149f.), between the entries for al-Dalāl and Find; and Abū l-Hurr al-Madīnī, referred to as a Medinan *mukhannath* and marriage broker by Ibn ʻAbd Rabbīhi, *Iqd* 6:105, and presumably identical to the "Abū l-Khazz" mentioned in both Ibn Khurradādhbih's *Mukhtār* (p. 144) and al-Ābī's chapter of *mukhannathūn* jokes (*Nathr al-durr* 5:282). Of the other *mukhannathūn* included in Ibn Khurradādhbih's *Mukhtār* (pp. 149–51, 159), Ṣalīḥ b. Zuhayr has been mentioned above (n. 68); the rest—Sajīyya, Shabīb, Ṣaʻtar, and the Meccan Madār—do not appear in other sources I have consulted.

¹²⁷ The most famous of all was Ashʻab, the accounts of whom constitute the core of Rosenthal's *Humor in Early Islam*.

¹²⁸ For the common depiction of Abān as rather simple, see Rosenthal, *Humor*, 21, 53, 95.

¹²⁹ See note 56 above.

¹³⁰ Aghānī 2:142, 11:19–22. Confusion reigns with regard to the dates of Nāfiʻ's tenure as governor. The Aghānī account calls him al-Walīd's governor and has him communicating with al-Ḥajjāj (d. 95/714); al-Jāḥīz, Bayān 1:302, 393, makes him governor of both Mecca and Medina (certainly erroneously) under ʻAbd al-Malik (d. 86/705); E. von Zambaur, *Manuel de généalogie et de chronologie pour l'histoire de l'Islam* (Hanover: Heinz Lafaire, 1927), 19, lists him as governor of Mecca under Sulaymān in 96/715.

songs" led people into temptation, he replied with a song which left his antagonist speechless with delight.¹³¹ Al-Gharīd is depicted conveying verses between Meccan poets and aristocrats, a kind of "go-between" activity not directed toward marriage, but probably only possible because of his *mukhannath* status.¹³² Al-Gharīd's erotic interests were apparently, like al-Dalāl's, in males (although whether he was a *halaqī*—as seems probable—or a *lūfī* is unspecified), at least according to one anecdote in the *Aghānī*. Invited to join a group on an outing, he was attracted to a young man (*ghulām*) and asked the group to speak to him about meeting with him privately; when the young man agreed, the two withdrew behind a rock. When al-Gharīd had "fulfilled his need," the young man rejoined the group, and al-Gharīd began to pelt the rock with pebbles, explaining that, as on the Day of Judgment the rock would testify against them, he was trying to "wound" this testimony (*ajraḥu shahādatahā*).¹³³

Al-Gharīd and al-Dalāl are the only two *mukhannathūn* from the pre-^cAbbāsid period for whom we have explicit anecdotal evidence of homosexual activity. The *Aghānī* offers one further anecdote which would seem to make this linkage, but whose implications are unclear.¹³⁴ A *mukhannath* from Mecca named Mukhkha is said to have come to al-Dalāl in Medina and asked him to introduce him to (*dullinī alā*) one of the *mukhannathūn* of Medina, whom he could beguile, tease, and then seduce (*ukāyiduhu wa-umāzīihu thumma ujādhibuhu*).¹³⁵ Al-Dalāl replied, "I have just the person for you!" and described a neighbor of his,

whom he would find at that moment in the mosque, performing his prayers, "for show."¹³⁶ In fact, however, this man was the police chief of Medina, Khaytham b. ʻIrāk b. Mālik.¹³⁷ Finding Khaytham in the midst of his prayers, Mukhkha told him to hurry up and finish, addressing him in the feminine.¹³⁸ Taken aback, Khaytham exclaimed, "Glory to God (*subḥān Allāh!*)!" Mukhkha retorted, "May you sleep (*sabahṭa*) in a pinching shackle (?)!"¹³⁹ Finish up, so I can talk with you for a while!" But when Khaytham finished his prayer, he ordered the *mukhannath* seized, given a hundred stripes, and imprisoned. Sexual activity between *mukhannathūn* seems to be clearly implied by this anecdote, a situation I have not encountered anywhere else in the literature, either pre-^cAbbāsid or ^cAbbāsid; one could perhaps imagine here a sort of reverse *bidāl*, that is, taking turns for the sake of enjoying the passive (rather than active) role, but the historicity of the anecdote is so problematical that it is perhaps best discounted altogether.¹⁴⁰

¹³¹ *Aghānī* 1:97f.

¹³² *Aghānī* 3:101f.; cf. 2:133.

¹³³ *Aghānī* 2:128f. "*Jaraḥa*" means both "to wound" and "to impugn the probity of a witness."

¹³⁴ *Aghānī* 4:64.

¹³⁵ *Kayd al-nisā'*, "the guile of women," is a standard cliché, based in part on the statement of Qur'ān 12:28, in the context of the story of Potiphar's wife, "inna kaydakunna ʻazīm"; see al-Thālibī, *Thimār al-qulūb*, 305 (*kayd al-nisā'*). The third form of this root, *kāyada*, with verbal noun *kiyād*, seems equally stereotypical for *mukhannathūn*, as indicated by Hamza, *Durra*, 61, where "*kiyād mukhannath*" is included in a list of clichés created by settled Arabic speakers on the model of the Bedouins' animal clichés. Similarly, the ^cAbbāsid poet Abū l-Atāhiya, reproached in his youth for *takhannuth*, and in particular for taking up the *zāmila* (a kind of *tabl* or drum) of the *mukhannathūn*, justified himself by saying "I want to learn their *kiyād* and memorize their speech"; see *Aghānī* 3:122–24.

¹³⁶ "Li-yurā'iya l-nās," clearly a reference to the assumed irreligiosity of the *mukhannathūn*.

¹³⁷ Khaytham was *sāhib al-shurṭa*, we are told, under Ziyād b. ʻAbdallāh al-Ḥārithī; the latter was governor of Medina from 133/750 to 141/758, according to al-Ṭabarī, *Taʼrīkh* 7:459, 511.

¹³⁸ "Ajilī bi-ṣalātī lā ṣallā Allāh ʻalayki." I have seen no other examples of this use of the feminine among the *mukhannathūn* in the pre-^cAbbāsid period, although later it became not uncommon.

¹³⁹ "*Sabahṭa fī jāmi'a qarrāṣa*." Clearly some sarcastic pun is intended here, but the meaning is obscure. In the parallel version of the anecdote in the *Muwaffaqiyyāt* of al-Zubayr b. Bakkār (see next note), the phrase is "*Sabahṭa bi-umm al-zinā fī jāmi'a qamila*," which is followed by an intrusive gloss, explaining that "*jāmi'a*" means "shackle" (*qayd*), and "*qamila*" means "being imprisoned so long that one's shackle (reading *qayd* for *qadd*) becomes lousy." According to Lane, s.v. *ghull*, the latter term, a synonym for *jāmi'a*, was used metonymically for "wife" (that is, "ball and chain"), while *ghull qamila* referred to "a woman of evil disposition." *Sabahṭa* may mean "swim," "gallop," "burrow," and other things, as well as "sleep."

¹⁴⁰ Al-Zubayr b. Bakkār, *al-Akhbār al-Muwaffaqiyyāt*, ed. S. M. al-Ānī (Baghdād: Maṭba'at al-Ānī, 1972), 32f., has a garbled version of this anecdote in which the Medinan joker is not al-Dalāl but Muzabbid, a well-known Medinan comic similar to Ash'ab and nowhere else associated with *takhannuth* (see Rosenthal, *Humor*, 14). The placement of the story under an ^cAbbāsid governor is too late for either al-Dalāl or Muzabbid.

CULMINATION OF THE PERSECUTION

Of considerably greater interest is another anecdote concerning al-Dalāl, and indeed all the *mukhannathūn* of his generation, which describes a particularly severe persecution to which they were subjected and seems to explain the rather abrupt end to their prominence and influence in Medina. Unfortunately, as with so many of the stories recounted above, this most widely reported of all the *mukhannathūn* anecdotes appears in a great variety of versions, which differ not only on the nature and scope of the persecution, but also on its occasion and rationale; at the same time, however, the different accounts provide numerous details which help further to fill out our picture of the *mukhannathūn* at this time.

In the *Aghānī*, Abū l-Faraj juxtaposes a number of these accounts, but specifies two very similar versions among them as being the most reliable. According to the first, the caliph Sulaymān was in camp in the desert one night, enjoying the company of a slave girl. He ordered her to assist him in his ablutions, but she failed to notice when he gestured to her to pour the water. Looking up, he saw that she was listening intently to a man's singing drifting in from the camp. He noted the voice, and the verses, and the next day brought up the subject of song with his companions, feigning a genuine interest in it. Their comments quickly led him to the identity of the previous night's singer, one Samīr al-Aylī, whom he summoned and interrogated. He then pronounced that "[t]he he-camel brays, and the she-camel comes running; the male goat cries, and the female goat submits herself (?);¹⁴¹ the male pigeon coos, and the female struts; a man sings, and a woman swoons (*ṭaribat*)" and had the singer castrated. When he then asked him where this business of singing originated, he replied, "In Medina, among the *mukhannathūn*; they are the best and most highly skilled at it." The caliph then sent an order to his governor in

Medina, Ibn Ḥazm al-Anṣārī, to castrate (*akhsī*) all the *mukhannathūn* singers there, which he did.¹⁴²

In this version, the *mukhannathūn* were punished simply because they were musicians. The grotesque choice of punishment, meted out equally to the non-*mukhannath* Samīr,¹⁴³ is a response, if not an entirely clear one, to the nature of the offense: music rouses women's passions and is thus a moral threat to society. The implication that the caliph was acting out of personal jealousy over his own slave girl is made explicit in Abū l-Faraj's other preferred version, which gives the verses of Samīr's song as follows:

Secluded, she heard my voice, and it kept her awake
 Through the long night to a wearisome dawn,
 Her neck veiled by two swathes of saffron,
 With green ornaments on her breast,
 On a night of full moon, her bed companion
 unable to say
 Whether her face or the moon shed more light.
 Were she free, she would come to me on feet
 So delicate they would almost shatter from
 her tread.

Needless to say, the description in the verses matched the slave girl; Sulaymān, furious with jealousy, imprisoned the singer and threatened the girl with her life. She protested that she had spent her entire life in the Hijaz until being purchased by Sulaymān, and would have had no opportunity to become acquainted with anyone locally (apparently somewhere in Syria). Samīr when summoned also protested his innocence, and Sulaymān was finally convinced. He was unwilling to let Samīr go free, however (*lam taṭib nafsuhi bi-takhliyatihī sawiyyan*), so he had him castrated and ordered the same for the *mukhannathūn*.¹⁴⁴

Other versions also stress Sulaymān's jealousy, and some have nothing to say about the *mukhannathūn* at all. Such is the case in the *al-‘Iqd al-farid*, which gives one version which ends with the singer's castration, and another in which even he gets off with a warning.¹⁴⁵ Other sources omit the story of the singer, and have

¹⁴¹ *Shakarat*, apparently related to *shakr*, "female pudenda"; see Ibn Manzūr, *Lisān* 4:2307. The reading is confirmed by a parallel in Ghars al-Ni‘ma, *al-Hafawāt al-nādira* (Damascus, 1967), 89–91. Other versions substitute forms of the verb *istahramat*, "to desire the male": Ibn ‘Abd Rabbīhi, *‘Iqd* 6:66–69; ps. -Jāhīz, *al-Mahāsin wa-l-addād*, ed. G. Van Vloten (Leiden: Brill, 1898), 292–94; Ḥamza, *Durra*, 186–88; Abū Hilāl al-‘Askarī, *Jamhara* 1:437f.; al-Tha‘ālibī, *Thimār*, 676; al-Maydānī, *Majma‘* 1:258f. This phrase is lacking altogether in the abbreviated version in al-Mubarrad, *Kāmil* 1:393, and Ibn ‘Abd Rabbīhi, *‘Iqd* 6:24.

¹⁴² *Aghānī* 4:60f.

¹⁴³ In no version of the story is he ever identified as a *mukhannath*.

¹⁴⁴ *Aghānī* 4:61f.

¹⁴⁵ Ibn ‘Abd Rabbīhi, *‘Iqd* 6:24, 50, 66–69. Cf., respectively, al-Mubarrad, *Kāmil* 1:393, and al-Zubayr b. Bakkār, *al-Akhbār al-Muwaffaqiyyāt*, 191f.

only the castration of the *mukhannathūn*. According to one version in Ḥamza al-Īṣfahānī, this was done because “they had become many in Medina, and were ruining the women for the men (*afsadū l-nisā’ alā l-rijāl*);¹⁴⁶ similarly, another version in the *Aghānī*, which names the caliph as al-Walīd, says that he took action when informed that the women of Quraysh were visited by the *mukhannathūn* in Medina, despite the Prophet’s explicit prohibition.¹⁴⁷ The *Aghānī* also records a particularly lurid version, on the authority of Muṣṭab al-Zubayrī, who claimed to know best why al-Dalāl—specifically—was castrated. After arranging a marriage, according to Muṣṭab, al-Dalāl would convince the bride that her sexual excitement at the prospect of the wedding night was excessive and would only disgust her husband, and then he would offer to calm her down by having sexual intercourse with her first. He would then go to the groom, make the same point, and offer himself, passively, to cool him down as well. The outraged Sulaymān, here again called “jealous,” *gharūr*, but in a general sense, wrote to have all the *mukhannathūn* castrated, saying, “They are admitted to the women of Quraysh and corrupt them.”¹⁴⁸ Here, even with explicit testimony to al-Dalāl’s homosexual behavior, it is the morals of the women which are of concern.

There is considerable variation among versions even with regard to the identity of the caliph and the governor, the former appearing sometimes as al-Walīd, ‘Umar II, or Hishām, and the latter as ‘Uthmān b. Ḥayyān,¹⁴⁹ although Sulaymān and Ibn Ḥazm are by far the most frequently named. The singer and the slavegirl are also variously named.¹⁵⁰ One fairly common addition to the story, which serves as the basis for its inclusion in several of our *adab* sources, absolves Sulaymān of responsibility for the castration by claim-

¹⁴⁶ Ḥamza, *Durra*, 186, repeated in al-Maydānī, *Majma’* 1:258.

¹⁴⁷ *Aghānī* 4:62.

¹⁴⁸ *Aghānī* 4:59f.

¹⁴⁹ See, e.g., al-Jāḥīz, *Hayawān* 1:121f.; *Aghānī* 4:62; al-Jahshiyārī, *K. al-Wuzarā’ wa-l-kuttāb*, ed. M. al-Saqqā et al. (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 2nd ed., 1980), 54.

¹⁵⁰ Samīr also appears as Sinān; “al-Aylī” is sometimes “al-Ubullī”; the slavegirl is called al-Dhalfā’ or ‘Awān. See Ibn Khurradādhbih, *Mukhtār*, 149; Ibn ‘Abd Rabbīhi, *Iqd* 6:66–69; ps.-Jāḥīz, *al-Māhāsin wa-l-addād*, 292–94; *Aghānī* 4:60; Ghars al-Ni‘ma, *Hafawāt*, 89–91; Ibn Qayyim al-Jawziyya, *Akhbār al-nisā’* (Beirut: Dār Maktabat al-Ḥayāh, n.d.), 83–88.

ing that what he actually wrote to the governor was “make a register (*ahṣi*) of the *mukhannathūn*”; but the spluttering pen of the amanuensis added a dot to the *hā’* so that it read “*ikḥṣi*,” “castrate.” Some of these sources let the governor off the hook as well, reporting that he questioned the reading but was assured that the dot “looked like a date,” or “was as big as the star Canopus.” These stories perhaps imply that Sulaymān’s action was viewed by some as unexpectedly brutal.¹⁵¹

Several sources name some or all of the victims (besides al-Dalāl, who is almost always included). A number of these also report a series of quips said to have been pronounced by them on the occasion. The fullest version of these statements is offered by Ḥamza, whose list is as follows:

Ṭuways: “This is simply a circumcision which we must undergo again.”

al-Dalāl: “Or rather the Greater Circumcision!”
Nasīm al-Saḥār (“Breeze of the Dawn”): “With castration I have become a *mukhannath* in truth!”

Nawmat al-Duḥā: “Or rather we have become women in truth!”

Bard al-Fu‘ād: “We have been spared the trouble of carrying around a spout for urine.”

Zill al-Shajar (“Shade Under the Trees”): “What would we do with an unused weapon, anyway?”¹⁵²

¹⁵¹ The most extensive discussion of this “*taṣhīf*” version is in al-Jāḥīz, *Hayawān* 1:121f. It also appears, in one form or another, in al-Jahshiyārī, *K. al-Wuzarā’ wa-l-kuttāb*, 54; al-Šūlī, *Adab al-kuttāb* (Cairo: al-Salafyya, 1341), 59; Ḥamza, *Durra*, 186–88; *Aghānī* 4:61; Abū Ahmad al-‘Askarī, *Sharh mā yaqa‘u fīhi l-taṣhīf wal-tahrif* 1:54–56; al-Huṣrī, *Jam’ al-jawāhir*, 51; al-Qādī al-Jurjānī, *Muntakhab*, 27; al-Maydānī, *Majma’* 1:251, 258f.; Ibn Qayyim al-Jawziyya, *Akhbār al-nisā’*, 83–88.

¹⁵² Ḥamza, *Durra*, 186–88, reproduced by Abū Hilāl al-‘Askarī, *Jamhara* 1:437f., and al-Maydānī, *Majma’* 1:251. Ibn Khurradādhbih, *Mukhtār*, 149, attributes the first two of these sayings to, respectively, Tarīfa (or Tarīqa) b. al-Šūlī (on whom see note 126 above) and al-Dalāl, and names as other victims Bard al-Fu‘ād and Nawmat al-Duḥā. Since, according to Ibn Khallikān, Ṭuways had died three years before this event (see note 46 above), it seems likely that in Ḥamza’s account his name has replaced that of the less well-known Tarīfa/Tarīqa; this supposition is supported by the version in the *Aghānī* 4:61, which claims that altogether nine *mukhannathūn* were castrated, including al-Dalāl, Tarīf, and

The last two statements imply that what the *mukhannathūn* underwent was *jibāb*, the more drastic form of castration in which the penis was truncated.¹⁵³ They serve to stress the *mukhannathūn*'s lack of sexual interest in women, while the two preceding statements identify the essential psychological motivation behind *takhannuth* as gender identification with women. The flippancy of tone in these quips is of course characteristic of the *mukhannath* persona, and also points to the singular inappropriateness of the punishment, despite its savagery; significantly, there is no positive reference to sexual orientation, as opposed to gender identity.

Our sources offer few details about the aftermath of this traumatic event. One much-repeated anecdote has Ibn Abī Ḫatīq reacting to news of the castration of al-Dalāl by insisting that (whatever one might say against him) he had done a fine rendition of some verses by al-Āḥwāṣ.¹⁵⁴ According to another story, both Badrāqus, the physician who performed the castration, and his assistant were part of a group who set out from Mecca at some later date and were offered hospitality en route by Ḥabīb Nawmat al-Duhā. When the assistant asked Ḥabīb his identity, he replied, "Do you not recognize me after having 'circumcized' me?" Taken aback, the assistant avoided the food offered by Ḥabīb for fear of poisoning.¹⁵⁵ A third account, dependent on the "*taṣhīf*" version of the castration story, reports that the caliph Sulaymān was grieved by the accidental castration of the charming al-Dalāl, and had him secretly brought to his court. When the caliph asked him how he was, al-Dalāl replied, "Now that you've truncated (*jababta*) me in front, do you want to truncate me in back?" Sulaymān laughed, and ordered him to sing. Unable to decide whether he was more charmed by his wit or his singing, the caliph kept him

with him a month, rewarded him richly, and sent him back to the Hijaz.¹⁵⁶

What is more striking than these few stories is the general silence in our sources on the Medinese *mukhannathūn* after this event, in sharp contrast to the wealth of anecdotes for the few decades before it. Whatever the historicity of the details of the account of their castration, this silence supports the assumption that they did suffer a major blow sometime around the caliphate of Sulaymān.¹⁵⁷ The individual victims presumably lived out their lives, and it is not improbable that al-Dalāl, for example, may have continued to sing, to act as a go-between, and to pursue boys, as in the one anecdote we have about him which is datable after this time.¹⁵⁸ But none of the next generation of singers, which included such major figures as Mālik b. Abī l-Samḥ, Ibn Ḫāfiẓa, Ibn Muḥriz, Yūnus al-Kātib, Ḫāfiẓ Umar al-Wādī, and Ḥakam al-Wādī, are ever referred to as *mukhannathūn*. An anecdote about Ḥakam al-Wādī suggests that, while the connection between the *mukhannathūn* and music was not entirely broken, they had suffered a severe loss of prestige. Like several other Hijazi musicians, Ḥakam emigrated to Iraq, where he enjoyed the patronage of the dissolute Muḥammad b. Abī l-Abbās, nephew of the Ḥāfiẓid caliph al-Mansūr (136–58/754–75). Muḥammad was particularly appreciative of Hakam's songs in *hazaj*, a style he had only begun to cultivate late in his life. Ḥakam's son, however, disapproved of this, and reproached his father, saying, "In your old age, will you take to singing in the style of the *mukhannathūn*?" But his father replied, "Be quiet, ignorant boy! I sang in the heavy (*thaqīl*) style for sixty years, and never made more than my daily bread; but in the last few years I have sung songs in *hazaj* and made more money than you'd ever seen before!"¹⁵⁹

Another Hijazi singer who made his way to Ḥāfiẓid Iraq in his old age was Mālik b. Abī l-Samḥ, who was patronized briefly by Sulaymān b. Ḫāfiẓ, uncle of the caliph al-Saffāḥ (132–36/749–54) and the latter's

Habīb Nawmat al-Duhā. According to the *Aghānī*, one of the victims simply enunciated the benediction, appropriate to a circumcision, "*salima l-khātin wa-l-makhtūn*." See also Abū Aḥmad al-Askarī, *Taṣhīf* 1:54–56; al-Ṣūlī, *Adab al-kuttāb*, 59; al-Jurjānī, *Mukhtār*, 27, and Ibn Qayyim al-Jawziyya, *Akhbār al-nisā'*, 83–88.

¹⁵³ See A. Cheikh Moussa, "Gāhīz et les eunuques ou la confusion du même et de l'autre," *Arabica* 29 (1982): 184–214, esp. 192f.

¹⁵⁴ See note 79 above. In most versions, Ibn Abī Ḫatīq makes his comment in the midst of his prayers in the mosque, and the intention is clearly to show how he combined piety with appreciation for music.

¹⁵⁵ *Aghānī* 4:61. A year or two after the operation, the narrator adds, Ḥabīb's beard began to fall out.

¹⁵⁶ *Aghānī* 4:66.

¹⁵⁷ Sulaymān's punishment of al-Āḥwāṣ would seem to represent a similar move on the caliph's part, although I have not seen the two measures mentioned together in any of the sources.

¹⁵⁸ At the time of Hishām's pilgrimage, in 106/725; see p. 684 above. The improbability of the Mukhkhā anecdote, which has al-Dalāl still alive in Ḥāfiẓid times, has been pointed out above, note 140.

¹⁵⁹ *Aghānī* 6:64.

governor of lower Iraq, before returning to Medina. While staying in Basra, we are told, Mālik met ‘Ajjāja, the most famous of the *mukhannathūn* there. ‘Ajjāja insisted in singing for Mālik a song he had learned from another *mukhannath*, accompanying himself with the *duff*. The song turned out to be Mālik’s own, and Mālik did not know whether to be appalled or amused, but kept repeating, “Who sang this to you? Who passed it on to you from me?”¹⁶⁰ This story should not be interpreted to suggest that *mukhannath* musicians represented a phenomenon in late Umayyad and early ‘Abbāsid Iraq comparable to that earlier in Medina. ‘Ajjāja may have been the most famous *mukhannath* in Basra, but to my knowledge he is mentioned nowhere in our sources except in this single anecdote. As with the later Hijazi musicians, none of the indigenous Iraqi musicians known to us, beginning with Ḥunayn al-Ḥīrī, are referred to as *mukhannathūn*. In fact, the only significant figure in Iraq in this period whom I have found linked to *takhannuth* is the late Umayyad governor Khālid al-Qaṣrī (105–20/723–38). According to a number of malicious, and highly improbable, reports in the *Aghānī*, this man, who spent his youth in Medina, is identified with a certain Khālid al-Khirrī, a *mukhannath* who associated with the Medinese *mukhannathūn* and musicians and used to convey messages between the poet ‘Umar b. Abī Rabī‘a and various aristocratic ladies in the city.¹⁶¹ Yet even were we to grant these reports some credence, no trace of such frivolity is to be found in al-Qaṣrī’s stern governorship of Iraq, where, we are told, he issued a decree forbidding singing.¹⁶²

Reports about *mukhannathūn* begin to appear again with any frequency in our sources only in the high ‘Abbāsid period, and then primarily in Baghdad. But by then their situation had changed rather radically. While we do hear occasionally of *mukhannath* musicians at court, none achieved sufficient celebrity even to have their names preserved. They continued to play the *duff*, but became associated also with a particular kind of drum and with the *tunbūr*, a long-necked

lute.¹⁶³ More than their music, however, it was their wit that now defined their persona, as illustrated most clearly by the career of ‘Abbāda, the son of a cook at the court of al-Ma’mūn (198–218/813–33), who served as a kind of court jester, with some interruptions, for over forty years. In no way a musician, ‘Abbāda was also less a wit than a buffoon, whose stock in trade was savage mockery, extravagant burlesque, and low sexual humor, much of the latter turning on his flaunting of his passive homosexuality.¹⁶⁴ All these characteristics were henceforth to be associated with the figure of the *mukhannath*, and offer a considerable contrast with the earlier situation in the Hijaz.

An analysis of the nature of this change, and its relation to differing social conditions in Iraq, or processes of social change there, must be reserved for a future study of the *mukhannathūn* in the ‘Abbāsid period. Certainly a crucial factor was the sudden emergence of (active) homoerotic sentiment as an acceptable, and indeed fashionable, subject for prestige literature, as represented most notably by the poetry of Abū Nuwās. Increased public awareness of homosexuality, which was to persist through the following centuries, seems to have altered perceptions of gender in such a way that “effeminacy,” while continuing to be distinguished from (passive) homosexual activity or desire, was no longer seen as independent from it; and the stigma attached to the latter seems correspondingly to have been directed at the former as well, so that the *mukhannathūn* were never again to enjoy the status attained by their predecessors in Umayyad Medina.¹⁶⁵

¹⁶⁰ *Aghānī* 4:169f.

¹⁶¹ *Aghānī* 19:55f.

¹⁶² *Aghānī* 1:160. Al-Qaṣrī was also governor of Mecca for a time, under either ‘Abd al-Malik or al-Walīd; see *EI* 2, s.v. “Khālid b. ‘Abd Allāh al-Kaṣrī.” I have found no reports on his relations with musicians or *mukhannathūn* during his tenure there.

¹⁶³ See note 82 above. E. Neubauer, *Musiker am Hof der Frühen Abbāsiden*, 38, notes the connection between the fast *hazaj* rhythm and the *tunbūr*, which had little resonance.

¹⁶⁴ For examples of ‘Abbāda’s humor, see the sections on *mukhannathūn* and on *baghghā’ūn* in al-Ābī, *Natrū al-durr* 5:277–92, 302–6.

¹⁶⁵ The evidence for *mukhannathūn*, not only in the ‘Abbāsid period, but also in subsequent periods up to the present day remains to be investigated. A well-known nineteenth-century reference is E. W. Lane’s description in *An Account of the Manners and Customs of the Modern Egyptians* (London: John Murray, 1860 [Dover reprint, New York, 1973]), 381f., of the transvestite dancers of Cairo called *khawals* and *ginks*. The only significant study of contemporary *mukhannathūn* in the Middle East is Unni Wikan’s controversial article on the *khanīth* of Oman, “Man Becomes Woman: Transsexualism in Oman As a Key to Gender Roles,” *Man* 12 (1977): 304–19.

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In the year after Uhud, Muhammad had managed to recoup some of the prestige he had lost, and the affair of the Bani Nadir was yet another defeat for Ibn Ubbay. The Prophet continued to put down any incipient raids and in April 626 he won a decisive moral victory. As he had left the field of Uhud, Abu Sufyan had challenged the Muslims to meet him once again at Badr, during the annual fair, so in April 626 Muhammad set out with 1,500 men and camped at Badr for a whole week. But Abu Sufyan never appeared. He had not expected Muhammad to keep the appointment and had set out with his army as a mere show, planning to turn back as soon as he heard that the Muslims had failed to leave Medina. It was a year of severe drought and there was not a blade of grass to feed the camels during the journey, so after a couple of days Abu Sufyan led his army home. He was bitterly reproached by his fellow citizens for failing to keep the tryst, particularly because the Bedouin had been full of admiration for the Muslims' courage and readiness to face a much larger Meccan army at Badr a second time. Not only was Muhammad's position improving in Medina, but the tide was just beginning to turn in his favour in the rest of Arabia.

Even though the Muslims knew that after the humiliation of Second Badr the Meccans had intensified their preparations for a new offensive against the *umma*, Muhammad still hoped for a final peaceful settlement. In January 626 his new wife Zaynab had died, just eight months after her wedding, and a few months later he approached Hind bint al-Mughira, the widow of his cousin Abu Salamah, and asked for her hand. Umm Salamah, as she is usually known, was also the sister of one of the leading members of the powerful Meccan clan of Makhzum, which could prove to be a useful connection. She was twenty-nine years old and still extremely beautiful; she also seems to have been an intelligent woman and a good companion to Muhammad. He often chose to take her along on major campaigns and on at least one occasion she was able to offer valuable advice. She was, however, reluctant to marry Muhammad at first. She was no longer young, she said, and had a jealous nature: she was not sure that she would be able to take life in the harem. Muhammad smilingly assured her that he was even older than she and that God would take care of her jealousy.

Umm Salamah had been correct to fear harem rivalry; Muhammad's marriage to her introduced a rift among his wives that reflected the various parties within the *umma* who were competing for political power. A Makhzumite, Umm Salamah represented the more aristocratic group of Emigrants, while Aisha and Hafsah, daughters of Muhammad's two closest companions, represented the more plebeian party in power. As new wives entered the harem they tended to join one of these two rival

groups. Umm Salamah frequently looked for support to a third minor party, the *ahl al-bait* or the people of the household, who were members of Muhammad's immediate family and looked to Fatimah, a rather shy and timid woman, as their chief hope. These factions among Muhammad's wives reflect crucial factions in the *umma* that would become extremely serious after the Prophet's death and which, to some extent, still divide Muslims today. The *ahl al-bait*, who wanted Fatimah and Ali and their descendants to lead the Muslim world, would become the Shiah. It was not very long after Umm Salamah's wedding that a new wife entered the harem who would swell this group and frequently ally herself with the aristocratic party. Zaynab bint Jahsh, the Prophet's cousin, had been divorced by Zayd and married to Muhammad himself. The circumstances of this affair raised a few eyebrows and have been used by critics of Islam to denigrate its Prophet.

People such as Voltaire and Prideaux have seen the incident as a demonstration of Muhammad's insatiable sexual appetite and of his crafty manipulations of the revelations to further his own desires. They give a rather more lurid version of events than do Muslims. One afternoon Muhammad had gone to visit Zayd, who happened to be out. His wife Zaynab opened the door and because she was not expecting visitors was very lightly clad. Zaynab was now in her late thirties but was still said to be extremely beautiful and on this occasion Muhammad succumbed to her charms. He turned away hastily, muttering something that sounded like, 'Praise be to God who changes men's hearts.'⁴⁷ Zaynab had never wanted to marry Zayd and now she seized on Muhammad's admiration as a way out. She told Zayd so frequently and vehemently about the electrifying impression she had made on the Prophet, that life became impossible. Zayd went to Muhammad and offered to divorce his wife if Muhammad wanted her himself, but the Prophet sent him away, telling him to fear God and keep his wife. But there was now no hope for the marriage: Zaynab's nagging made Zayd so miserable that he divorced her anyway and the Prophet eventually decided to marry her.

There was criticism of the proposed match: some said that it was illegal as Zaynab had been married to Muhammad's adopted son, but Muhammad received a revelation telling him that the marriage was certainly not incestuous.⁴⁸ Zayd had been Muhammad's foster son and the relationship between them was artificial: in marrying Zaynab the Prophet was not violating the proscribed degrees. Muhammad happened to be with Aisha when this revelation came down and she said, rather tartly: 'truly thy Lord makes haste to do thy bidding.' Western people have generally shared this view, but the fact that this apparently critical tradition has been preserved shows that in general Muhammad's contemporaries took a rather more

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pragmatic view. They saw Muhammad as a man with passions and if al-Llah chose to give his Messenger a few extra privileges, who were they to criticise? Today Muslims deny that Muhammad married Zaynab out of lust and, indeed, it seems most unlikely that a woman of 39, who had been living on the brink of malnutrition all her life and exposed to the merciless sun of Arabia would inspire such a storm of emotion in anybody's breast, let alone that of a cousin who had known her since she was a child. But Muhammad had always been very close to the Jahsh family including Zaynab. He would, Muslims argue, have felt responsible for her after she had been divorced and was, as we know, concerned about unprotected women in the *umma*. If he had wanted Zaynab for her sexual charms, he could have married her himself years earlier. The incident also demonstrated the fact that a fostering or adoptive relationship was not a tie of blood and need be no bar to marriage.

Shortly after Zaynab's wedding celebrations and possibly connected with it, came the revelation known as the Verses of the Curtain, which decreed that Muhammad's wives must be secluded from the rest of the *umma*. Muslim traditions explain the introduction of the *hijab*, which is usually translated as 'the Veil', in various ways. Some say that it was Umar, who had aggressively chauvinist views, who urged Muhammad to seclude his wives from view by means of a curtain. There had recently been unpleasant incidents when the Hypocrites had insulted Muhammad's wives as they went out at night to relieve themselves. Others say that as Muhammad became more important and more aware of life in the civilised countries, he wanted to adopt the Persian and Byzantine custom of secluding women of the upper classes as a mark of his wives' new dignity. All, however, point out that sexual morality was lax in Arabia during the pre-Islamic period. There tended to be a great deal of indecent talk and innuendo and a great deal of flirting and propositioning. In traditional society, a sexual scandal can be extremely serious and arouse strong emotions in a community. Muhammad was probably well aware that Ibn Ubbay and his supporters would be delighted to damage the Muslim cause by pointing to a disgrace in his own family.

It is said that at Zaynab's wedding feast, some of the guests stayed too long and made a nuisance of themselves. This prompted a revelation which put some distance between Muhammad's family and the rest of the *umma*:

Believers, do not enter the houses of the Prophet
for a meal without waiting for the proper time,
unless you are given leave. But if you are
invited, enter; and when you have eaten,
disperse. Do not engage in familiar talk,

for this would annoy the Prophet and he would be ashamed to bid you go; but of the truth, al-Llah is not ashamed. If you ask his wives for anything, Speak to them from behind a curtain [*hijab*] This is more chaste for your hearts and their hearts.⁴⁹

Muhammad, it will be remembered, had no room of his own at the mosque; he simply slept in the apartments of his wives. But as he became more important in Medina his home inevitably became a public place, as more and more people came to consult him about their personal or religious problems or asked him to arbitrate in a dispute. Some Muslims liked to approach him through his wives, in the hope of getting his ear. Aisha, for example, was known to have had several friendly chats with a particular young man, which people remembered later when a scandal broke out that threatened to split the *umma* down the middle. The *hijab* or curtain was not intended to be an oppressive measure. It was designed to prevent a scandalous situation developing which Muhammad's enemies could use to discredit him.

We should pause to consider the question of the *hijab*, and the Muslim institution of the veil. It is often seen in the West as a symbol of male oppression, but in the Qu'ran it was simply a piece of protocol that applied only to the Prophet's wives. Muslim women are required, like men, to dress modestly, but women are not told to veil themselves from view, nor to seclude themselves from men in a separate part of the house. These were later developments and did not become widespread in the Islamic empire until three or four generations after the death of Muhammad. It appears that the custom of veiling and secluding women came into the Muslim world from Persia and Byzantium, where women had long been treated in this way.

In fact the veil or curtain was not designed to degrade Muhammad's wives but was a symbol of their superior status. After Muhammad's death, his wives became very powerful people: they were respected authorities on religious matters and were frequently consulted about Muhammad's practice (*sunnah*) or opinions. Aisha became extremely important politically and in 656 led a revolution against Ali, the Fourth Caliph. It seems that later other women became jealous of the status of Muhammad's wives and demanded that they should be allowed to wear the veil too. Islamic culture was strongly egalitarian and it seemed incongruous that the Prophet's wives should be distinguished and honoured in this way. Thus many of the Muslim women who first took the veil saw it as a symbol of power and influence, not as a badge of male oppression. Certainly when the wives of the Crusaders saw the respect in which Muslim women were held, they took to wearing the veil in the hope of teaching their own

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MUHAMMAD

A Biography of the Prophet

KAREN ARMSTRONG



HarperSanFrancisco
A Division of HarperCollinsPublishers

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outlying regions including Yemen. Two local dynasties in North Africa—the Idrisids in Morocco and the Aghlabids in Ifriqiya—asserted autonomy from the Abbasid center (though the Aghlabids continued to send tribute to Iraq). Military factionalism in Syria and tax revolts in Egypt added to the woes of the central administration, as did Shi'i and Khariji uprisings in northern Mesopotamia and western Iran. On campaign against Rafi ibn al-Layth, head of a particularly difficult revolt in Khurasan, al-Rashid fell ill and died. The succession arrangement, which brought al-Amin to power, quickly ran aground with the onset of civil war between the two brothers.

Khadija bint Khuwaylid (d. 619)

Khadija, the first of Muhammad's wives, was the first convert to Islam, according to the Arab-Islamic sources. Her father, Khuwaylid, belonged to the Asad branch of the Quraysh. She is reported to have been married twice as a young woman. The death of her second husband, a successful trader, left Khadija a wealthy widow and heir to her husband's caravan trade. She hired the young Muhammad—attracted, it is said, by his reputation for honesty and piety—to oversee her business. He is said to have conducted trade on her behalf between the Hijaz and Syria. While some sources state that she was fifteen years his senior, other sources suggest they were close in age. Her marriage proposal to Muhammad, possibly presented through a male guardian, followed. The marriage produced four girls (Zaynab, Umm Kalthum, Fatima, and Rukayya) and at least one son (Abdallah). Abdallah is reported to have died as a child. Of the four girls, Fatima gained the greatest significance through her marriage to Ali ibn Abi Talib. Rukayya married Uthman, the third of the Rashidun caliphs.

Many details of Khadija's life are uncertain. Her significance to early Islamic history is at least twofold. Modern historians are interested in her status as a merchant and property owner and her seeming independence. One line of argument is that these show the greater autonomy enjoyed by women prior to the introduction of Islamic regulations that limited their rights and social mobility. Arab-Islamic sources generally laud her role in Muhammad's life following the start of his prophetic mission. She is reported to have provided the encouragement he required to proceed with his public preaching, at an early point when the hostile response of

the Quraysh grew particularly fierce. She is also associated with her cousin, Waraqa ibn Nawfal, a Christian convert revered by the Islamic tradition for having acknowledged Muhammad's prophetic standing.

Khadija's relationship with Muhammad and her standing as a woman of conviction and piety are reflected in the honorific phrase often attached to her name. She is counted among the "mothers of the believers" (*ummahat al-mu'minin*). Her death (619) occurred some three years before the *Hijra*, and just after the death of Abu Talib, the Prophet's uncle and protector. Faced with a mounting campaign of abuse and violence by the Quraysh, Muhammad found his situation made all the more precarious by the loss of his two cherished supporters.

Mu'awiya ibn Abi Sufyan (d. 680)

Mu'awiya, a member of the Banu Umayya clan of the Quraysh, is generally described as the founder of the Umayyad caliphate. His second cousin, Uthman ibn Affan (d. 656), the third of the Rashidun caliphs, was the first member of the clan to control the caliphate, though it fell to Mu'awiya to establish the dynasty in Damascus. The reconstruction of the history of his caliphate is made difficult by the generally hostile treatment of the Umayyads in later Arab-Islamic sources. Generally the sources are respectful of Mu'awiya himself.

His rise to office followed an extended conflict with Ali ibn Abi Talib, who was accused of at least indirect complicity in Uthman's murder. Following Mu'awiya's refusal to recognize Ali's caliphate, armed struggle ensued. Negotiations between the two sides at Siffin (657) were inconclusive but resulted in a weakening of Ali's authority, to Mu'awiya's advantage. Strengthened by the seizure of Egypt (658), then Ali's assassination (661), Mu'awiya's bid for the caliphate was settled with the decision by al-Hasan, Ali's son, to forgo a bid for the caliphate (661). In that year—known in the Arabic sources as the "year of unity"—Mu'awiya was proclaimed head of the Arab-Islamic Empire.

His years in office were marked by advances in Anatolia against the Byzantine Empire as well as campaigns in the eastern Mediterranean and North Africa, with Egypt serving as the springboard into the latter territory. Mu'awiya also largely overcame the challenges posed by unruly elements within the conquest armies, notably nomadic forces from Arabia. He did so, in good part, through a policy of cooperation with tribal chiefs

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the caliph's sudden death, he was returned to prison in Baghdad. The new caliph, al-Mu'tasim, an unenthusiastic supporter of the *Mihna*, was pushed by his adviser, Ahmad ibn Abi Du'ad (d. 854), to harshly interrogate Ibn Hanbal. Some Arabic sources report that Ibn Hanbal, after a particularly humiliating session, finally gave in, though other sources, particularly those by later Hanbali scholars, insist that he stood firm. He is said to have remained in seclusion for some years thereafter. Following the decision by the caliph al-Mutawakkil (r. 847–861) to reverse the *Mihna*, Ibn Hanbal regained favorable standing at court, at one point invited to a meeting with the caliph al-Mu'tazz (r. 866–869).

Ibn Hanbal's best-known work, a collection of Hadith of the Prophet and his companions, is known as the *Musnad*. Following Ibn Hanbal's death, his tomb became the site of Sunni pilgrimage until the fourteenth century, when it is reported to have been swept away in a flood. Two of his sons, Salih ibn Ahmad (d. 880) and Abdallah ibn Ahmad (d. 828), were among his closest followers and, as such, contributed to the formation of the Hanbali *madhab*.

A'iša bint Abi Bakr (d. 678)

The Prophet is said to have entered into additional marriages only after the death of his first wife, Khadija, in most cases in order to strengthen ties either to his own following or to prominent Hijazi tribes. A'iša, the daughter of Abu Bakr, an influential Meccan and the Prophet's close adviser, probably was chosen for this reason. Born in Mecca, she became the Prophet's third wife in 623, at the age of nine, according to the early biographies. The sources report that the Prophet took part in her childhood games early in their marriage and that she was his preferred wife at the time of his death. One line of argument sees in her eventful life evidence that women enjoyed wide access to public life prior to the introduction of Islamic law. The point is controversial since it is widely maintained, in the Islamic tradition, that Islamic law in fact improved the standing of women by initiating social and legal reforms.

The first of several noteworthy episodes in her life occurred outside Medina (627). On the return from one of the Prophet's campaigns, A'iša was accidentally left behind when the caravan moved on. She

was rescued by a young man, Safwan ibn al-Mu'attal, who accompanied her to Medina. When opponents accused her of having committed adultery with Safwan, Muhammad hurried to her defense, citing revelation (*Surat al-Nur*, 24:11–20) that spoke of her innocence and roundly condemning her accusers. Other defenders noted the lack of evidence against her. Despite her vindication, the accusation remained and, over the centuries, was repeated by detractors, Shi'i scholars most notably (see below).

Following the Prophet's death (632), A'isha, now a childless widow, apparently took no part in politics until Uthman's caliphate. She joined the opposition to Uthman ostensibly on religious grounds, arguing, like others in the community, that his policies violated Qur'anic teachings and the Prophet's example. Her political activity continued following Uthman's assassination when she joined Talha and al-Zubayr in opposing Ali's caliphate. The respective armies clashed at the Battle of the Camel, so called because much of the fighting is said to have taken place around the camel bearing her litter. Upon Ali's victory, A'isha was placed under house arrest in Medina and apparently took no further part in politics.

The biographical dictionaries indicate that she devoted the remaining years of her life to scholarship and religious instruction. As a result of her role in transmitting information about the Prophet's life and teachings, she is regularly named as an authority in Sunni Hadith collections. A'isha remains a controversial figure in Islamic society. Alongside Khadija and the Prophet's daughter Fatima, she is among the best-known women of the early Islamic period. Various strands of modern Islamic feminism see her as an exemplary Muslim, both for her relationship to the Prophet and for her piety and scholarship. In Shi'i writings, however, she is still sharply criticized, both for her alleged adultery and for her opposition to Ali ibn Abi Talib.

Ali ibn Abi Talib (d. 661)

Ali, a member of the Prophet's clan, the Banu Hashim, was the fourth of the Rashidun caliphs. Abu Talib (d. 619), his father, protected the Prophet against the Quraysh early in Muhammad's career. One of the first converts to Islam, Ali became the Prophet's son-in-law upon his marriage to Fatima. Their sons, al-Hasan and al-Husayn, played a significant role

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THE RISE OF ISLAM

Matthew S. Gordon

Hackett Publishing Company, Inc.
Indianapolis/Cambridge

2005

An selection from a poem by Ibn Abī Rabi'a (d. 23/645?)

...

At night, in Dhi Dawrāni, travelling by night imposes upon me.

The lover, blinded (by love), may take fear upon himself.

So I spent the night watching the people at the edge (of the settlement),

cautious (of) one of them walking around, and I watch.

...

My she-camel and her baggage passed the night in the empty land

fearing for a night-visitor or one who comes.

I continued to whisper to myself: where is her place,

and how do i find the aim of the affair for which I come?

Then a fragrant smell, which I knew was hers, and the love of the soul

which was nearly visible, pointed her out to my heart.

So when I sought her voice from among them, the lamps

were extinguished, and the fires were kindled for the evening.

When a little moon was hidden, I was falling down (in) the darkness,

and the herders (went to) rest and gathered in sleep for conversation.

But the voice was lowered from my hearing; I went to meet with the gait

of a snake, my body bent over, inwardly afraid of the people around.

And I greeted (her) when I came upon her, and she was startled,

and she was nearly revealed though concealing the greeting.

She said, biting (her) fingers: You exposed me.

You are a man; what is easy (in the) affair (to) you is more difficult (for me).

You show yourself when (we women) are upon you; do you not fear?

Are you protected while around me (one of) your enemies is present ?

So by Allah, I do not comprehend: Does hurrying necessity

travel with you by night, or has one whom you were wary (of) slept?

So I said to her: Rather, longing and love led me

to you, and what (every) soul among people feels

So she said, as she relented and her fear calmed down:

May your Lord, the Proud, protect and preserve you
For you are the master of eloquence, not one to fight
while you linger, (I take) you (as) a chief appointed over me.
So I passed the night (with) consolation for the eye (for) I was given what I needed.
I kissed her mouth under the open sky, and then more,
O night, whose length grows short
(when) my night before that (moment) was not short!
And O delight there, and our sitting
together; no disturbing thing troubling us.
What is kissed brings forth the scent of musk from her.
The purity of (her) front teeth, one who has such gaps (between them) is noticed.
You see it whenever it is parted; it was like
little stones of hail or chamomile in bloom.
She gazes intently at me with her two eyes as if
a little wild calf is looking at a gazelle in the midst of a thicket.
Then the night passed, except for a little of it,
and the sucession of its stars nearly was falling (to the horizon).
She said that a hubbub loomed
from the people: But a rendezvous from you is reviled.
But nothing frightens me but someone calling out; they wander about
while a fair-haired sign of the dawn has appeared.
Then when she saw one among them who had noticed (the dawn)
and aroused them, she said: Be quick! What do you command?
So I said: I will declare (myself to) them openly, and either I escape them
or else the sword is taken up in reprisal and takes vengeance.
Then she said ...
I will tell the beginning of our tale to my two sisters,
but i do not know how they will help (with) what comes after.
Perhaps the two of them will ask a way out for you?
and (perhaps) they will widen (my soul) which has been oppressed?
So she stood up, dejected, the blood drained from her face

from sadness; a tear fell from her eye, descending slowly.

Then two free women came to her, wearing

two garments of silk, (raw) green silk.

...

Then the younger one said to her: I will give him my *mutraf* [outer dress]

and my chemise and this cloak, (so) that he will be prepared.

He will stand up and walk between us unnoticed

and so our secret will not be revealed, and he will not be visible.

And so my shield was three people, two with breasts

and a girl, less than one whom I was on guard against.

from *The Seven Poems Suspended in the Temple at Mecca*,
translated by F.E. Johnson

1) By Imru l-Qays b. Hujr al-Kindi (d. ca. 540)

Stop, oh my two friends, and weep for the memory of my beloved
and her abode which lies between Dakhool and Hawmal
And Tawdzih and Maqrât, whose traces have not been obliterated
by the South wind and the North wind that has blown over them.
You will see the dung of the white deer in its enclosures
as if they were seeds of pepper.

On the morning of the day they parted, it was as if I,
standing by the tribe's acacia shrubs, was breaking wild colocynth.*
My companions, stopping their camels near me there, say,
“Do not die of grief, but bear it patiently.” 5

But truly my cure is the flowing tear.
But is there near ruins a place for crying?
As was your experience with Umm al-Huwairith before her
and her neighbor, Umm al-Rabâb in Mâsal.
When they stood up, the (scent of) musk came from them
like the soft breeze of a zephyr with the smell of clove.
So the tears of my eyes flowed down on my breast
for the tenderness of my love, until they wetted my sword belt.
How many pleasant days you had with them,
especially the day at Dârat Juljul. 10

And the day I killed my riding-camel (for food) for the maidens.
How pleasant was their dividing her saddle, to be carried on theirs.
Oh its wonder at being unsaddled after being saddled.
And wonder at the extravagant slaughterer.
Then the maidens began throwing her flesh (into the kettle)
and her fat like loose fringes of white silk twisted round the meat.
And the day on which I entered the *howdah* of ‘Unayzah,
And she said, “Whoa, you will make me travel on foot!”
So she said while the *howdah* was swaying with us,
“You have galled my camel, Imru l-Qays, so dismount.” 15
So I said to her, “Go on and loosen his reins,
And do not distance me from your oft-plucked fruit.
“Let the young camel be, and show it no pity for riding together on it.
Come let us taste your fruit, like an apple.”

* The juice of the colocynth makes the eyes water

For many a (beautiful woman) like you I have visited at night
when she was pregnant or nursing, and I diverted her thoughts.
When the child cried behind her, she turned to him
with one half, and her other half under me, not turned away.
One day on the back of a sandhill she made excuses to me
and swore an oath to which she made no exception. 20
Oh Fatima, gently put aside this coquetry, and if you have indeed
decided to cut off (friendship) with me, do it kindly.
Has anything deceived you about me, that you love is killing me,
and that as often as you order my heart, it will do as you order.
If any one of my habits has caused you annoyance
then put away my heart from your heart, and it will be put away.
And your two eyes did not flow with tears, except to strike me
with your two arrows in my broken heart, conquered by love.
And many a fair one unseen behind her curtain, whose tent is not sought,
I have enjoyed playing with, without rushing away. 25
I passed by the sentries (watching) near her,
desiring to kill me, if they could conceal my murder.
I passed by them when the Pleiades appeared in the heavens
appearing (like gems) in an ornamented girdle set with pearls.
I came to her when she had taken off her clothes for sleep
except her night-garment, and she standing near the tent screen.
Then she said to me, "I swear by God you have no excuse (for this).
I don't expect your bad habits will ever be removed from you.
I went out with her; she walking and drawing behind us
the skirts of an embroidered garment over our tracks. 30
Then, when we had crossed the tribes enclosure, the open plain,
with its sandy undulations and hills was sought by us.
I drew the two sidelocks of her head (to me), and she leaned toward me,
and she was slender of waist, but full in the ankle,
Thin-waisted, white-skinned, not fat in the abdomen,
her breast shining polished like a mirror.
In complexion she was like the first egg of an ostrich — whiteness mixed
with yellow — pure water (unsullied) had nourished her.
She turned away and shows me her smooth (cheek), prohibiting me
with a glancing eye like a wild animal with young in Wajrah, 35
And a neck like the neck of a white deer
neither disproportionate when she raises it, nor unornamented,
And a perfect head of hair, adorning her back, black
very dark-colored, thick like a date-cluster on a laden date tree.
Her curls crept up to the top of her head
and the plaits were lost in the doubled hair falling loose.
She met me with a slender waist, thin as the twisted leather nose-rein
of a camel, and a shank like the stem of a laden palm tree bending.

In the morning, when she awakes, the particles of musk (lie) on her bed.
She sleeps late in the morning and does not put on her work-clothes
She gives with thin fingers, not thick, like worms of the desert of Zabi
and soft as the tooth-brushes of the Ishil tree.

In the evening she brightens the darkness, as if she were
the light tower of a monk, a recluse, in the evening.
The wise man gazes incessantly, lovingly, towards one like her being
well-proportioned in height between a long dress and short frock.

The follies of men are removed after their youth,
but my heart is not freed from your love.

Behold many bitter contender advising, (reproaching me) for you,
unfailing in his blame; I have turned him back from reproach. 45

And many a night like a wave of the sea has let down
its curtains upon me, with all kinds of griefs to try (me).

Then I said to him [ie: the night], when he stretched his loins
and followed with his buttocks and removed his breast distant,
“Oh thou long night, be brightened by dawn, but the morning
is not preferable to you (for the pain of separation continues).

“What a wonder you are as a night, whose stars
as it were, are (secured) by ropes of hemp to a firm rock.”

And many a leathern water-bag of the people, I have placed submissively
its strap over my shoulder and repeatedly saddled up. 50

And many a valley like the plain of ‘Ayr, a sterile desert, have I crossed,
where the wolf howled like a gambler with a family (to support).

I said to him when he howled, “Our business is small in wealth
if you also have never been prosperous.

“If either of us obtains anything, he makes away with it,
and he who cultivates as you and I do will become thin.”

Indeed, I started in the early morning, when the birds were still in their nests,
on a well-bred (horse), long-bodied, outpacing the wild beasts.

Attacking, fleeing, advancing, retiring, all together,
like a boulder which the torrent has hurled down from on high. 55

Bay colored, he makes the saddle-pad slide off his back
like a smooth stone causes the rain to slip off.

In spite of his thinness, he is very lively, and when his heat
boils over in him, his snorting is like the boiling of a kettle.

At full gallop, when swift horses raise up dust on the rough ground
beaten by their hooves, out of fatigue.

A light boy slips off his back,
and he throws off the garments of a heavy rough rider.

Very fast, like a child’s top, whose two hands working
in succession with the connecting string have spun it well. 60

He has the flanks of a buck and the legs of an ostrich,
and the gallop of a wolf, and the canter of a cub.

Well-shaped (of bone and sinew): if you stand behind him he shuts the place
between his thighs with an ample tail, which is not crooked,
As if, when standing in front of the house, his back was the stone
for grinding the bride's musk or for breaking colocynth pods;
As if the blood of the herd leaders on his neck
were the juice of Henna in combed white hair.
Then there appeared to us a flock of wild sheep, the ewes
like virgins of Duwâr in long trailing robes. 65
They turned round for flight, like a shell clearly marked on the neck
of a boy, whose relations on both sides are distinguished.
(The horse) caused us to overtake the foremost ones, while besides
them were some remaining behind in a crowd not dispersing.
He killed one after the other, a bull and a cow, overtaking them,
and did not break into a sweat that should be washed.
Then some of the meat-dressers were baking slices of roasted meat
placed in a line, and some were boiling quickly the kettle.
We returned in the evening, and the eye almost failed (to see his beauty)
being raised to see (his upper part), but attracted to the lower. 70
He passed the night with his saddle and bridle on, standing
in my eyesight without being sent to the stable.
Oh my companion, do you see the lightening, the glittering I show you
like the flashing of the two hands in the thick crowned clouds?
The glory of it shines, or, like the lamps of a monk,
who has dipped the well-twisted wicks in the oil.
I sat down with my companions, between Zârij and 'Uzayb
after watching the lightening attentively.
In looking for the rain, (we guessed) its downpour on the right
was over Qatan, and on the left, Satâr, and beyond upon Yazbul. 75
The storm commenced pouring out its waters over Kuthaifah,
overturning the big trees called Kanahbul upon their faces.
Then there passed over the hills of Qanân from the spray of it
(that) caused the wild goats to descend from every haunt in it.
And at Taimâ it did not leave the trunk of a date tree (standing)
and not a building except those strengthened by hard stones
As if Thabeer at the first downfall of its rain
was a large man wrapped in a striped cloak,
As if in the morning the summit of Mujaimir were the whirl
of a spindle, from the flood and the debris around it. 80
And the cloud poured out its goods on the desert of Ghabeet,
(resembling) the arrival of a Yemeni (merchant) with loaded trunks
As if in the morning the small birds of the valley Jiwân
had taken a morning draught of old, pure spiced wine;
As if in the evening the wild beasts in it drowned
in the furthest parts of it, were the root-bulbs of a wild onion.

Women of Fes

Ambiguities of Urban
Life in Morocco

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PENN

University of Pennsylvania Press
Philadelphia

2009

Occupying the Public: New Forms of Gendered Urban Space

He who takes his wife out in public divorces her.

What a woman sees of the sky is only that which passes over the circle [the open roof over a household].

—Moroccan proverbs

Scene one: late spring 2002, a warm, sunny day near the central market of the Ville Nouvelle. On the sidewalk of a busy street, a woman sat with her baby, begging. People stepped over her, largely ignoring her chanted litany.

“Please, some of God’s charity. Sadaqa min Allah. Please, money for bread.”

Near the spot where the woman was sitting, I waited for photos to be developed at a one-hour lab. I stood close to the photo lab, which was full, knowing that to stand too far from my destination meant I could not duck inside if someone approached me. To be too stationary in a public place was to invite harassment—a woman not constantly in motion must want something. To make eye contact with anyone was also risky. I adopted my usual closed body posture, trying to look hostile, ignoring the occasional “hellos” from men as if I were deaf. As a point of reference I kept my eyes on the woman, watching her as she pleaded with passersby, her baby cradled in her arms. The woman’s djellaba was dirty, her bare feet rough and callused. Across her face, under her eyes, she wore a litham, a black face veil. The hood of her djellaba was pinned over her head. The way she wore the hood and the litham was an old Moroccan style, seen only on very old women in the medina. Now, young Fassi women who want to cover up favor silk scarves and neutral coats imported from Egypt.

I had asked Fassis about the beggars who always stationed themselves outside the shops on Mohammed V Avenue. They were heavily concentrated in this area, the ones with extreme disabilities closest to the central market.

Fassis were dismissive, stating that begging was a profession like any other, and that these people were "bused in from the countryside" and that they went home every night laden with coins. Many claimed the women borrowed other women's babies to use as props.

But this woman looked particularly mskina (*poor, to be pitied*), and the baby, I soon realized, was definitely hers. Too young to walk or even sit up, the baby, who had been sleeping when I arrived, began to cry. The wails grew louder and louder, the mother attempting to quiet her small charge, but to no avail. Finally, she unbuttoned the front of her djellaba and pulled out her breast, which the baby quickly latched onto. Until the baby drank its fill, they sat there like this, the veiled woman with her breast in full view, the child sucking happily away. I looked at the faces of the people passing by for a reaction, but they barely seemed to notice.

Scene two: a posh exercise club in one of the wealthier new neighborhoods of the Ville Nouvelle, near the crumbling French army barracks and an old French-built racetrack once used for horses. American Steel Fitness was the first club in Fes to have separate floors for men and women, so people could exercise every day, rather than on a rotating schedule, as in the other clubs. Women could pass through the men's space on the ground floor, but men must never come upstairs. Yet the club was poorly constructed, and over the space women used for aerobics classes, slanted mirrors revealed everything to the men lifting weights below. When the club owners, an American and a Moroccan American who had come from the States to try out a new business venture, realized this oversight, they quickly installed curtains to appease their female customers.

It was late in the spring of 2002, and the days had grown quite hot. In the exercise club, all the heat rose up to the women's area, and while there were never more than two or three men downstairs during the day, the upstairs area was always crowded with women. About ten of us waited in the aerobics space for the teacher to begin her class. There were a few students, well-to-do housewives, cosmopolitan women wearing stylish exercise outfits. Already sweat trickled down our faces, even before we had begun exercising. The teacher came in and started the music without closing the curtains. I was grateful—the curtains were heavy, dark blue affairs, and once they were shut, all circulation of air ceased. But others were not so happy. A woman in her thirties, who always exercised in a headscarf even though she wore a tight leotard that left nothing to the imagination, angrily strode over to the curtains and resolutely closed them. Another woman, one of the perfectly made up beauties who often crossed over into the men's section for weightlifting demonstrations, argued with her.

"Come on, it's so hot," she said. "I'll stand there where they can see me if you care so much."

"Shame on you!" the other woman snapped. "They don't have the right

to look at you or at me. It's forbidden (haram) for the men to be able to leer at us while we exercise."

"There's nobody down there!" the second woman said. "See for yourself. There are no men there right now!"

"She's right, if you stand over there, they won't see you with the curtains open," the instructor said. "That would be the easiest solution."

"Do you have no shame?" the first woman said. "The curtains stay closed, or else I'm leaving the club!" she threatened. Shrugging her shoulders, the instructor began to teach the class.

We sweated through an hour of aerobics, the woman with the headscarf taking her usual position close to the mirror where she watched herself the whole time, never paying much attention to the teacher, while the second woman visibly displayed her unhappiness about how unbearably hot it was. Afterward, in the dressing room, the drama continued.

"Who does she think she is?" said the woman who had argued for the curtains to be left open. The veiled woman was nowhere in sight, but could have still been within earshot, and the speaker spoke loudly, as if hoping her nemesis would hear. "She's no prize. Does she think the men want to look at her anyway?"

"It was soooo hot!" someone chimed in sympathetically.

"She acts like she's so pious, but it must come from the heart, it's not how you dress or whether or not the men can see you!" insisted the woman, still loud enough that anyone standing at the door could hear her. "Those fundamentalists (sikhwaniyin), we can't understand them. They wear tight clothes, they cover their heads. She's crazy, that one. This gym, it's not for the fundamentalists. If she doesn't like it, she needs to stay in her house." The woman grabbed her shampoo bottles and wrapped a towel around herself, storming off to the shower. Her friends shook their heads sympathetically and followed her.

Scene Three: a cyber café in my neighborhood of the Ville Nouvelle, one of the many Internet locations that had cropped up all over Fes in the past few years. The customers ranged in age from seven-year-olds playing games to men in their fifties, with men outnumbering women. Some used the computers to work on their résumés, others to search for jobs online. A few boys played video games, while older men scanned visa and consular information, hoping to learn something that would help them get out of the country. There were always religious people looking at Saudi websites with the latest sermons from mosques all over the Middle East, sometimes playing Qur'anic recitations loudly until the cyber café owner asked them to turn the volume down. The high, nasal warble of the recitations contrasted radically with the American hip-hop someone else blared from his computer station, and with the din from the café that was below us, which was full of people in late afternoon.

At this time, high school or university students occupied most of the twenty computers. As usual, most were doing Internet “chats,” typing messages in transliterated Moroccan Arabic, French, or English (but usually French), with Moroccans or foreigners from all over the world. Next to me, three teenaged girls wrote messages to a boy in Tangier. It was clear that one in particular had her sights set on the boy, and their messages to one another grew more flirtatious as the other two girls giggled. She typed rapidly in French, responding to questions about how she looked, her age, and what she liked to do for fun. “Can we chat on the phone sometime?” he asked. “What’s your cell phone number?” She typed that in for him, and they made plans for a rendezvous. “Now I’m going to send you my picture,” she wrote, taking a diskette from her purse, and expertly pasting a file in an email attachment for him to see, and sending it off. They waited a few minutes for him to get the message. “Vous êtes très belle,” he responded. “I want to meet you,” which set the three girls off into paroxysms of giggles, the main one blushing and covering her face with her hands.

“Wait, wait, look, he asked you something else,” one of them said, pointing at the screen. The girl read his question out loud. “You are a virgin? Eh, of course! What does he think I am? Shame (hshuma) on him!” she scoffed indignantly, then typed in “Bien sûr!” She looked at both of her friends. “Hshuma!” she announced again.

What is the anthropologist to make of these three episodes? I witnessed all of them as attempts to consider the broad question of “women in the public space.” The thread of “shame” is an element running through all three episodes, although this did not become apparent to me until later. In the retelling, the three anecdotes seem disconnected, evocative of vast class disparities in Moroccan society. What are the connections among these incidents: a beggar breast-feeding on a street corner, two middle- or upper-class women arguing at an exercise club, and a lycée student challenged over the internet about her virginity?

This chapter explores the changing nature of public space, and the ways space in Fes is contested, appropriated, and defined by its users—here, with an eye toward the gendering of new urban spaces. In every place, whether at the beach, market, office, street, or café, the mixing of unrelated men and women is an endeavor fraught with tension. When women intrude on “male” spaces, they will be reminded of their transgression, whether by the catcalls and invitations that follow them down the street or by the male gazes that seem to sear the body with intimate, shameful knowledge.

What are the rules for women’s presence in different public spaces?²¹ These “rules” are constantly discussed, challenged, and negotiated. The male presence is never questioned; at issue is not the mixing of genders,

but the limits that women may not cross. The transgression of these limits could lead to chaos, but contradictorily, the limits themselves appear to be constantly receding. No space is neutral, and context and timing are everything. What may be perfectly fine at four in the afternoon is wrong at midnight. What is acceptable when a woman is accompanied by several friends is wrong when she goes alone. Frontiers and limits are constantly under discussion, erased, and produced anew. In efforts to define space, it sometimes seems that Fassis are arguing with themselves as much as with others. Which vision of their city, of their nation, are they arguing for?

By examining Fassi women's social performances in everyday situations, we can better understand how people navigate among competing ideologies to test the limits of gender in a variety of social situations. Through "everyday practices," practitioners of culture regain their agency as they manipulate the basic rituals and rules of social organization and turn them to their own ends (de Certeau 1984: xiv). The preceding examples of women's spatial practices highlight the incongruities, possibilities, and conflicts inherent within Fassi social life.

Over the past fifteen years, the appearance of new spaces for social interaction in urban Morocco suggests that a straightforward analytical division of Muslim social spaces into "public/male" and "private/female" is inadequate for comprehending the ways Muslims actively construct gendered social space.² During my fieldwork, I noticed that arguments over how women should occupy particular social spaces often prompted discussions about the appropriate place of women in Moroccan society. In local disputes concerning how to regulate interactions between unrelated men and women in spaces that often seem designed to facilitate them, there was often more at stake than a single place. Debates over the possibilities and limitations that delineate gendered urban space speak to larger contestations over the position of women in modern Muslim nation-states such as Morocco. As Diana Taylor has written, "battles for land and national identity have been staged on, over, and through the female body—literally and metaphorically" (1997: 32). Space becomes an extension for debates taking place elsewhere in society, such as over the proposed revisions to the *mudawana* personal status code.

Divisions of space such as "public" and "private" are too often mapped out onto gendered space, with the assumption that one gender's entry into another's space constitutes a social transgression. However, as women and men in the Middle East and North Africa increasingly occupy the same public spaces for social and economic reasons, women's presence and movement through public space must be reexamined. Urban spaces in particular offer an opportunity to examine

how discourses of modernity are accepted, contested, or transformed by their users. Here, my concern is with the gendering of social space in the city of Fes. I examine women's disputes over social space to show how people navigate among competing ideologies to test the limits of gender. In the Moroccan context, two particularly prominent ideologies are represented by gender-focused discourses of the nation-state and its Islamist critics. The nation-state characterizes the Moroccan female citizen as simultaneously modern, secular, and Islamic, while an oppositional religious discourse frames the nationalist vision as hopelessly enslaved to Western secularism, suggesting that the Moroccan woman needs to "return" to an authentic, "traditional" Muslim identity, modeled after the imagined example of the Prophet.³ The spread of both discourses has been influenced by the increased flow of Moroccan migrant populations between Morocco and Europe, North America and the Middle East, as well as the proliferation of new technologies of communication such as satellite dishes, the Internet, and cell phones.

Responding to both positions, Fassi⁴ Moroccans often draw on local meanings to create identities for themselves that both resist and transcend these ideologies. These include notions of what it means to be Fassi and female, shame as a positive attribute, and hospitality. I use Michel de Certeau's concept of "everyday practices," to show how middle-class Fassi women manipulate competing ideologies and turn them to their own ends (1984: xiv). Whether Moroccan women are arguing over the divisions of space in an exercise club or over how to respond to an invisible suitor met over the Internet, their everyday practices indicate how users appropriate social space, articulate conflicts, and respond to ideologies in locally meaningful ways.

The Ville Nouvelle of Fes offers a unique opportunity to observe these processes in urban areas of the Muslim world that are not considered central to political and economic operations of power.⁵ An examination of provincial cities complements existing anthropological studies of urban areas of the Middle East and North Africa that have focused on cities that are loci of government and political power, such as Cairo or Casablanca.⁶ The provincial character of a city like Fes, with a population of over a million residents, makes it an interesting area for inquiry. Competing discourses concerning the identity of the nation-state are received and transformed in innovative ways that may be lost in studies that focus on capital cities, despite the attention paid to individuals who are themselves marginal to operations of power.

Recent studies that focus on the lived experience of individuals in Moroccan urban environments have focused on the hegemonic effects of media, modernity and globalization, and on the hybridity of women's expressive discourses in the marketplace.⁷ In *Picturing Casablanca*, for

example, Susan Ossman characterizes Casablanca as a postcolonial space predicated on representation and colonial planning, governed by abstract media images that lead to a fragmented existence. In part this reflects a trend in anthropological studies of urban space since the 1980s to focus on representation and on the city as text (Jacobs 1993: 827). While indirectly concerned with similar issues, I am seeking to revive the specificity of a lived city, examining how discourses from outside are received and interpreted by individuals.

In the case of Fes, academic research has further ignored the Ville Nouvelle in favor of studies of the ancient *medina* as a site for religious learning and a place where "traditional" trades and professions are still practiced. Yet Fes, like many other Moroccan cities affected by French colonization, is divided. The Ville Nouvelle possesses its own substantial population of modern city dwellers, virtually ignored in the literature. How do individuals in Fes, particularly women, consider their relationship to the built environment? How do local and global discourses interact in the gendering of modern Muslim cities? More important, which discourses are most salient to women as they determine the "rules" for occupying new urban spaces? Attention to these questions sheds light on the ways in which national and global processes play themselves out in specific local settings.

A focus on "everyday practices," or on individual efforts to contest or manipulate discourses of power, enables a shift away from framing this inquiry as a study of the ways "traditional" people deal with "modern" spaces and ideologies. The reified nature of this construction is limiting, as it continues to associate tradition with all that is "native," while modernity implies something imposed from above, usually from the West. Moving away from considering colonial and postcolonial space solely in terms of issues of representation and reception, De Certeau's emphasis on individual tactics that insinuate, manipulate, and finally reappropriate social space is more useful for highlighting human agency in response to powerful ideologies. Everyday practices consist of those small, sometimes fragmentary tactics that represent "the ingenious ways in which the weak make use of the strong" (de Certeau 1984: xvii). In Fes, women give meaning to urban social spaces by using their own cultural categories to shape space in a way that reflects the construction of a female, Moroccan, Fassi identity. This is not a neutral process, however. Through the ways in which people contest urban social space, more is at stake than just the creation of an individual identity. In defining the meanings and uses of new spaces, Moroccans are also making a claim for a collective vision of gendered identity and relations between men and women. Everyday practices, rather than being mere individual tactics, are profoundly social. In this case, gendered everyday practices

assert an individual's idea of the proper place for women while simultaneously responding to and transforming various discourses about women's position in Moroccan society.

Moving beyond a focus on the *medina*, on Fes as an "Islamic city," or on representations of the city's colonial past, this chapter seeks to examine individuals in the Ville Nouvelle and their concrete ways of transforming urban space according to distinctive local conceptualizations.

The Public/Private Dichotomy: North African Meanings and Contexts

Attempts to view culture in terms of oppositions have been significant since at least the days of Claude Lévi-Strauss. Different conceptualizations of "public/private" or "domestic/political," have captured the attention of anthropologists for decades, and are often part of efforts to understand why gender inequalities exist in Euro-American contexts. The domestic realm comes to represent "lower-level, socially fragmenting, particularistic sort of concerns," while the public realm is the space of politics, religion, and other inherently "cultural" activities (Ortner 1974: 79). The tendency to perceive women as devalued by all cultures was later explained to be a function of "muting," whereby anthropologists themselves were guilty of privileging men and their worldviews. In actuality, the nature/culture dichotomy was an "ideological discourse" that had come to appear natural (Bloch and Bloch 1980: 26). This discourse, rooted in the Enlightenment tradition, had the added effect of dichotomizing and potentially oversimplifying what was once a more complex system of thought.

In the 1970s, anthropologists tried to complicate these oppositions. How were domestic/public dichotomies blinding anthropologists to other realities of the society under question? Mediterranean societies proved particularly useful in exploring this dichotomy, since men's and women's social worlds were largely separate. In Rayna Reiter's eyes, the rise of state societies was to blame for a decreased emphasis on the social worlds of women, which may have been more important in the past. Michael Herzfeld argues that while gendered oppositions did exist, they had become reified and told anthropologists nothing about lived social experience or meaning. In Greece, for example, people manipulated gendered oppositions, which were largely symbolic, and could be used to articulate a national identity vis-à-vis outsiders and foreigners. While social worlds were fairly segregated, this was due more to common interest than to any explicit devaluing of women's status. Public/private dichotomies have thus arguably been overemphasized at the expense of a nuanced understanding of other factors at play. Herzfeld wrote of a

woman entering a café to publicly berate the proprietor; although she had entered a male space, her presence in the café would not have been questioned had it not been for her actions.

Similarly, in the Moroccan city of Fes, the gendering of spaces depends on the time a woman enters a space and what she intends to do there. At night, for example, Fassis do not consider it appropriate for women to wander the streets, but this is not, my friends insisted, because the street has suddenly become a "man's world" from which women are restricted. Rather, nighttime in Fes is when drunks tumble out of the bars looking for fights, when the glue sniffers (*shemker*) roam the streets in packs, and when prostitutes troll for customers. Women who are in public at this time risk association with this world, and even the men I knew preferred not to wander too far from home, but rather to "hang out" on familiar street corners within their neighborhoods, within safe reach of their homes. At night in the Ville Nouvelle of Fes, the street becomes a lawless place. Yet during Ramadan, the opposite is true, as everyone pours into the streets, fortified after the breaking of the fast, to shop for pastries, visit family members, or amble around with friends.⁸

Social scientists working in the Middle East and North Africa have long noted the culturally idealized orientation of women toward the home and men toward the street. "The most important rule in the code of movement," writes Willie Jansen about Algeria, "is that one should remain within the space reserved for one's own gender. . . . The feminine space is directed inwards, toward the courtyard; the masculine space is directed toward the outside, the streets. The difference in available space reflects the social hierarchy between the genders" (Jansen 1987: 183). Other analytical representations of the public/private dichotomy locate this divide within Islam and the idea that mixing between the sexes will lead to social chaos.⁹ The street has been described as a place of reason, as opposed to the irrational, emotional world of women and the home.¹⁰ However, more recent work has challenged the public/private dichotomy, arguing that much like Orientalist writings about the "Islamic city," the public/private dichotomy reflects Western secular biases and a tendency toward binarisms.¹¹ Some examples of recent anthropological scholarship that demonstrate a more nuanced view of the meanings of public and private include ethnographies that document women's roles in the marketplace (Kapchan 1996), as political and religious activists (Deeb 2006), and as transformers of social networks (Holmes-Eber 2003).

Spatial seclusion of women was a feature of urban Moroccan society until the 1940s.¹² In 1943, King Mohammed V presented his daughter in public without a veil, and around the same time, Moroccan nationalists instituted programs promoting education for girls (Mernissi 1987: 155).

After Independence, particularly in the 1970s with the government's creation of civil service positions, numerous women entered school and the workforce. In the 1960s, female employment increased 75 percent. The large majority of female workers during this period held jobs either as low status domestics or higher status government civil servants, while jobs in agriculture and textiles came next.

Despite the fact that spatial seclusion of women, particularly among the urban elite, was a more prominent feature of Moroccan life prior to the 1940s, it should not be assumed that women had no place in public life until the postcolonial era. Describing the seclusion of urban elite women, colonial officials and historians of the region imposed Eurocentric interpretations of public and domestic space onto North African contexts, which meant that women's activities often went undocumented and unnoticed. In North Africa, women always played a significant role in regional economies, although they were underrepresented in French colonial statistics because work was only counted in terms of observable markets and not domestic economic production (Clancy-Smith 1999: 28). In actuality, the spaces in which women moved always depended on environment, economics, and social class, and were not easily reducible to a set of rules or prescriptions.

Moroccan sociologist Fatima Mernissi has written of how women compensated for spatial restrictions by transgressing other boundaries. Mernissi recalls fondly how the women of her family employed tactics such as stealing a key to a forbidden radio that, once the men were out of the house, would link them with visions of the outside world, with romance and fantasy and freedom. The forbidden radio transmitted ideas that came to affect Mernissi's conceptions of the world, and through it she was exposed to news about feminists in Egypt, subversive nationalist discourses, and music from France and the Middle East.

Even within a single household, women were not of one mind about their seclusion. Many longed for the day when their activities would be less constrained, while others argued fiercely for maintaining the traditional divisions. Yet Mernissi argues that "roaming freely in the streets was every woman's dream" (1994: 22). When she went to visit her grandmother in the countryside, she noted that women's freedom of movement was much less restricted than in the city. Her grandmother Yasmina's harem "was an open farm with no visible high walls. Ours in Fez was like a fortress. Yasmina and her co-wives rode horses, swam in the river, caught fish, and cooked them over open fires" (41). Thus, even between city and countryside there were distinctions.

During much of her childhood, Mernissi sought to understand the boundaries of her existence. She even came to view the city of Fes as cordoned off into restricted areas, with the French imprisoned by fear,

afraid to exit their safe zone and trespass into the territory of the Moroccans in the old *medina*. A cousin pointed out that "the frontier is in the minds of the powerful." Yet, as Mona Fayad has written, "It is up to those *inside* the frontier, however, to determine whether or not to recognize the frontier, whether it is established by colonialism or by patriarchal control" (2000: 89). The harem in which Mernissi grew up was contested, trespassed, and transgressed; it was "no more easily defined than the notion of boundaries which, the narrator remarks, continue to be elusive" (Fayad 2000: 91). In fact, Mernissi's experiences with her grandmother's living situation, and with the differing viewpoints of the residents of her own household, led her to conclude that the harem was a microcosm for the Moroccan nation itself, uncertain of its own boundaries, limits, and self-definition.

These communities of the past were not rigid and static, but were, in fact, "engaged in a process of redefinition that is in constant flux" (Fayad 2000: 93). From city to countryside, from wealthy to poor, spatial organization and restrictions on women varied widely. What is certain is that women contested, challenged, supported, and transgressed society's physical boundaries, even if this resistance was not always visible in the "public" sphere. Women in Mernissi's household were at the center of the stories they told, and they actively engaged with the nationalist movement, which aimed to resist French occupation and create new spaces for women in society. Mernissi's autobiography, then, reveals the dangers associated with perceiving the changing dynamics of physical space as evidence of some sort of cultural stagnation that existed prior to the "modern" era.

Because the visible range of movement for women has expanded in the past forty years in response to changing political and socioeconomic conditions, examining specific ethnographic performances can provide a useful view of how women themselves conceive of their presence in different spaces, especially as literal boundaries between domains are fluid and seem often to have disappeared. As urban women increasingly come to occupy previously "male" spaces, a breach in territorial distribution and domination opens up, limits are crossed, and the separation between "male" and "female" space is called into question.¹³ Navez-Bouchanine has suggested that while traditional spaces in urban Morocco often sharply demarcate public and private space, the structure of the Villes Nouvelles lends itself to space that is neither public nor private but often both at the same time (Navez-Bouchanine 1990: 135).

Especially today, strict dichotomies such as "public" and "private," are insufficient for understanding Moroccan women's "ways of operating" (de Certeau 1984: xiv). While the range of movement for women has expanded radically in the past forty years, we must still interrogate

specific instances to understand the meaning of women's presence in public spaces. Thus, "private" and "public" serve as loose, often metaphorical concepts that Moroccans consider "good to think with" (to quote Levi-Strauss), often juxtaposed as "inside" (*dakhl*) or "home" (*dar*) versus "outside" (*ala brra*). Context-specific, contested, and constantly shifting, these terms contain a range of meanings that may or may not be opposed. Metaphorically, *ala brra* can mean anything beyond the home's threshold, extending from the local market to the transnational contexts of migration outside Morocco. Fassis speak of "inside," or *dakhl*, to indicate a space currently inhabited, or to refer to one's own social milieu, class, or gender. *Dakhl* also means the careful balance (for women) of being seen yet maintaining concealment by refusing to acknowledge that one has been seen at all. Here, the term conveys a space of interiority. In the street, Fassi women project a desired image by remaining silent, and by never responding to the verbal overtures of men.

The idea of "home" (*dar*) is polysemic, having connotations not only of a place to dwell but of a familial space, symbolized by wives and children (Bourquia 1996: 23). The word contains significations beyond that of the individual dwelling, as even in the earliest days of Islam, *dar as-salam*, "house of peace," signified those lands in which Islam reigned, contrasted with *dar al-harb*, "house of war," meaning those lands which lay beyond the reach of Islam. Fassis move comfortably between "home" and "outside," yet the larger sense is always that "home" represents stability against the unknown, even as household compositions shift, and even as the nation-state fails to provide opportunities for its citizens.

Through discussions *about* place, Fassi Moroccans attempt to negotiate and sometimes delineate space and the rules for inhabiting it. Whoever defines a space assumes that he or she refers to a set of rules all can agree on; however, often individuals contest both the space and the rules for its occupation, particularly in the case of new spaces. At times, women extend principles for conduct in the home to a public space. The code of conduct for women requires that women "*t-hasham*," which literally means "to be ashamed," though Fassis explained that "*t-hasham*" means being polite, obedient, pleasant, and demure, particularly in front of elders, men, and non-kin. All my colleagues from the Ville Nouvelle agreed that *t-hashaming* was a positive attribute best demonstrated by Fassi middle-class women, in contrast to the conduct of *medina* women, whose country origins led them to be loud, ill-mannered, and uncouth.

Other principles of conduct are more nebulous. Some Fassis stated their belief that women should not be seen by unrelated men without being fully covered. This belief extends to the idea that unrelated men

and women should not share the same space, which was disputed by women who frequented cafés, claiming that ignoring the men who shared the same space was sufficient. Being associated with a particular family is also thought to guarantee a good reputation, particularly in cafés. Public spaces contain conflicting resonances, encouraging women to be both visible and invisible, simultaneously acting in the public realm yet out of reach. The threat of incurring social judgment, circulated by "gossip," *klam dyal nas*, is always present. As a bewildering array of "new" social spaces open up, whether to label them as "public" or "private" becomes less important than comprehending why Fassi Moroccans contest those spaces, and in which instances a particular viewpoint will prevail.

Moroccan society is still highly gendered, with many social activities limited to interactions with persons of the same sex. Examining the complex tactics of women's everyday practices sheds light on the logic of gendered social space in urban contexts. Through these tactics, women not only define their presence in physical and metaphorical spaces (such as the cyberworld) but also assert divisions according to social class, age, employment status, education, and religion. Many still associate women with domestic space, so that women's occupation of public space is often inflected with attempts to redefine such spaces as partly domestic or private, hence suitable for female presence.

Frequently, men and women are present in the same places but are associating solely with their own gender. In cases where the inevitable mixing of unrelated men and women takes place, Fassi women borrow from available rules for interaction, such as attempting to remain unseen or ignoring the presence of men entirely. When conflicts result, the concept of "shame" (*hshuma*) may be invoked to trump an opponent, suggesting that the other has strayed too far and is in danger of losing all morals. In new spaces people quarrel fiercely over how men and women should relate to one another and how women are to occupy the space. It is notable that I never witnessed similar debates concerning the presence of men, and also that most of the debates I heard were between women. When prompted, men made statements about women and space, but the actual disputes seemed to take place among women.

Common Domains: Street and Café

An example of the way women have integrated two historically "male" spaces in the Ville Nouvelle should offer context for the examination of new spaces. The complex "rules" for occupying the mixed spaces of cafés and streets involve successfully balancing appearances with actions,

with the threat of being perceived as sexually promiscuous as the punishment for transgressions.¹⁴

Women were more likely to be present in the Ville Nouvelle cafés than they were in the cafés of the *medina*, where I almost never saw women. Among my middle-class Ville Nouvelle colleagues, younger professional women and students (ages 20–45) went to cafés, whereas older women and those who did not work or attend university never visited them.¹⁵ Rarely do the professional women who visit cafés sit with men, although they often greet fellow coworkers at other tables before sitting at their own. Female university students, however, told me that they go to cafés to study but also to talk and flirt with the male students.

Although men claimed to have no problem with women's presence in cafés, they sometimes qualified that there are certain cafés where women might not feel comfortable. "Some of the cafés just aren't clean (*naqi*)," Karim, an unemployed man in his thirties, said. "A place should be clean if it is for women. Women would not like the popular (*sha'bî*) cafés because they are so dirty (*musikh*)."¹⁶ In the Ville Nouvelle, *sha'bî* cafés are often places that were built by the French, with décor that seems not to have changed since. However, describing a café as "dirty" (*musikh*) also conveys class differences. Middle-class residents of Ville Nouvelle frequently refer to cafés in poorer neighborhoods or the *medina* as *musikh*. A café that is *musikh* might also, I was told, be filled with smoke and men who are *zufriya*, types who are inclined to bother women, drink alcohol, and start fights. There are also upscale cafés that, while physically very clean, are known meeting spots for prostitutes. These have attracted the label of *musikh*, further illustrating the fact that in this context, cleanliness is a social category that has more to do with morality than dirt.

The level of comfort professional women expressed about particular cafés often related to whether proprietors were cognizant of a woman's place within familial, professional, and social networks. Association with a particular family guarantees that café owners will be hospitable and that women will not be harassed. The guarantee of hospitality in this context transfers principles from the private domain into the public, as a householder would never allow guests to feel uncomfortable. "Everybody here knows me," my lawyer friend Naima said of the café near the courthouse where she worked. "I work with all these people, and the waiters will not let anyone bother me." This tactic loosely applies rules of hospitality and respect for guests to a world that was once solely the domain of men.

For women, streets, unlike cafés, do not encourage lingering. The street is a pathway between destinations: market, school, work, or home. While women are always in motion, men lounge on corners or outside



Figure 5. Women outside a newsstand in the center of the Ville Nouvelle.

cafés. For men, the street outside one's building is an extension of the home, and a place to hang out with friends or relatives. However, men also tend to remain in the street closest to their own homes unless they are visiting friends elsewhere, and streets in unfamiliar neighborhoods possess a quality of unwelcomeness that encourages men to keep moving as well. During the daytime hours, women run errands or take walks with their girlfriends, but at night (except during the month of Ramadan), Fassi women do not go out.

My friends told me that Fassi women distinguish themselves by their demeanor, and that they should not be too aggressive, loud, or forward. Girls must conduct themselves unobtrusively, and those who do not fall in line are scolded that they "have no shame." Young, unmarried women are at a dangerous, vulnerable age, and they should do everything possible to avoid gossip (*klam dyal nas*). Yet at the same time, they need to dress stylishly, wear makeup, and be visible to attract potential husbands, who might see them in public and then ask around the neighborhood about the girl's family and marriageability.¹⁶ Street harassment is still a problem, and the severity of harassment depends on factors such as tightness of clothes, facial expression, and the time of day, all potential indicators of sexual availability. In fact, the most common explanation Fassis of all ages gave for harassment was that it was a way of determining who might be a prostitute.

"Men just talk to see who might go with them," a middle-aged woman, Bouchra, explained, "and if the woman answers, it means she is fair game. A good girl (*bint an-nas*)¹⁷ is ashamed and will never answer them."

Women's presence in the streets is fraught with more tension than within the domain of cafés. Young Fassi women in their twenties spoke to me of the social pressure they felt to be seen in public wearing the latest clothes, yet they walk a fine line in trying not to accrue negative judgment. This constant balancing act often results in a split in women's self-image. Fassi Moroccan culture insists on an acceptance of some parts of a modern, Western-oriented image and a rejection of others—yet just which parts are to be accepted and rejected is uncertain.

Media images contribute in no small part to this confusion, and satellite televisions, now accessible to all middle-class Fassis, send up provocative images from MTV, European and American movies, and soap operas. Simultaneously, satellite programs from the Middle East convey the contradictory message that the acceptance of Western fashions represents the Muslim world's dependency on and enslavement by the Christians. Some Fassi women have adopted a more Islamic style of dress in response. The practice of veiling (here meant to describe the wearing of a headscarf or *hijab*) is one tactic that many younger women have begun to employ within the public space. Whether they do this to avoid harassment or demonstrate their piety (as a few women who wore *hijab* told me), this concealment has variously been interpreted as extending the private space into the public, or as signaling the wearer's intentions not to engage the public at all.¹⁸

Tactics in New Spaces: Exercise Clubs and Cyber Clubs

As the preceding section demonstrates, in public spaces women must maintain a careful balance between visibility and propriety, advertising their beauty while creating a sense of separation between themselves and the words and gazes of unrelated men. But what are the rules for spaces that are neither exclusively public nor private, such as a mixed exercise club or a cyber café?

When American Steel Fitness opened up in the winter of 2001–02, it was all the rage among affluent Fassis. I joined ASF shortly after it opened, when a friend of mine who was an aerobics instructor left another club to work there, and over the next several months I became acquainted with some of the other members. Founded by a Moroccan American and his American business partner, ASF advertised itself as an American club. Equipment was imported at great cost from the United

States, classes were to start on time and with a high level of professionalism, and in the future, the male and female floors would be mixed.

At first, middle- and upper-class Fassis responded enthusiastically, and the club was always packed with women. In locker room conversations, women bragged about their travels overseas—summers on the Costa del Sol in Spain, and the “mixed” exercise clubs they had experienced in France, where men and women exercised together with no problems. A few women even trickled down into the men’s section to observe “weightlifting demonstrations.” For a while, the club was a symbol of a new cosmopolitanism that well-to-do Fassis previously had to go outside the city to find.

Yet gradually the novelty began to wear off. The aerobics instructors complained about their low, “un-American” wages. The showers were often broken. These were American prices for Moroccan quality, people grumbled. But the most contentious issue became the fact that men and women were sharing the same space, albeit on different floors, and that men could gaze up into the women’s space from the mirrors. Amina was the most vocal in pointing this out, and before every aerobics class, I heard women wonder whether one of the “fundamentalists” would show up and insist on the curtains being closed.¹⁹ Amina complained that the men might one day try to sneak up to the women’s section, although I never witnessed anyone trying. Initially most of the customers had accepted the premise of the owners that Fes was “ready” for a Western-style club in which men and women would eventually exercise together. But with the increasingly strident voices of the “fundamentalists,” the other women became more hesitant. Many ceased asserting their opinions that the club should be mixed. Soon the only women speaking were the ones who insisted on the closing of the curtains.

In the scene I described earlier, tensions that had been simmering finally came to the surface. Miriam, who wanted the curtains open because of the heat, described her opponent as being attentive only to the surface appearances of piety. Those who desired a strict separation of men and women ought to stay at home where no one could see them. But Amina, whom I interviewed about her views on the club, did want the convenience of belonging to an exercise club that was open to both sexes every day.

“I know in America this is how you do things,” she told me. “But this is Fes. We’re Muslims. It’s *haram* (forbidden) the way some of the women act here.” Amina, who was in her early forties, had recently started wearing the *hijab* and seemed interested in pointing out to other women that they were, as she said, “not acting like Muslims.” She stated that it was important to remind people of the proper distance that should exist between men and women. Creating this distance was the issue, particu-

larly due to the problematic placement of the mirror, which revealed what the separation of floors should have concealed.

Miriam, who argued with Amina but did not criticize her to her face, did not seem cowed until Amina had accused her of having no shame. Her religion was her business, she said, and Amina had no right to judge her. Shortly after this argument, she stopped coming to the club, and membership as a whole dropped off. Eventually the two owners returned to the United States, leaving the management of the club in the hands of the Moroccan American owner's family. The owners expressed their disappointment that Fassis "were not ready" for such a club. Miriam agreed, distancing herself from the women who wanted the curtain and calling them "typical Fassis." Although she was born and raised in Fes, she was not interested in claiming to be a Fassi, and she instead called attention to her Meknes roots. When I spoke to her about the fact that she had stopped coming to ASF, she told me in French, "I can't stand to be around hypocrites. It's because of people like them that this city does not progress." She distinguished between her own open-mindedness and the Fassi obsession with decorum, which she felt was entirely on the surface. Again, appearance and not reality was what Miriam felt the "fundamentalists" were focusing on, but she also emphasized that her differences with Amina related to categories of identity and not religion. Although most of the middle-class Fassis I knew were decidedly nonjudgmental about religious matters, they did distinguish subtly between their own moral behavior and that of Moroccans from elsewhere, a distinction that Miriam had turned on its head to emphasize not morality but hypocrisy.

The exercise club was not easily classifiable as "public" or "private," male or female, and thus, women argued over the physical separation of male and female space within the club, even when no men were present. Arguments in favor of the curtain posited the culturally valued attribute of "shame" over the cosmopolitanism and class-bound distinctions that the club originally carried. Assumptions that middle upper-class Fassis would accept "American" ideas about the appropriateness of mixed exercise clubs proved not to be true, and in this case, neither social class nor age were significant predictors of how women would respond to the issue of the curtains. While women who shared Amina's point of view about the curtains did not manage to convince the others of the correctness of their position; once the concept of "shame" was invoked, many simply left the club.

Cyber cafés are another new setting where men and women occupy a mixed space, both literally and metaphorically, as they browse the Internet. Diverse groups of people share the cyber café for multiple purposes, ranging from job hunting and game playing to looking for a



Figure 6. Upper-class teenagers at a mixed dance party.

spouse online or listening to Qur'anic recitations. Over time, the fees have gradually decreased to around 50 to 70 cents per hour, which has made Internet use more widely available to educated middle-class Fassis. Most of the customers at the cyber cafés are under the age of fifty, with the majority under thirty.

Young people have colonized the cyber cafés in Fes, both in the *medina* and the Ville Nouvelle. "Chat" programs, conducted in French or English, are popular with unmarried men and women, especially high school and university students. For women in particular, having a boyfriend in cyberspace can mean escaping the watchful eyes of parents and community. I knew unmarried professional women in their twenties and thirties who forged relationships with Moroccans in other cities that occasionally resulted in clandestine meetings, and of others who conducted "forbidden" relationships with foreign men.²⁰ Fassi men use the Internet to meet foreign women, and many marriages (and emigrations) are facilitated as a result. There is even a marriage service for the very religious, where devout Muslims all over the world post personals.

The Internet has undoubtedly assisted in the widening of social boundaries, offering increased opportunities for interaction between

men and women.²¹ The Internet also provides safety for those who wish to hide behind its anonymity. Yet certain Fassi values, such as the honor of maintaining female virginity prior to marriage, are still emphasized, as revealed by the conversation between the young women and their faceless male interlocutor. In the episode described earlier, Zahra was quick to send her photo to her chat partner. When he inquired about her virginity, she accused him of "having no shame," not because this was an embarrassing question, but because she was offended that he did not automatically assume her purity and good intentions.

The cybercafés themselves, as well as the metaphoric "space" of the Internet, are new sites in which interactions between men and women are not strictly regulated. As with the regular cafés, in the cyber cafés men and women sit at neighboring computers but most of the time do not interact with one another. In cyberspace, however, mixed-gender conversations are the order of the day. Women control to whom they will speak and what they will reveal, and whether to arrange physical meetings or limit their encounters to the printed word.

The narrator in Algerian novelist Assia Djebar's *Fantasia* writes, "When I write and read the foreign language, my body travels far in subversive space, in spite of the neighbours and suspicious matrons; it would not need much for it to take wing and fly away!" (Djebar 1993: 184). Writing in French in the Internet "chat" programs, the Moroccan women were like the three Algerian sisters in Djebar's novel *Fantasia*, who created a "secret spirit of subversion" by conducting pen-pal relationships with men all over the world (12). That French was the language of colonialism was not an issue for the young women I described in this incident. They came from the neighborhood where I conducted fieldwork, and they normally spoke Moroccan Arabic but conducted their chats entirely in French.

"It's just easier," Zahra claimed. "I don't know how to type on the Arabic keyboard." She admitted that her parents would not have approved that she was chatting with boys, but she said, "The people you meet [on the Internet] are not in the same room with you. There's no danger. I haven't done anything wrong." As for the people who shared the physical space of the cyber café with Zahra, she never talked to them, and she almost always came with her girlfriends. The presence of her friends as witnesses to her online relationships may have served as proof that Zahra was not doing anything wrong, but Zahra simply said she liked to go to the cyber café with her girlfriends because it was "fun." Other young women, however, did use the Internet alone.

The world of the Internet allows Fassi women to create new relationships that might transgress community standards of morality while simultaneously upholding personal moral codes. Using programs

designed in other countries for use in languages that are not their native tongue, young Fassi women nonetheless make the space of the Internet their own. Demonstrating agency in manipulating the technologies and languages of others for their own purposes, they simultaneously exhibit a strong sense of adherence to local value systems. Such instances demonstrate that while "rules" for women's behavior in new spaces are not always clear, women themselves navigate among competing ideologies to occupy those spaces according to their own standards.

Imagining Poverty

The idea of "shame" had no bearing on how middle-class Fassis interpreted my description of the veiled beggar breast-feeding her baby on the street corner. I initially assumed that people must be shocked by the contrast between concealment (her face veil) and display. Was she crazy? Why did nobody seem to notice her? Was this not considered shameful? But when I described this scene, I received a surprising variety of responses that again revealed the anxieties of class and the projections Fassis placed on "others" they knew nothing about: here poor, possibly rural-urban migrants.

Most stated that the woman's actions, both the breast-feeding in public and the begging, indicated that she was "beyond shame" to begin with. People hypothesized that the woman probably came from a small village and now lived in one of the outlying neighborhoods in Fes. She was a rural-to-urban migrant, they imagined, who had gotten pregnant without a husband. Maybe she had tried to find work as a maid and ended up as a prostitute. Regardless, she did not "belong" in the city and lacked the skills and networks to make ends meet. She had no network of kin who could support her and was probably alone and destitute. Pregnant and unable to return to her family, she might have gotten mixed up with a network of beggars, whose leader gave them bus fare into the city center and positioned them at "stations" throughout the city. She would beg all day and then take the bus back to her neighborhood at night, where she slept in a rented room with other women. The leader would take the majority of her earnings and leave her with enough to buy food.

"But what else can she do?" Naima, who worked with many destitute cases at the Najia Belghazi Center, said. "Those people come to the city and have nothing—no family, skills, or education."

The display-and-concealment I had found so striking in the beggar's exposure of her breast was not an issue people found significant.²² Rather, this anecdote elicited broader observations from a few women,

who viewed this scene as a comment on social issues such as poverty and economic development.

"People like that have no shame," said Amina, who had little money herself. Amina was the woman I described in Chapter 3 who worked as a domestic and had never been divorced by her husband. "But they have no shame because they can't afford to. I might live a modest existence, but at least I have shame. If times are tough, there is always something you can do to avoid having to beg, even if you have no family to help you out, even if you have to work as a maid for a little while."

Middle-class Fassis made similar comments. Even if she had chosen to emigrate to the city, circumstance forced the beggar into her position, and there was something wrong with a system that produced so many people like this. Although Fassis suspect many beggars to be frauds, the sign of the child at the woman's breast indicated that she was genuinely without resources. The act of begging alone was considered worse than breast-feeding in public, a last-ditch tactic, the most visible proof that a person was absolutely desperate, forced to abandon "shame." "Having shame" is almost a commodity, something that gives women social capital. Moreover, "shame" is an attribute that women are proud of because it represents a civilizing force.²³

"The veil doesn't mean what you think," Huriya explained. "It doesn't mean anything except that she doesn't want people to know who she is."

"You never know, the city is small, she might see someone from her village, and then it would be embarrassing for her to be seen begging," Rachid asserted.

"She can't help it," Amina said, in another conversation. "When the baby cries, you have to feed it. When you have to sit in one spot all day, you can't get up to look for a place to feed the baby. The streets aren't for feeding babies, the streets aren't a place to live, yet some of those people have no choice; this is where they live." She shrugged. "This thing is sad (*had shay hzin*), but it's God's will. There are poor and there are rich. Such is life."

Ultimately, in Fassi interpretations of the situation, the display and concealment I had thought was so dramatic meant very little. This was a mother feeding her child, and her status as a beggar and an outsider pushed her beyond the framework of Fassi judgment. What she did in the streets had no bearing on "normal" women's behavior, because already her actions placed her in a different category, as someone whose total loss of shame was not a symbol of defiance but of circumstance. At this point the beggar was concerned with mere survival, and not with trying to obey Fassi moral dictates related to shame. In imagining her life, Fassis were sympathetic. The story stimulated recognition that some-

thing was wrong with Moroccan society, in fact with any society in which such poverty exists and where people are allowed to fall through the cracks, abandoned by families, governments, and economies. The beggar was beyond judgment, and her incongruous actions said less about her and about the rules for gendering a space than about the failures of humanity.

Conclusion

These debates resonate well beyond the individual cases that I provide, as they speak to a larger vision of the role of women in the Moroccan nation-state. Images of how Moroccan women should occupy public space are abundant in magazines, newspapers, television, and government discourse. On the one hand, the Moroccan government promotes a unitary vision of the "Moroccan woman" as "the guardian of Moroccan cultural values at home and the proponent of modernity outside her house" (Moroccan Government website 2006). Meanwhile, the Islamist position, represented by nationally known figures such as Nadia Yassine and Abdelilah Benkirane, leader of the religiously oriented Party of Justice and Development, argues that the Moroccan woman's entry into the public sphere and demands for equality threaten the integrity of the Moroccan family and, in fact, the strength of the entire Moroccan nation.

These representations of the ideal Moroccan woman respond to other issues in Moroccan society, most notably the 2000–2003 conflict over legal reform of the Moroccan personal status code (*mudawana*) governing a woman's rights in marriage and divorce. As I have shown in previous chapters, the media tend to dichotomize these debates, representing positions over women's status as falling either into the more secular government camp (which nonetheless claims a religious basis for its formulations) or the more explicitly religious one. However, an interpretation of Moroccan women's presence in urban spaces indicates that women themselves do not fall neatly into these two categories. Small-scale disputes over space reveal how women both engage with and resist competing ideologies that might circumscribe their movement or force them to compromise their sense of morality.

Imbuing public spaces with aspects of the domestic sphere is one tactic by which Fassi women make their presence in urban public spaces more acceptable. But they are also acting in ways that are new and unique, creating a *bricolage* among available rules for conduct and improvising where necessary. The concept of "shame" proves to be socially significant, and Fassis invoke it when situations are muddied by the presence of competing ideologies.²⁴ "Shame" is a tactic used to con-

trol the terms of interactions in new social spaces: the “American-style” exercise club or the nebulous space of the Internet. But shame is also a valued attribute, as the incident with the beggar shows, as do Fassi readings of this woman as having lost her shame. Although some lower- and middle-class Fassis often assume that the upper class follows an imported, Europeanized moral code in their behavior, the conflicts over men’s visual access to women in the elite exercise club reveal that this is not always the case. Even at the highest socioeconomic levels, Moroccan women have conflicting ideas about how men and women should occupy a shared space. Similarly, the incident in the cyber café demonstrates how women in cyberspace subvert community controls while simultaneously adhering to local values.

When subject to analysis, situations in which the gendered quality of a space is challenged reveal the current fault lines within Moroccan culture, and the issues that are contested. Controlling the dynamics of women’s movement and its meanings is an activity in which disparate groups in Fassi society have multiple political stakes. High levels of unemployment for men, the circulation of new discourses over women’s rights and empowerment, and efforts to define the Moroccan relationship to Islam are some of the issues that complicate the presence of women in new, mixed spaces.

As Fassi Moroccans negotiate the terms of their engagement with each other in new public arenas, the loss of “shame” is not the only threat to cultural integrity. People seem uncertain whether signs of the changing position of women in Moroccan society reveal a positive or negative future for the country. Some grumble that educated women take jobs away from men, while others claim that giving women more rights in marriage will lead to an increased divorce rate. Perhaps this is why contestations over women’s presence seem so critical. Disagreements about women and space reveal profound uncertainties as to the future of the Moroccan nation-state, and as gendered territories are metaphorically defended or conquered, disputes reveal that more is at stake than simply the matter over which women are arguing. These are not merely debates about the degree of interaction between men and women in an exercise or a cyber club, but arguments over the interpretation of culture, and over conflicting views on how women should behave in an increasingly mixed society. Women in new, mixed spaces are, after all, doing other things besides exercising and searching the Internet. They are making economic contributions to the welfare of their families; receiving university degrees at a rate comparable to that of men; participating in the public sphere through nongovernmental organizations, demonstrations, and even parliament; and demanding to be accepted on their own terms.

Women's tactics shape urban spaces in unique ways, not only affecting the character of the French-built Ville Nouvelle of Fes but also revealing the ways that discourses about the position of women in the Moroccan nation-state are rejected or appropriated by users. Visions of nation are not crafted solely in the media, nor in economic and political capitals, but in provincial cities, towns, and rural areas, where the processes through which individuals define and make use of space are no less significant. Although the gendered character of new urban spaces often remains ambiguous or unresolved, the debates themselves are interesting for what they reveal about local efforts to negotiate competing ideologies in gendering new urban spaces, and by extension, the nation.

Chapter 6. Occupying the Public: New Forms of Gendered Urban Space

Epigraphs: "Alli da mrato li jamaa, taytlaq-ha" and "Ma t-tshuf min al-sma ghayr duz al-halqa." These two proverbs were known to older Fassis, although most of the younger generation were unfamiliar with them.

1. I use the term "public space" cognizant of its meaning as a place of free assembly where individuals do not have to pay to gain admission. Because access to the exercise club and cyber cafe is restricted to those who can pay, this limits participation in these spaces to middle- and upper-class Fassis. "Public space" is distinguished from "public sphere," for which I follow Habermas's definition of a public sphere as a space "where private people come together as a public" (1991: 27) to form opinions and mediate between family and state. Debates about the Eurocentrism of Habermas's theories are too numerous to go into here.

2. The public/private dichotomy remains a much-debated framework of analysis in both anthropology and Middle East Studies, criticized for being more of a reflection of Euro-American constructs than the societies anthropologists study. See, for example Lamphere 1993; Nelson 1974; Pateman 1983; Afsaruddin 1999; Bekkar 1997; L. Abu-Lughod 1986.

3. A website published by the Moroccan government of 2000–2003 best represents the government's position. Slightly altered since the revision of the personal status codes governing a woman's rights in marriage and divorce, the website nonetheless continues to promote the same ideologies concerning the ideal Moroccan woman.

For the opposing religious discourse, see for example Benkirane 2002.

4. Name given to residents of the city of Fes.

5. "Ville Nouvelle" is the term used to refer to those districts of the city built by the French Protectorate (1912–56) and since. Although numerous studies have been conducted in the ancient *medina* (founded 808), little attention has been given to the ways that Fassis interact with the French-built environment and build over and around the original buildings constructed by the French.

6. See, for example, Early 1993; Ossman 1994; Singerman and Hoodfar 1996; Hoodfar 1997; Ghannam 2002; Salamandra 2004; L. Abu-Lughod 2005.

7. See, for example, Ossman 1994; Kapchan 1996; Cohen 2005.

8. See Buitelaar 1993 for more on Moroccan women during Ramadan.

9. The work of Moroccan sociologist Fatima Mernissi (1987) is the most notable example.

10. Eickelman 1976 thus categorizes the home/street dichotomy for Morocco of the 1970s.

11. See footnote above, also Gôle 1997. An SSRC working bibliography on public spheres in comparative context contains a number of recent contributions to the literature on Islam, women, and public space; Bier 2006.

12. Rural women did not experience as many restrictions on their movement, as Mernissi 1994 has shown.

13. Deborah Kapchan (1996) in particular has explored the emergence of transgressive expressive genres as a result of women's movement into the public sphere for economic reasons.

14. A few women spoke of not wanting to be taken for a "prostitute," but this did not literally mean being confused for someone who might accept money for sex. Rather, this term was used along with a few others loosely meant to imply a woman who engages in illicit sexual activity.

15. Regular socializing outside the home for the middle-class Ville Nouvelle women who did not spend time in cafés took place in the public bath (*hammam*). In the neighborhood of Cinema Lux where I conducted my fieldwork, women of all ages go to the *hammam* once a week and stay for hours. But many younger professional women have foregone this practice and do not like the *hammam* because it "takes too much time" and is too "traditional," an activity they associate with their mothers' generation. For more on the changing meanings of the *hammam* in the Moroccan context, see Buitelaar 1998.

16. Although I never witnessed any actual occurrences of this, Fassis told me that marriages sometimes begin this way.

17. Literally, a "girl of the people" or good girl.

18. I thank an anonymous reviewer for offering the latter observation. Veiling has been the subject of books and articles too numerous to go into extensively here. For more on this topic, see Chebel 1988; El Guindi 1999; Hessini 1994; MacLeod 1991; Mernissi 1987; and Zuhur 1992.

19. "Fundamentalist" was used disparagingly by the young professional women at the exercise club. I am certain that the women who wore *hijab* would have objected to being called "*ikhwaniyin*," as it had certain class (rural migrants who had come to the city and fallen into extremist groups) and cultural (the Egyptian brotherhood, the Taliban) connotations and was a term that most religious Fassis I knew did not wish to be identified with.

20. According to Islamic law, a Muslim man may marry a Christian or Jewish woman, but a Muslim woman cannot marry outside of the faith unless her partner agrees to convert. Thus, it is rare that Moroccan women marry foreigners, while relationships between foreign women and Moroccan men are widely accepted.

21. For more on the role of women in North Africa in defining and participating in Internet technologies, see Skalli 2006.

22. My own ethnocentrism is also visible here, as I was not accustomed to seeing women breastfeeding in public spaces such as the street, so in choosing to highlight this incident, I was also unconsciously translating my own cultural framework to a different circumstance.

23. Women's honor lies in how successfully they demonstrate these cultural attributes. As Bourquia has noted, honor separates men from women, functioning in a space both relational and hierarchical (Bourquia 1996: 28). Men's honor partially depends on their certainty that "their" women are obeying the proper codes of conduct. There is an extensive literature about "honor" and "shame" in the anthropology of the Middle East. Yet the concepts of "honor" salient in these contexts are not spoken of in exactly the same manner by Fassi Moroccans, as Rosen has also pointed out for Sefrou (1984: 132). However, "shame" is a large part of everyday discussions, and is culturally valued. "Having shame" means respecting one's family, religion, and culture by displaying the ideal demeanor for one's gender and stage of life. An excellent study of the negative effects of shame on Moroccan women's sexuality can be found in Guessous 1984.

24. See Guessous (1984) for more on shame in the Moroccan context.

Chapter 7. Singing to So Many Audiences

1. I have borrowed the term "social biography" from Dale Eickelman. The term acknowledges the mutual presence of both the author's and subject's voices throughout the text.

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Tuesday, 5 September, 2000, 07:25 GMT 08:25 UK

Warm welcome for 'Sharia swimsuit'



By Caroline Hawley in Cairo

What do you do if you are an observant Muslim woman but you also like swimming?

This year, shops in Egypt have the answer: You buy what has become known as the "Sharia swimsuit".

It is part of a growing industry catering for religiously-observant women.

It mustn't be attractive for strange men to look at a lady, how she is dressed. No
Sheikh Mahmoud Al-Hanafi, Sunni Muslim leader

It is no longer mainly the westernised elite that can afford such leisure activities as swimming.

More and more Egyptians, including the more religious, can now do so as well.

In such a conservative society, many women have until now either had to sit on one side or go into the water in their clothes.

All covering

The "Sharia swimsuit" offers one solution. It is a high-necked, swimming costume with sleeves and a small skirt, to be worn over long trousers.

It first appeared a few years ago, but was expensive and hard to find.

This year, it is widely available - and comes in new cuts and colours.



A salesman at the Sports Mall in Nasr City shows me rails of the new Egyptian-produced swimsuits.

10 models are available but are they selling well?

"Of course they're selling well, very well," says the salesman.

"You know we're living here in an Islamic country, it must be popular."

However, the highest religious authority for Sunni Muslims, Al-Azhar, does not recognise the new swimming costume.

One of its clerics, Sheikh Mahmoud al-Hanafi, says there is no such thing as an Islamically-acceptable swimsuit - the only thing Sharia law recognises is Islamic dress that is meant to protect women from what he calls "gossiping eyes."

Conditions

"Islamic dress must have conditions," he says.

"It mustn't be (so) tight that exposes part of the body, mustn't be translucent that the person can see through,"



"Also it mustn't be attractive for strange men to look at a lady, how she is dressed. No."

The sheikh, though, had not seen one of the costumes.

But 15-year Nasr has - and she's a convert.

"The Islamic swimming suits they are better for us because of our religion and everything which says that we must be properly covered," she says.

"It is easier for us than to wear normal swimming suits because some of the parents do not like their girls going around in the normal cuts of swimming suits.

"It allows women or girls to do what they were not able to do before in an Islamic way."

The new swimsuit is, by shopkeepers' accounts, a big hit this summer among women who wear the veil.

Important market

As Egypt becomes more of a consumer society, they are an increasingly important market.

The Geneina shopping mall in the adjacent neighbourhood of Nasr City, boasts a smart fashion boutique for veiled women alongside shops selling skimpy t-shirts.

It is not that more women are now covering their heads.

That happened in the late 1970s and 1980s as a religious revival swept the region.

What is new is that more and more products are now being targeted specifically at religiously-observant women.

The new swimsuit is just the latest splash.

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to four children under six; 49 percent had from one to four or more children over eighteen. Sixty-one percent of the women involved in WSP were not, at the time of the questionnaire, employed outside the home. Nearly 70 percent of the husbands of the WSP women who responded to the survey were professionals.

Thirty-eight percent of the women who responded claimed to belong to no other organizations, or at least did not record the names of any organizations in response to questions concerning other community activities. Forty percent of the women were active in a combination of civic, race relations, civil liberties, peace, and electoral political activity. Only 11 percent were members of professional organizations. Boulding concluded that many of the WSP women were nonjoiners. As for their goals in joining WSP activities, the Boulding questionnaire revealed that 55 percent gave abolition of war or multilateral disarmament as their primary goals, and 22 percent gave non-violent solution of all conflict, political and social. The remainder chose as their goals a variety of proposals for world government or limited international controls such as a test ban treaty. As to their reasons for participating in WSP activities: 28 percent of the women said they had joined the movement over concern about fallout, testing, and civil defense, another 4 percent because of the Berlin Wall crisis; but 41 percent listed no specific event, just an increasing sense of urgency about the total world situation and a feeling of the need to make a declaration of personal responsibility. See Elise Boulding, *Who Are These Women?* (Ann Arbor, Mich.: Institute for Conflict Resolution, 1962).

⁴⁷Ibid., p. 15.

⁴⁸Dorothy Dinnerstein, *The Mermaid and the Minotaur: Sexual Arrangements and Human Malaise* (New York: Harper Colophon Books, 1976), pp. 259-62.

⁴⁹Ashley Montagu, "The Triumph and Tragedy of the American Woman," *Saturday Review* 27 September 1958, p. 14; Dr. Benjamin Spock, *The Common Sense Book of Baby and Child Care* (New York: Duell, Sloan & Pearce, 1945), p. 484.

⁵⁰"Feminism as Femininity in the Nineteen Fifties?" Birmingham History Group, *Feminist Review* no. 3 (1979), pp. 48-65.

⁵¹Sara Evans, *Personal Politics: The Roots of Women's Liberation in the Civil Rights Movement and the New Left* (New York: Alfred A. Knopf, 1979), p. 23.

WESTERN ETHNOCENTRISM AND PERCEPTIONS OF THE HAREM

LEILA AHMED

In 1980, at the National Women's Studies Association conference in Bloomington, Indiana, I attended a presentation on "Women in Islam," and found myself hotly speaking up from the audience because the panel of three Arab women were, it seemed to me, presenting an unwarrantably rosy picture of women in Islam. Islamic societies were, if anything, surely rather remarkable — so had been my thought — for their unequivocal placement of women under the control of men, and their equally explicit licensing of male sexuality and exploitation of women. Islam had, as that panel maintained, brought about a number of positive gains for women in Arabia at the time, and had granted women certain rights, such as the right to own property (not granted to women in the West until the nineteenth century, and even, as with the right to bear witness, still not granted women, for example, under rabbinical law), and clearly one could not judge Islam to be *more* malevolent in its attitude to women than the other two monotheisms. Nevertheless, it seemed to me that this still did not warrant playing down Islam's blatant endorsement of male superiority and male control of women, or glossing over the harshness for women of, in particular, its marriage, divorce, and child custody laws.

But this was over two years ago and before I'd lived in America. Now that I have, I see perfectly why the women making the presentation took the stand that they did. For if one is of Arabic or Islamic background in America, one is almost compelled to take that stand. And what compels one is not only that Americans by and large know nothing at all about the Islamic world, which is indeed the case, despite America's heavy embroilment in the area and despite the fact that Muslims constitute something like one quarter of the world's population: it is, rather, that Americans "know," and know without even having to think about it, that the

Islamic peoples — Arabs, Iranians, whatever they call themselves — are backward, uncivilized peoples totally incapable of rational conduct. This is overwhelmingly the attitude of the media and of the society at large and also, unfortunately, often that of the smaller groups supposedly representing American informed opinion. I was, for instance, on a university panel quite recently discussing American relations with the Middle East, a debate which quickly resolved into a discussion of, quite simply, how the United States should deploy its military forces to protect "its" oil in the area — as if the area were culturally blank and populated by an irrelevant people. To suggest that a military force and apparent control in the area did not seem to be what in the end shaped events, that perhaps America should review its relationship with these peoples and become a little more aware of their histories, and of Islamic civilization, was evidently simply to be babbling irrelevantly. And of course it is of no conceivable interest to Americans that what is going on now in the area is a direct result of Western — and more recently of specifically American — action, and that American activities have been bringing about, far more directly than any Ayatollah or religious leader, the most widespread and vigorous revival that the Muslim world has known in over a thousand years. And never mind too, that societies which thirty, forty, and even fifty years ago had introduced laws granting greater rights to women are now revoking them, or are under pressure to revoke them.

Just as Americans "know" that Arabs are backward, they know also with the same flawless certainty that Muslim women are terribly oppressed and degraded. And they know this not because they know that women everywhere in the world are oppressed, but because they believe that, specifically, Islam monstrously oppresses women. An American feminist said to me — and maintained it at great length citing numerous sources, all of them of course Western — that women, according to Islam, had no souls and were thought of simply as animals. But she was an unusual woman, not in her certain belief that Muslim women are oppressed beyond anything known in the West, but because she was able to cite detailed, although incorrect, information in support of her belief. Most American women who "know" that Muslim women in particular are oppressed, know it simply because it is one of those "facts" lying around in this culture, and most freely admit that actually they know nothing about Islam or Middle Eastern societies. But there are of course those powerfully

evocative words — for Westerners — harem, the veil, polygamy, all of which are almost synonymous in this country with female oppression. Whether the harem can justifiably be defined as exclusively a device for oppressing women, I shall discuss later. As for polygamy and the veil, it would be quite easy to argue that neither is by definition necessarily more oppressive than monogamy and no veil. Since the veil, its origin, and whether it is Islamic or not regularly provokes discussion, it should perhaps be briefly noted here that it is pre-Islamic in origin and appears to have been occasionally in use among all the peoples of the area, from the Greeks to the Persians, with the only clear exceptions being the Jews and the Egyptians. But although an occasional custom, it seems not to have been institutionalized until Islam adopted it. As a custom, therefore, it was evidently very congenial to Islam, and as an institution, it is Islamic. Although universally perceived in the West as an oppressive custom, it is not experienced as such by women who habitually wear it. More than anything perhaps it is a symbol of women being separated from the world of men, and this is conventionally perceived in the West as oppression — a perception to which I will shortly return.

Thus American women "know" that Muslim women are overwhelmingly oppressed without being able to define the specific content of that oppression, in the same way that they "know" that Muslims — Arabs, Iranians, or whatever — are ignorant, backward, irrational, and uncivilized. These are "facts" manufactured in Western culture, by the same men who have also littered the culture with "facts" about Western women and how inferior and irrational *they* are. And for centuries the Western world has been systematically falsifying and villifying the Muslim world — and for centuries they did indeed have a powerful motive for doing so. From the time of the Crusades, until the disintegration of the Islamic empire early in this century, for nearly a thousand years, the Western world and the Muslim world have been intermittently at war; or they have been in the state of no-war that the United States and the Soviet Union are in now. Unlike the United States and the Soviet Union, however, they were locked in geographic proximity with Islam straddling and controlling the central regions of the known world and completely blocking Europe's horizons and its access to the East and its wealth. It was of course in their attempt to circumvent this monster of an Islamic empire that the Europeans ended up in America. But the

enmity of Islam and the West persisted long after that.

Throughout this time the guardians of Western civilization, with the clergy at their head, produced volumes about the evil, irrational, and so forth, condition of the Muslims — naturally including statements about the degraded condition of Muslim women. Such degradation has been a theme for Christian Western men from the time they began writing about Islam. And given that the guardians and advocates of Christendom were also the guardians and advocates of the natural superiority of the male and his rightful control over the female, it is then interesting and amusing to ask why they should have been in any way shocked or concerned with the oppression of Muslim women by Muslim men.

It was the harem on which they focused with fascination and loathing. The harem can be defined as a system that permits males sexual access to more than one female. It can also be defined, and with as much accuracy, as a system whereby the female relatives of a man — wives, sisters, mother, aunts, daughters — share much of their time and their living space, and further, which enables women to have frequent and easy access to other women in their community, vertically, across class lines, as well as horizontally. It is interesting then to discover, reading early Western accounts of the harem, that in permitting males sexual access to more than one female, the system often but not invariably elicited from Western men pious condemnation for its encouragement of sexual laxity and immorality. But it was its second aspect, that of women being freely and continuously together, and the degradation, licentiousness, and corruption that must inevitably ensue, which Western men viewed with considerable fascination. What recurs in Western men's accounts of the harem is prurient speculation, often taking the form of down-right assertion, about women's sexual relations with each other within the harem. Yet, however confident their statements, Western men had in fact no conceivable means of access to harems. Nevertheless, they wrote often with great assurance, as George Sandys did in describing the women of the sultan's harem. He reported that "it is not lawful for anyone to bring ought in unto them with which they may commit the deeds of beastly uncleanness; so that if they have a will to eat cucumbers, gourds, or such like, they are sent in unto them sliced, to deprive them of the means of playing the wantons."¹ According to many Western men, such "beastly" lust and licentiousness could be found not

only in the sultan's harem, but everywhere among Muslim women. In describing urban women's baths, Robert Withers wrote that "much unnatural and filthy lust is said to be committed daily in the remote closets of the darksome baths: yea women with women; a thing incredible."²

The only relatively early writer to cast doubt on the common assumption of the oppression of Muslim women and to counter notions of their licentiousness was Lady Mary Wortley Montagu who accompanied her English ambassador husband to Turkey in 1716. While in Turkey she had free access to women and to harems and she took the trouble to check out her facts (or at any rate most of them). She points out to her readers that wealthy Muslim women owned and controlled their properties even when married. They were thus much better placed and had less to fear from their husbands than their sisters in the Christian world. She also pointed out that the notion "commonly believed in our parts of the world," that women had no souls was a myth: in Muslim belief women did have souls and were indeed promised paradise although (according to Lady Mary at any rate, and this I think is purely her own embellishment) in "a separate place from their husbands" — a separation which, she speculates, most women would not much regret.³ She also recounted a visit to a Turkish bath. She described the impression that her own manner and dress made on Turkish women in terms which suggest some awareness that dress and fashions oppressed women and abused their bodies in Christendom quite as much if not more than in the world of Islam.

One of the highest entertainments in Turkey is having you to their baths. When I was introduced to one, the lady of the house came to undress me . . . After she had slipped off my gown and saw my stays she was very struck at the sight of them, and cried out to the other ladies in the bath: "Come hither and see how cruelly the poor English ladies are used by their husbands. You need boast indeed of the superior liberties allowed you, when they lock you thus up in a box."

(Evidently even back in those days Western women were boasting to Muslim women of how wonderfully liberated they were.) Lady Mary describes the scene in the baths and clearly refutes the statements of her male counterparts, declaring that, although quite naked, "there was not the least wanton smile or immodest gesture amongst them."⁴ Nevertheless, when a later Western male painter, Ingres, took up the subject, drawing his in-

spiration as he recorded in his diary, from Lady Mary's description, he again revived the lesbian theme, though now for the purpose of titillation: in the foreground of *The Turkish Bath* (1863), two women fondle each other in a frankly sexual caress.

Western feminists should be aware that such negatively charged speculations and statements about harem life form the pre-history of their impressions. Although the specific detail and content of what was said has long ago faded, the negative charge has passed into the culture and become part of the cultural surround. An awareness of the common source of myths about the inferiority of Muslims and the inferiority of (Western) women — both the fabrications of Western men — helps clarify details otherwise perplexing. For instance, there is no record so far as I know in the body of orthodox Muslim literature of the notion that women are animals or have no souls although it's an idea that has surfaced with tiresome regularity (as some of the above references suggest) since Westerners have been writing about Islam. The annals of the Catholic church, on the other hand, in fact record that a Council of Bishops met at Macon in 581 and solemnly deliberated precisely the issue of whether women were human or animal. Such details are of course not surprising; they merely confirm what we know must to have been the case: that penning the one set of lies they turned and, dipping in the same ink, penned the other. It is also not surprising, but illuminating, to note that in early European popular mythology, as for example, in Barclay's *Ship of Fools* (1509), those singled out as being most especially devotees of the devil and bound directly for hell were Muslims, Jews, and witches.

Although Western feminists have succeeded in rejecting their culture's myths about (Western) women and their innate inferiority and irrationality, they continue to subscribe to and perpetuate those myths about Muslims, including Muslim women, and about harems, as well as to assume superiority towards the women within them. To conceive of us as existing mindlessly passive, indifferent, perhaps unaware of our oppression, tolerating a situation no Western woman would tolerate (many tolerate much more, isolated in the nuclear family) is to assume, and imply, our "inferiority." Such docility toward the received ideas of their culture on the part of Western feminists creates barriers between us that sometimes seem insuperable. And the labor of always having first to dismantle tenacious myths can certainly come to seem Sisyphean. In addition to compelling us to

devote much time and energy to pointing out that Western so-called knowledge about the Middle East consists largely of a heritage of malevolently fabricated mythologies, it is also impossible, in an environment already so negatively primed against us, to be freely critical — a task no less urgent for us than for Western feminists — of our own societies. For to be critical in such an environment would be an act of complicity and would make of us collaborators in an exceedingly dishonest and racist process. Moreover, to continue to think about the Middle East's segregated societies in terms of the received ideas is confining to feminist thought in that it imprisons us in the constructs that men have imposed on reality. Such constructs — Western and Middle Eastern — disguise and conceal aspects of Islamic societies that feminists might view as sources of women's strength and perhaps mobilization.

Consider, for instance, Saudi Arabia. Doris Lessing has speculated somewhere that women and men are so profoundly different, so alien to each other, so fundamentally incompatible that they probably originated on different planets and would probably have been happier had things stayed that way. Now if one contemplates Saudi Arabian society — first setting aside the constructs of Western men that claim to describe that reality, and also setting aside the constructs of Muslim men that claim to explain the true nature and reality of that society — it becomes glaringly clear that Saudi Arabia is the one human society in the world (perhaps the only surviving such society) that is utterly committed to exactly Lessing's notion about women's and men's natures. In all its fundamental aspects, Saudi society clearly proclaims its commitment to the notion that women and men do not and cannot by nature get on, that they do not and cannot by nature enjoy each other's company, that the only tolerable arrangement is for the sexes to live in entirely separate worlds with contact between them kept to an absolute minimum. It is clearly this which forms the basis of Saudi society and this, and not Islam or Allah, to which Saudis are evidently passionately and unwaveringly committed. Muslim men, of course, claim that their society is based on and committed to Islam. But once one has grasped that its real basis lies in a notion of the alienness and incompatibility of the sexes, indeed their condition of total opposition (emphasized in the visual symbolism, black and white, of their different dress), and the imperative need therefore for separate worlds, one can perceive the Islamic superstructure for what it is — a construct or

framework imposed by men enclosing a society whose base and dynamics are wholly different from those implied by the framework.

To contemplate that society and believe that Islam and male control of women are the only important facts about it or that they most fully and accurately utter it would be only to accept male formulations at their face value and to mistake the utterance for the reality. And the reality is that Saudi society not only designates and demarcates men's space, it also designates and demarcates women's space, and furthermore declares it — women's space but not men's space — inviolable. In their space, women can be, and often are, freely together, freely exchanging information and ideas, including about men, without danger of being overheard by men. For just as this space is accessible to all women across class lines, so it is also absolutely and unconditionally barred, when women other than kin are present, to men. Men even approaching such space must give warning by coughing or calling out, and women can obviously, if need be, change the subject. Men's space is not similarly inviolable. Women, because they serve men, can enter without warning, and the veil, which makes women metaphorically invisible, or "not present," also enables women to be literally present and overhear men. Although in its explicit formulations, Saudi society gives individual men control over individual women, nevertheless, the *shape* of that society allows men considerably less control over how women think, how they see and discuss themselves, and how they see and discuss men. Saudi society would seem to offer men less control than Western society, where women live dispersed and isolated among men. But our thoughts in this area are on the whole still clogged with unexamined assumptions: that women secluded and barred from the society of men but wonderfully free to be with other women, are, necessarily, women *deprived*; that societies that practice rigid segregation of the sexes are necessarily, and by definition, in all ways more oppressive to women than sexually integrated societies. The strict segregation of Islamic societies has meant in fact freedoms for women and freedoms to engage in activities that their Western sisters engaged in literally at the peril of their lives. For in segregated societies, all or almost all activities performed in the world of men for men and by men must also be performed in the world of women for women by women. The woman saint, the woman soothsayer, the witch, the seances held for women by women to exorcise or empower

(practices for which women were destroyed in the West) are a common and accepted part of Middle Eastern folk life. Even the harem, always so negatively perceived in the West as a place of confinement is also, positively, a space for women forbidden to the male. The very word "harem" is a variant of the word "*haram*" which means "forbidden" (and also "holy"), which suggests to me that it was women who were doing the forbidding, excluding men from their society, and that it was therefore women who developed the model of strict segregation in the first place. Here, women share living time and living space, exchange experience and information, and critically analyze — often through jokes, stories, or plays — the world of men. Carla Makhlof-Obermeyer describes the Yemeni custom of women gathering together every afternoon, often packing forty or fifty in a room, to smoke, chew *qat* (a mildly narcotic leaf), tell stories, play music, dance, and perform plays. The general tone of these regular afternoon women's gatherings — called *tafritas* — is one of satire, ridicule, and disrespect for males and the ideals of the male world.⁵

My own encounters with women in the Arabian peninsula confirm Makhlof-Obermeyer's impression that women have a very shrewd and accurate sense of what is really going on in this world between women and men. For example, shortly after I first arrived on the peninsula, I called on the Women's Center in Dubai to meet Moza, one of the wives of a local notable. She was about fifty, and illiterate — the oil boom and the opening of schools that followed it having come too late for her — but she was the nominal president of the local women's society (because, I assumed, she was the first wife of a notable), and I was calling on her formally in her capacity as president to interview her, as my job at the time required, to get her views on Islamic education. She was wearing one of those black, tentlike garments that covered her from head to foot and gave her exactly the shape of a tent; her face, except for her eyes and part of her mouth, was concealed by a stiff gold-dusted mask, and she was bedecked with an outrageous profusion of jewels — all of them no doubt priceless. In appearance she was the archetypal oppressed, passive, Muslim woman, whose body was confined and whose mind was surely encased in bigotries. I, at the time still carrying my Mediterranean prejudices, (thoroughly reinforced by my Western training), naturally expected nothing of her. But in the course of discussing Islamic education, and its relation to the Islamic ideals of

womanhood, and what girls should be allowed to study, Moza, a woman illiterate in all languages, opined that the most proper professions for women were engineering, law, architecture, and medicine. She also told me, apropos Islamic ideals and the notion that women's true vocation was motherhood, that Mohamad's main object in establishing Islam had been to give men power over women, and that this was all part of an ageless battle between men and women. The reason men had developed, and hysterically insisted on, the idea of motherhood as the only true vocation and had established all those laws confining women, tying them to home and children, preventing them from entering the professions, was quite simply because they knew that unless women were confined, trussed up, and thoroughly handicapped they would quickly outstrip men — and take over. And she delivered herself of these views not as if she thought she was saying anything new or revolutionary, but as if she were speaking of matters of fact, well-known in their world of sisters and mothers. Moza (not of course her real name) is only the most quotable of numerous strong women I encountered in the Arabian peninsula.

The younger generation of women showed by their actions that they shared Moza's views on women's proper professions. Almost all those young women I knew whose grades were good enough intended to enter the sciences at a university, preferably engineering, architecture, or medicine — only if their grades were not good enough did they think of entering the arts. And the intellectual fearlessness and indomitableness that Moza so strongly conveyed was evident also in the younger generation as, for example, in Hissa (her real name), whom I met when she was fourteen years old. Withdrawn from school against her will, forcibly married at the age of twelve by her parents, she appealed and argued her case up through the hierarchies of the tribe (she came from a family of no particular weight or connections) and eventually argued her case (always working through the women) before the ruler. She got her divorce and went back to school, although schools as a rule did not allow married or divorced women to attend alongside virgins. When last heard of she was applying to universities in Egypt and the United States to study engineering.

I have never seen in any other culture, including America, women whose self-perceptions were so singularly impervious to the assertions of the dominant ideology regarding their "natural" inferiority and "natural" subservience⁶, and who clearly perceiv-

ed that ideology as part of a system whose object is to legitimize, mystify, and further entrench those in power. Thinking back over that world and over such encounters, from Massachusetts where feminists have formed communes and are rediscovering the strengths of women sharing, it seems to me that to believe that segregated societies are by definition more oppressive to women, or that women secluded from the company of men are women deprived, is only to allow ourselves to be servilely obedient to the constructs of men, Western or Middle Eastern. And indeed, thinking about Arabian women, who have been practicing for centuries what feminist communes in America are now just beginning to explore and rediscover, we surely should recognize that Arabian women have been practicing a form of women's communes for several centuries, and have from within that exclusively female space developed strengths and skills and analytical and imaginative resources that it would perhaps take centuries to develop again. It seems to follow that at least some young commune-minded American feminists should go immediately to Saudi Arabia (if they can persuade the Saudis to grant them visas) not to study Arabian women as scientists study insects, but to study as apprentices and disciples of their women's world.

But that of course is the problem — Saudis are not likely to grant them, or any independent women, visas to do anything (except to go on pilgrimages) and clearly Saudi Arabia is very far from being the feminist heaven my arguments might imply. Saudi society does indeed designate and guard women's space and protect it as "inviolable" (another meaning of the word "*haram*"), but it does so within, indisputably, a society whose every law and institution is controlled by men, and designed, blatantly and unequivocally, to serve and maintain an uncompromising male control. Undoubtedly, too, the women's space that the society guards as inviolate is also space to which women are compelled into and confined within. For all the pleasures and strengths of women's homosocial world, including independent thought and an atmosphere in which male power and pomposity are freely criticized,⁷ the institutional power of men in the larger society and the personal power of male relatives means that its female members generally have no control, except in the most circumscribed ways, over their own lives.

The younger women now entering the universities are often positive in their attitudes toward their mothers' world and seem comfortable with the notion of themselves continuing to be part

of such a homosocial environment. But they are also often impatient and chafe at institutions that rigidly confine their lives personally and professionally, and bar them altogether from open participation in any of the decision-making processes in their society. With more and more women receiving education, Arabian societies and their women seem bound on a collision course. While I was visiting on the Arabian peninsula, working with colleagues, who in the overwhelming majority were male, attending public functions such as lectures on "The Role of Women in Islam" ("wife and mother, nurturer and ward of men") frequently I would be one of perhaps two or three women in the audience. It would often be conveyed to me, sometimes subtly, sometimes quite explicitly, that my mere existence as an independent professional woman with no male "protector" in sight was an outrage, a personal affront to them, and naturally also an abomination in the sight of Allah. To sustain me through such moments I would summon to myself my fantasy of that not-too-distant future when a feminist revolution, fueled by nothing more terrible than a vision of justice (Islam's proudest claim is that it is a vision of a just society) would transform the Arabian peninsula, and Arabia would become what it seemed so singularly suited to be, the feminist headquarters of the world. It seemed a plausible fantasy — educated women confronting a system implacably opposed to their autonomy, raised within and forming part of a female homosocial world that fostered both an awareness of male oppression, and female independence of mind. Out of such a context, an explicitly feminist consciousness could rapidly grow, with the organization for effective political action already in place.

The course of Yemen's socialist revolution suggests, as I have elsewhere argued, that it was able to tap and quickly politicize just such a women's tradition, both during the revolutionary process and in the social transformation that followed⁸: a tradition of independence, and of open and lively criticism specific, I believe, to the women of the Arabian peninsula (where the homosocial world is most intact) and not typical of the women of the neighboring countries. Arabian homosocial societies, and indeed those of most of the Muslim Middle East, are currently experiencing what is undoubtedly the most explosive and transforming moment in their history since the rise of Islam. How central the issue of women is in this upheaval may be gauged by the fact that the Islamic movement, which now seems everywhere to be gain-

ing ground, designates feminism among all the aspects of the West and of Westernization that it generally abhors, as most specifically worthy of its hatred. Feminism in particular threatens to corrupt "from the inside" and to soften into decay *dar al-Islam*, "the House of Islam."⁹ In ways too complex to trace here the leaders of the Islamic movement blur the actuality of women's lives in the West with Western feminism. Thus practices that feminists battle against, such as the exploitation and objectification of women's bodies by fashions, and in advertisements, are labeled part of that alien and abhorrent invention, feminism. The Muslim Middle East is indeed entirely justified in its anger at the Western world's aggression, bigotry, and exploitation. But to target feminism as "Western" and as particularly repugnant and evil is to skillfully exploit that anger in the service of confusion, as if justice and the idea that it must be extended to all humankind, wherever such ideas arise, can be called "Western" or "Eastern." This ploy, intended to deflect Islamic women from their demand for justice, and to prevent that demand from becoming a clamorous, insistent, and irresistible demand (as those reactionary forces no doubt foresee its becoming) may temporarily succeed. But at most this will only delay, for a time, that revolution.

NOTES

¹George Sandys, "Relation of a Journey begunne A.D. 1610," in *Purchas His Pilgrim: Microcosmus or, the Historie of Man*, by Samuel Purchas (originally published in 1619; London, 1905), 9: 347.

²Robert Withers, "The Grand Signior's Serraglio," in *Purchas His Pilgrim*, 9: 51.

³Lord E. Wharncliffe, ed., *The Letters and Works of Lady Mary Wortley Montagu* 2 vols. (London, 1887), 1: 247.

⁴Ibid., 1: 162-63. Needless to say, Lady Mary Wortley Montagu's statement is no more indicative of the nonexistence of lesbianism in Turkish harems than the assertions of her male counterparts are indicative of its presence.

⁵Carla Makhoul-Obermeyer, *Changing Veils: A Study of Women in South Arabia* (Austin: University of Texas Press, 1979).

"Such notions are now peddled in a new guise by educators who come from the surrounding Arabic-speaking countries and are well-schooled in the views of women propounded by the traditional but modernized Islamic "high culture." These views are similar to those views of ultra-conservatives in the United States. While the local culture asserts that men have control over women and that that, whether women like it or not, is quite simply the immutable law (without necessarily implying women's "inferiority" or their "natural" passivity and subservience), the views propounded by these imported educators and by the foreign or foreign-trained Muslim sheikhs that

now regularly deliver television exhortations, often on the contrary insinuate that women's innate nature is passive, dependent, subservient, "inferior." Seeking to inculcate in women a belief in their own inferiority and passivity, to undermine from within, these views seem far more pernicious than those of the local culture which, resting on the absoluteness of men's outward control of women, has no need for such undermining.

⁷Satirizing male pomposity was a favorite theme in many of the plays I saw written, produced, and acted in by students in the women's schools and colleges.

⁸See Leila Ahmed, "Feminism and Feminist Movements in the Middle East, a Preliminary Exploration: Turkey, Egypt, Algeria, People's Democratic Republic of Yemen," *Women's Studies International Quarterly* 5 (1982): 153-68.

⁹See Yvonne Yazbeck Haddad, *Contemporary Islam and the Challenge of History* (Albany, N.Y.: State University of New York Press, 1982).

JUNE JORDAN

FROM SEA TO SHINING SEA

1

Natural order is being restored

Natural order means you take a pomegranate
that encapsulated plastic looking orb complete
with its little top/a childproof cap that you can
neither twist nor turn
and you keep the pomegranate stacked inside a wobbly
pyramid composed by 103 additional pomegranates
next to a sign saying 89 cents
each

Natural order is being restored

Natural order does not mean a pomegranate
split open to the seeds sucked by the tongue and lips
while teeth release the succulent sounds
of its voluptuous disintegration

The natural order is not about a good time
This is not a good time to be against
the natural order

2

Those Black bitches tore it up! Yakkety
yakkety complain complaints couldn't see
no further than they got to have this
they got to have that they got to have
my job, Jack: my job!

To me it was Black men laid us wide open for the cut.
Busy telling us to go home. Sit tight.
Be sweet. So busy hanging tail and chasing