THE ARABIST
BUDAPEST STUDIES IN ARABIC 44

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Papers Presented to
Kinga Dévényi
On Her Sixty-Fifth Birthday

EDITED BY
L. CSICSMANN • E. N. RÓZSA

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Preface

This special issue of *The Arabist* is offered to Kinga Dévényi on the occasion of her 65th birthday on August 1, 2022, by her friends and colleagues.

Kinga's academic career has been a set of manifold activities running parallel yet intertwining and contributing to each other. She has been teaching at the Corvinus University of Budapest, where she has developed a unique seminar for the studying of world civilizations, which she has been enthusiastically leading for the last decade. The textbook to the course *Civilizations from East to West* edited by her was published in Hungarian and English. At the same university she has taught Arabic to generations relying on course textbooks co-authored by her – among others – *Indul a karaván* [*The caravan takes off*] and *Halad a karaván* [*The caravan moves on*]. The students value her patience and tranquillity as well her deep knowledge in the field of Oriental Studies. Her work at the Oriental Collection of the Library of the Hungarian Academy of Sciences both as the Curator of the Goldziher Collection, the Arabic Manuscripts' Collection, and the Kaufmann Collection, or as a Senior Librarian provided a special background to her academic work in Arabic philology. *The Arabist*, where she is the Series Editor, is yet another dimension.

This special issue – in reflection of Kinga's contribution and commitment to all the above-mentioned different fields of study – includes papers from a wider than usual (for *The Arabist*) span of academic scene, from classical Arab philology to contemporary international relations.

Since *The Arabist* has limited space, contributions were sought from the closest ranks of Kinga's colleagues abroad and at home, yet we tried to have each side of her academic career be represented. The editors would like to thank Tamás Iványi for his support in the editing process.

László Csicsmann & Erzsébet N. Rózsa

"The lyf so short, the craft so long to lerne."
Geoffrey Chaucer

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MASQUER LA METRIQUE SOUS UNE APPARENTE PROSE EMERGENCE D'UN GENRE LITTERAIRE

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1. Préliminaires : position du problème

Masquer la métrique sous un verset d'apparence prosaïque est un procédé littéraire que connaissent bien les lecteurs de Saint-John Perse. Ainsi « le discours poétique de Saint-John Perse, comme l'analyse H. Meschonnic, est en fait un discours « en vers ininterrompus », la disposition en versets masquant une métrique largement régulière[1]. Il y a en effet, dans *Éloges* par exemple, une prédominance des modules 6 (constituant le second hémistiche d'un décasyllabe et les deux hémistiches de l'alexandrin) et 8, qui lui avaient semblé autrefois les meilleurs pour la traduction de Pindare, car les pieds utilisés par celui-ci sont composés le plus souvent d'un regroupement pair de syllabes :

Le pont lavé, avant le jour [8], d'une eau pareille en songe au mélange de l'aube [6/6], fait une belle relation du ciel [10]. Et l'enfance adorable du jour [3/3/3], par la treille des tentes roulées [3/3/3], descend à même ma chanson [8].

Saint-John Perse *Éloges*, V.

Se superposent donc chez Saint-John Perse une structure visuelle qui emprunte à la poésie antique via le verset, et une structure sonore issue de la versification régulière française […]

C'est au lecteur de découvrir éventuellement dans le segment isolé sur la page ou dans ce qui semble un texte en prose, une ou plusieurs structurations rythmiques, dans une lecture plurielle où, contrairement à ce qui se passe dans le vers régulier, la disposition visuelle ne traduit qu'une partie de l'impression sonore[2]. »

Comme nous l'avons montré dans Bohas (2021b) le Coran pratique lui aussi la technique du masquage de la métrique dans le verset. Chaque sourate se présente en effet

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[1] Voir les analyses de Bateman (1977: 55): « L'unité du verset persien est d'abord d'ordre métrique, que c'est la métrique qui contrôle le souffle et « contracte » la matière du poème. »

[2] Buffard-Moret 1997: 52–54.

comme une séquence de versets (*āyat*), eux-mêmes de dimension variable : un mot, comme le premier verset de la sourate 103 *al-ʿAṣr*, *Le Destin*[3], et jusqu'à sept ou huit lignes comme les versets187 et 196 de la sourate 2 *al-Baqara*, *La Vache*, dans l'édition que nous utilisons, à savoir le texte reçu aujourd'hui en Orient, « anhistorique », une édition à la disposition de tous, nommément : *al-Muṣḥaf al-muyassar* (e[6] 1394) publié par Dār al-Fikr. Comme le dit Buffard-Moret dans le texte ci-dessus, c'est au lecteur de découvrir les structures métriques occultées. A priori, cette disposition en versets de dimension variable est tout à fait opposée à celle de la poésie arabe classique et préclassique (appelée aussi préislamique) dans laquelle chaque vers du poème comporte le même nombre de pieds sur le même mètre et avec la même rime, ce qui fait que l'on désigne souvent cette poésie par le terme de poésie *ʿamūdī* : poésie en colonne. Il est vrai qu'un grand nombre de versets comportent une clausule finale (*fāṣila*[4]) analogue à la rime (ce que l'on appelle en arabe le *saǧʿ*[5]) mais cela est bien différent de la monorimie de la poésie *ʿamūdī*. Il suffit de regarder à ce sujet la disposition des clausules finales dans la sourate 19, *Marie*[6]. Les versets 2 à 33 comportent une clausule finale en iyyā/ayyā ; puis 34–35 clausule finale en ūn ; 36–37 clausule finale en īm ; 38 clausule finale en īn ; 39–40 clausule finale en ūn, 41–74 clausule finale en iyyā/ayyā[7] ; 75–80 clausule finale en dā ; 81 clausule finale en zā ; 82 clausule finale en dā ; 83 clausule finale en zā ; 84–97 clausule finale en dā et enfin 98 clausule finale en zā. Certes la clausule finale en iyyā/ayyā est prévalente, mais on ne retrouve pas pour autant la monorimie stricte de la poésie *ʿamūdī*. À s'en fier aux apparences, il y a donc à la fois une ressemblance matérielle entre la clausule finale et la rime et une grande différence dans la distribution des clausules finales des versets (libre) et celle des rimes (stricte) dans la poésie arabe. Pour faire apparaître le soubassement métrique, il va donc être nécessaire, comme nous l'a écrit André Miquel[8] « de traquer le texte, de l'ouvrir et de regarder, en dessous, le trésor. »

2. Esquisse du système de la métrique arabe

Rappelons la définition du mètre selon Jakobson (dans son fameux article "Closing statements: linguistics and poetics", in T. A. Sebeok, éd., 1960, *Style and Language*, New York, traduction Nicolas Ruwet, in Jakobson, 1963 : 229) :

« Le mètre – ou, en termes plus explicites, le modèle de vers – régit la structure de chaque vers particulier – disons de chaque exemple de vers particulier. Modèle et

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[3] Sauf indication contraire, nous suivons la traduction de Blachère 1966.

[4] Voir Ḥasnāwī, M., al-, e[2] 1421/2000, a*l-Fāṣila fī l-Qurʾān*, Préface de Subḥī Ṣāliḥ, ʿAmmān, Dār ʿAmmār li-l-našr wa-l-tawzīʿ.

[5] Prose rimée et rythmée.

[6] Pour une analyse en détail, voir Bohas et Roquet 2018 : 141 sv..

[7] Quelques défauts dans ces clausules en iyyā/ayyā par rapport à la norme classique de la rime : versets 9, 42, 60 et 67 : ayʾā et 74 : iʾyā.

[8] Suite à sa lecture de Bohas 2021b.

exemple sont des concepts corrélatifs. Le modèle de vers détermine les éléments invariants des exemples de vers et fixe les limites des variations. »

En d'autres termes, le vers est la réalisation concrète d'un modèle abstrait appelé « mètre **».**

En poésie arabe ʿamūdī, le vers se compose de deux hémistiches qui se composent eux-mêmes de deux à quatre pieds. Chaque pied se compose d'un noyau bisyllabique (en arabe *watid*), iambe [∪ –] ou trochée [– ∪], qui peut se trouver au début, au milieu ou à la fin du pied, et d'une ou deux syllabes variables (x) ; c'est-à-dire que ces syllabes variables posées au niveau du modèle peuvent se réaliser en brève ∪ (Cv : [consonne voyelle brève]) ou longue – (CvC ou Cū [consonne voyelle brève consonne] ou [consonne voyelle longue]). La dernière unité métrique de l'hémistiche, et donc du vers, est toujours longue, c'est pourquoi nous la faisons figurer sous cette forme. Suivant la disposition des noyaux et le nombre des syllabes variables, on obtient les 16 mètres de la poésie ʿamūdī (où *w* abrège le mot *watid*) :

W initial				
1 *hazağ*	[∪ –] **xx**	[∪ –] **x** (–)	////////////////	////////////////
2 *wāfir*	[∪ –] **X** –	[∪ –] **X** –	([∪ –] –)	////////////////
3 *muḍāriʿ*	[∪ –] **xx**	*[- ∪]* **x** -	////////////////	////////////////
4 *ṭawīl*	[∪ –] **x**	[∪ –] **xx**	[∪ –] **x**	[∪ –] **x** –
5 *mutaqārib*	[∪ –] **x**	[∪ –] **x**	[∪ –] **x**	([∪ –] –)
W final				
6 *rağaz*	**xx** [∪ –]	**xx** [∪ –]	(**xx** [∪ –])	////////////////
7 *sarīʿ*	**xx** [∪ –]	**xx** [∪ –]	x v–/– –	////////////////
8 *kāmil*	**X** – [∪ –]	**X** – [∪ –]	(**X** – [∪ –])	////////////////
9 *munsariḥ*	**xx** [∪ –]	**xx** *[- ∪]*	**xx** [∪ –]	////////////////
10 *muqtaḍab*	**xx** *[- ∪]*	**xx** [∪ –]	////////////////	////////////////
11 *basīṭ*	**xx** [∪ –]	**x** [∪ –]	**xx** [∪ –]	(**x** [∪ –])
12 *mutadārak*	**x** [∪ –]	**x** [∪ –]	**x** [∪ –]	(**x** [∪ –])
W médian				
13 *ramal*	**x** [∪ –] **x**	**x** [∪ –] **x**	(**x** [∪ –] –)	////////////////
14 *ḫafīf*	**x** [∪ –] **x**	**x** *[- ∪]* **x**	(**x** [∪ –] –)	////////////////
15 *muğtatt*	**x** *[- ∪]* **x**	**x** [∪ –] –	////////////////	////////////////
16 *madīd*	**x** [∪ –] **x**	**x** [∪ –]	**x** [∪ –] –	////////////////

Tableau des mètres de la poésie ʿ*amūdī* (tiré de Bohas, 2010)

Observations sur le tableau :

1) Les *watid*-iambes figurent entre crochets.

2) Les *watid*-trochées sont, de plus, en italiques, pour faciliter le repérage.

3) Dans 12, les pieds sont réalisés comme $- \cup -$ [9], $\cup\cup -$ ou $- -$ (le processus impliqué dans ce cas étant pour nous une synérèse : $\cup\cup > -$).

4) Dans 6 et 7, les deux premiers pieds sont strictement identiques et la différence tient au dernier pied. S'il affiche la structure écrite en 7, alors le vers est un *sarīʿ*.

5) Tout hémistiche comporte au moins deux pieds et possiblement trois ou quatre comme indiqué par les parenthèses. Le vers comporte deux hémistiches. Le nombre de pieds par hémistiche est identique dans tout le poème.

6) Si une séquence peut être analysée à la fois comme 13 et 16, la bonne analyse est 16.

7) L'unité X de 2 et 8 se réalise soit en $\cup\cup$ (deux brèves) ou en $-$ (une longue) ; dans les divers états de la grammaire proposée par nous, ces deux brèves sont obtenues par diérèse à partir d'une longue : $- > \cup\cup$ (voir Bohas et Paoli, 1997).

8) Les hachures indiquent que le pied n'est jamais réalisé, ainsi l'hémistiche de 1 n'a jamais que deux pieds. Quand le dernier pied est entre parenthèse cela signifie qu'il peut ne pas être réalisé, et en ce cas, le vers est dit *maǧzū'* (tronqué).

Cette brève esquisse suffit pour suivre la suite de l'argumentation.

3. La technique du patchwork

Nous entendons ce terme –qui, selon le TLF, désigne dans l'industrie textile « un assemblage de morceaux géométriques permettant de confectionner différents ouvrages » – dans son sens figuré : « ensemble d'éléments disparates, variés». Par cette technique il s'agit de faire coïncider exactement ou presque un verset avec un hémistiche de la métrique ʿ*amūdī*[10]. L'accumulation de ces tronçons métriques suggère qu'il ne s'agit plus d'une distribution hasardeuse, mais bien d'une technique littéraire selon laquelle il s'agit de procéder à un assemblage de figures métriques tout à fait disparates, incluant pêle-mêle des mètres à *watid* initial, médian ou final, d'où l'impression de patchwork qui différencie la sourate du poème ʿ*amūdī* qui est construit, lui, sur un seul mètre. Dans Bohas (2021b) nous avons analysé en détail les sourates 37 *al-Ṣāffāt*, *Celles qui sont en rang* et 56 *al-Wāqiʿa*, *L'Échéante*. Nous allons ici procéder de même pour la sourate 81 *al-Takwīr*, *L'Obscurcissement*. Nous présentons l'analyse en trois niveaux : la ligne de transcription du verset, la ligne de l'analyse en syllabes et la ligne du tableau métrique correspondant,

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[9] Selon les métriciens arabes. Dans la réalité de la production poétique classique, l'existence du pied $- [\cup -]$ semble peu attestée. Voir Paoli 2008 : 224–233.

[10] Voir une liste impressionnante de cas dans Bohas 2021a.

permettant l'identification du mètre. Nous citons les versets dans leur forme pausale, conformément à la récitation traditionnelle soignée (*tartīl*[11]) du Coran.

verset 2	wa-'iḏā l-nuǧūmu nkadarat[12]	
	∪ ∪– ∪ – // – ∪∪ –	
	X – [∪ –] //	*kāmil*

Rappelons que X peut se réaliser en deux brèves comme ici, ou en une longue et que – ∪ ∪ – *muftaʿilun* est une réalisation possible du pied X – [∪ –] par le *ziḥāf ḫazl* (corriger al-Tibrīzī : 66).

verset 3	wa-'iḏā l-ǧibā //lu suyyirat[13]	
	∪ ∪ – ∪ – // ∪ – ∪ –	
	X – [∪ –] // ∪ – ∪ –	*kāmil*

∪ – ∪ – *mafāʿilun* est une réalisation possible du pied X – [∪ –] par le *ziḥāf waqṣ* (voir al-Tibrīzī : 65–66).

verset 4	wa-'iḏā l-ʿišā ru ʿuṭṭilat[14]	
	∪ ∪ – ∪ – // ∪ – ∪ –	
	X – [∪ –] // ∪ – ∪ –	*kāmil*

verset 6	wa-'iḏā l-bihār u suyyirat[15]	
	∪ ∪ – ∪ – // ∪ – ∪ –	
	X – [∪ –] // ∪ – ∪ –	*kāmil*

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[11] Récitation lente et psalmodiée du Coran.
[12] Quand les étoiles seront ternies.
[13] Quand les montagnes seront mises en marche.
[14] Quand les chamelles [*pleines de*] dix mois seront négligées.
[15] Quand les mers seront mises à bouillonner.

verset 7	wa-’iḏā l-nufū su zuwwiǧat [16]	
	∪ ∪ – ∪ – // ∪ – ∪ –	
	X – [∪ –] //∪ – ∪ –	*kāmil*
verset 9	bi-ayyi ḏan bin qutilat [17]	
	∪ – ∪ – // – ∪ ∪ –	
	x x [∪ –] // **x x** [∪ –]	*raǧaz*

verset 12	wa-’iḏā l-ǧaḥī mu suʿʿirat[18]	
	∪ ∪ – ∪ – // ∪ – ∪ –	
	X – [∪ –] //∪ – ∪ –	*kāmil*
verset 14	ʿalimat nafsun mā ’aḥḏ^arat[19]	
	∪ ∪ – // – – // – – // ∪ – [20]	
	x [∪ –]//– – // – – // ∪ –	*mutadārak*

Rappelons ce que nous avons dit dans le commentaire sur le tableau: 3) Dans 12, les pieds sont réalisés comme – ∪ –, ∪∪ – ou – – (le processus impliqué dans ce cas étant pour nous une synérèse : ∪∪ > –). Cette réalisation en deux longues /– –/ est très fréquente dans le Coran.

verset 15	falā ’uqsi mu bil-ḫunnas [21]	
	∪ – – ∪ // ∪ – – –	
	[∪ –] **x x** // [∪ –] **x x**	*hazaǧ*

verset 17	wal-lay li ’i ḏā ʿasʿas[22]	

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[16] Quand les âmes seront réparties en groupes

[17] Pour quel péché elle fut tuée.

[18] Quand la Fournaise sera attisée.

[19] Quand toute âme saura ce qu’elle aura accompli.

[20] Nous avons appelé ces éléments non intégrés en début ou fin d’hémistiche : syllabes orphelines, Bohas 2021b : 38 sv., nous les mettons en exposants.

[21] Non ! J’en jure par les (astres) gravitants.

[22] Par la nuit quand elle s’étend.

	– – // ∪ ∪ – // – –	
	– –// x [∪ –]/ /– –	*mutadārak*
verset 18	wal-ṣubḥi 'i d̲ā tanaffas [23]	
	– – ∪ ∪ //– ∪ – –	
	x *[- ∪]* x// x[∪ –] –	*muğtat̲*

Sur les 29 versets que comporte cette sourate, 11, soit plus du tiers, correspondent à des hémistiches métriques. Le Coran fait donc un usage non ʿamūdi du système de la métrique arabe. Alors que tous les vers du poème relèvent du même mètre, le Coran insère dans la sourate des formes métriques de manière aléatoire, mais correspondant au verset, ce qui ne sera pas le cas dans ce que nous avons appelé l'enchevêtrement.

Observons pour en finir avec le patchwork que toutes les sourates commencent par la formule *bi-smillāhi l-rahmān il-raḥīm*[24]. Son analyse fait apparaître la structure d'un *mutadārak* :

	bi-smi llāhi l-raḥmā n il-raḥīm	
	– – //– – –// – – // – ∪ –	
	– –// – – //– – // x [∪ –]	*Mutadārak*

4. Le panachage libre du pair et de l'impair

Dans les mètres *ṭawīl*, *basīṭ* et *madīd* alternent les pieds incluant deux variables avec ceux qui n'en incluent qu'une seule. Nous parlerons donc de panachage pair/impair. En poésie ʿamūdī ce panachage est strictement codifiée: Dans le *ṭawīl* P1 et P3 sont impairs /[∪ –] x/ et P2 et P4 pairs /[∪–] xx/ ; dans le *basīṭ*, c'est le contraire : P1 et P3 sont pairs /xx [∪ –]/ et P2 et P4 impairs / x   [∪ –]/. Explicitons encore avec un exemple bien connu :

qifā nabki min d̲ikrā ḥabībin wa-manzili

qifā nab	ki min d̲ikrā	ḥabībin	wamanzili
[∪–] x	[∪–] x x	[∪–] x	[∪–] x x
impair	pair	impair	pair

---

[23] Par l'aube quand s'exhale son souffle !

[24] Au Nom d'Allāh, Raḥmān le miséricordieux (traduction nôtre).

La Coran, exactement comme la poésie libre moderne, et contrairement à la poésie ʿamūdī, procède au panachage libre pair/impair. On peut comparer, par exemple un extrait du *diwān* de Nizār Qabbānī intitulé *Aḥlā qaṣāʾidī* : 36, avec un extrait de la sourate *Al-Anʿām* :

ʿallamanī ḥubbuki ʾan ʾaḥzan
– ∪ ∪ –/– ∪∪ – / – –
waʾanā muḥtāǧun munḏu ʿuṣūr
∪ ∪ –/– – /– – / ∪∪ –
li-mraʾatin taǧ ʿalunī ʾaḥzan
– ∪∪ –/ –∪∪ –/– –
li-mraʾatin ʾabkī bayna ḏirāʿayhā
– ∪∪ –/– –/– ∪ ∪ –/– –
miṯla l-ʿusfūr
– – / – –
li-mraʾatin taǧmaʿu ʾaǧzāʾī
– ∪ ∪ –/– ∪ ∪ –/– –
ka-šaẓāyā l-billawri l-maksūr
∪ ∪ –/– –/– – / – –

Al-Anʿām, **6**, 130 (*mu(s)ta(f) ʿilun, fa (ʺ) ʿilun, fa ʿlun*)[25]

(يا مَعْشَرَ الْجِنّ وَالْإِنْس أَلَمْ يَأْتِكُمْ رُسُلٌ مِنْكُمْ يَقُصُّونَ عَلَيْكُمْ آياتي وَيُنْذِرونَكُمْ لِقاءَ يَوْمِكُمْ هَذا)

yā maʿšara l ǧinni wal- ʾinsi ʾalam yaʾtikum rusulun minkum
– – ∪ – /– ∪ – / – ∪∪ –/– ∪ –/ ∪ ∪ –/– –
 yaquṣ ṣūna ʿalay kum ʾāyātī wa-yunḏirūnakum liqā ʾa yawmikum hāḏā
∪ –/ – ∪ ∪ –/– –/––/∪ – ∪–/∪ – ∪ –/∪ – ∪ –/– –

Dans les deux cas on observe un panachage libre pair /xx ∪–/ (*mu(s)ta(f) ʿilun* et impair /x ∪–/ *fa (ʺ) ʿilun,* lequel peut se réduire à deux longues *fa ʿlun,* comme dans le *mutadārak.* Il n'est pas sans intérêt de remarquer la réalisation de ce même phénomène de « libération » du panachage à treize siècles d'écart.

5. La technique de l'enchevêtrement

Dans les sourates dont on a traité dans le paragraphe 3, qui sont considérées comme mecquoises, les versets sont dans l'ensemble assez courts et les séquences métriques peuvent correspondre à un verset, autrement dit, le patchwork recoupe la répartition en versets, au contraire, dans la sourate 2 *al-Baqara, La Vache,* présumée première sourate médinoise (cf. Blachère, 1966: 30), les versets peuvent être très longs et donc le patchwork ne suit plus la répartition en verset mais il s'insère dans le verset lui-même au début, à la fin ou dans le corps du verset, et il est donc plus difficile à détecter que dans le simple

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[25] En transcrivant en italiques la notation métrique à la manière des métriciens arabes : le ʺ symbolise le *alif* et sont entre parenthèses les éléments qui peuvent tomber par application des *ziḥāfāt.*

patchwork. La sourate comprenant 286 versets, il ne peut être question de l'analyser intégralement ici, au contraire, nous allons nous limiter aux premiers versets pour donner une idée du phénomène de l'enchevêtrement métrique.

au début du verset	dans le corps du verset	à la fin du verset
2. ḏālika l-ki ṭābu lā ray/ba – [∪ –] ∪/–[∪ –] –/ ramal maǧzū'	4. wa-mā 'unzi la min qab/lika [∪ –] – ∪/ ∪ – – hazaǧ	2. fīhi hudan lil-muttaqīn –∪ [∪ –] /– – [∪ –] raǧaz maǧzū'
3. 'al laḏī na yu'minū/na – [∪ –] ∪/– [∪ –] ramal maǧzū'	5. ʿalā hudan min rabbihim ∪ – [∪ –]/ – – [∪ –] raǧaz maǧzū'	6.'am lam tunḏirhum lā – – / – – /– – yu'minūn – [∪ –] mutadārak
4. wal-laḏī na yu'minū/na – [∪ –] ∪ /– [∪ –] ramal maǧzū'	11. Lā tufsidū fil-'arḍi qā – – [∪ –]/ – – [∪ –] lū 'innamā – – [∪ –] raǧaz	14. qālū innā maʿakum – – / – –/ ∪ [∪ –]/ innamā naḥnu mustahzi'ūn – [∪ –]/ – [∪ –] / – [∪ –] 2 mutadārak maǧzū'
9. yuḫādiʿūna llāha wallaḏī – – [∪ –]/ – – [∪ –]/ ∪ – na 'ā/manu [∪ –] raǧaz	16.fa-mā rabiḥat tiǧāratuhum [∪ –] ∪ ∪ –/ [∪ –] ∪ ∪ – wāfir maǧzū'	15. fī ṭuǧyānihim yaʿmahūn – – /– [∪ –]/ – [∪ –] mutadārak maǧzū'
10. fī qulūbi him maraḍun – ∪ [– ∪]/ – ∪ [∪ –] muqtaḍab	19. ka-ṣayyibin min as-samā/'i – – [∪ –] /– – [∪ –] raǧaz maǧzū'	20. wallāhu muḥī ṭun bil- – –/ ∪ [∪ –]/ – –/ kāfirīn – ∪ – mutadārak
16. 'ulā ' ika l laḏī na š ta ∪ –[∪ –]/ ∪ –[– ∪]/ ra wu l- ḍalā/lata ∪ – [∪ –] munsariḥ	25. wa-'utū bihī muta šā ∪ ∪ – [∪ –]/ ∪ ∪ – bi han [∪ –] kāmil maǧzū'	19. ʿalā kul li šay'in qadīr [∪ –] –/[∪ –] –/∪ – mutaqārib maǧzū'

17. maṯaluhum ka-maṯali l ∪∪[∪ –] /∪ ∪ [∪–]/ laḏī staw/^qada ∪ – – raǧaz	26. fa-yaʿlamū na ʾannahū ∪ – [∪ –]/∪ – [∪–]/ raǧaz maǧzūʾ	21. min qablikum laʿallakum – – [∪ –] / – – [∪–]/ tattaqūn – [∪–] sarīʿ
18. ṣummun bukmun ʿumyun – – / – – /– –/ mutadārak maǧzūʾ	29. ṯumma stawā ʾilā lsamā/^ʾi – – [∪ –]/∪ –[∪–]/ raǧaz maǧzūʾ	23. dūni llāhi ʾin kuntum – –/ –[∪ –] / – –/ ṣādiqīn –[∪–] mutadārak
19. ʾaw ka-ṣayyi bin mi n al- – [∪ –]∪/ – [∪ –] sa mā'i fī ^/hi ∪/– [∪ –] ramal	33. qāla ʾalam ʾaqul la-kum –∪ [∪ –]/∪ – [∪–]/ raǧaz maǧzūʾ	28. ṯumma ʾilay hi turǧaʿūn – ∪ [∪ –]/∪ –[∪–]/ raǧaz maǧzūʾ
20. yakādu l-barqu yaḫ ṭafu [∪–]– – /[∪ –]∪ ∪ ʾab/^sārahum – wāfir maǧzūʾ	35. wa-kulā minhā raġadan – [∪–] / – – /–[∪–] mutadārak maǧzūʾ	30. ʾaʿlamu mā lā taʿlamūn – ∪ [∪ –]/– – [∪–] raǧaz maǧzūʾ
21. yā ʾayyuḫā l-nāsu ʿbudū – – [∪ –]/– – [∪–] raǧaz maǧzūʾ	36. ^ʾaḫra/ǧahumā mimmā kānā ∪ [∪ –]/ – – /– – mutadārak maǧzūʾ	33. tubdūna wa-mā kuntum – –/∪[∪ –] /– –/ taktumūn – [∪–] mutadārak
24. fa-ʾin lam taf ʿalū wa-lan [∪ –] – –/[∪ –]∪ – hazaǧ		35. fa-takū nā min al- – [∪ –]/ – [∪ –]/ ẓālimīn – [∪–] mutadārak maǧzūʾ

Nous donnons la traduction des versets concernés en distinguant par l'italique souligné les passages métriques cités, permettant de donner une idée de l'enchevêtrement métrique/non métrique.

2. *Cette écriture – nul doute* à son endroit – *est Direction pour les Pieux*

3. *qui croient* en l'inconnaissable….

4. *et qui croient* en ce qu'on a fait descendre vers toi, *et à ce qu'on a fait descendre avant toi*

5. Ceux-là sont *selon une direction [venue] de leur Seigneur*

6. Egal pour ceux qui sont impies que tu les avertisses *ou que tu ne les avertisses point: ils ne croiront pas.*

9. *Ils tendent à tromper Allah et ceux qui croient*…alors qu'ils ne trompent qu'eux-mêmes…

10. *En leur cœur est un mal* et Allah aggrave ce mal.

11. Quand on leur dit: *« Ne semez pas le scandale sur la terre ils répondent: Nous sommes seulement* des Réformateurs. *»*

14. Quand [ces infidèles] rencontrent ceux qui croient, ils [leur] disent : « Nous croyons », alors que quand ils sont seuls avec leurs Démons, *ils [leur] disent : Nous sommes avec vous. Nous sommes seulement des railleurs. »*

15. Allah se raillera d'eux et il les plongera *dans leur rébellion [où] ils vont en aveugles.*

16. *Ceux-là sont ceux qui ont pris en troc* l'Égarement contre la Direction ; *leur trafic ne sera pas lucratif* et ils ne sont point dans la bonne direction.

17. *Ils sont à la ressemblance de ceux qui ont allumé* un feu…

18. *Ils sont sourds, muets et aveugles* et ne sauraient revenir [de leur erreur]

19. *Ou bien [les infidèles] sont comme une nuée orageuse du ciel,* chargée de ténèbres, de tonnerre et d'éclairs ; [les gens] se mettent les doigts dans les oreilles, contre la foudre, par garde de la mort. *[mais] Allah entoure les infidèles [de sa puissance].*

20. *Peu s'en faut que les éclairs n'emportent* leur vue; chaque fois que [ces éclairs] les illuminent, ils marchent à leur clarté; quand c'est l'obscurité sur eux, ils s'arrêtent? Si Allah avait voulu, Il aurait emporté leur vue et leur ouïe. *Allah, sur toute chose, est omnipotent.*

21. *Hommes!, adorez* votre Seigneur qui vous a créés ainsi que ceux qui furent *avant vous− peut-être serez-vous pieux−*

23. … apportez une sourate semblable à ceci et appelez vos Témoins *en dehors d'Allah, si vous êtes véridiques.*

24. *Si vous ne le faites point − et vous ne le ferez point*! − préservez-vous du feu…

25. …Chaque fois que quelque fruit leur sera accordé en rétribution, ils diront : « Ceci est ce qui nous a été attribué antérieurement » *et [ce qui] leur sera donné sera ressemblant* [à ce qu'ils avaient sur terre]. Dans ces jardins, ils auront des épouses purifiées et ils y seront immortels.

26. Allah n'a point honte de proposer en parabole quelque moustique et ce qui est en dessous. Ceux qui croient *savent que c'est* la Vérité [venue] de leur seigneur. Ceux, au contraire, qui sont incrédules disent ….

28. Il vous fera mourir puis vous ressuscitera, *alors qu'à lui vous serez ramenés.*

29. C'est lui qui créa pour vous ce qui, en totalité, est sur la terre, *puis il se tourna vers le ciel* et les façonna harmonieusement en sept cieux. De toute chose, Il est omniscient.

30. …Le seigneur répondit : *Je sais très bien ce que vous ne savez point.*

33. …Et quand [Adam] eut avisé [les Anges] des noms [de ces êtres, Le Seigneur] dit: *Ne vous avais-je point dit* que je connais bien l'Inconnaissable des cieux et de la terre et que je connais bien *ce que vous extériorisez et ce que vous tenez en secret ?*

35. … O Adam !, habite ce Jardin, toi et ton épouse! *Et Mangez [de ces fruits] en liesse,* où vous voudrez, [mais] n'approchez point de cet Arbre-ci, *sans quoi vous seriez parmi les injustes.*

36. Or le Démon les fit pécher à cause de [cet Arbre] ; *il les fit sortir de l'état où ils étaient* et Nous dîmes : Descendez du jardin ! les uns pour les autres vous êtes un ennemi…

Cela suffit, nous semble-t-il, à montrer que, si l'on prend soin de regarder de près, on constate l'existence de structures métriques sous-jacentes aux versets, lesquelles peuvent être détectées au début, dans le cours, ou à la fin du verset. Toutes ces séquences trouvent leur place dans le tableau des mètres arabes. Cela confirme ce que nous avons dit lors de l'étude du patchwork : le Coran fait un usage non- ʿamūdī de la métrique arabe. Si l'on essaie de comprendre le pourquoi de cet usage, il faut se rappeler qu'à l'époque la seule forme littéraire connue était la poésie ʿamūdī, l'auteur du Coran se situe dans cette forme tout en tentant de créer, autant que possible, une distance avec elle, mais sans rompre radicalement avec elle. Considérons le versets 195 de la sourate 7 Les *ʾAʿrāf* :

'a-lahum 'arğulun yamšūna bi-hā

∪ ∪ –/ – ∪ – / – – –/ ∪ ∪ –

'am lahum 'aydin yabṭišūna bi-hā

– ∪ – / – – – / – ∪ – /∪ ∪ –

'am lahum 'aʿyunun yubṣirūna bi-hā

– ∪ – / – ∪ – / – – ∪ – /∪ ∪ –

on repère trois hémistiches de *mutadārak* parfaitement ʿamūdī-s: *fa (ʺ) ʿilun,* lequel peut se réduire à deux longues : *faʿlun,* mais dans la suite,

'am lahum 'āḏā   nun yasmaʿūna bihā

– ∪ – / – – / – – /∪ – /∪∪ –

quoi de plus simple que de faire « boiter » le vers pour l'éloigner du modèle ʿamūdī strict en introduisant les 2 syllabes figurant en gras, mais en les identifiant comme des intruses le lecteur averti retombe évidemment sur le modèle ʿamūdī :

– ∪ – / – – / – – **(∪ –)** /∪∪ –

6. Conclusion

Cette parenté formelle entre la poésie ʿamūdī et le Coran ne pouvait échapper à ses contemporains. Ils devaient bien se rendre compte que certains versets avaient exactement le même tracé métrique que certains hémistiches ou vers de la poésie ʿamūdī. Du reste, à l'époque, les « infidèles » n'ont pas manqué d'accuser le Prophète de n'être qu'un poète[26] (*Les Prophètes*, **21**, 5[27]) :

Et [les Infidèles] ont dit au contraire : « Amas de rêves ! Il l'a forgé ! C'est un poète !

Al-Ṣāffāt (*Celles qui sont en rangs*, **37**, 35):

Et ils disaient : « Allons-nous délaisser nos Dieux pour un poète possédé ? »

Il était donc très important de proclamer que les versets coraniques, malgré la ressemblance formelle perçue par les locuteurs, étaient bien distincts des œuvres des poètes, d'autant plus qu'à l'époque « on considérait le *shāʿir* (poète) comme possédé par un savoir spécial qui lui aurait été communiqué par une espèce d'esprit familier qui l'inspirait[28] ». Possédé par un Djinn inspirateur ? Accusation que le prophète récuse quant à lui, en manifestant de l'hostilité à l'égard des poètes (*Les Poètes*, **26**, 224–226) :
Ne vois-tu pas qu'en chaque vallée ils divaguent et disent ce qu'ils ne font point.
et en proclamant que le Coran n'a rien à voir avec la poésie :
Al-Ḥāqqa (Celle qui doit venir, **69**, 41–43) :
Ce n'est pas la parole d'un poète ! (Comme vous êtes de peu de foi !)
ni la parole d'un devin! (Comme vous êtes de courte mémoire !)
[c'est] une Révélation du Seigneur des Mondes !
Notons quand même que cette hostilité concernait le « fond » et non la « forme » et que finalement une échappatoire a été offerte aux poètes qui se sont ralliés à la foi : (*Les Poètes,* **26**, 227) *Exception faite de ceux qui ont cru, ont accompli des œuvres pies, ont beaucoup invoqué Allāh et qui bénéficient de notre aide après avoir été traités injustement.* Et le Prophète s'attacha même les services d'un poète converti, Hassān b. Ṯābit (563?-660) pour assurer la défense et l'illustration de la nouvelle religion en poèmes ʿamūdi-s.

Notre démarche, dans cette entreprise qui met le Coran en rapport avec la poésie ʿamūdī et la poésie libre moderne sous le rapport des structures métriques s'inscrit dans une approche laïque, comme nous l'avons explicité dans Bohas et Roquet (2018) que nous reprenons ici. Nous envisageons donc le Coran comme un texte, au même titre que l'Iliade ou l'Odyssée. Dans une interview à la revue *Les Cahiers Science et vie* (2015,156 : 82), Thomas Römer prône une démarche analogue à la nôtre :

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[26] Voir Gilliot 2001.
[27] Le numéro de la sourate est en gras et celui du verset en maigre.
[28] Krenkow, *Encyclopédie de l'Islam SHĀʿIR*.

« Il s'agit d'appliquer à la Bible les mêmes méthodes de lecture et de décryptage que pour les récits d'Homère. Je n'ai jamais considéré que la Bible devait être traitée comme un texte à part. »

Libre aux croyants de croire que ces textes, la Bible, les Évangiles et le Coran, sont le fruit d'une inspiration provenant d'une source extérieure à l'expérience. Mais qu'ils nous reconnaissent la possibilité, en tant que chercheurs, de partir du point de vue selon lequel, rien ne tombe du ciel sinon de l'eau, parfois sous forme de grêle ou de neige.

Bien au contraire, comme le remarque Al-Karjoulsi (2012) : « La plupart des linguistes arabes, eux, n'ont jamais classé le texte coranique ni dans la littérature, ni parmi les formes poétiques. Ils le prennent comme une forme propre. Quant à la majorité des musulmans[29], elle évite d'établir des liens entre Coran et poésie, de crainte de réveiller l'idée que le Coran soit de la poésie et de l'attribuer à Muhammad, le poète, et non à Dieu. … La simple comparaison des versets coraniques avec des vers poétiques est utilisée par les musulmans les plus radicaux pour réveiller cette confusion entre nature divine de versets coraniques et nature poétique influencée par les djinns. … Affirmer que le texte coranique a une dimension poétique amène à accepter que le Coran soit écrit dans une langue, l'arabe, soumise comme les autres langues aux diverses évolutions linguistiques et expériences esthétiques et à refuser d'en faire une langue sacrée. »

Les deux approches semblent difficilement conciliables, l'une relevant de l'ordre de la science et l'autre de l'ordre de la croyance.

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AN ANCIENT REGIONAL SECURITY COMPLEX ON THE RISE: THE NILE WATER CONTROVERSY FROM THE PERSPECTIVE OF EGYPT

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Abstract

The terminology and theory of "regional security complexes" (RSC) may be new, yet, the underlying factors, causes and characteristics are as old as human civilization and/or the River Nile. Out of the eleven countries the Nile is flowing through, Ethiopia and Egypt – with in-between Sudan – are "hosting" the Blue Nile, which carries about 85% of all the river's water. With both Egypt and Ethiopia trying to cope with a rapidly growing (exploding) population of already over one hundred million each, as well as the necessity of providing food and electricity, water sharing has become an imminent task and a direct threat for both. Thus, the recent – but already decade-long – hostility between Egypt and Ethiopia over the sharing of the water of the river resulted in the emergence of a new regional security sub-complex, that of the Nile basin.

Water as a Regional Security Complex (RSC) creator

Barry Buzan in his Regional Security Complex Theory states that "a regional security complex is made up of states the security threats and interests of which are intertwined to the extent that they cannot manage them alone … consequently, it is defined by an interdependence" among the states making up the RSC. This interdependence – and the "radius" of the perceived threats – presupposes a geographic proximity, which is crucial to the understanding and perception of any RSC. Yet, as Buzan and his colleagues argue, security has many sectors – social, military, political, economic, environmental –, which may, in themselves, be the reason of the understanding of a zone. Especially, if a sectoral issue is securitized.

Water – whether sea or river – has the capability to lie at the core of regional security complexes. Fresh water, or more precisely the access to fresh water has been a factor of human and social security, attested by that fact that the first human settlements were established along the great rivers globally. Yet, with the introduction of "nation-states" among internationally accepted and observed borders, sharing river water has gained a different – political momentum. Geographical proximity here is a given, but the position of any state is defined by several other factors: the size of

population and territory, location on the river (upper flow-lower flow, or opposite sides), other sources of water, the rate of industrialization, climate, agriculture, etc. Another decisive factor – both historically and/or currently – may be the presence and eventual interference of external actors. This, with the colonization in Africa, has had a lasting impact.

Access to water, however, has been – and according to many predictions will be – the cause of military action. The already mentioned delineation of borders introduced a new paradigm, in which states either go to war (or threaten with war) to get access or are induced to cooperate. Even more so that water has a wide set of economic relevance, from providing food to serving as a channel of transport and trade. Climate change, however, threatens freshwater flows, the economic benefits they may provide, and even the life of the society. Thus, changes in the environment may even increase the threat of war over water resources.

The complex problematic of water issues, with relevance to all sectors of a regional security complex, resulted, over most of the great rivers of the globe, in the formation of regional organizations – proving again that water issues are above the competence of any one state. In the absence of universally accepted international law, cooperation and the solution to or management of an eventual military tension or confrontation are typically among the main reasons of the establishment of such organizations, together with social, economic and environmental considerations.

The Nile basin as a Regional Security Complex (RSC)

The Nile valley, one of the most ancient places of human history and civilization, reflects this multi-sectoral security. The geography of the regional security complex is first outlined by the network of bigger and smaller water-flows making up the River Nile, then by the state-boundaries of the state actors themselves. The Nile, the confluence of the Blue Nile stemming from Lake Tana in Ethiopia and the White Nile stemming from Lake Victoria in Uganda, is the longest river on the earth, with a length of 6550 km, and a catchment area of some 3.35 million km^2. The Basin is home to different peoples and cultures, and over 500 million people (and the number is rapidly growing). The Blue Nile provides some 85% of the water-flow, and the White Nile some 15% of the total. The catchment area of the Nile is shared by eleven states: those around the upper flows – Ethiopia, Burundi, the Democratic Republic of Kongo, Eritrea, Kenya, Ruanda, Tanzania, and Uganda – due to their geographical situation are usually considered less dependent on the Nile than the countries further down the river – Egypt, Sudan and to a certain extent South Sudan. Water management of the upper river states, however, has/may have a defining impact on the water-flow and quantity of water on the states along the lower parts of the river. Egypt and Sudan, as the lowest lying states along the river, are especially exposed to any such project on the upper river. While the whole of the Nile valley basin can be considered as a regional security complex, the Blue Nile – originating in Ethiopia

and following through Sudan and Egypt as well as carrying the majority of the Nile water – can be considered as a regional security sub-complex within.

The Nile catchment area has gradually been discovered for the external world, yet, historically the Nile has always served as a connection between the Mediterranean and its littoral states, and the far-away sub-Saharan Africa. First colonization, then independence, however, created political bonds and a specific, continental sphere, where Nile countries could frame common interests. The development of African identity and the establishment of the Organization of African Unity among Cold War circumstances, and later that of the African Union not only provided a specific field for cooperation, but also a kind of a rivalry for – among different things – natural resources, water included.

These political developments had several diverse security implications, including the different waves of industrialization, the increasing need for arable lands and the irrigation thereof to feed the exploding populations, and the consequently different stages of environment degradation, etc. Besides these generally present 'common' concerns, some others have been manifested with different directions within the RSC: while political-military relations were directed from the north to the south, social mobility – the migration of peoples – were going the opposite way, from the south towards the north. Both ways the Nile has served as the main route.

The Blue Nile as a sub-complex within the broader Nile RSC

The ancient Greek historian and geographer, Herodotus (5th century BC) called Egypt "the gift of the Nile" – proving that the exposure to and dependence from the Nile has been a constant given all through history. This is usually understood in the food security sense of the phrase, with the role of the water in agriculture in focus, including the regular floods of the river, which helped this agriculture, but also delineating the territory fit for living. Since most of the territory of Egypt – historically and today – has been unfit for establishing (bigger) settlements, 95% of the population has lived and is living along the river and in the river delta – besides the narrow strip along the shores of the Mediterranean. Consequently, the way of living is either related to the Mediterranean Sea – with a certain cosmopolitan identity of the sea-faring people -, or an agriculture-based way of life, in which land is the defining element, to the extent that "no Egyptian is ready to give up one foothold of land to anyone".

This dependence on the Nile has always been very high on the agenda of any ruler or government of Egypt, but with the demographic explosion since the mid-20th century this has become by now the biggest task and concern. It could even be said – with some exaggeration – that the prism through which decisions are weighed and passed is "how to feed the 100 million plus population", which is increasing very fast. In 2022 Egypt's population is estimated some 108 million people,[1] more than

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[1] CIA World Factbook – Egypt, Population.

five times the number in 1950, when Egypt had some 20 million inhabitants/citizens only. But the population has doubled even when compared to the 52 million in 1987, and by 2100 a further doubling i.e., some 220 million people are expected. This, although a slow-down in the increase is expected and estimated, and despite the "Two is enough" (*itnēn kifāya*) campaign[2] pursued recently by the government and taken up by civil society actors as well.

On the other hand, ancient statehood, and the fact that practically all Egyptians have been leading a settled way of life for centuries now, have had an impact on the social construct of the Egyptian society, clearly distinguishing it from those of many other Arab states: most significantly, this resulted in the dimming of such old social bonds and tribal/clan structure that are still determinant e. g. in neighbouring Libya. Consequently, Egypt is one of the very few states in its region which can be considered a "nation-state".[3] It could be said that the state has taken over the authority of the rulers, providing for the people/citizens, and one of its main tasks has been the securing of the water-flow (and the consequent floods). In terms of agriculture, but also of trade. Movement on water is usually understood as seafaring, yet, for Egypt the River Nile has served for millennia as a route of transport of goods and people since ancient times. Most Egyptian rulers, from the earliest pharaohs onwards, tried to expand their rule and influence on the south, to Nubia or even deeper. The pyramids of several pharaohs up along the river well into Sudan symbolize these efforts. Although the Ottoman rulers did not venture deep down into Africa, they did develop – along the Nile – connections to the upper river flow territories.

While for Egypt (and Sudan) it is the water-flow and its role in the maintenance of human life, food and agriculture are the main motivations, for Ethiopia it is the electricity that can be generated with the very same water that is the determinant factor. Though Ethiopia's population is approximately equivalent to that of Egypt – an estimated 113 million people in 2022[4] – due to the fact that the population is much more widely spread, in 2020 only some half of the population had access to electricity (51.1%), but when the construction of the GERD started in 2011 it was 23% only.[5] Ethiopia is poor in energy resources, and although in the recent past gas fields were discovered in Ogaden, it will take a longer period until the country can rely on the gas as the building of the infrastructure takes time and cost money. Consequently, relying on water as a potential source of energy is a faster and cheaper

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[2] See e.g., the Facebook site for the campaign, https://www.facebook.com/2kefaya/

[3] It should be noted, however, that as the Arab Spring events and its aftermath proved that a hundred years after the delineation of boundaries among/within the Arab states, a sense of „national" identity has developed everywhere, although these could be mostly related to the territorial state.

[4] CIA World Factbook – Ethiopia, Population.

[5] Access to electricity (% of population) – Ethiopia, 2020. World Bank,

solution. The foreseen capacity of the GERD is expected 6500 MW, which, compared to the 4244 MW Ethiopia had in 2019 is a significant rise in production.[6] Consequently, the GERD has become a subject of national pride for the Ethiopians, a symbol of industrial ambitions and of leaving the historical poverty behind. The Ethiopians also have a strong sense of ancient statehood combined with an autocephal Christian Church as its ideological basis. Thus, any limitations regarding the GERD's output or operation is easily termed as the enforcement of old colonial dictates.[7] (It should also be noted that in country with 84 ethnic groups registered in the constitution and the bloody civil war going on in Tigray, the importance of the GERD's symbolism as a unifying factor cannot be underestimated.)

The history and situation of the Nile in modern times was mostly a function of the colonizing powers in Africa: Britain, France, Italy and Belgium. The "1891 Anglo-Italian Protocol, Great Britain and Italy demarcated their 'respective spheres of influence in North-Eastern Africa'… allowing the United Kingdom to maintain control over the headwaters of the Tekeze (Atbara) River." In the 1906 "secret tripartite agreement between Great Britain, France and Italy, the latter two countries completely ceded all Nile basin interests to the British … The colonial ruler of Congo, King Leopold II of Belgium, formerly agreed with the British that he would not attempt to construct any structures (such as dams or other irrigation facilities) on the Semliki and Isango rivers ... [thus] a succession of United Kingdom governments continued to play a dominating role in the Nile basin during the first half of the 20th century."[8]

With the British military presence mostly concentrated in Egypt and Sudan, it was the Blue Nile that stood in the focus of British attention. Consequently, Nile water sharing agreements typically focused on Egypt and Sudan, leaving Ethiopia on the sidelines, if mentioned at all. (As were the other states along the White Nile, which is the reason why the validity of the Nile treaties and agreements has come to be questioned by more than one Nile states.) With the movement towards the end of colonization, however, a series of agreements started to be concluded among the Blue Nile riparian states themselves and the United Kingdom regarding Nile issues.

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[6] Quoted by Marsai: A Nagy Etióp Újjászületés Gát és a Nílus vízfelhasználása körüli diplomáciai küzdelem I.

[7] Ethiopia Won't Bend to US Pressure on Dam, Foreign Minister Says. VOANews, March 13, 2020.

[8] In-depth analysis: Past agreements on the Nile.

Agreements related to the (Blue) Nile

In contrast to the widely accepted 1982 *United Nations Convention on the Law of the Sea* (with 157 signatories), there is no generally codified law on rivers, thus legal arrangements for water sharing and development, cooperation and (eventual) conflict resolution are typically regional, if at all.

1.

The first document dealing with the relationship of Ethiopia and the lower riparian countries with regard to the utilization of Nile is the *Treaty Between Ethiopia and Great Britain on the Delimitation of the Frontier between Ethiopia and Sudan* signed by Ethiopian Emperor Menelik and United Kingdom's envoy Lt. Col. John Lane Harrington in Addis Ababa in May 15 1902. Article III states that "His Majesty the Emperor Menelik II, King of Kings of Ethiopia, engages himself towards the Government of His Britannic Majesty <u>not to construct, or allow to be constructed, any work across the Blue Nile</u>, Lake Tsana, or the Sobat which would arrest the flow of their waters into the Nile <u>except in agreement with His Britannic Majesty's Government and the Government of the Soudan</u>." [*underlying by the authors*] Egypt and Sudan claim the rights in the Treaty based on principles of state succession as they were at the time under British military rule.[9]

2.

Following the declaration of Egypt's independence in 1922, in an exchange of notes between Lord Lloyd, the High Commissioner of Great Britain in Cairo and Muhammad Mahmoud Pasha, the President of the Egyptian Council of Ministers, the British Crown recognized the "<u>natural and historical rights of Egypt on the waters of the Nile</u> nor on its agricultural development needs".[10] Egypt, on the other hand, acknowledged that "the development of the Sudan needs a quantity of water flowing from the Nile higher than used hitherto by the Sudan".[11] Thus, Egypt was guaranteed 92.3% of the river flow, while Sudan 7.7%. The agreement – which was based on the conclusions of the 1925 Nile Commission – also gave Egypt a veto right over the eventual change of the status quo, and stipulated that "<u>Except with the prior consent of the Egyptian Government, no irrigation works shall be undertaken nor electric generators installed along the Nile</u> and its branches nor on the lakes from which they flow if these lakes are situated in Sudan or in countries under British administration which could jeopardize the interests of Egypt either by reducing the quantity of water flowing into Egypt or appreciably changing the date of its flow or causing its level

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[9] Berhane: The 1902 Treaty.

[10] Exchange of Notes between Her Majesty's Government in the United Kingdom and the Egyptian Government on the Use of Waters of the Nile for Irrigation. Art. 2,

[11] Ibid. Art. 2.

to drop."[12] The upper riparian states, were not mentioned at all, reflecting the fact that they were under colonial rule, i. e. from the colonizers' perspective had already been settled. Although Ethiopia was independent, it was not mentioned either.

3.

Following Sudan's gaining independence in 1956, the *Agreement between the United Arab Republic and the Republic of Sudan for the full utilization of the Nile waters* was signed in 1959 by two independent riparian states. Yet, since it was relying on the previous 1929 agreement and was concluded between two recently becoming independent (from British colonial rule) states and two 'brotherly Arab nations', it could be claimed to continue – in a way – the old pattern and tradition of such agreements.

Although under the new water sharing agreement Sudan got the right to more water (from the previous 4 billion to 18.5 billion cubic meters), Egypt was still entitled to a much bigger volume (from the previous 48 billion to 55.5 billion cubic meters) of the Nile total of 84 billion cubic meters, with 10 billion cubic meters 'written off' due to natural evaporation (which was mostly due following the construction of the Aswan Dam).[13] Yet, the agreement confirmed the "established right" of both to the water. They also agreed to cooperate on projects for the exploittation of waters lost in the Upper Nile Basin, as well as technical issues of water management.

The agreement specifically mentions the claim by other riparian countries to a share in the Nile waters, but only to conclude that „Both Republics agree to study together these claims and adopt a unified view thereon."[14]

4.

The 1993 Framework for General Co-operation Between the Arab Republic of Egypt and Ethiopia, signed by Egyptian President Mohamed Hosni Mubarak and Ethiopian Prime Minister Meles Zenawi, was the first bilateral agreement following the colonial period, between an Arab and a non-Arab (African) state. The agreement emphasized the need for cooperation and agreed that *"the issue of the use of the Nile waters shall be worked out … through discussions … on the basis of the rules and principles of international law"* (Art. 4.). "Each party shall refrain from engaging in any activity related to the Nile waters that may cause appreciable harm to the

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[12] Ibid., Art. 4.2.

[13] It should be noted that nothing is included on any eventual planning to lessen the amount of evaporation, which in fact has increased to approx. 12.5 billion cubic meters since. Marsai: A Nagy Etióp Újjászületés Gát és a Nílus vízfelhasználása körüli diplomáciai küzdelem I.

[14] Agreement between the United Arab Republic and the Republic of Sudan for the full utilization of the Nile waters. Art. V. para 2.

interests of the other party." (Art.5.) "They undertake to consult and cooperate in projects that are mutually advantageous." (Art.6.) „The two Parties shall endeavour towards a framework for effective co-operation among countries of the Nile basin." (Art.8.)[15]

Efforts at cooperation in the Nile River basin

The end of the Cold War, the changing international environment and external great power interest, along with the manifold impacts of globalization, industrialization and demographic explosion introduced a new era of regional cooperation in the Nile River basin. In 1992 the *Nile-COM* (the Council of Ministers of Water affairs of the Nile Basin countries) was established by six riparian states (Egypt, Rwanda, Sudan, Tanzania and Uganda) "to create a regional partnership to facilitate the common pursuit of sustainable development and management of the waters of the River Nile."[16] In 1997 it was joined by Democratic Republic of Congo, with the other riparian states in support from the outside.

The *TECCONIL* (Technical Cooperation Committee for the Promotion of Development and Environmental Protection of the Nile Basin) was established in 1993 to promote cooperation on water management, and in the same year – with the help of the Canadian International Development Agency (CIDA) – the conference series *Nile 2002* was started "to provide an informal mechanism for riparian dialogue as well as with the international community."[17]

In 1999 the Nile-COM decided to establish the *Nile Basin Initiative* (NBI), an all-inclusive basin-wide institution, an intergovernmental partnership of ten Nile Basin countries, in Dar-es-Salam, Tanzania, with the secretariat in Entebbe, Uganda. The aim of the NBI was "to provide a forum for consultation and coordination among the Basin States for the sustainable management and development of the shared Nile Basin water and related resources for win-win benefits."[18]

In 2010, however, the upper-flow countries (Burundi, Ethiopia, Kenya, Ruanda, Tanzania, and Uganda) launched a new initiative, which came to be signed as the *Entebbe Agreement* (Cooperative Framework Agreement, CFA). The parties claimed their rights over the water resources of the Nile and rejected both the 1929 and the 1959 agreements, thus challenging both Egyptian and Sudanese rights under those former agreements. The Entebbe Agreement has thus become the basis of the Ethiopian dam construction and of the upper-flow states' increasing awareness of their own rights to Nile water.

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[15] Framework for general co-operation between the Arab Republic of Egypt and Ethiopia signed at Cairo, 1 July 1993.
[16] In-depth analysis: Past agreements on the Nile.
[17] Ibid.
[18] Nile Basin Initiative

The Grand Ethiopian Renaissance Dam (GERD)

The first plan of a dam on the Blue Nile was raised in the mid-20th century, when between 1956–1964 with US help Ethiopia prepared calculations on the potential agricultural and industrial benefits, and even designated the place of the dam. Yet, real preparation started – in secret – in 2009, with the preparation of feasibility studies. Consequently, when the dam construction project was started during the Arab Spring in Egypt, and thus Egyptian attention was focussed on the domestic transition, Egypt claimed that Ethiopia was taking advantage of the situation. As the construction was going on, the real details were also exposed, e. g. in contrast to the previously acknowledged capacity of the water reservoir behind the dam the real capacity turned out to be almost fivefold (from 16 billion cubic meters to 74 billion cubic meters, i. e. practically one year of the waterflow of the Blue Nile).

The Grand Ethiopian Renaissance Dam is "a 6,450 MW hydropower project nearing completion on the Blue Nile in Ethiopia, located about 30 km upstream of the border with Sudan. It will be the largest hydropower project in Africa. Owned and operated by the Ethiopian Electric Power company, the 145-m-tall roller-compacted concrete gravity dam will flood 1,874 km2 at a normal pool elevation of 640 m and will have a tributary catchment of 172,250 km2."[19]

The main rationale behind the construction was generating electricity – a cause perceived with sympathy by the other riparian countries where access to electricity is rather limited, especially when compared to the 100% access in Egypt. Consequently, when Ethiopia promised to provide Sudan with electricity, the offer was positively accepted.

Table 1. Access to electricity in the Nile states in 2019 (%)[20]

Egypt	Sudan	Ethiopia	Burundi	Dem.Rep.of Congo	Eritrea
100	**53.83**	**48.27**	11.06	19.10	50.39
Kenya	Rwanda	South Sudan	Tanzania	Uganda	
69.70	37.78	6.72	37.70	41.30	

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[19] Grand Ethiopian Renaissance Dam. Ethiopian Ministry of Water and Energy,
[20] Source: Electricity access 1992–2022.

Besides electricity, however, the Ethiopian government was referring to other benefits of the dam: the construction provided approx. twelve thousand jobs, though it must be noted that there were several accidents as well. The GERD Coordination Office on its website further notes that the "artificial lake [*behind the dam*] will provide boat and boating transportation for the area, it also provides an opportunity to develop additional fish resources and become a world-class tourist destination … Since the hydroelectric plant is free of carbon dioxide, the Grand Ethiopian Renaissance Dam contributes to the protection of environmental ecosystems … New rural roads being built for access to different parts of the project create a chance for transport access … Reduce air pollution, reduce climate change, generate economic connectivity in local countries, and bring about economic growth … In general, the Grand Ethiopian Renaissance Dam project is expected to give significance role for the development of the Nile Basin Countries through cooperation on development, better use of water and the improvement of the climate."[21]

The GERD controversy

Between 2011–2014 Egypt was turning inwards and was preoccupied with its Arab Uprising, and the consequent political transition. Though the foreign policy principles remained unchanged – namely, to protect Egypt's territorial integrity and national sovereignty – with the multiple economic crises, which the 'Lotus Spring' had been accompanied through the years of political unrest, Egypt has become dependent on the Gulf Cooperation Council's countries financial help. These political and economic processes relatively unprioritized the eventual construction of the GERD project. When Egypt "woke up" and political power was consolidated under the Sisi administration in 2014, the GERD project was already in its implementation phase. Ethiopia has thus come to challenge the hydro-hegemony of Egypt, which was guaranteed by the previous international agreements. The wider context was provided by the great power competition, of which not only Ethiopia, but the whole Horn of Africa and the Red Sea have become scenes, and which rivalry at the same time is also manifest in the shifting regional order in the broader MENA region. Besides the local actors and the "usual" global powers (the United States, Russia, China) regional states – Saudi Arabia, Iran, Turkey, Qatar, the United Arab Emirates – have been contesting for the influence over the Horn and the Red Sea. As the Sisi regime has redefined Egypt's role in the region as a regional power, the GERD issue has arrived at the forefront of security challenges of the state.

As Ethiopia has already started the construction of the site, Egypt's position has gradually changed from hostility to engaging in diplomatic negotiations.[22] Egypt and Sudan have ceased to obstruct the construction of the dam, thus, the issue has increasingly become centred on the speed of the filling of the reservoir behind the

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[21] GERD Coordination Office.

[22] Interviews conducted by the authors in the Egyptian MFA between 2013–2020.

dam, especially, when the real dimensions thereof were disclosed (see above). While both have focused on the prevention of any unilateral action by Ethiopia, Sudan was more supportive of the project, which has not only allowed Khartoum to buy cheap electricity, but also to control the rather unpredictable flow of the river. In 2015, the three countries have reached to an agreement (Declaration of Principles), in which Ethiopia has promised not to unilaterally cause harm to the two downstream countries. This agreement has secured the position of the Sisi regime, which has become more assertive on the dam issue. (Sisi's position has been supported by Donald Trump, who use the nickname of 'my favourite dictator' on the Egyptian President causing some controversy in the U.S. as well as in Cairo.)

Since 2015 there have been several rounds of talks by the Tripartite Committee without reaching to any conclusion. In 2020, however, with the mediation of the United States, the three riparian countries agreed on a timetable about filling the dam, which was seen as a major milestone according to experts. In the agreement, Ethiopia assured Egypt and Sudan that it intends to fill dam between four to seven years, and the country would halt the implementation of the second phase in case of a low annual inflow. After the agreement, Ethiopia started the first filling in July 2020, and new set of negotiations were initiated under the auspices of the African Union. These negotiations, however, collapsed in 2021, when Addis Ababa decided to proceed unilaterally with the second phase invoking harsh criticisms from Cairo. Egypt argued that the unilateral steps of Ethiopia constitute a breach of the Declaration of Principles of 2015. To complicate the matter further, both Sudan and Ethiopia have come to face domestic political turmoil and unrest: Sudan has witnessed the unseating of its President Bashir, and a political transition started with a power-sharing agreement. In Ethiopia the civil war going on in Tigray is threatening the delicate domestic political balance of power. Yet, Sudan's support to the dam construction has not changed, nevertheless, Egypt is more critical with the Ethiopian regime. As the first turbines have started the operation, there is no room to prevent the project, but only slowing down the filling process. However, at this time of writing this is yet to be seen.

Conclusion

The River Nile has – all through history – had the capability to construct a regional security vacuum, with all the five sectors enlisted by Barry Buzan and Co. Human life being dependent on the water, the river was the condition to life, as well as – with its non-regulated floods – a threat. Managing life along the river was among the first organizing factors of society and the reason of the early emergence of statehood. Access to water, including the river as a route of trade and movement of people had always carried the potential of armed conflicts. Agriculture, and later industrialization also make the riparian states dependent on water, which, with climate change and global warming may become increasingly indispensable.

With these multiple benefits and threats, the Nile has also been exposed to such political divisions as locals and conquerors/colonizers (since the 19th century), settled-down vs nomadic/desert populations, states vs tribal societies, Arabs vs non-Arabs/Africans. As explained above, water (and other natural resources) sharing agreements were first phrased by the main colonizers, and even when they withdrew and regional states became dependent, their 'heritage' was still relevant in the negotiations of certain agreements a cooperation.

The controversy of Egypt and Ethiopia over the Blue Nile, a regional security sub-complex on its own, can be fit into the wider Nile Basin regional security complex, which, however, still remembers both the colonial times and the gaining independence thereof, and the Arab vs African division. As all Arab states on the African have had historical relations to sub-Saharan Africa, Egypt also has had an eye on the sub-Saharan section of the continent. Still, the fast political and economic development of African states was a surprize and a strategic and psychological challenge, especially at a time when the Arab states were undergoing the so-called Arab Spring. Although the different Arab states were experiencing different developments – from the 'simple' demonstrations to civil wars -, these, including unresolved structural problems in society and economy, plus regional or external interference keep Arab political attention focused on domestic and (Arab) regional affairs, and leave not much place for the projection of power into Africa.

The starting of the construction of the Grand Ethiopian Renaissance Dam in 2011 took advantage at this momentum. In a way, it can be considered as a 'resistance' to Arab/Egyptian power, a test of how far sub-Saharan states may stand up to Egypt to realize their own interests over the Nile. The fact that in this case it is Ethiopia, one of the most influential states in sub-Saharan Africa, which is ready to face Egypt, shows the changed and cautiously changing balances of power on the continent.[23]

While for Egypt the protracted armed conflict in Libya and the activities of radical groups in the Sinai Peninsula are 'simple' security threats, the GERD is an existential threat. This explains Egyptian statements from Anwar Sadat (water is "the only matter that could take Egypt to war again")[24] through Mohamed Mursi ("As president of the republic, I confirm to you that all options are open … If Egypt is the Nile's gift, then the Nile is a gift to Egypt… If it diminishes by one drop, then our blood is the alternative.")[25] to Abdel-Fattah Sissi ("No one can take a single drop of water from Egypt, and whoever wants to try it, let him try").[26] Yet, Egyptian room for manoeuvre has become rather limited as reflected by the frequent shifts between threats and offers of cooperation.

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[23] Marsai, ibid. p. 6.

[24] Beating the Drums of War? Egypt's National Security Threat and the Nile Dispute. Egyptian Streets, 28 JUNE 2020.

[25] Why a 'water war' over the Nile River won't happen. Al-Jazeera, 13 Jun 2013.

[26] In stark warning, Egypt leader says Nile water 'untouchable'. March 31, 2021.

Though by the third decade of the 21st century it can be questioned if 'it will be Africa's century', with the increased space of climate change, water wars and conflicts over the access to water seem a realistic threat. And the Nile River basin can be among the first scenes.

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ARABIC SHORT NARRATIVES AND *NARRATIO BREVIS*: SOME REMARKS

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1. Preliminary remarks[1]

In the last decades Classical Arabic prose literature, for which a "researcher's sketch map" was proposed some thirty years ago (Leder, Kilpatrick 1992), has seen an increasing scholarly attention. Our knowledge of literary prose, and particularly on the short forms of narrative commonly referred to as *ḫabar* 'anecdote', has been greatly enriched by essays like Geries 1990; Malti Douglas 1985, 1988; Marzolph 1992; Leder 1998; Hámori 1996; Beaumont 1996, 1998; Özkan 2008, just to name a few, and comprehensive studies on the *ḫabar* and literary analysis of the *ḥadith* have also been published (al-Qāḍī 1998; Yaqṭīn 1997). In what follow, we would contribute emphasizing the relevance of some concepts taken from studies on medieval European literature which we will take as a formal term of reference to have better insights into the "Arabic anecdote", hence *ḫabar*. It is within this perspective that we propose to interpret the *ḫabar* in the light of categories typical of *narratio brevis*, a category including all those narrative forms whose fundamental feature is brevity (*brevitas*) and a formal model which can profitably be used for Arabic literature.[2] Although some classification of the different genres of prose seemed to exist in Arabic culture (Yaqṭīn 1997:146ff.), short forms of narrative as a category have never had an explicit theorization. Having recourse to conceptual tools created for other literary traditions could help a better understanding of forms and functions of the Arabic narratives and facilitate the comparison of the Arabic literary tradition with others.

Short narrative forms were referred to – depending on the period and the context of usage – as *ḥadīth*, *ḥikāya*, *ḫabar*, *qiṣṣa*, *nādira* etc. (Abdelmeguid 1954; Pellat, *"ḥikāya," "qiṣṣa," "nādira,"*; Spies, 1977: col. 685–718). al-Ǧāḥiẓ (d. 255/869) in his introduction to the *Kitāb al-buḫalāʾ* uses, seemingly without significant differences in meaning, the words *ḫabar*, *nādira* (more frequent) and *ḥadīṯ*. At-

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[2] In this article, we develop some suggestions already put forward in Ghersetti 2003. A similar approach in Hamori 1996 is based on Jolles' specific definition of *exemplum*.

Tanūḫī (d. 384/994) in his introduction to *Nišwār* uses *ḥikāya*, *ḥadīṯ* and *ḫabar* without apparent distinction to refer to stories transmitted during learned conversations, while in the introduction to his *Faraǧ* he uses almost exclusively *ḫabar*.[3] Al-Ḫaṭīb al-Baġdādī (d. 463/1071) in *Taṭfīl* uses *ḥikāya* and *ḫabar*, along with *nādira*. Later, *nādira* seems to be associated mostly with the sense of "odd," "strange" or "unusual" thus corresponding to "curiosity", as we can notice in the categorization hinted at by az-Zamaḫšarī (d. 538/1144) "*bāb at-taʿaǧǧub wa-ḏikr al-ʿaǧāʾib wa-n-nawādir wa-mā ḫaraǧa min al-ʿādiyāt*" (az-Zamaḫšarī, *Rabīʿ*, IV:7). In his trilogy (*Aḏkiyāʾ*, *Ḥamqā* and *Ẓirāf*) Ibn al-Ǧawzī (d. 597/1201) uses both *ḥikāya* and *ḫabar*, the second prevailing. The word *ḫabar* seems to have gained a growing popularity among the classical authors from the fifth/eleventh century on, when it was used more and more frequently in the titles of works to give them the flavor of truthfulness and/or historicity. For short forms like *ḫabar*, *ḥikāya*, *qiṣṣa* (but also *sīra*) the overarching definition of *anwāʿ ḫabariyya* has been also proposed (Yaqṭīn 1997:195ff.), thus paralleling the wide definitions "exemplary forms" or "exemplary discourse" in use in medieval European literature. For sake of brevity, here we will use *ḫabar* as a hypernym for the different narrative forms perceived as "true" in the Arabic literary tradition, echoing the category of *narratio authentica* 'authentic story' as opposed to *narratio ficta*. *Ḫabar* thus refers to any "true" self-contained narrative unit lacking formal independence and devoid of an independent value that is the basic constituent of literary texts.[4] In what follows we will analyze the main features, functions, and relationship with the context of the *ḫabār* in parallel with the corresponding features of the *exemplum*.[5] Our corpus is selected from texts of *adab* literature dating mainly from the ninth to the twelfth centuries.

Before dwelling on our analysis, it is worth stressing that *ḥadīṯ* in the technical sense, i.e. "*dicta* and *facta*" of the Prophet, is to be seen as a special kind of *ḫabar*, and shows remarkable analogies with the *exemplum stricto sensu* as defined by Jean de Garlande (thirteenth century): *exemplum est dictum vel factum alicuius autentice persone dignum imitationis* (an *examplum* is a word or a deed of an authentic person worthy of imitation) (Bremond, Le Goff, Schmitt 1982:29). This "strict" definition will be integrated into a wider frame of analysis based on the "open and provisory definition" ("définition ouverte et pronvisoire") of Bremond, Le Goff, Schmitt 1982:37–38.

2. Structure

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[3] This term, however, can have different nuances in different contexts (Özkan 2008:90ff.).

[4] It also is a pillar of Arabic historiographical literature; for the relationship between *aḫbār*, historiography and literary use see Leder 1992 and 2005.

[5] Intended in the wider acceptation of "exemplary forms" or even "exemplary discourse", in which the dialectics of the different genres explain both textual components and social function (Jauss 1977:34–47).

Ḫabar and *exemplum* have a similar structure consisting in the division of the single units into two well-defined parts, one purely narrative and the other carrying the mention of the source,[6] and the (mostly oral) channel of transmission. This is mirrored in *ḫabar* and is still more perceptible in *ḥadīṯ*, where the mention of the full chain of transmitters is a *conditio sine qua non*. Verbs of perception vouching for the authenticity of the information related are very frequent in the *exempla*: the most widely used formula (roughly fifty percent of the total number of formulae in the *Sermones Vulgares* of Jacques de Vitry, d. 1240) is *audivi* 'I heard'. The thirteenth century *exempla* in most cases only contain a concise formula indicating the transmission of the story (*audivi*, *dicitur*) without mentioning the source, a formula that recalls the kind of very succinct or anonymous *isnād*s so frequent in the literary *ḫabar* (*balaġanī* etc.). In both *ḫabar* and *exemplum* the authoritative source, explicit or implicit, marks the story as true, and the narrative part proper is built using narrative techniques that insist on the bare relation of facts, thus giving the impression of a straightforward observation of reality.[7] The syntagmatic decomposition of the *exemplum* into its most basic form also shows a part consisting in a narrative text and a normative text which is usually peripheral to the narrative part, called lesson or *sensus*. This peripheral element disappears in the collections of *exempla* of the 'golden age' (thirteenth to fourteenth century), the period of the most important literary developments of the *exemplum*. At that time the connection of the *exemplum* with its discursive context becomes looser and looser but the *sensus*, or *moralisatio*, is still supposed to be a basic constituent. Analogously, in the literary *ḫabar* the normative function does not materialize in a text but remains implicit and is recognizable in the positioning of the narrative unit in a larger context. Functionally, in principle, both *exemplum* and *ḫabar* (and notably that specific kind of *ḫabar* that is the *ḥadīṯ*) are examples and models of behavior to conform to (or to avoid), lessons to follow (or not to follow). The function is paradigmatic, the aim didactic or edifying. Finally, a further point of contact between *exemplum stricto sensu* and *ḥadīṯ* could be hinted at: the classification system of collections of *exempla*, i.e., the 'logical' order based on a grouping of different entries concerning a specific notion (Bremond, Le Goff, Schmitt 1982:60–63) largely resembles the criteria of arrangement in the *muṣannafāt*.

3. Features

Further formal analogies between *exemplum* and *ḫabar* are considered in what follows. It is important to remember that, although vestigial, the constitutive traits of both forms are always present and can materialize with varying degrees of intensity. It is thus possible to find two stages of evolution one beside the other in the same

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[6] On the syntagmatic division of the *exempla* see Bremond, Le Goff, Schmitt 1982:113ff., esp. 120–131.

[7] On narrative techniques in Arabic and medieval European short narratives see respectively Beaumont 1996 and Del Corno 1989.

work, as in the case of the tale of the man and the snake in at-Tanūḫī's *Faraǧ*
mentioned below, or of the *ḫabar* in the *Kitāb al-wuzarāʾ* of al-Ǧahšiyārī (Hámori
1996). Jean de Garlande's definition of the *exemplum* emphasizes two basic features:
authenticity (*autentice persone*) and the paradigmatic value of the sayings and deeds
(*dignum imitatione*). The *exemplum* is then *narratio authentica*, and as such
differentiated from all that is classified as *narratio ficta* in the system of the different
forms of *narratio brevis*, thus echoing the same dividing line present in Arabic
literature: truthfulness is, in both cases, the criterion of discreteness among two
categories and their different genres. The paradigmatic value too is, at least in
principle, a fundamental of the literary *ḫabar*. The "open and provisory definition"
of Bremond, Le Goff, Schmitt, offers other useful clues to gain better insight into the
literary *ḫabar*: in it the *exemplum* is defined as "un récit bref donné comme véridique
et destiné à être inséré dans un discours (en général un sermon) pour convaincre un
auditoire par une leçon salutaire" (Bremond, Le Goff, Schmitt 1982:37–38). This
definition insists on the narrative character of the *exemplum*, its brevity, its
authenticity (the story is always presented as historical or factual), the dependence
on a larger context,[8] its purpose and finally, its aim (originally salvation, but later
amusement when the *exemplum* becomes a 'popular literary convention').[9] In this
"open" definition formal traits here are put side by side with the conventions of use
and the function of the literary units. Also relevant are the distinctive features
described by Humbert de Romans, the fifth general of the Dominicans (d. 1277):[10]
exemplum is characterized by *auctoritas*, *brevitas*, *veritas*, and *delectatio*. These
features are also recognizable in the form of the *ḫabar*, in its use and function in
adab literature, even if to different degrees, and as such can constitute an appropriate
working tool that supplies the researcher with descriptive categories wide enough to
include Arabic *ḫabar* in its diverse forms.

The first and foremost feature common to *ḫabar* and *exemplum* is the narrative
character: even the shortest texts have some plot which can be analyzed into some
distinguishable 'movements', like in the following example.

> He [*baʿḍ al-quṣṣāṣ*] said: "A man called two singers and when they had to
> start singing one said to the other: 'Follow me'; 'No, it is you who will follow
> me'; 'No, it is you who will follow me.' When the matter had been going on

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[8] L'*exemplum* "ne se suffit donc à lui-même" (Bremond, Le Goff, Schmitt 1982:159);
" ne constitue pas un 'genre'... par la nécessité où il se trouve de toujours s'inscrire dans un
autre discours, un sermon, un ouvrage d'édification, une chronique, un traité juridique etc.
L'*exemplum* n'a pas d'autonomie" (Berlioz, Polo de Beaulieu 1998:405).

[9] For the evolution and the literary developments of the *exempla* see Berlioz, Polo de
Beaulieu 1998: ch. 3.

[10] In *De dono timoris* (also known as *Tractatus de habundantia exemplorum*), as
summarized by Picone 1985:19–20.

for a long time, the owner of the house said: 'Now all of you follow me.'" (Ibn al-Ǧawzī, *Aḏkiyāʾ*, 157)

This two-line-long *ḫabar,* although consisting almost entirely of a dialogue, can be analyzed as the sequence of the following functions: A enters a contract with B and C; B and C do not comply with it; A breaks the contract.

Second is the brevity (*brevitas*), common to all these narratives. The Arabic sources do not tell us much about what a short story is or, better, what brevity is in prose, and particularly in narrative Though the idea of conciseness (*īǧāz*) has been much discussed and is considered a typical feature of Arabic discourse and eloquence, regarded as a praiseworthy characteristic of speech, and showing a well-defined relationship between meaning and form (van Gelder 1981), the idea of brevity in connection with narratives remains undefined in the literary and stylistic theories of the Arabs. On the contrary, it is a fundamental to medieval European poetics, in which *abbreviatio* and *amplificatio* are two alternative modes of literature. More than an objective measure (number of pages, quantity of words) brevity is, in both Arabic and European narratives, a quality or an 'interior duration.' Besides its duration in terms of time, it also has a psychological dimension which is by far more difficult to reckon. *Brevitas* is by no means accidental but rather a formal model (Zumthor 1983).

What precisely makes us perceive as 'short' *ḫabar*s of different length is not the quantity but rather a quality of the narrative called linearity, i.e., the fact that the narrative has a linear progression: everything that has been introduced in the beginning and narrated in the middle has been resolved. Nothing is left unsettled; nothing is left over after the story is narrated. The narrative is a closed, self-contained unit: that is why a *ḫabar* eighteen lines long has the same 'interior duration' as a *ḫabar* three and a half lines long. An example of the first case is the thirty-three lines 'detective story' of the caliph al-Muʿtaḍid:[11] the caliph is watching the construction of a house when he sees a black slave showing an astonishing glee and energy. When the slave is asked about the reason for his behavior he does not reply clearly, nor does Ibn Ḥamdūn, who is present, have any reliable explanation to offer. The caliph says that this is the behavior of someone who has gotten money not belonging to him or, in other words, of a thief. The slave is beaten and confesses his crime: he murdered a person to steal his money, burned the corpse, and threw the bones into the Tigris, and is light-hearted because of the *dīnār*s he now possesses. The caliph investigates further and succeeds in finding out the identity of the victim and in restoring the money stolen to the victim's wife. The slave is put to death. In this *ḫabar* nothing is left unsettled: the narration focuses on the cleverness of al-Muʿtaḍid in solving a difficult case, and the material of the narration contains both the difficult case, the process of investigation, and the final and just solution (Sklovskij 1966:94–

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[11] Ibn al-Ǧawzī, *Aḏkiyāʾ*, 47–48; cmp. al-Tanūḫī, *Nišwār*, VII, 68–69; on this kind of anecdote see Malti Douglas 1988.

95). To comprehend the story, one does not need to look for something outside it, since everything is contained within the story itself. The same can be said for shorter stories, like the three-line long story on the *qāḍī* Iyās b. Muʿāwiya.[12]

> al-Ǧāḥiẓ said: "Iyās was making the pilgrimage. He heard the barking of a dog in the distance and said: 'This is a tied dog.' Then he heard its barking [again] and said: 'It has been released.' Then they got ultimately to the water and asked them [the people who owned the dog] about the dog and learned that indeed he had been tied up and then released. So, he was asked how he had known this and replied: 'Its barking, while the dog was tied, was coming from one point; afterwards I heard it sometimes coming near and sometimes going away'".

The narrative contains all the elements necessary for its development and conclusion: the enigma, the solution proposed by Iyās,[13] and its explanation. Nothing remains unresolved and every element necessary to the development of the story is contained within the narrative itself. It is exactly this closed structure and this 'poetics of brevity' that make this possible.

It is worth remembering that brevity is also a quality dependent on the duration of its oral performance, which imposes a cohesion of narration different from that of a written text. The relevance of oral performance to the quality of *brevitas* in the forms of the medieval *narratio brevis* has been duly underlined by Zumthor 1983; Beaumont points to the same kind of relationship (brevity of the narratives/oral performance) in connection with early Muslim traditions: "For my own part, I think it likely that the traditions existed in oral form, and if that is the case, then there is some validity to this explanation of the brevity of the *ḫabar* narrative" (Beaumont 1996:7). The oral dimension of the performance of literary *aḫbār* is something that must not be forgotten, even in periods of what was defined as 'writerly culture' (Toorawa 2005). References to oral transmission are not rare in the texts: in the introduction to their collections of *aḫbār* both al-Ḫaṭīb al-Baġdādī (*Taṭfīl*) and Ibn al-Ǧawzī (*Aḏkiyāʾ, Ḥamqā*) refer to auditory perception and not to the reception of a written text: they talk for instance of *samāʿ*, *istimāʿ* and *sāmiʿūn*.[14] If we think of at-Tanūḫī's *Nišwār* we have a sense of how the narration of stories was spread in the circles of learned persons in the tenth century. The author declares that he wants to register only what is oral and what had not been fixed in a written form until that moment, even if it sounds somehow odd to the reader because unusual (*ḫāriǧa ʿan*

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[12] Ibn al-Ǧawzī, *Aḏkiyāʾ*, 69; cmp. al-Ǧāḥiẓ, *Ḥayawān*, II, 75–76.

[13] Iyās b. Muʿāwiya, *qāḍī* of Basra (d. 121/739), was proverbial for his perspicacity (cmp. *Aḏkā min Iyās*, Freytag 1968 I:593); he is also mentioned as the champion of *firāsa* in ps. Suyūṭī *Kanz al-madfūn* (Canova 2004).

[14] al-Ḫaṭīb al-Baġdādī, *at-Taṭfīl*, 8: "*...tu ǧibuhum al-mulaḥu wa-yuṯṯirūna samāʿahā*"; Ibn al-Ǧawzī, *Aḏkiyāʾ*, 3: "*talqīḥu albābi s-sāmiʿīn...*" and "*...iḏā samiʿa aḫbāra man...*"; Ibn al-Ǧawzī, *Ḥamqā*, 5: "*anna l-ʿāqila iḏā samiʿa aḫbārahum...*"

as-sunan al-maʿrūfa fī l-aḫbār wa-ṭ-ṭuruq al-maʾlūfa fī l-ḥikāyāt wa-l-āthār; at-Tanūḫī *Nišwār*, I, 1). This means that, if the narrative corpus had largely been fixed at that time, there was still a creative trend of narratives considered worthy of being written down for further citation whenever necessary. This also means that oral performance had a certain impact on the length and narrative techniques of stories.

A further clue to the strict correlation between classical Arabic *narratio brevis* and oral performance (esp. the transmission of *ḥadīth,* Toorawa1985:9ff), also in connection with the practice of the sermon, is the fact that traditionists and preachers not infrequently composed monographic *adab* works, which we take as not accidental: al-Madāʾinī (d. 228/842) and Ibn Abī d-Dunyā (d. 284/894) and their *al-Faraǧ baʿda š-šidda*; an-Nīsābūrī (d. 406/1015) and his *ʿUqalāʾ al-maǧānīn*; al-Ḫaṭīb al-Baġdādī and his *Kitāb al-buḫalāʾ* and *Taṭfīl*; Ibn al-Ǧawzī and his trilogy *Aḏkiyāʾ*, *Ḥamqā*, and *Ẓirāf* are only some instances. The custom of telling stories (even if of a specific kind, like stories of the Prophet and edifying stories), is typical of the activity of these two categories of learned men. A certain number of narratives was a cultural stock of both traditionists and preachers. The link between the homiletic practice and the short forms of narratives is intriguing. Neither the *ḫabar* nor the *exemplum* is an independent unit, and both must be set within a wider text: in medieval European literature this is usually a sermon where the *exemplum*, used as a rhetorical device, has the pragmatic function of stimulating the attention of the audience to make them listen to useful things and to fix them in their memories. As in medieval European literature, in Arabic homiletic practice the preacher had not only to use narratives to persuade his audience with paradigmatic stories but also to arouse the listeners' attention and avoid boredom. In this sense the *ḫabar* is a rhetorical device widely used to stir conscience.[15] Ibn al-Ǧawzī in *Kitāb al-quṣṣāṣ wa-l-muḏakkirīn* conceived to provide a valid ethical and intellectual framework for preachers, repeatedly underlines the importance of narration and the role of narratives: narration (of 'true' stories) is even recommended, and the preacher must know and have recourse to a wide array of narratives. Suitable narratives also have a canonical position in the structure of the sermon, i.e., the interpretative part following the Qur'ānic verses. The link between storytelling and the exhortation, which is the typical aim of the sermon, is well stressed in this text where it is emphasized that, since ancient times, both have been considered in some measure equivalent (Ibn al-Ǧawzī, *Quṣṣāṣ,* paragraphs 4, 340, 320, 323, 313). There is a significant parallelism between homiletic practices and canons of sermons in both Arabic and medieval European cultures.

Veritas (truthfulness) is another principle of *exemplum*, and by far the most relevant to the *ḫabar*: the narrative unit is, or is perceived to be, true or very likely (*véridique*), even if in both cases this is often more a literary convention than a

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[15] On the rhetorical function of the *aḫbār* in Ibn Qutayba's *ʿUyūn al-aḫbār* see Guellati 2015:105–118.

reality.[16] In the European medieval tradition the factuality of the *exempla* is openly acknowledged by its appurtenance to the category of *narratio authentica* opposed to *narratio ficta*. In the classical Arabic poetics, despite several terms used to identify narratives with a non-factual character (*ḫurāfāt*, *asmār*, *asāṭīr*...) "whose fictional character relegates them to a status of inferior or null literary dignity" (Bürgel 2003), this dichotomy 'factual/non-factual' has not been formalized in terms of two different categories. This is perhaps due to the strong resistance to giving imaginary stories the status of literary forms, with the notable exception of *Kalīla wa-Dimna*.[17] In principle, a narrative unit can be considered as a text (*naṣṣ*), i.e. accepted as a piece of literature, only on condition that it is not false.[18] The position of the learned men on the literary, but also legal, acceptability is clear: Ibn al-Ǧawzī in his introduction to *Ḥamqā* considers licit humorous and even obscene *aḫbār* on condition that they are true; later on, a jurist like al-Wanšarīsī (d. 914/1508) reports *fatāwā* that declare illicit even the buying and selling of books containing fictive narratives, and forbids the *imāma* to those who read them (al-Wanšarīsī, *Miʿyār*, VI:70). The factuality conventionally attributed to the *ḫabar* is inscribed in the term itself. The basic meaning of *ḫabar* is "piece of information". Its meaning in the Arabic sciences of language is "predicate", i.e., the part of the sentence from which the listener gets the piece of information (*yastafīdu*), being the informative element in the couple topic–comment. In the rhetorical tradition (*balāġa*), where it is contrasted with the performative (*inšāʾ*) (Larcher 1991), it corresponds to the constative utterance i.e., the one susceptible to be (or to be considered) true or false, and whose truthfulness consists in its correspondence to reality.[19] The (presumption of) factuality is enhanced by the narrative techniques used in the literary *ḫabar*, which all contribute to a realistic style. The high degree of *mimesis* (imitation), which comes through especially in the dialogues, the choice of the narrative point of view, the external focalization, the intradiegetic narration, are all means that aim to give the reader/listener an impression of realism and objectivity.

Relevant for the narrative techniques is the presence of the *isnād*, which constitutes an organic part of the *ḫabar* in that it "effects some fundamentals such as whether the narrative is diegetic or mimetic and the temporal order of the events"

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[16] Del Corno 1989:267 points out the efforts made, and the techniques employed by medieval preachers to give a factual feel to unbelievable *exempla*; for the *ḫabar* see e.g., Leder 1998.

[17] On attitude of learned Islam towards imaginary stories see Drory 1984; Bonebakker 1992a 1992b. On fiction and fictionality in classical Arabic literature also see Kennedy 2005: XI–XXII.

[18] Yaqṭīn 1997:53ff., especially p. 57 "*al-kalāmu l-maqbūlu l-maḥmūdu lladī yurādu bihi l-ḥaqq.*"

[19] *Ṣidq al-ḫabar muṭābaqatuhu ila l-wāqiʿ* (al-Qazwīnī, *Matn*, 8). The delicate question of truthfulness/falseness as discussed by al-Naẓẓām and al-Ǧāḥiẓ is summarized in al-Qazwīnī, *Īḍāḥ,* 95–97.

(Beaumont 1996:29). Notwithstanding the exiguity of some *isnād*s mentioning names of unknown and perhaps fictive persons, or anonymous sources (ʿ*an baʿḍ wulāt Miṣr ʿan baʿḍ al-kuttāb*, etc.), or the disappearance of any informant in introductory formulae of the type *qīla*, *balaġanī* etc., the existence of a source bearing responsibility for the story is always implied, thus suggesting the authenticity of what is related. In fact, anonymous *isnād*s are paradoxical in terms of informativeness, while they make sense if seen as a "relata refero" sign and a clue to the perception of narrative as factual.[20] Differences exist between the exemplary discourse and the *ḫabar* in narrative techniques: for instance, the *exemplum* usually makes less use of dialogue than the *ḫabar*, generally preferring a lower degree of mimesis (e.g., indirect speech). Rather, truthfulness is rendered through a detailed description of the historical environment; besides, the episode is given as recent, and either witnessed by the narrator himself or by a trustworthy witness from whom the narrator has heard it.[21] Both forms nevertheless have in common the presumption of factuality, including the authoritative or trustable source certifying the information. The notion of *auctoritas* is emphasized by Humbert de Romans, who compiled a list of the sources considered as the depository of truthfulness, and this is very similar to what gave rise to the huge literature of ʿ*ilm ar-riǧāl*, the science of the trusted sources in the transmission of the *ḥadīṯ*. In the literary *ḫabar* this is much looser, considering the kind of *isnād* we have already referred to: acknowledged authorities are not relevant to this kind of *isnad*, on condition that 'someone' bears the responsibility for the story related, whether he is overtly mentioned or not.

4. **Contexts, functions**

Function, or purpose, of narratives must also be considered. For medieval European literature the importance of such an element has been largely demonstrated (Jauss 1977), and this seems to be paralleled in Arabic literature. Here, telling stories for the mere pleasure of narration is unacceptable, and entertainment and leisure are not an end in themselves, but rather a means to reach a certain end. In *adab* literature the aim, openly declared by the authors, is to educate, both in the moral and the informative sense, through a well-balanced mixing of the serious and the humorous, and the purpose of the *adab* works, as is spelt out in their introductions, has very often a paraenetic or didactic flavor. at-Tanūḫī, for instance, in *Faraǧ* says that the stories (*aḫbār*) he will present constitute an exhortation to patience and endurance for those who suffer, and an invitation to trust in God's help (at-Tanūḫī, *Faraǧ*,

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[20] The difference between the function of the *isnād* in *ḥadīth* science and in literature is described in al-Qāḍī 1998:309–348. We do not share the author's conviction that the aim of literary *aḫbār* was limited to amusement, that is conventionally considered a means more than an end.

[21] Especially in the later phases of development of the *exempla*: Del Corno 1989:177, 267; Zink, 1983, esp. 40–45.

I:52)[22] even if—we should precise— they very often have a witty and worldly tone. In *Nišwār*, the same author claims the paradigmatic value of the stories he registered that show the virtues and the intelligence of worthy persons and can thus be a useful lesson to those who will receive science (ʿilm) and knowledge (maʿrifa) of the worldly and future life (at-Tanūḫī, *Nišwār*, I:11–12). The didactic and paraenetic function is also recognized for the *aḫbār* related by Ibn al-Ǧawzī in *Aḏkiyāʾ* and *Ḥamqā*, the second being specular to the first. In *Aḏkiyāʾ*, conceived for praising God for the gift of intellect to man, stories featuring intelligent people aim at fecundating the mind of the listeners (talqīḥu albāb as-sāmiʿīn) and educating (taʾdīb) those who have a high opinion of perceptive people difficult to imitate (Ibn al-Ǧawzī, *Aḏkiyāʾ*, 3). This is also stressed in the introduction to *Ḥamqā*, where stories featuring witty people are defined as "an *example* to imitate, because the stories of the brave teach bravery" (miṯālan yuḥtaḏā li-ʿanna aḫbāra š-šuǧʿān tuʿallimu š-šaǧāʿa) while, on the contrary, the stories of silly people have an exemplary value in the opposite sense: they push the intelligent to profess his gratitude to God for the gift He has granted him, incite him to avoid the causes of silliness, and finally amuse him when he has become tired of seriousness (Ibn al-Ǧawzī, *Ḥamqā*, 5–6). The same elements are present in Ibn al-Ǧawzī's *Ẓirāf* where it is said that the funny stories related show the intelligence and the acumen of men and thus stir and excite the intelligence of those to whom they are addressed (Ibn al-Ǧawzī, *Ẓirāf*, 11). Along with the paradigmatic value of *aḫbār*, emphasis is also put on the function of diversion and relaxation attributed to witty narratives. These are presented as a means of reinvigorating the intellect and stirring the attention to make it ready for further intellectual occupation. For instance, in *Taṭfīl* al-Ḫaṭīb al-Baġdādī claims that, despite more serious matters to be engaged in, he is ready to satisfy the request of collecting funny *aḫbār* but feels obliged to justify himself arguing that this material aims to prepare the reader for more worthy intellectual activity (al-Ḫaṭīb al-Baġdādī, *Taṭfīl*, 7–8). Alike, in *Rabīʿ*, az-Zamaḫšarī explains that he conceived this book for the mental relief of those who read his ponderous Qurʾanic commentary *al-Kaššāf* and would be tired after such demanding reading (az-Zamaḫšarī, *Rabīʿ* I:36). This function of narratives legitimizes the use (and sometimes abuse) of funny or licentious narratives, something also typical of the *exempla* where the preachers acknowledge amusement and diversion as a good means of persuading the audience. *Delectatio* is in fact a feature overtly admitted by Humbert de Romans; and Jacques de Vitry in his *Sermones Vulgares* recommends the use of funny stories to avoid tediousness and inattention among the listeners because the preacher must make people laugh and not weep. Over time what was originally a means becomes progressively an end, and the purpose of the story is no longer to teach something or to offer a moral lesson but purely to amuse.

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[22] On the overall meaning of the collection and the arrangement of narratives Özkan 2008:36–39.

The tendency to shift from the sacred to the worldly, to transform the *sensus* from spiritual to artistic, triggers in the *exemplum* a process of literary elaboration resulting, in certain narratives, in a witty repartee or a clever quip. A similar tendency is perceptible in Arabic literature, for instance in the *aḫbār* of the type "*al-ǧawāb al-muskit*" (peremptory response),[23] in which the meaning of the narrative is condensed in—and restricted to—the final *pointe* of the story, like in the following example.

> al-Madāʾinī told us: "al-Muṭṭalib b. Muḥammad al-Ḥanẓabī was the qāḍī of Mecca. He married a woman who had already outlived four husbands. He fell ill of a mortal disease, so his wife sat at his bedside weeping and asked him: 'To whom will you leave my guardianship?' and he replied: 'To the sixth unlucky one.'"[24]

The importance given to the final *pointe* or to the witty sentence sometimes obscures the moral content of the story and its pedagogical value seems to fade away. Occasionally, witty words lead to (worldly) salvation even if the character pronouncing them is guilty or morally reproachable, as in the following story.

> I found in a book that two men were taken to a *wālī*, one being accused of *zandaqa* and the other of drinking wine. The *wālī* trusted the two men to one of his assistants and said: 'Cut the head off this one' pointing to the *zindīq* and 'Inflict the legal punishment [flogging] on this one' pointing to the one who drank wine. 'Take them away!' When [the assistant] went away with them to go out, the one who drank wine said: 'O Emir! Deliver me to someone else to punish me, because I am not sure that this one will not make a mistake, cutting my head off and inflicting the legal punishment on my colleague instead. A mistake in such a matter cannot be repaired.' The emir laughed at him and released him. He had the head of the *zindīq* cut off (at-Tanūḫī, *Faraǧ*, I:338).

Adab works are full of *aḫbār* of this type where what prevails is the pleasure of narration and the search for wittiness, and a similar phenomenon is also common in *narratio brevis*, where it has been labelled *vanitas* (vanity), signifying that the meaning transmitted by means of the narrative no longer refers to moral or religious values, but increasingly coincides with the words used for narration. Nonetheless, in the *ḫabar vanitas* seems to be a prominent feature only if the narrative unit is considered isolated from its context. In the corpus of *aḫbār* we have investigated, rare are cases where an anecdote is followed (or preceded) by the didactic part, like in the typical *exemplum*. One of the most significant instances of the simultaneous presence of the normative and of the narrative parts in a *ḫabar* is the series of *aḫbār* found in *Rusūm dār al-ḫilāfa* of Hilāl aṣ-Ṣābiʾ (d. 448/1056), a work aiming at

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[23] *Adab* works often have a chapter on this subject, and an entire book on it is *Kitāb al-aǧwiba l-muskita* of Ibn Abī ʿAwn (d. 322/934).

[24] *Aḏkiyāʾ*, 72; *Ẓirāf*, 27; ar-Rāġib al-Iṣfahānī, *Muḥāḍarāt* II:97; a different version in al-Ḥuṣrī, *Ǧamʿ*, 229.

instructing high civil servants living at the caliphal court. The *aḫbār* are used to show how the perfect courtier must, or must not, behave and the exemplary function of this kind of narrative is emphasized by the explicit and systematic connection between the normative and the narrative part of the *ḫabar* (Ghersetti 2009). But, in general, the precept illustrated by the narrative is rarely explicitly stated as a structurally separate element: it is either part of the narrative unit, e.g., an aphorism uttered by one of the characters,[25] or it is not stated at all. The following is a good example of a *ḫabar* with a precept explicitly stated as a separate part before the narrative unit.

> Abū Idrīs al-Ḫawlānī said: "I heard Muḥammad b. Idrīs aš-Šāfiʿī, may God be pleased with him, saying: 'Never was an obese man successful unless he was Muḥammad b. al-Ḥasan [aš-Šaybānī]'. He was asked why and replied: 'The sensible man necessarily has one of the two dispositions: to attach importance to the hereafter and the life to come or to worldly existence and livelihood. Fat does not accumulate with concern: when he [the man] lacks one of the two ideas he reaches the threshold of bestiality and then fat can accumulate.' Then he continued: 'A long, long time ago, there was an obese king laden with fat...'" (Ibn al-Ǧawzī, *Aḏkiyāʾ*, 180–181; also, ar-Rāġib al-Iṣfahānī, *Muḥāḍarāt*, II:130)[26]

In cases like this, the division into precept, or lesson, and narrative unit is self-evident, but the lesson very often seems to move from the periphery of the single *ḫabar* to the periphery of the entire collection of *aḫbār*. In fact, when we consider the *ḫabar* in context, we can recover its didactic and moral value, that depends on the key to interpretation given in the introduction to the collections or on the positioning of the single narrative. Likewise, for the *exemplum* the *sensus*, in general explicitly stated at the periphery of the narrative unit, over time gradually disappeared to the advantage of the pleasure of the narration and was left implicit or simply shown by the context. Hence, it had to be recovered orally by the preacher during the sermon, or by the listeners or readers themselves (Bremond, Le Goff, Schmitt, 1982: 63–66).

In relation with the relevance of the context, the analysis could be enriched introducing the notion of macrotext. Collections of *aḫbār* can thus be considered not only as an organic and unitary literary text with their own coherence (Malti Douglas 1981), but also, and more specifically, as macrotexts. This notion was coined to

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[25] As in the case of Yaḥyā b. Ḫālid that talks to his daughter, stating "the principle that it never rains but it pours" (Hámori 1996:363–364). Of the two *ḫabars* analyzed, one cannot be considered as an *exemplum* since "it contains no event to illustrate it". Nevertheless, it must be noticed that Hámori uses a narrow definition of *exemplum*.

[26] al-Ḫawlānī (d. 80/699): a jurist of the Syrian school of law and a *qāṣṣ*; aš-Šaybānī: an authority of *fiqh* and *ʿilm al-uṣūl* who studied with aš-Šāfiʿī and was *qāḍī* of Raqqa under Hārūn ar-Rašīd.

describe a collection of texts in which each minor text, seen as a microstructure, is articulated within a macrostructure that acquires in this way a functional and informative character. The functionality and informative scope of a collection of texts is possible when one of the following conditions is realized: a) there is a combination of thematic and/or formal elements running through all the texts, and this produces the cohesion and the unity of the collection; b) there is such a progression in the discourse that any single text has its specific place and cannot be found elsewhere.[27] This definition fits the monothematic *adab* works where unity is guaranteed both by the thematic element and the formal one; moreover, a progression in terms of chapters and of the arrangement of the *aḫbār* into groups inside the chapters can also be seen. Analysis of the collections of *aḫbār* as macrotexts is aptly made on a triple level: single short microunits (narratives), larger intermediate units (chapters or sections) and a macrounit (the collection), that are all interrelated and cooperate, to different degrees, in reciprocally defining their meaning. Similarly to what happens in the *exemplum*,[28] it seems to us that if the lesson is not found in the single microunit (the *ḫabar*), it can nevertheless be found in the larger context of the macrotext(s), being then resident not at the periphery of the single narrative unit but more at the periphery of all text(s).

The dependence of the meaning of single narrative units upon a context which orientates their interpretation, becomes obvious when we consider the occurrences of the same *ḫabar* in different works, like in the following case.

Abū Aḥmad al-Ḥārithī said: "There was a Christian doctor called Mūsā b. Sinān to whom they brought a man: his penis was swollen to the point he could not urinate, and he was crying and calling for help. [The doctor] asked him about his complaint and the man replied that he had not been urinating for days. [The doctor] saw that his penis was swollen and examined his general condition without finding anything that could cause the retention of urine, nor a calculus. He let him stay one day at his clinic and interrogated him. He said: 'Tell me, have you introduced your penis where people usually do not introduce it and after that you got this [complaint]?' The man said nothing and looked ashamed. The doctor did not give up and tried to coax the man into telling the truth, promising to keep his secret, until [the man] said: 'I had sexual intercourse with a male donkey.' Then the doctor said: 'Bring me a hammer and some slaves.' They came and grabbed the man, the doctor put his penis on a blacksmith's anvil, struck it with the hammer one painful time only and a barleycorn emerged. [The doctor] conjectured that a barleycorn from the donkey's anus had entered the hole of the penis and when he struck, it came out" (Ibn al-Ǧawzī, *Aḏkiyāʾ*, 186).

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[27] Corti 1978:185; 169–220 for a semiotic analysis of micro/macrotexts; for macrotexts in Arabic literature see Cassarino 2003.

[28] Bremond, Le Goff, Schmitt 1982:33: "la morale est souvent implicite ou simplement éclairée par le contexte dans l'*exemplum* de la belle époque, c'est-à-dire du XIIIᵉ siècle."

This same *story* is quoted by at-Tanūḫī (*Faraǧ*, IV, 204–205)[29] but with some notable differences: the *isnād* is different, the doctor is anonymous, there is a major emphasis on the mimetic mode (the narrative unit is almost completely composed of dialogues), the therapy is much more compassionate. There is also a kind of *moralisatio* in the end, when the doctor exhorts the protagonist to turn to God in repentance. Interpretation is also triggered by the context: in at-Tanūḫī's *Faraǧ* the introduction and the position of the anecdote (the chapter about those who escaped from the danger caused by a disease) shift the focus to the escape from hardship, and the story has the function of demonstrating how relief can be achieved even in the most difficult and obscure situations, and even if the moral behavior is not irreproachable. This moral tone is missing in the version of *Aḏkiyāʾ* where the lesson implicit in the anecdote, if any, has no ethical connotation, unless we take the unsympathetic narration of the therapy as the moralist's vengeance for immoral behavior. Here the story is given in a neutral mode, the attitude of the doctor is very professional (with a certain attention to the psychological aspect of the situation) and the narrative has the tone of a mere chronicle, with some emphasis on the diegetic mode, thus focusing on the cleverness of the doctor, emphasized by the careful relation of the questions and of his perspicacity. A clue to interpretation is found both in the introductory part of this monothematic work and in the position attributed to this unit (the chapter on perspicacity of doctors); the *ḫabar* is to be interpreted as a paradigm of human intelligence. A further example of this functional polysemy is the well-known *ḫabar* on the origin of the toponym *biʾr al-kalb*.

> Abū ʿUbayda said: "A man went out from Basra and a dog followed him. Some people attacked him, injured him, and threw him into a pit, covering him with earth. When they went away the dog approached the top of the pit, scratched about, and dug until the head of the man appeared: he was hardly breathing. A group of people passing by got him out still living". (Ibn al-Ǧawzī, *Aḏkiyāʾ*, 246).

In this concise version (two and a half lines *vs.* the fifteen lines of the most ancient version) the narrative is presented to the listener/reader without any *sensus*. The meaning is to be looked for in context (examples of intelligence) so that the story can be interpreted as an example of the acute intelligence of dogs. Other extant versions are much more detailed, and the most ancient version, in al-Ǧāḥiẓ's *Ḥayawān*, is by far longer and richer in details: the man is the master of the dog, he beats the dog to make it leave, he travels with his brother and his neighbor, who escape after the attack, and the salvific intervention of the dog is described in detail. The story is introduced by a verse condensing the narrative in a concise form, and as such seems to guide the reader's interpretation.

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[29] On medical stories in at-Tanūḫī Bray 2006.

Abū l-Ḥasan b. Ḫālawayh recited, from Abū ʿUbayda, by a poet [unidenti-
fied]: "His neighbor and his full brother escaped from him/and his dog brings
him out into the open to safety even though he had beaten it". (al-Ǧāḥiẓ,
Ḥayawān, II:122–123)

The purpose of the story is clearly suggested and becomes even clearer in the
commentary: this is a sign of the natural fidelity (*wafāʾ*) and affection (*ilf*) of dogs.
The story is used as a rhetorical device to show that dogs are blessed with innate
psychological qualities, in a polemical attitude against the general contempt for dogs
widespread in Islamic culture. The same anecdote, with minor variations in wording,
is also quoted by Ibn al-Marzubān (d. 309/921) in *Faḍl al-kilāb*, a collection of
poems and *aḫbār* intended to rehabilitate dogs depicted as more trustworthy and
moral than men (Ibn al-Marzubān, *Faḍl,* 31–32 Arabic; 8 English). In this context
the story not only works to show the fidelity of dogs but also to contrast it with the
infidelity of man, thus highlighting the contrast between a positive pole (the animal)
and a negative one (the human being). The principle to be demonstrated here is that
"A dog is man's best friend."

5. From the short to the long of it: techniques

In some way analogous to what we could see in Arabic short narratives, it has been
noticed that in the *exemplum* the paradigmatic function gradually tends to evolve
towards ends which are no more didactic but merely amusing, and the *sensus* of the
story tends to disappear to the advantage of the mere anecdote, flowing later into the
novella.[30] Although strongly criticized,[31] the hypothesis of a genetic approach which
sees the *novella* as a derivation of the *exemplum* in our opinion could offer interesting
clues in terms of techniques. Particularly a*mplificatio*, the process insisting on the
static motifs of the narration (presentation of the characters, description of the
environment and circumstances)[32] and the addition of realistic details, is something
that characterizes the anecdote (Jolles 1980:185–200). It seems to us that this
technique can be discerned also in Arabic short narratives, where it operates in
characterizing the *nādira* as opposed to *ḫabar* (Geries 1990, Hámori 1996).

The two versions of the anecdote of Abū Māzin al-Aḥdab and Ǧabal al-ʿAmmī
in al-Ǧāḥiẓ's *al-Burṣān wa-l-ʿurǧān* and *al-Buḫalāʾ* studied in Geries 1990 clearly
represent this kind of process. The first, defined as a *ḫabar*, is very short (a few lines)
and the narrative techniques point to the neutral presentation of facts (for instance

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[30] The parallel has been suggested by Beaumont, that had in mind Boccaccio's *Decame-ron*: "we can see in at-Tanūḫī's book the development of fictions out of religious *exempla*
in a way that more or less parallels the growth of many medieval European fictions" (Beau-
mont 1998:138).

[31] Del Corno, 1989:180; he sees the medieval literary system as more properly charac-
terized by the interrelations between its different elements.

[32] Del Corno 1989:176, 178 for the difficulty of tracing a neat boundary between *exem-
plum* and *novella*.

the colloquial variety of language used by Ǧabal gives the story a flavor of reality): the anecdote is thus presented as a chronicle and a piece of information more than a narrative. The second version is much longer and richer in details: elements like the description of characters, the mimesis of long dialogues, the description of setting, and the development of the events, all artfully constructed, aim at arousing the interest and the curiosity of readers. All this transforms the mere fact of informing into the art of narrating. Even functions are different: at the end of the *ḫabar* there is a very concise sentence that recalls a kind of *moralisatio* and suggests the condemnation of the avarice of Abū Māzin, while at the end of the more elaborate version (defined *nādira*), the reader is rather inclined to laugh. Another example of the techniques of *amplificatio* is visible in the accumulation of versions of a well-known pious *ḫabar* quoted in at-Tanūḫī's *Faraǧ* (Ghersetti 1990), where the story, that recalls the Aesopian fable of the man and the ungrateful snake, is mentioned in four versions (at-Tanūḫī, *Faraǧ* I, 200–201). The most concise is the following (four lines, including the *isnad*).

> Ǧaʿfar al-ʿĀbid transmitted this story (*ḫabar*) in Rāmahurmuz, with a different wording, except that the meaning is very close. I related what reached me from that: "He said: 'I read in the books of the ancestors that a snake escaped from one who hunted it down to kill it. The snake asked a man to conceal it, he concealed it in his mouth and refused it to him who searched for it.'"

This is a truly minimal narrative structure, and the narrative segment that relates the ungratefulness of the animal is lacking, while it is present, and even amplified, in the other three versions, one preceding and the other two following the *ḫabar* above. Those are by far longer and more detailed: in the first (fourteen lines), the snake, that is followed by a man who wants to kill it, encounters a pious man praying and asks him to conceal it. The man accepts and conceals the animal under his robe but, once safe, the animal wants to kill him. In the end the man is saved by divine intervention. Apart from differences in the *isnād*, in the longer versions many details are added, some elements changed, and some expanded. In the third version the identity of the man and the place of prayer are more detailed, the religious affiliation of the man and the snake is specified, and there are rather long dialogues between the man and the snake and the man and the animal pursuer. The happy ending, on the contrary, is mentioned in an elliptical way. The fourth and longest version, on the authority of Sufyān b. ʿUyayna, recalls the preceding, but with the addition of some minor details (the pursuer brings a sword, the snake prudently looks around before coming out) that stress its narrative character and, most important of all, the final part is constituted by the miraculous intervention of an angel sent by God to relieve the pious man. There is a shift from a succinct chronicle to narratives that have a more literary character: the *ḫabar* above is a point of departure for creating narratives where the details (the identity of the pious man, his religious membership, the reason

for hating of the snake, the place where it is concealed, the way of salvation, etc.) accumulate to build a story.

6. Final (short) remarks

Examples can, of course, be multiplied and, as in the narrative traditions we have investigated, the pleasure of narration could lead us astray, but *brevitas* has its own rights and we must reach a conclusion. Structural, formal, and functional analogies between the *ḫabar* and the *exemplum*, or better the exemplary forms, seem to us worthy of attention and could suggest new perspectives of investigation to researchers, and notably supply researchers of Arabic literature with apt analysis tools. They could also explain the permeability of the medieval European literary system to "Oriental" narratives, and their acceptance and wide circulation (the so-named "irruption" Berlioz, Polo de Beaulieu 2008) in Europe in the Middle Ages, and even later.[33]

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[33] A telling example is the story of the sons of Nizār b. Maʿadd passed from the Arab world and Persia to sixteenth-century Venice, moving then to eighteenth-century English literature with Horace Walpole's *The Three Princes of Serendip* (Bragantini in Cristoforo Armeno, *Peregrinaggio*, 14ff.).

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IBN RUŠD AL-ǦADD (1058–1126):
*FATWĀ*S ABOUT MARRIAGE AND MARRIED LIFE

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In the following paper I try to shed light on marital relations in Mediaeval Andalusia, and at the same time on marital relations in the Mediaeval Arab world in general. We know much about the jurisdiction of the Islamic law on marriage and the prescriptions of the married life through the vast legal literature, but we cannot get an insight into the courts' judgements on the same field – as a matter of fact, on no fields. The nearest possible way to comprehend how the judicial system works in solving the different problems which arise during family life, seems to be given by the answers to legal questions, the *fatwā*s of the *muftī*s. There is one important difference between the *fatwā* of the *muftī* and the court's judgement (*qaḍāʾ*): the muftī has no possibility to verify the data presented to him, so he has to decide the case assuming that he was given the relevant facts without intention to deceive. That is why so many *fatwā*s begin with the expression: "If that is the case".[1]

The first *fatwā* collection in the territories of al-Maġrib and al-Andalus was that hof Ibn Rušd al-Ǧadd at the turn of the 11th and 12th centuries, in the Almoravid era.[2] Abū l-Walīd Muḥammad ibn Aḥmad ibn Aḥmad Ibn Rušd al-Ǧadd (December 1058 – 8 December 1126),[3] known as Ibn Rušd al-Ǧadd, the grandfather of the famous philosopher Ibn Rušd al-Ḥafīd, the Grandson (Averroes), was one of the most famous *mālikī* jurists of his age. In 1117 he was appointed the highest judicial post in Córdoba, *qāḍī l-ǧamāʿa* ('judge of the community'), which he held for four years until his resignation, because he wanted to dedicate his life to writing books.

The work, which bears the title *Fatāwā Ibn Rušd*, contains 666 *fatwā*s collected by the editor from different manuscript sources.[4] The number of *fatwā*s dealing with

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[1] *iḏā kāna l-amr ʿalā mā ḏukira*.

[2] All of these *fatwā*s naturally are given within the legal school (*maḏhab*) of the Medinese Mālik b. Anas, since the Muslims living in this territory have always followed, almost without exception, this school. Even today the constitution of Morocco states that the religion of the country is *sunnī mālikī* Islam.

[3] See Maḫlūf, *Ṭabaqāt al-mālikiyya* I, 129, no. 376.

[4] *Fatāwā Ibn Rušd,* in three volumes, edited by al-Muḫtār b. aṭ-Ṭāhir at-Talīlī, Beirut: Dār al-ġarb al-Islāmī, 1987. I used the page numbering from an edition which combined the three

the so-called 'family law' cases, or 'personal status law' (*qānūn al-aḥwāl aš-šaḥṣiyya*) in modern terms, is only 76. I chose to present 25 *fatwā*s in my paper which deal exclusively with the questions of marriage. The other themes in this field are divorce: 29 cases of which two are also bound to marriage, so I dealt with them, and everyday problems in the family life: 22 cases deal with problems between father and his sons or daughters, mother and her daughter, and finally the discussions and debates between husband and wife.

I attempted to present the *fatwā*s in a thematic order. First, I cited two cases of marriage in general, then three cases of guardianship, two cases of dower problems, five cases connected with marriage contract, five cases in connection with the support of the wife, three cases of divorce and following remarriage, a general question on the drunkenness of the husband, and finally four cases of invalid marriages.

I arranged the discussion of the 25 chosen *fatwā*s in the following way: the Roman numerals are my notation, which indicates my thematic arrangement. It is followed by the number the editor gave to the *fatwā*, then a short denomination given by me, and a short summary of the case given by the editor. After these preliminaries I translated both the question and the answer word by word, and finally I added my remarks on the answer of Ibn Rušd, which I named 'Comment'. In the footnotes I tried to give the data of some later *fatwā*-collections, if I found one, where the given *fatwā* is mentioned or perhaps dealt with in a certain extent different way.

I. no. 455: *Marriage of a young girl* (bikr) (Ibn Rušd, *Fatāwā* 1308, 1320)

About a man who married a young girl (bikr) but did not stipulate her virginity, however, it is generally held by the people that a young girl is virgin.

Question

About husbands who married in our time on the condition that a young girl is virgin but did not stipulate (in the marriage contract) that she should be virgin. A young girl, however, is generally considered virgin in the eye of the people, contrary to what the jurisprudents believe in this matter. If this is what the husbands believe and they suppose about a woman that she is (as a young girl) virgin, and they found her having already had sexual intercourse and this fact became proved as it is obligatory, then can the husband say anything? And if he has, what is the rule in this matter if a legal action is taken, if God wills.

Answer:

In this question, the public opinion ignores that the term 'young girl' (*bikr*) only means that she was not married before. Legal scholars have always had different

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volumes in one. There is a new edition, too, from 2020, published by the Dār al-Kutub al-ʿIlmiyya, Beirut, which I, however, could not acquire.

views on this question. Ašhab[5], for instance, would not give the husband an excuse for his ignorance, since he was negligent in his cause and neglected to ascertain virginity. The question is whether, if he was ignorant, he can make use of this (generally accepted) condition or not? The husband cannot make use of the opinion of the condition except when he stipulated the necessity of the virginity (in the contract) or there is a clearly expressed condition, e.g.: if I did not find her virgin, I would send her back (to her family). This is the teaching of Saḥnūn[6]. He said about an ignorant Bedouin man who halted in the market to bargain for a slave and asked the trader whether there is a fault in him? The trader replied that the slave was '*qāʾim bil-ʿaynayn*' and the Bedouin bought him under this condition and brought him home. Later, however, he found the price high and asked about the meaning of the words of the trader and was told that it means 'one who cannot see by his eyes' and although it is a fault, he cannot gain from his ignorance since the sale was legally binding for him. The transmitter said: I came back many times (with the same question), but he always made the same ruling. But others said that the husband can be excused for his ignorance in this question, and he may send her back to her family if he did not find her a virgin. It becomes obvious from what Aṣbaġ said. This corresponds to the opinion of Ibn al-Qāsim[7] about a man who bought a piece of ruby believing that it was a ruby, but later it turned out that it was not a ruby. He held that the buyer had the right to return the goods, contrary to what Ašhab transmitted from Mālik. This (latter) is the most evident and preferable of the two opinions, but God knows best.

Comment: There are two important points in this *fatwā*: (i) If the common use of a word differs from the legal interpretation, which of the two will be decisive if a case arises, (ii) does the ignorance of the husband or buyer, since they are one and the same in the eye of law, help him in demanding back the dower[8] or price? The jurists, as in other cases, also differ in these questions, but the majority says that the buyer has not the right to return the goods based on his ignorance.[9]

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[5] Ašhab b. ʿAbd al-ʿAzīz, an Egyptian *mālikī* jurist, d. 819.

[6] Muḥammad b. Saḥnūn, died 870, was a *mālikī* jurist of Qayrawān.

[7] ʿAbd ar-Raḥmān Ibn al-Qāsim al-ʿUtaqī, died 806, was an Egyptian *mālikī* jurist.

[8] Although the relevant literature in English language unexceptionally uses the word 'dowry' for *ṣadāq* or *mahr*, I consider this usage unacceptable. According to the English dictionaries "A dowry is a payment, such as property or money, paid by the bride's family to the groom or his family at the time of marriage. Dowry contrasts with the related concepts of bride price and dower."

[9] See this case in Burzulī, *Fatāwā* II, 201–202. Abū l-Qāsim b. Aḥmad al-Burzulī, died ca. 1440, was a Qayrawānī jurist. Also mentioned by Wanšarīsī, *Miʿyār* III, 385–6. Abū l-ʿAbbās Aḥmad al-Wanšarīsī, died 1508 in Fez, was a maġribī mālikī jurist. Also mentioned by al-Mahdī al-Wazzānī (died 1923, a Moroccan mālikī jurist), *Nawāzil* III, 261–2, under the chapter „Cases of defects, choice and damage", and also by Ibn Salmān (Abū Muḥammad ʿAbdallāh Ibn Salmān al-Kinānī, died 1340, a *mālikī* jurist of Granada), *ʿIqd* I, 151.

II. no. 607: *Woman claiming marriage* (Ibn Rušd, *Fatāwā* 1596)

About a woman who claimed that she married a man and she could prove it.

Question

Qāḍī ʿIyāḍ asked Ibn Rušd about a woman who claimed that she had married a man which she could prove and also that he had cohabited with her and that he had gone with her into solitude after which she had become pregnant with his child. The husband also appeared (before the judge) and admitted all this except for the pregnancy. He said: I did not copulate with her at all, although he admitted being in solitude with her. But the authorised representative (*wakīl*) of the woman argued against him saying that he had witnessed against himself in the separation contract[10] confessing that he had copulated with his wife (*binā' bihā*). The husband answered that he had not known the meaning of the words *binā' wa-btinā'* (sexual copulation) since he was not one of the religious scholars (*ahl aṭ-ṭalab*). (The question is) whether he may utter the oath (of condemnation of her wife, *liʿān*) not contradicting his denial of the copulation, or whether he may utter the oath contradicting his acknowledgement of the copulation as someone who calumniated (that is, saying that the child was the offspring of another an), but did not claim that he had abstained from sexual intercourse (*istibrā'*)[11] with his wife.

Answer

The child belongs to him, unless he denies (that the child is his) by the oath of condemnation (*liʿān*).[12]

Comment: As Qāḍī ʿIyāḍ, the famous historian and jurist[13], was one of the prominent pupils of Ibn Rušd, it is exceptionally important that he turned to his previous master for advice. The abbreviation of a long case to the essentials and stripping it from all the other factors led Ibn Rušd to the conclusion that the crucial element of this question is the status of the child. It is also regarded one of the first legal maxims. That 'the child belongs to the marriage bed' (*al-walad lil-firāš*).[14] The

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[10] A separation contract (*ʿaqd al-mubārāt*) means that the husband compounded, or made a compromise, with his wife for their mutual separation. It must be confirmed with a witness certification (*išhād*), in this case it was the testimony of the husband.

[11] The legal term *istibrā'* is used in many different contexts. Here it refers to the sexual intercourse and means „freeing himself from the copulation", i.e., that he did not deny it. For the use of this term in the mālikī school, see al-Hawwārī (died 1348), *Tanbīh aṭ-ṭālib* VII, 125.

[12] For the divorce by *liʿān* in the mālikī school, see Hawwārī, *Tanbīh aṭ-ṭālib* VI, 486ff.

[13] Abū l-Faḍl ʿIyāḍ b. ʿAmr b. Mūsā al-Yaḥṣubī as-Sabtī, known as Qāḍī ʿIyāḍ, died in 1149, was an Andalusian jurist and historian, not only the pupil of Ibn Ibn Rušd al-Ǧadd, but also the teacher of Ibn Rušd al-Ḥafīd (Averroes).

[14] See, e.g., Schacht 1982:29, where he gives an explanation for the initial cause of this maxim.

basis of the decision lies in the legal (and common) supposition that having been in seclusion with one's wife means having copulated with her. Another interesting curiosity of the text of the question is what the husband said that he had not been aware of the meaning of the two legal expressions for copulation, *binā' wa-btinā'*, which could have been true.[15]

III. no. 51: *Mother as a legal guardian* (Ibn Rušd, *Fatāwā* 283–84)

About a widow mother who, appointed by the judge as legal guardian of her daughter, married her without the presence of the guardians of the girl. What happens if the guardians want to annul the marriage since they thought that the husband was not suitable?

Question

About a man who died and left behind a wife and daughters, and the judge of the territory appointed the mother as legal guardian of the girls. The mother then married and after her marriage she gave one of her daughters in marriage appointing her brother, the maternal uncle of the aforementioned girl to conclude the marriage contract. The girl, however, has paternal cousins who were not present at the marriage contract and were not notified of it, being absent from the city within two days. Nevertheless, when they had become aware of the marriage contract, they wanted its annulment on the basis that the mother was incompetent, and the husband was not suitable[16] for the girl. Explain to us the requirement of the *sunna* in this case, if God wills.

Answer

The marriage is valid and lawful, and its annulment is only possible if the guardians (i.e., the cousins) can prove by just evidence that the husband is not suitable for the girl and giving her in marriage to him causes harm to her, and her interest was not taken into consideration. But the mother and the husband would be excused from guilt, and they would not be repelled (from among their relatives).

Comment: While the question raises three arguments for the annulment of the marriage: the paternal cousins, the customary guardians, were absent from the marriage, the mother was incompetent, and the husband was unsuitable. The answer accepts only one of them: the marriage can only be annulled if the husband proves

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[15] There is a similar case in Wanšarīsī, *Mi'yār* IV, 73, presented as a *fatwā* of Ibn al-Ḥāǧǧ. Here the question is shorter, resticted only the fact that the husband, in spite of his having spent with his wife a long term, refused to admit that his wife had become pregnant from him. The *fatwā* contains several possible answers to this question by different *mālikī* jurists, starting from Mālik in the 8th century till the 11th century. All of them held that if the husband lived with his wife all along he should have seen her pregnancy and he was not justified to denounce her after the birth of the child.

[16] I.e., he was not equal in status, *ǧayr kaf'*.

to be unsuitable, unequal to the wife, but only on the basis of clear evidence, that is, the mere opinion of the cousins is not sufficient. The question also shows the general hostility of the society against the 'legal guardians' designated by the judge.[17]

IV. no. 273: *Guardianship* (Ibn Rušd, *Fatāwā* 958)

About the question of the marriage of an orphan (girl) under guardianship.

A letter was written to Ibn Rušd from the district of Ronda asking about one of the questions of the marriage. It runs as follows: We ask for your answer about a (fatherless) orphan (girl) who is in legal guardianship under the control of her mother. She trusted a man to draw up the marriage contract for the orphan. He then contracted the orphan girl's marriage, with which he was entrusted, to his son, a deprived man who had no property either visibly (*ẓāhiran*) or latently (*bāṭinan*), nor had his daughter. Although the (marriage with the) above-mentioned orphan had been desired by the notables and the rich men with the dower paid in advance (*mu'aǧǧal*) and delayed (*mu'aǧǧal*). The marriage contract contained that the dower paid in advance is so much and so much *miṯqāl* (of gold), which is due to be delivered at the copulation. As for the delayed dower, it is due after such and such period. Please, think over whether this marriage is valid for the above-mentioned orphan, since it is devoid of consideration for the orphan, the proper settlement and benefit for her, regarding that both the wife (i.e., the orphan) and her mother are poor. The marriage contract also speaks about the money (for the trousseau) saying: It will be due at the copulation. But the (period when the) copulation will take place (after the contract) may be different in this city, so the contract has made the fulfilment (of the paying) of the money dependent on an unknown period. Does all this, in your opinion, weaken the strength of the marriage contract and by this invalidate the marriage, or invalidate it because it is devoid of consideration for the orphan, the proper settlement, and benefit – or may the marriage be accomplished in the ways mentioned in the question or not?

Answer

If his marriage to the orphan girl was with dower at least similar (to what her paternal relatives would demand), then it is a valid marriage.

Comment: It is another example of Ibn Rušd's method of selecting the decisive and essential element of a question and neglecting all the other ones. The dower being the fundamental requirement of a valid marriage in Islam, its existence in an adequate measure validates this marriage in spite of the opposition of legally not interested parties. Another important requirement, not mentioned but implied in the answer, was also met in this case, that is, the equality (*kafā'a*) of the bride and the

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[17] Cf. Wanšarīsī, *Miʿyār* III, 377.

groom, since both were lacking in material resources, as it was also emphasised in the question.[18]

V. no. 415: *Guardianship* (Ibn Rušd, *Fatāwā* 1263)

About someone who had been under guardianship (walāya) and married without the permission of his legal guardian (waṣī), then he died. After his death, his wife began to demand the dower and the inheritance.

Question

About someone who having been under the guardianship of a legal guardian and the supervision of a supervisor (*mušrif*), married a woman and a dower contract became effected by this between them, but the guardian and the supervisor had not been called for witnessing his signature, then the husband died. Will the dower and the inheritance be judged for the wife or only one of them, or neither of them? What are the different opinions regarding this? And does the knowledge of the guardian and the supervisor about the marriage replace their witnessing in person his signature? Or is it so that their knowledge of the marriage is not sufficient as witnessing his signature? Explain to us what the obligation is in this matter.

Answer

The opinions about this question have always been different in our legal school to a large extent. Eight opinions can be obtained concerning this question. The one I have chosen to tell my opinion about it and formulate my *fatwā* on it is the following: we should examine the marriage if the guardian did not permit it on the order of the supervisor. But if the marriage was a state of happiness (*ġabṭa*) and had the guardian looked at it and allowed it, then the wife is entitled to the dower and the inheritance. If, however, the marriage was not of this type (mentioned above), she is not entitled for either of the dower or the inheritance, unless the husband had copulated with her, since in that case the wife is entitled to everything that is lawful for her. If the guardian had not been present at the writing of the marriage contract and he only came to know about it after the incompetent (*safīh*) husband had entered into the contract without his order, so he could not have decided in this marriage by either refusing or permitting it until the incompetent man died, then this case is similar to the one in which the guardian had not been informed about the marriage until the death of the husband, unless he (the guardian) became aware of it accidentally, since this would mean permission from him. But only God can give success.

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[18] This case cannot be found in any of the later *fatwā* collections. The equality (*kafā'a*) in marriage according to the mālikī school means "similarity and approximate equivalence in respect of religion and state, that is, flawlessness which is obligatory for the choice (of the husband)." *Mawsū'a* XXXIV, 266.

Comment: The *fatwā* reflects two characteristics of the jurisdiction around the turn of the 12th century: First, the wide range of different opinions even within one legal school regarding a given question, second, the heavy reliance of the jurists of this age on the opinions of the first two centuries of the Islamic legal thinking, that is, the 2nd and 3rd centuries of the *hiǧra*. Even such famous and outstanding jurist of his age and homeland as Ibn Rušd refrained to form his own decision if there had been acknowledged previous answers for the questions which were asked from him.[19]

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[19] This question and answer is quoted word by word in Wanšarīsī, *Miʿyār* IX, 410–411, among the cases of legal guardians (*waṣāyā*). In modern times this case has been incorporated into a large compilation of legal cases: Mahdī, *Nawāzil* VI, 284, in the chapter on the limitation of legal competence *(al-ḥaǧr)*.

the one in which the guardian had not been informed about the marriage until the death of the husband, unless he (the guardian) became aware of it accidentally, since this would mean permission from him. But only God can give success.

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VII. no. 352: *Dower* (Ibn Rušd, *Fatāwā* 1137)

Who subtracted from the husband of his daughter a part of the dower before copulation.

Ibn Rušd was asked about a man who subtracted from the husband of his daughter a part of the dower before the copulation, then the husband copulated with her, and she remained in matrimonial ties with him for years. Then the wife died, and the husband inherited her bequest; then after her death the husband also died. Their daughter then wanted to get into possession of the part of the dower that was subtracted by her grandfather from her father. This is the text of the question: We ask the excellent jurist for the following question. There is a certain Maryam bint Muḥammad b. ʿĪsā, whose grandfather was ʿAbd ar-Raḥmān b. Bazīʿ, the father of her mother, who subtracted from her father, the husband of her mother, Muḥammad b. ʿĪsā a part of the money, forty miṯqāl (of gold), of her mother, ʿAzīza bint ʿAbd ar-Raḥmān, when he wanted to copulate with her, as a sign of kindness and beneficence for his (the father of the wife) sake, then the husband copulated with her while she was a virgin, then she died and the husband inherited from her, and after that he also died. Now her daughter, Maryam, wanted to get into possession of the part of the dower that was subtracted by her grandfather from her father, since she believed that it had been an invalid act to the debit of her mother. The question is whether this deduction mentioned above was valid or invalid against her mother. Since her father (the husband of her mother) did not mention divorce from her mother at the time of his copulation with her, and her grandfather did not mention in her dower contract at the time of the deduction more than "as a sign of kindness and beneficence for his sake", and did not mention that what he had done was because he found difficulty in (the payment of) the dower or because he was afraid that the husband would divorce from his daughter. He only said the words which we quoted before. Explain this to us, May God make your reward greater.

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[20] Cf. Wanšarīsī, *Miʿyār* IX, 410–411, and also Mahdī, *Nawāzil* VI, 284.

Answer

The father was entitled to take away,[21] at the expense of his daughter, a part of her dower given to her by the husband when he copulated with her, because the concern of the father in this matter is related to his responsibility for her until nothing is known contrary to this. (The explanation of this decision) is that had the father married her to this husband in the beginning by what remained from her dower after the deposit, it would have been a valid marriage. By the Sublime God, who has no partner, we succeed.

Comment: The *muftī* did not address the side issue in this question whether the granddaughter had been entitled to demand the deposit mentioned in the question from her grandfather, the father of her mother, or not. Since the taking away of a part of the dower had been legitim, this part of the question became irrelevant. This is another remarkable example of the *muftī*'s method of clarifying the question and giving a simple and clear answer.[22]

VIII. no. 185: *Absence of the husband* (Ibn Rušd, *Fatāwā* 785)

About a woman who had imposed on her husband as a condition (in the marriage contract) that he would not stay away from her for more than six months. He, however, was absent for eight months and so he caused a delay (talawwum) (in her support). After the husband arrived, she wanted to enforce her condition. Is (the judgement) in favour of her or not?

Question

What is your answer about a man who married a woman, and he accepted the condition in her dower contract that he should not stay away from her more than six months, and if he would make this term longer, she can take her affairs into her hands, and she may demand compensation for his delay as much as she likes? Then the husband stayed away from his wife for eight months, and it is proved. When he came home after eight months, she prevented him from entering the house, and she wanted to enforce her condition. We ask you to explain to us whether she had the right to do this or not. It became a judicial case, and the opinions differed in it. Some of the scholars said that she had the right to enforce her condition. He argued with the case of Aṣbaġ in his auditioning session (samāʿ) from the Book of Marriage: If the woman whom her husband married as a second wife had died or he had left her before she (the first wife) might have known it, then she knew it and then she can take her affairs into her hands. It may have been found in the documents of al-Bāǧī[23]

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[21] To take away as a deposit: *waḍaʿa waḍīʿatan.*

[22] Cf. Wanšarīsī, *Miʿyār* III, 383–4.

[23] Abū l-Walīd Sulaymān b. Halaf al-Bāǧī (d. 1081) famous Andalusian *mālikī* scholar and poet from Beja (now in Portugal).

that she could take her affairs into her hands in a similar case. Among Ibn Zarb's[24] and Ibn al-ʿAṭṭār's[25] *fatwā*s there are also similar cases. In contrast, one of the other jurists said: She has no right to enforce her condition since no text can be invoked in this case. We ask you to explain which of the two opinions is preferable and better.

Answer

The opinion of some scholars, that she has the right to enforce her condition, although the husband was present (*ḥaḍara*) after his arrival from his absence, is not right, because when he (the husband) had arrived, the (operative) cause (*ʿilla*) by which she had the right to take her affairs into her hand, has been eliminated.[26] This is clear for the condition. However, she has the right (to demand compensation) for the delay (in support) to the extent that she was living (alone) waiting for him. But her (being the victim of the) delay, her waiting (for the delayed support) does not make her (aforementioned) condition binding, since the effectuation (of the condition), made possible for her by the advent of the deadline, will be invalidated by the arrival of the husband, and this takes out from her hand (her affairs) even if her waiting period was long before his arrival.

This question does not resemble the problem heard in the auditioning session of Aṣbaġ to which you referred in your question, since the effectuation (of the condition) obligatory for the sake of the wife in that problem relates to the second marriage of the husband, even if the second wife died or the husband divorced from her. The cause of this is that the first wife feared that the second marriage would induce him to abstain from her and would awaken desire in him for other than her and so her right would not be invalidated by the death or by the divorce of the second wife.

In the case in question, the effectuation (of the condition) with the expiration of the deadline means obligation for her only in connection with the absence of the husband, since the absence of the husband from his wife does not induce him to abstain from her if he eventually arrived to her, on the contrary, his arrival awakens his desire for her and increases his wish for her. This case resembles only the case of the emancipated (ex) slave woman with a (still) slave husband who does not exercise her power of choice (in divorce, *ḫiyār*), as long as her husband was not

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[24] Muḥammad b. Yabqā Ibn Zarb (d. 991), an Andalusian *mālikī* jurist from Córdoba.

[25] Muḥammad b. Aḥmad b. ʿUbaydallāh Ibn al-ʿAṭṭār (d. 1008) an Andalusian *mālikī* jurist from Córdoba.

[26] *al-Mawsūʿa* defines *ʿilla* in the fllowing way, XXX, 287: "The *ʿilla* ('operative cause') is one of the most important main part (*rukn*) of the analogy (*qiyās*), while analogy is considered by most jurists one of the sources of the Islamic jurisdiction. Therefore, if reason cannot grasp a cause for the original case (based on an accepted text) which was resolved using a judgement, or ruling (*ḥukm al-aṣl*), the analogy would be impossible, because of the lack of its most important chief element."

emancipated, too.[27] It was said in her case: there may not be a choice for her (in divorce) if her husband was not emancipated before her choice was made. Therefore, just as the emancipated wife of a slave husband does not deserve the choice to divorce if her husband had been emancipated before she made the choice due to the disappearance of the cause (*ʿilla*) inducing the choice, which is that the husband is still a slave, similarly the wife does not deserve the effectuation (of her condition) if the husband arrived before she would have effectuated it, due to the disappearance of the cause inducing it, which was the absence of her husband from her. This is the text of what Ibn Nāfiʿ[28] said in the *Mudawwana*: She does not deserve the right of decision (in her affairs) if her husband had arrived before she would effectuate her condition, this according to the opinion I saw at some of our companions, and not taking into consideration the opinion of al-Bāǧī in his documents or everybody else from the later generation of jurists in contradiction of this. The basic principles (*uṣūl*) of the early generation of jurists were according to which we explained them. By God we succeed.

Comment: The case under investigation shows the importance of the right choice of the basis of the analogy, which is why the muftī refused the reference to the case of Aṣbaġ. The way of interpretation of the cause (*ʿilla*) by which the woman could take her affairs into her hands[29] is even more interesting. Ibn Rušd, following the convention of Islamic law, refused the literal interpretation of the contract, but instead sought the cause of the right of free choice of the wife and found that it was not the period of absence of the husband, 'no more than six months', but only the fact of his absence. Therefore, the cause ceased with his arrival, even if he was late.[30]

IX. no. 201: *Marriage contract* (Ibn Rušd, *Fatāwā* 835, 844)
Testimony of the suitor in the marriage contract

Question

Whoever witnessed in a contract of marriage in which he had been a suitor is his testimony valid or not?

Answer:

The answer to this question is yes, his testimony is valid since there is no kind of blaming suspicions (*tuhma qādiḥa*) in it. The success is by God the Exalted, who has no associate.

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[27] See Ibn ʿAbd al-Barr (*mālikī* jurist of Andalusia, died 1071), *Kāfī* 592.
[28] ʿAbdallāh Ibn Nāfiʿ aṣ-Ṣāʾiġ, a companion of Mālik, died 821.
[29] The expression is *al-aḫḏ bi-šarṭihā*, 'to enforce her condition' which means logically that she would be free to act on her own.
[30] Cf. Wanšarīsī, *Miʿyār* III, 387–8. See also Burzulī, *Fatāwā* II, 129.

Comment: The *muftī* in this case separated the primary characteristics of the testimony, lack of suspicion or partiality, from any secondary circumstances, that the witness mentioned in the questionhe may have been an opposite party in the marriage.[31]

X. no. 40: Marriage contract (Ibn Rušd, *Fatāwā* 224)

About someone who married in such a way that he gave to his wife half of a determined plot of ground under the condition that he would erect a building on it as they described it to each other, and this building would be a common property between them. In this question, the following questions are also incorporated: contract of the selling and renting in the same contract, the hiring of an estate for the next year, although he has crops in this year, too. Half of the plot of ground was sold on the condition that it would not be divided and sold.

Question

A question was asked from Ibn Rušd, from the city of Šilb (Silves, nowadays in Portugal) about someone who married in such a way that he gave to his wife half of a determined plot of ground (*buqʿa*) on the condition that he would erect a building on it as they described it, and this building would be a common property between them.

Answer

This kind of marriage is valid according to the opinion of Ibn al-Qāsim since he permits the sale and the rent in one and the same sale contract if its way of egression can be known (in advance). Therefore, if it is possible in his teaching (*maḏhab*) that a man can sell a plot of ground on the condition that the buyer will erect a building on it and that a woman will marry in this way, it is possible for the man to marry her for a half of the above mentioned plot of ground on the condition that he will erect a building on this plot as they described it to one another, because the interdiction (*taḥǧīr*), when it is not prescribed to the buyer in the sold item,[32] is also possible according to his teaching. The question found in "The book of the hiring of the estates" (*Kitāb kirāʾ al-araḍīn*)" of the *Mudawwana* resembles it. This is the appropriate answer for the permissibility in this case, not the answer of who said: 'It is permissible exclusively because he only gave half of this plot with a building as a dower, although the plot had not been built in at the time of the dower.' I had been

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[31] Cf. Wanšarīsī, *Miʿyār* X, 218, where he attributed this *fatwā* with the same text to a certain Šalab whose name I could not find in the *mālikī* biographies. It is also interesting to note that he put this *fatwā* in the "Book of the testimony" instead of the "Book of the marriage". This also support the view of Ibn Rušd that in this question the testimony means the essential part not the marriage or the former endeavour of the witness for betrothal.

[32] *iḏā lam yakun fī š-šayʾ al-mabīʿ ʿalā l-mubtāʿ*

asked the same question earlier by one of your companions and I had answered it the same way.

Comment: This answer, among other similar *fatwā*s, shows well that the marriage contracts belong to the wider circle of trade transactions (*kitāb al-bay'*) and that these latter had always caused more problems and claimed detailed answers, which consequently could be applied to the matrimonial questions as well. The end of the *fatwā* seems to reflect the muftī's indignation that he is disturbed by the same question twice from the same circle of local jurists from Šilb.[33]

XI. no. 136: *Marriage contract* (Ibn Rušd, *Fatāwā* 604)

Question

About someone who married a woman on the condition that he would build a courtyard, which he called a building which was agreed upon and which would be divided into two halves between them.

Answer

As for the question of a man who married a woman on the condition that he would build a courtyard which he called a building which was agreed upon and which would be divided into two halves between them, it is essentially the same question found in the *Kitāb al-ǧu'l wal-iǧāra* (The Book of the Wages and the Rent) of the *Mudawwana*, what I looked at. I found in it, too, that the rent in terms of something by which the marriage took place is allowed according to the teaching (*'alā maḏhab*) of Ibn al-Qāsim, because he allows the sale and the rent to be included in the same contract when the way of egression is known or the repetition possible in it. So if it is permitted in his school that a man may sell his plot of ground on the condition that the seller would erect a building on it and that he would marry a woman on the same contract, it is also permissible that the woman should marry receiving the half of the plot on the condition that her husband may erect on it a building according to their agreement and it will be the property of both of them.

Comment: This case resembles basically the one in no. 40, therefore, the answer is also based on the same analogy of two trade transactions in one and the same contract allowed by Ibn al-Qāsim. It is interesting to observe the difference in the usage of the two Arabic particles *fī* ('in') and *'alā* ('according to'). Ibn al-Qāsim, in the *mālikī* school (*fī l-maḏhab al-mālikī*), represents a particular way of teaching, which is expressed by the term *'alā maḏhabihi*.[34]

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[33] See Burzulī, *Fatāwā* II, 206. Cf. Wanšarīsī, *Mi'yār* III, 390.
[34] Cf. Wanšarīsī, *Mi'yār* III, 392.

XII. no. 140: *Marriage contract* (Ibn Rušd, *Fatāwā* 608

Question

About someone who married a woman with a defined number of sheep living on a defined land (as a dower) known by her.

Answer

As for the man who married a woman, with a defined number of sheep living on a land defined (in the marriage contract as a dower), about which the woman had knowledge, on the condition that if he could not fulfil his obligation (from this land), he would complement the rest from another land of his, which the woman also knew, and she had become acquainted with it. If the two lands were different in (good) quality, or were in places separate from each other, then the marriage is invalid because of the ignorance of what the other land would yield for her or whether the other land would yield for her anything at all. The cause (of the invalidity) is not, as some jurists mentioned, the obscurity (*maḡhala*) of the term (of fulfilment), since it was not mentioned (in the contract) when the completion (of the number of sheep) should be made. The judgment in this case is related to the location (*ḥulūl*) (of the second land) and not the obscurity of the term. Had the lack of expression of the time of complementing caused obscurity in the term, the marriage, on the power of (*'alā ḏar' min*) such and such place or such and such named condition (in the contract) would not have been possible. Similarly, the purchase of a certain named (but not exactly defined) measure from a pile (of goods) would also not have been possible. (All this is true) unless the time is mentioned (in the contract), in which she had the power to validate her right from the land, or (as in the similar example) his measure from a pile was measured out for him. There is a consensus among jurists that this is possible. If, however, the two places (of the lands) were equal in proximity (to the house) and quality, there is no question that the marriage was valid contrary to the opinion of Ibn al-Qāsim and others in the question of rent of the lands mentioned in the *Mudawwana*.

Comment: The answer sheds light on how jurists must differentiate between the relevant and irrelevant issues in a question. The obscurity of the term of the fulfilment, considered by many as the main issue, cannot be the cause of the invalidity of the contract since it is not mentioned in it. It also shows that the differences in the decisions of the jurists are essentially not based on opinions, but on the right choice of the important elements in a case, roughly speaking on the knowledge of the fundamentals of the Islamic law.[35]

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[35] Cf. Wanšarīsī, *Mi'yār* III, 392. See also Burzulī, *Fatāwā* II, 208.

XIII. no. 564: *Clothing support* (Ibn Rušd, *Fatāwā* 1550)

When the wife was brought (in solemn procession) to (the house of the) husband and he ensured her the clothing, then it vanished.

Question

About a wife who had been brought to her husband and he had protected (*ḍamina*) the clothing that she had provided to him, then it vanished. Is he committed to what he committed himself to, or does it belong to the chapter (of the law) called: "Whoever committed himself to protect a property (*māl*) that disappeared from him (*yuġāb ʿalayhi*) on loan", or "He who waived his right of pre-emption (*šafʿa*) before it became incumbent on him" or "Is this question similar to the question of the man who said I am protecting your pawn and there will be no damage (*naqṣ*) in your right?"

Answer

The approach to this question is that (first) we investigate why the safeguarding of the clothing emerged in the first place. First, if it was due to the wife's fear of her clothes, the husband is not obliged to protect them, if one assumes that the evidence proved that their disappearance was not the result of his actions. Second, if it was due to the husband's fear of it, he is not responsible for it, if one assumes that the evidence proved that their disappearance was not the result of his actions. But he is obliged to safeguard it in any case if it was not found, and he claimed that it had vanished, but it was not known except from his saying so.

Comment: Ibn Rušd limited his answer in this case, as is his custom as a *muftī*, to the question of testimony, because one witness, especially if it is one of the interested parties, is insufficient, therefore, the obligation of the husband is beyond debate.[36]

XIV. no. 568: *Clothing problem* (Ibn Rušd, *Fatāwā* 1558)

The claim of the wife or her guardian that part of the clothing was loaned (ʿāriya).

Question

About a wife or her guardian who took out what had been for the husband in the clothing (that is, which she had brought into the house), like a headcloth, a quilted cloak,[37] a shirt, trousers. Perhaps the husband had worn these clothes, after he had copulated with his wife, for a few days or for several days, but possibly he had not worn them. Then the wife or her guardian went to take these clothes, claiming that

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[36] Cf. Wanšarīsī, *Miʿyār* III, 379–380. See also Burzulī, *Fatāw*a II, 221–222, where he quotes similar cases.

[37] It was a special cloth in Andalusia, *maḥšū*. Cf. Corriente 1997:128: *maḥšuwwun, maḥāšī, maḥšū, maḥšuwwa*, "quilted cloak".

they had been on loan (*ʿāriya*) and had only been for embellishment and not for gift. Are you deciding this case in favour of the husband or not?

Answer

If there was a customary practice (*ʿurf*) in this community, considering these dresses that were taken from the clothing (pile), according to which the case had been handled (by the wife or her guardian) and this custom is still valid, then their act has to be judged on this basis. But even if this custom has not been well known (in the community), the testimonies of the wife and her guardian, claiming that the clothes had been on loan and only in the way of embellishment, should be accepted. But only God can give success.

Comment: Ibn Rušd emphasises in this *fatwā* two aspects of the case: first, the obligatory character of the customary practice of a given community, which is an outstandingly important feature of the *mālikī* legal school, and second, the importance of two testimonies in a legal case against one.[38]

XV. no. 651: *Support* (Ibn Rušd, *Fatāwā* 1636)

About someone who married a woman and paid her the money (for the trousseau) and gave her gifts, but when he copulated with her and remained with her a month or more, it was demanded from him to give her a garment before the end of the (first) year (of their marriage), otherwise she would use the gift (i.e., the embellished garment) for ordinary occasions.

Question

Ibn al-Ḥāǧǧ was asked about a man who married a woman and paid her the (demanded) money (*naqd*) and the (necessary) gift (*hadiyya*). But when he copulated with her and remained with her for a month or more in this way, he was demanded to buy for her a (new) garment before the end of the first year (of their marriage); otherwise, she would use the gift (the embellished garment) for ordinary occasions.

Answers

Ibn al-Ḥāǧǧ answered: If the dower (*ṣadāq*) was comprehensive, he is not obliged to buy another garment in one year. But if the dower was poor, then he is obliged to buy a new garment. She should not use the gift (the embellished garment) for

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[38] See Wanšarīsī, *Miʿyār* III, 122 with the same text. Muwāq (Muḥammad b. Yūsuf al-ʿAbdarī Abū ʿAbdallāh al-Muwāq, died 1492, was a *mālikī* jurist of Granada.) deals with this question in more detail in his *at-Tāǧ*, III, 416, where he quotes not only the answer of Ibn Rušd, but also that of Ibn al-Ḥāǧǧ and Aṣbaġ. For the use of local customs in the Maġrib, see Schacht, *Introduction* 61–62, stating that the *mālikī* jurists from the 10th century on frequently applied principles greatly different from the earlier representatives of the *mālikī* school.

ordinary occasions, although she has the right to do so. But she should smarten up for him from time to time (in this garment).

Ibn Rušd said: If part of the money (given to the wife) remained after she purchased from her trousseau (*ǧihāz*) what she cannot dispense with, then the (purchase of the new) garment is close to her. But if (he spent) much in supporting her with the garment and the indispensable things of the trousseau, then she does not deserve the (new) garment until the period does not pass, when he is obliged to buy a new garment, had she (other) clothes (from the gift) or had she not.

Comment: The difference of the two *fatwā*s on the same question illustrates well the difference in attitudes of the two scholars. Ibn al-Ḥāǧǧ always approached the questions in a more pragmatic way, not only in his *fatwā*s, but also in his vast Introduction,[39] while Ibn Rušd adhered to the strictly legal issues which he explained in detail.[40]

XVI. no. 540: *Support* (Ibn Rušd, *Fatāwā* 1473–74)

About whom volunteers to give the support to the wife of another man after contraction of the marriage, then the volunteer dies. What happens if this was a condition in the original contract document? And what is the solution if the parties differ in that?

Question

A letter was written to Ibn Rušd from the capital city of Almariya (Almeria) asking about a man who married his slave man and obliged himself after the contraction of the marriage willingly, volunteering, that he would take care of the support of the wife as long as the marriage (*al-ʿiṣma*) existed between them, then he died. Is the support to be paid from his property and the suspension (*tawaqquf*) of his heritage (*tarika*) for the sake of this (support)? What happens if this was a condition in the original document of the contract, but the parties disagreed on that?

Answer

If the master died, the wife (of the slave man) had no right to take from the property the sum with what the master volunteered after the contraction of the marriage to take care of her support as long as the matrimonial ties existed between them. The cause of this is that this (promise) counts only as a gift which cannot be taken into possession, since it is invalidated by death. Even if this would have been a condition in the marriage contract, it had become null and void (*fasada*) by the death. The marriage should have been dissolved before the copulation and it is fixed after it, but the condition would be invalidated, and the provision of the support would fall back

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[39] Ibn al-Ḥāǧǧ, died 1336/7, was a *mālikī* jurist from Fez, who lived in the last 40 years of his life in Cairo. His work written there is the *Madḫal aš-šarʿ aš-šarīf ʿalā l-maḏāhib.*

[40] Cf. Burzulī, *Fatāwā* II, 220–221.

to the slave husband. Then the wife has the right to a 'similar' dower (*ṣadāq miṯlihā*, to what her paternal relatives would demand).

It was said earlier: It is not to be invalidated before the copulation if the wife accepts that the condition would fall, and the husband would be obliged to provide the support for her. The way of incorrection in this case derives from the (objectionable) risk (*ġarar*) since the master may die before the extinction of the matrimonial relationship and so the wife remains without support. But if the condition had been formulated so that if the master had died before the extinction of the matrimonial relationship between them, the provision of the support would fall back to the slave husband, this would be valid. But if the two parties disagreed in what kind was the master's obligation to her support, (the question arises) was it a condition of the original contract or only volunteering after the contract was written? The correct answer is who claimed that this was a condition in the original contract due to the testimony of the custom (*'urf*) in this case. This is what I may say in what you asked for on the path of Mālik and his legal school, in the correctness of which we believe. By God we can succeed.

Comment: Ibn Rušd first chose the suitable cause (*'illa*) of the consequences of the volunteering of the master and found that it can be regarded as a gift and not as an obligation.[41]

XVII. 156: *Support* (Ibn Rušd, *Fatāwā* 671)

Question

Ibn Rušd was asked about a man who married a woman who had a son from a previous marriage. He consented (*ṭā'*) to oblige himself to provide support for the boy during the period of the extent of the matrimonial relationship (*zawǧiyya*). Then he divorced from her with one divorce. After her waiting period (*'idda*) had ended, he married her again. The question is whether the support of the boy will be due (*ya'ūdu 'alayhi*) in this second marriage, also, although this time the husband did not consent to it? And is he bound by any previous obligation while the divorce did not become final (*mā baqiya min ṭalāq ḏālika l-mulk*)[42] or does not? Is the clothes (*kiswa*) attached (obligatorily) to the support or is it not, even before the divorce of the first marriage, since he consented only to the support? Explain this to us, and you will be rewarded and thanked for it, if God wills.

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[41] It was the opinion of Ibn Ḥabīb, d. 853, Abū Marwān ʿAbd al-Malik Ibn Ḥabīb al-Mardāsī as-Sulamī, Andalusian *mālikī* jurist, see Ḥaṭṭāb (d. 1547) *Taḥrīr*, 91–2.

[42] The term *mulk* here means authority of the husband, which means favours, as well as obligations.

Answer

The support to which he obliged himself until the end of the matrimonial relationship
is compelling for him as long as the divorce did not become final (by thrice divorce).
since the term of the matrimonial relationship and the term of the bond of marriage
(when the divorce did not become final) are one and the same, and that requires the
fulfillment of all the obligations in the opinion of Mālik and all of his companions.
As for clothes, I do not think that it would be obligatory for him after he had sweared
in deciding the truth (*maqṭaʿ al-ḥaqq*) that he only wanted the support from the food
and not the clothes. However, Ibn Zarb and other jurists demand that clothing should
also be compulsory together with food. They argue, in consensus with scholars of
law, that the support should contain clothes, too, for the pregnant woman because of
the saying of God[43]: "And if they are pregnant bear their expenses until they bring
forth their burden. However, I do not share this opinion, since the support, even if it
belongs to the ordinary vocabulary, in spite of that most people understand on it only
the food, without the clothes. By God we may succeed and by His power.

Comment: The most interesting element in the answer is the explanation of the legal
term *mulk*, that is, the rights and obligations of the husband in case he divorced from
his wife only twice. The other essential fact is the consideration of the oath of the
husband that he did not mean the clothes when he undertook the support of the son
of his wife.[44]

XVIII. no. 626: *Divorce and remarriage* (Ibn Rušd, *Fatāwā* 1612)

*About someone who married a woman whom he knew that she was not allowed (to
copulate with)*

Question

About someone who married a woman with whom he knew she was not allowed (to
copulate with) before her cleansing (*istibrāʾ*)[45]. It went on for a time, then he
divorced from her, then he took her back, then he divorced from her, then he took
her back again. After all this, he blamed himself for entering in this state. The
question is whether, after her cleansing period, he may renew other than the first
marriage (*taǧdīd nikāḥ ġayri l-awwal*), or he may not?

Answer

Aṣbaġ answered this question in the following way: If the takeback of the wife
happened after she was cleansed by three menstruation periods, it was valid. If the

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[43] *The Qurʾān*, XIV. The Divorce 6.
[44] Cf. Wanšarīsī, Miʿyār III, 19–20. See Mahdī, *Nawāzil* IV, 225 in the chapter of *ḫulʿ*
divorce and repeats it among the cases of support (*nafaqa*), IV, 336.
[45] *istibrāʾ* means here a certain cleansing period after menstruation.

takeback of the wife happened before the cleansing period ended, then he must depart from her until he became cleansed by three menstrual periods. If he married her after this, it would be a valid marriage. Both Ibn al-Ḥāǧǧ and Ibn Rušd passed the same judgement.

Comment: The answer means that the first marriage and the subsequent divorce were not valid.[46]

XIX. no. 27: *Divorce* and r*emarriage* (Ibn Rušd, *Fatāwā* 198)

About a man who wanted to take back his wife after she decisively divorced from him thrice and she married after it. How can it be judged if he had taken her back before the second husband copulation with her was proved, even if the second husband stated this, or a reliable witness (šāhid 'adl) or a group (lafīf) of (unconnected) men and women testified, although their honesty was not acknowledged?

Question

Ibn Rušd was asked about a man who had a wife, who divorced from her definitely, and the wife observed the *'idda* after the divorce. After (her divorce) she remained (without marriage), then she married another man, who copulated with her and spent with her a certain time, then (the second husband) made her free and she observed the *'idda* after this divorce, too. Then the first husband remarried her. After this, a man looked after him who called for the reverse (of this marriage) and started a legal action against them at the magistrate (ṣāḥib al-aḥkām), who said to (the first husband): Prove in front of me that your wife had married another husband after you, who copulated with her. The first husband then proved that her dower was documented by the marriage contract between her and her second husband, and the second husband affirmed the matrimony and that he copulated with her, and the wife also affirmed that. The magistrate, however, charged him with proving the copulation with her. The second husband brought five witnesses who lived together with them in the same house. But the magistrate said to him: I cannot make distinction among them. Explain what is necessary in this case. Is the marriage of the first husband asserted as valid after the (divorce of the) second husband in the way as he interpreted it, or is it not? May God reward you (for your answer) if He wishes.

Answer

What she said in connection with her first husband is not sufficiently established (as true), so his re-marriage with her is not asserted as valid as long as the copulation of

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[46] Cf. Muwāq, *Tāǧ* III, 416, who quotes the above *fatwā* of Aṣbaġ, as well as that of Ibn al-Ḥāǧǧ.

the second husband with her was not asserted as valid by the testimony of two reliable witnesses, or his copulation with her has become a well-known matter which has been spread by hearsay among a group of (unconnected) men and women, even if their reliability has not been proved. By God we may succeed.

Comment: This case concerns two things: (i) The remarriage of a divorced wife by her previous husband without sufficient evidence that her second husband was not only a *muḥallil,* who helped the first husband retake his wife.[47] (ii) The invalidity of the testimonies of two (or more) related witnesses, because 'it is not possible to differentiate between them'. Even if something is 'widely known' (*mašhūr*) is better than related witnesses.[48]

XX. no. 15: *Divorce and remarriage* (Ibn Rušd, *Fatāwā* 178)

About a woman who had been divorced by her absent husband, then he arrived and both of them had agreed upon maintaining the marriage and they stayed together for exactly six months. Then the husband disappeared and the father married his daughter to another man.

Question

Ibn Rušd was asked about a man who had married his virgin daughter in his custody to a man with a dower partly paid in advance and partly delayed. Then the husband disappeared before he had copulated with her. Her father proved his disappearance in front of the magistrate of the district, so the magistrate (legally) divorced her from her husband. And [he was also asked] about the arrival of the husband afterward and that the two of them (husband and wife) agreed on maintaining the marriage. The father donated the husband a plot (*mawḍiʿ*), which the husband obligated himself to give the woman as dower (ʿalā waǧh as-siyāqa) and on the condition that he (the father) gave him (the husband) a delay of six months to unite with his daughter and copulating with her. The two of them departed (from the magistrate) and witnessed together this (agreement). Then the husband went away for his business, and he (later on) reclaimed his support (given to the wife)[49], for the reason of the delay which the father obliged him. Although his absence was only short, the father gave his daughter to another man in marriage. But the first husband arrived and wanted to copulate

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[47] It is impermissible for a husband who has irrevocably divorced his wife to seek a *muḥallil*, a man who marries an irrevocably divorced woman with the intention of divorcing her without copulation so that she can remarry her ex-husband. This has always been a widespread profession in the Islamic world, to make the remarriage lawful after an ill-considered divorce, in return for payment.

[48] Cf. Wanšarīsī, *Miʿyār* III, 393.

[49] It is expressed by the term *al-maʿāš*, the time in which one seeks support.

with his wife. Thus, please explain to us the answer in this case. May God make your reward great!

Answer

If they two (the first husband and his wife) did not renew the marriage contract after the divorce was declared by the magistrate, and they only agreed upon the maintenance of the first marriage as it is mentioned in the question, then it is invalid, and the second marriage is asserted as valid.

Comment: Ibn Rušd cut the answer short, selecting the first essential factor in the question whether the agreement between the wife and the husband to maintain, or rather restart, their marriage is sufficient legally or not. The answer is not, the renewal of the marriage contract is the essential point in the question.[50]

XXI. no. 237: *Drunkenness* (Ibn Rušd, *Fatāwā* 913)

Marriage and divorce of the drunken.

Question

Is marriage and divorce allowed for a drunk man?

Answer

The divorce is allowed, but the marriage is not allowed. Concerning the latter, however, there is a difference of opinion.

Comment: al-Māzirī[51] adds that if he can differentiate between a coming and going person, his divorce is incumbent upon him; there is no difference of opinion. Moreover, if the drunkenness is immersed in his senses that he cannot differentiate between them, and accordingly he cannot differentiate between his close relatives (*maḥārim*) and others, according to many earlier decisions, his divorce holds valid even in this case. Mālik says[52]: If the drunk divorced, his divorce is valid. (*in ṭallaqa (as-sakrān) ğāza ṭalāquhu.*) but he did not speak about the marriage of the drunk.[53] al-Burzulī quotes the same decision, but using the term 'binding' (*lāzim*) in connection with the divorce.[54] There is a basic difference between marriage and divorce: while marriage belongs to a bunch of people, among them the relatives of both the groom and the bride, divorce is considered as belonging first of all to the jurisdiction of the husband, and his right to divorce is indisputable.

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[50] Cf. Wanšarīsī, Miʿyār III, 378–9 and Burzulī Fatāwā II, 197.

[51] Muḥammad b. ʿAlī b. ʿUmar b. Muḥammad at-Tamīmī al-Māzirī, died in 1141, was an important *mālikī* jurist who lived in Mahdiyya, Ifrīqiyya (now in Tunisia).

[52] Mālik, (*imām al-mālikiyya*, died 795) *Mudawwana* VI, 29.

[53] See Ibn Rušd, *Masā'il,* 817, no. 187, with the same text.

[54] See Burzulī, *Fatāwā* II, 200.

XXII. no. 50: *Invalid marriages*[55] *(i)* (Ibn Rušd, *Fatāwā* 279, 283)

Question

He was asked a question about marriage regarding which the jurisprudents of Sevilla held different opinions. "What is your answer concerning a man who married a woman for whom he was *maḥram*[56], or he married her with *šiġār* marriage[57], or his marriage happened to be invalid with respect to the marriage contract, but valid for the dower (*ṣadāq*). But there are further questions: What if the divorce happens, or the inheritance becomes due before this marriage is annulled – because there is a difference of opinion in these cases? What happens if the marriage is annulled before the first cohabitation or after it, or because the contract was invalid. Is a dower necessary in this marriage if either the husband or the wife died before the annulation? Or would both the marriage and the dower be annulled together? Or is it (the dower) considered only as compensation for the (lost enjoyment of the) vulva (*buḍʿ*)[58] in this kind of marriage? The answer in this question seems for us rewarding, if God wills."

Answer

I read your question and have learnt it. Invalid marriages can be divided into two kinds: marriage with invalid dower and marriage with invalid contract. When the dower is regarded invalid, the texts of the masters of our school unequivocally state that the wife has right to it only if the cohabitation occurred. It was transmitted from Aṣbaġ[59] that he had said: "Whoever married with risk[60], then died before cohabitation, his wife is entitled to a 'similar' dower (*ṣadāq miṯlihā*)[61]. But if he divorced from her, she is not entitled to any part of the dower. However, Aṣbaġ maintained the invalid agreement (added to the contract) and at the same time made it a marriage of compensation following those who are of the opinion that the death (of the husband) necessitates a compensatory 'similar' dower. However, this (opinion) is not (generally) acknowledged (*maʿrūf*) in our legal school.

As for the invalid contracts, they are divided into two kinds: marriage concerning the invalidity of which there is general agreement, and marriage concerning the invalidity of which there is difference of opinions. Examples of the first category

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[55] *al-ankiḥa al-fāsida*

[56] I.e., prohibited blood, in-law and milk-suckling relatives.

[57] It means that a man gives his daughter or sister in marriage on the condition that the other gives him his daughter or sister in marriage under the condition that there is no dower.

[58] It would mean a compensation of the woman who was not copulated in spite of her being married. This is not a generally accepted notion.

[59] Aṣbaġ b. Faraǧ, died 840, *muftī mālikī* in Egypt.

[60] Marrying a woman with risk (*ġarar*) means not knowing the possible faults of his would be wife.

[61] Similar to what her paternal relatives would demand. Cf. Hawwārī, *Tanbīh* , 678ff.

are: invalid marriage with a prohibited family member (*maḥram*), or marriage with a woman in her waiting period (*'idda*), or marriage with her mother, daughter, sister, maternal and paternal aunt, and the like. There is no difference of opinion that in the above cases the dower is not prescribed in case of death, not its half in case of divorce, because there is no inheritance in this kind of invalid marriages, and besides dower is (always) connected with cohabitation (and in these cases there is no cohabitation if they became public in time).

There are two different kinds of invalid marriage contract: First, in which the invalidity of the marriage contract does not influence the dower, and second, in which it influences the dower. The first kind contains the marriage of prohibited relatives (*maḥārim*), marriage of a woman without her guardian (*walī*), and the like. Some view that there is no divorce and no inheritance in this (marriage), and its annulment (*fasḫ*) cannot be considered divorce, while others, on the contrary, say that there is divorce and inheritance in it, too, in observance of their difference (in the matters of marriage). But whoever preserves this different opinion and accepts the divorce and inheritance in this kind of marriage, he must also, according to his principle, prescribe the dower in case of the death (of the husband), and its half in divorce before the cohabitation, since no one may differentiate between inheritance and the obligatory dower, prescribing one and dropping the other, not being preference between the two. God sent to us a text (*naṣṣ*) making the dower obligatory for the husband in the interest of the wife and the obligation of the inheritance between them. The community of Muslims has a consensus (*iğmā'*) that there is no controversy among scholars regarding the agreed-upon obligation of the dower (*aṣ-ṣadāq al-musammā*) for the woman, half of it at divorce and the whole at death, even if he (the husband) did not copulate (*daḫala bihā*) with his wife. Similarly, there is also no difference among jurisprudents regarding the obligation of inheritance. If, however, the (invalidity of this) marriage had become public before the cohabitation happened and therefore it had been annulled, I do not know any difference (among the jurisprudents) in that she has no right for the dower or for a part of it, even if the annulment meant divorce. For in the valid (*ṣaḥīḥ*) marriage when the husband and wife are separated before cohabitation through no known fault on behalf of the husband, like her bodily violation or causing her illness, then she deserves no part of the dower as earlier scholars said (in our legal school), even if she would like to remain in the matrimonial abode, even more so if neither of the spouses desires this. As for the influence of the invalidity of the marriage on the dower in cases like making the remarriage (illegally) lawful (*muḥallal*)[62], marrying a slave girl on the condition that her son will be free, a marriage on the condition that there will be no inheritance between the spouses, and the like, the opinions differ concerning the rights of the wife if her husband omitted the copulation. One (of the jurisprudents) said that she deserves (only) the 'similar dower' because the invalidity influences

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[62] See fn. 43.

the dower. Another said that she deserves the dower agreed upon in the marriage contract because it is the contract, which is invalid, not the dower. About this kind of invalid marriages, it is mentioned in our texts that the wife deserves no part of the dower agreed-upon (in the contract) if one of the spouses died before the copulation. This becomes obvious from the opinion of those who prescribe in this marriage the 'similar' dower except for what we told about the opinion of Aṣbaġ. He said that if a husband married with risk (ġarar) and died before copulation, his wife deserves the 'similar' dower. But for those who prescribe that the wife only gets the agreed-upon dower (in the contract) after the copulation, the decision is supposable (al-amr muḥtamal), so it is quite clear that the wife may have a part of the dower only if the copulation happened and, as I said earlier, the dower cannot serve as a compensation for the vulva even if (as is known) the private parts (of the wife) are only made lawful (yustabāḥ) by the copulation. It (the copulation) is nothing more than a (free) gift (naḥla) from God which He imposed on the wives for the sake of their husbands, not as a compensation for the enjoyment since she enjoys by him as he enjoys by her. So, he is affected through it as she is since they sleep (mubāḍaʿa) together during it. As God says: 'Give women their dowers as a (free) gift' (Qurʾān IV/4). A (free) gift means that no compensation can be taken for it. Whenever the inheritance is made obligatory, the dower agreed-upon is also made obligatory, even if the marriage contract had been invalid. But it is (only) God who can grant success by His power.

Comment: It is a general question regarding different types of invalid or even unlawful marriages that caused problems for the jurists of Sevilla. The answer even widens the circle of invalid marriages that were asked, explaining in detail the agreements and the differences of the jurisprudents. The primary significance of the dower appears to be evident from the answer.[63]

XXIII. no. 57: *Invalid marriages (ii)* (Ibn Rušd, *Fatāwā* 294)

'His opinion was asked about a man who married a 15-year-old orphan girl, assuming that she was mature (bāliġ), but after the husband copulated with her, the man who gave her in marriage to him denied her maturity and mentioned that he was not really her guardian.'

Question:

About a man who married a 15-year-old orphan girl whom an uncle of her gave in marriage to him, saying that he was her guardian and no one else was her guardian, and her mother was alive who corroborated this statement. The husband assumed that she was mature, but when he copulated with her and spent with her for more than a month, she hated him and fled from him. Then the alleged uncle said that he was not her uncle, and the mother said the same, also saying that she was not mature

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[63] Cf. Burzulī, *Fatāwā* II, 194ff., where it is not mentioned that the question was put by the jurists of Išbiliyya.

(sexually). The question is whether the marriage becomes annulled because of this and who will have her dower in that case? or will the marriage be not annulled? Please, clarify for us that, God willing.

Answer:

I looked at your question and studied it. It is obligatory to send back the wife to her husband and to complete the marriage, since it happens to be right formally. There is no way to annul it for what the uncle and the mother said and their (false) allegation. God will give us success.

Comment: Ibn Rušd in his *fatwā* cleaned the issue from the superfluent details: the maturity of the girl, the guardianship of the alleged uncle, his confession which was corroborated by the mother. He concentrated on the main issue: It is a valid marriage, so the disobedient (*nāšiza*) wife must return to her lawful husband. The most important element in the question is the copulation, which decides the fate of the wife. The other circumstances are irrelevant with respect to the marriage.[64]

XXIV. no. 295: *Marriage with a woman with whom he fornicated* (*zinā*) (Ibn Rušd, *Fatāwā* 1015)

Question

It was put by a Berber from the valley of Córdoba: A man and a woman fornicated together, then contracted marriage without (waiting) the cleansing (period) from the immoral (sexual) fluid (of the fornication).[65] They had children and then they became separated by divorce. Later they returned to each other after the divorce, then they became separated again by divorce. Then both accused each other and blamed each other for their (sinful) act. They asked about their actions the *muftī*s in their location who decided against both for their immoral acts, stating that these acts were not correct, and their children were not trueborn (*rašda*). Then the man, the husband of the above-mentioned woman, died during this all, and the children did not inherit from him, nothing at all. The bequest of the dead man was taken and given to the poor. May God ensure you success, give us a *fatwā* first on their doings marrying after their fornication without cleansing (period), then on their divorce and their return (to their marriage) after the divorce, and so on, and finally on the question of inheritance of the bequest of the father by their children. Should they inherit or not?

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[64] The question and answer are also quoted by Wanšarīsī, *Mi'yār* III, 378, with a slight difference: the wife, not her mother, said that she had not been mature at the time of the marriage. See also Burzulī, *Fatāwā* II, 197, where he adds that the puberty is handled similarly to the maturity in the relevant legal literature. Another difference in the text is that not the uncle, but one of the paternal cousins marries he girl. Then al-Burzulī adds his own opinion that the age of the girl of 15 year is the definitive factor in the marriage not her maturity.

[65] *bi-ġayr al-istibrā' min al-mā' al-fāsid*

Elucidate this for us and explain all this, since it will be rewarding. If they deserve the inheritance, are the *muftī*s obliged to reimburse the damage they cause or are they not? These spouses divorced three times in the above-mentioned way. Tell us whether the judgement will be over them the same as in the case of the rightful marriage, i.e., that they can only return to the matrimonial state only after a husband (married the woman and divorced her)? Or will the judgement be different in their case? Explain all this, too, and be successful and assisted in this by God.

Answer:

I looked at your question and studied it. The first marriage the contract of which was made before the cleansing (period) from the immoral fornication could not be followed by divorce, so his departure from her is only annulment without divorce. But the second marriage is rightful and could be followed by divorce. If the divorce had happened before the copulation, she deserved half of the dower, but she had no right to the inheritance. If the divorce had happened after the copulation, she deserved the whole dower and the inheritance, supposing that the husband had died before the waiting period (*'idda*) of the wife ended and the form of the divorce, by which he divorced from her, was irrevocable. As for the children, they are affected by the valid divorce, so they deserve the inheritance in any case. Those who reached the (false) conclusion and believed in (the previous *fatwā*) are obliged to guarantee (the return of the dispersed inheritance). As for *muftī*s, they are not liable to guarantee it, since they did not more than they made deception by their words. The guarantee falls on those who asked their *fatwā* and took their inheritance based on this *fatwā* and believed in it without proving its rightness. Nothing is obligatory by any means. By God the success is granted.

Comment: Ibn Rušd's *fatwā* was based on the illegitimacy of the first marriage, so the divorce had also been null and void. Then he concluded that because of this the second marriage and divorce had been valid, and the children had been justified to receive the inheritance. Perhaps the most interesting ascertainment refers to the role of *muftī*, who is not responsible for the consequences of his decision, since a *fatwā* is not an official judgement, but only an opinion that is not obliging. An opposing view is contained in the book of al-Burzulī in discussing this *fatwā*. He quotes aš-Ša'bī[66] who said that the *muftī* is indeed responsible for his decision because, in his opinion, the judge is only his deputy who follows his rulings. al-Burzulī summarises his opinion saying that the controversy about the responsibility of the *muftī* relates to the controversy concerning the different opinions about the faults of the *muǧtahid*.

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[66] Burzulī, *Fatāwā* II, 200–201.

XXV. no. 557: *Mutʿa marriage* (Ibn Rušd, *Fatāwā* 1535)

The enjoyment (temporary) marriage and the opinion of the later jurists about it.

A question about marriage from the town of Badajoz (Baṭalyaws). It was asked from Imām Qāḍī Abū l-Walīd about a man of right knowledge and scholarship who married a woman by enjoyment marriage for an appointed time without guardian and without a proper dower, only for half a dirhem from these *qīrāṭ*s of Yūsuf b. Tašfīn (Almoravid *amīr*, 1072–1106). The man confessed before the ruler that he copulated with the woman and took the trouble to produce evidence for what he claimed concerning this marriage. He presented two witnesses with no good reputation. A member of the council said to him: Actually, enough of that, you had married by an enjoyment marriage which is prohibited, and made it without guardian and dower, so you are nothing else than an adulterer. Then the husband said: I do not deny the prohibition of enjoyment marriage, but I adhered to what I was told about the difference of opinions in this question, beginning with Ibn ʿAbbās and others. The cause of this marriage was that I was fond of her, but I could not afford to be her rightful husband fearing that my father would not let me (marry) since she was not (considered) a proper (wife) for the like of me. Thus, I considered the adherence to this difference of opinions better than fornication. As for your blame that the marriage had been without (proper) dower, I found that those who had stated permissibility of the enjoyment marriage had not set up a minimum limit for the dower. And for your saying that I had no witnesses with good reputation, I could reveal the marriage only to them. Therefore, I thought that I would do all this (that is, enjoyment marriage) rather than fornication. Perhaps God will accept my excuse. Therefore, I wish to put this question to the discretion of the jurist for an answer.

Answer

The Prophet forbade enjoyment marriage, and the jurists have also been in consensus on its prohibition, except for those who held separate views and whose opinions have not been taken into consideration. The opinion of the jurists is that if the man marries a woman for an appointed time with guardian, (acceptable) dower, and two witnesses with good reputation, then all the matrimonial affairs are maintained between them for that period with the exception of inheritance. If a man agreed with a woman that he would copulate with her and enjoy her for a definite period of time on the condition that he would spend his money on her, it is not enjoyment marriage, but only fornication. The obligation is that this man about whom the question was put should be punished with the punishment of fornication. That means stoning if she was protected (by marriage) and whipping if she was a (young) unmarried girl because of his having confessed to copulate with the woman with whom he was found together. This is because he falsely thought that he married her with enjoyment marriage, since the way he mentioned (about this marriage) means a judicial error which excludes from the definition (of the enjoyment marriage). This marriage was

not witnessed for him, whose testimony is permissible, so his copulation with her was not according to the mode of marriage which he had believed widespread, prevailing, and fixed. Therefore, it is necessary that if she was an unmarried girl, he be beaten after the legal punishment (*ḥadd*) of painful beating had been announced for him, followed by long-term detention in prison for his disdain for religion and his deception of Muslims. What was mentioned of his knowledge and his quest for evidence supporting his case imposes upon him disgrace in this world and in the afterlife and lowers him to the worst position, since he knew the truth but opposed to it, (knew) he right way but defied it, and (knew) what is forbidden but boldly challenged it, fabricating lies against God and despising His laws, making fun of His religion. It is recited that the religious scholar who does not use his knowledge well has the worst position at God of all people on the day of resurrection. How could it be otherwise with one to whom his knowledge did harm and sought to attack the forbidden things and to defy the legal scholars? It is God that I ask for protection and success.

Comment: It can be stated that this question may have been put to the *muftī* in his relative youth, before the age of 28, since the city of Badajoz had been invaded by Christian rulers in 1086 and it did not return to Muslim rule until 1146. Perhaps his youth, perhaps his hard anti-šīʿite feelings explains his unusual moral and religious indignation in the case of the temporary (*mutʿa*) marriage, prohibited in *sunnī* Islam.[67] It is especially interesting how he, in the spirit of *sunnī* law, differentiates between lawful marriage with an appointed time limit, which can be conceived as a promise of divorce at a definite point of time, and the prohibited *mutʿa* regarded simply as fornication.[68]

Summary

Although these 25 *fatwā*s form a mere drop in the ocean of similar *fatwā*s, some general conclusions can be drawn concerning the way the *muftī* works even from such a small number of cases.
(i) The jurists had almost always different views in judging most of the questions put before them, but the *muftī* tries to follow "what the majority says" in his school. That means mainly the forefathers of the school. This is obvious in every case, seeing of the heavy reliance of the jurists of this age on the opinions of the first two centuries of the Islamic legal thinking, that is, the 2nd and 3rd centuries of the hiǧra. Sometimes, however, if a famous early *mālikī* jurist represents a particular way of teaching it is

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[67] On the *mutʿa* marriage see Hermanto 2016. See also Fōda 1992. On the šīʿī views concerning the abrogation of the Qurʾānic verse which permitted the *mutʿa* marriage, see Ḫūʿī 1981. As it will also be evident from the answer, during the first centuries of the Islam even some *sunnī* scholars could accept the *mutʿa* or at least accept that it had been once permitted. For this see Burton 1977:179–180.

[68] See Burzulī, *Fatāwā* II, 198–200. Cf. Wanšarīsī, *Miʿyār* III, 393ff.

expressed by the term *'alā maḏhabihi* 'according to his school'. In this age the *ḥadīṯ*, attributed to the Prophet, "difference of opinion in my community is (a result of divine) favour" (*iḫtilāf ummatī raḥma*) meant a real and live tradition. Even so, the wide range of different opinions even within one legal school regarding a given question is astonishing, especially in our days when the representatives of the '*islām bilā maḏāhib*' promote the imaginary ideal of a (never existed) uniform Islamic law.

(ii) The answers of Ibn Rušd prove well that the first and most important task of the *muftī* consists of the right selection of the decisive element from the facts and arguments presented to him in the question and the choice of the most important and essential factor from the sometimes disturbingly confused description of the given case and neglecting all the other ones. So, the reader of the *fatwā* may be disappointed if he wanted to know the answer to all issues found in the question, but the *muftī* does not address the side issues in the questions which reflects his remarkable method of clarifying the question and giving a simple and clear answer. The abbreviation of a long case to the essentials and stripping it from all other factors led Ibn Rušd to find the crucial element of a question.

(iii) In addition, the importance of the right choice of the decisive element is that it leads the *muftī* to find the right *qiyās* (analogy) on the basis of which he can decide correctly. It also shows that the differences in the decisions of the jurists are essentially not based on opinions, but on the right choice of the important elements in a case, roughly speaking on the knowledge of the fundamentals of the Islamic law

(iv) Ibn Rušd, following the convention of Islamic law, refused the literal interpretation of the arguments presented to him, but he sought instead the suitable cause (*'illa*) of the case. An example of how the analogy works and what is the significance of finding the right cause of a case is the answer to the question concerning the *mut'a* marriage. The *mut'a,* as a temporary form of marriage is refused by the *sunnī* law, but a marriage with an appointed time limit, which can be conceived as a promise of divorce at a definite point of time, is acceptable, because it is analogue to a commercial contract with future fulfilment.

(v) This last comment leads us to the generally accepted analogy between the commercial contract and the marriage contract, which becomes clear from many *fatwa*s.

(vi) In connection with an unfortunate *fatwā*, which wrongfully deprived the children from their lawful inheritance, an interesting difference of opinions unfolds before our eyes in a very important question, that is, the responsibility of the *muftī* for the consequences of his possibly wrong *fatwā*. This debate also shows the significance of the independent judgement of a jurist based on his individual efforts (*iǧtihād*) in good faith.

(vii) There are several cases where one can see the importance of the witnesses, who form the basis of the Islamic legislation, and the significance of their appropriateness for judging the case. As it was expressed in a case "Even if something is 'widely known' (*mašhūr*) is better than related (that is, inappropriate) witnesses". At the

same time, the acceptance of the public opinion and public knowledge as testimony reflects well the flexibility of the *mālikī* legal system.

(viii) It must be emphasised how important is the consideration of the common usage of a given territory or town especially for the *mālikī* legislation. Since Ibn Rušd could not know the usage of every town in Andalusia, he added, in several occasions in the whole collection of his *fatwā*s, the words "if it is still in usage in your town" or "if the usage of your town differs from what I said, your common usage would be valid."

(ix) Finally, it may be apparent even from this small segment of the collection what an interesting picture we can receive through the *fatwā*s about the everyday life of Andalusia in the Middle Ages in the field of family life and the husband-wife relationship. What is conspicuous is that the wives not only had their own material interests independently of their husband but also that they had many ways of defending them.

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LAND PRIVATIZATION IN ISLAMIC LAW?[1]
THE CASE OF *IRṢĀD* IN EGYPT, 1850–1950

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In this article, I explore the uses of the term *irṣād* in nineteenth- and twentieth-century legal opinions (*fatwa*, pl. *fatāwā*) issued by Egyptian muftis. This term can be rendered into English as 'the public trust' or, more precisely, 'the designated endowment'. Kenneth Cuno argues that this was not a judicial category in applied law but that muftis used this term in Ottoman Egypt and Syria to justify the position of Muslim rentiers in an ideology of local notables between the sixteenth and nineteenth centuries. Building on this argument, I suggest that this term belongs to the larger conceptual domain of administrative privatization of public land. I explore the relationship between the administrative uses of this term and its Islamic legal understanding in nineteenth-century Egypt. Finally, I consider how after the dissolution of the Ottoman Empire Muslim jurists in interwar Egypt still identified some endowments as *irṣād* to provide flexibility for the new royal government.

> *Wa-law waqafa al-sulṭān min bayt mālinā / li-maṣlaḥat ʿammat yaǧūz wa-yuʾǧǧar*

> If the ruler endows [land] from our fisc / for the common good let it be permissible and rentable. Ibn Wahbān (d. 1367) quoted in Ibn ʿĀbidīn, *Radd al-muḥtār*, III, 393 and al-ʿIdwī, *Tabṣirat*, 86

Today, when historians and jurists speak of a Muslim trust, they usually have in mind what is conveyed by the Arabic term *waqf* (in Turkish *vakıf*): an endowment of a property by a private person for a specific stated purpose. However, the conceptual domain of the Muslim endowment is much larger. We find a number of Arabic terms identifying various acts and types of endowment in Muslim polities in world history. In this article, I explore the category of *irṣād* which, as a special legal term, denotes an act of assigning assets or their income for some public purpose by

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the imam, the leader of the community. These special assets – usually agricultural land – belonged jointly to the Muslim community represented in the Muslim fisc, the virtual treasury (*bayt al-māl*). In this paper, I use the term "fisc land" to denote the legal status of such lands.

Kenneth Cuno argues that muftis in Ottoman Egypt and Syria used this term in treatises, speeches, and legal opinions to justify the position of Muslim rentiers – who received stipends, tax-farms, and so on, from the local government – between the sixteenth and nineteenth centuries. This term, in his eyes, was part of an "ideology" of local notables which the muftis mobilized on occasion against fiscal reform and which was forgotten by the twentieth century (Cuno 1999: 141–142).

Building on Cuno's argument, in the present article I suggest that this term belongs to the ambiguous conceptual domain of the administrative privatization of public land. I explore the relationship between the administrative uses of this term and its Islamic legal understanding in nineteenth-century Egypt. Finally, adding more nuance to Cuno's argument I consider how, after the dissolution of the Ottoman Empire, Muslim jurists in interwar Egypt still identified some endowments as *irṣād* to provide flexibility for the new royal government.

1. What is *irṣād*?

Historians (Tabataba'i 1983, Johansen 1988, Imber 1997, Ġānim 1998, Cuno 1999, Ito 2017, Michel 2018, Ayoub 2020) have already clarified the development of the term *irṣād* and the theory behind it. Before we proceed further, let us briefly draw on these earlier scholars' work to offer an overview of this term.

Muslim rulers often assigned the income from land that in theory belonged to the Muslim fisc to pious purposes (jobs at mosques, in schools, salaries of soldiers, the maintenance of mosques, the "poor" in Mecca and Medina, and so on). Twelfth-century Šāfiʿī jurists – the most prominent legal tradition in Ayyubid and Mamluk Egypt and Syria – accepted this practice with the argument that the imam (in legal terms, the administrative authority) can create an endowment from fisc land for the benefit of the community and for those whose maintenance is among the legitimate expenses of the Muslim fisc (*min maṣārīf bayt al-māl*). The Šāfiʿī jurists called such a trust simply a *waqf* although there remained disagreements about its validity.

However, there was a terminological change sometime in the fifteenth century. In the second half of that century, the Egyptian scholar as-Suyūṭī described the endowment of fisc land by the imam as an 'act of earmarking' or 'an act of designation' (*irṣād*) and 'setting apart' (*ifrāz*). He clearly distinguished this earmarking and its result, the 'designated trust' (*waqf irṣādī* or simply *irṣād*; later jurists even used the plural *irṣādāt*) from an 'act of endowing' (*waqf*) which resulted in what he called the 'true trust' (*waqf ḥaqīqī*) (Cuno 1999:144; Ito 2017:51, 54).

A few decades later, now under Ottoman rule in the middle of the sixteenth century, Egyptian jurists used the term *irṣād* routinely in discussions about land tax. They emphasized that Sultan Selim, the conqueror of Egypt, and Sultan Suleiman

maintained the earlier *irṣādāt* and created new ones. This time Ḥanafī jurists, whom the Ottomans partnered as the empire's official juristic tradition (Burak 2015), took over the originally Šāfiʿī argument and they also started to evoke a retroactive story of emirs and Mamluk sultans creating *irṣād* in pre-Ottoman times (Johansen 1988: 81, 92; Cuno 1999). By the seventeenth century, we find the term regularly in the writings of Ḥanafī muftis. Central imperial jurists writing in Ottoman Turkish called such trusts *evkaf-ı salatin*, although there are examples of the term *vakıf-i irsadi*, indicating that some central jurists were familiar with the Arab muftis' terminology.

To repeat and summarize, in Šāfiʿī and Ottoman Ḥanafī legal theory the basic differences between *waqf* and *irṣād* inhered 1) in the legal status of the asset to be endowed (private vs. community); 2) in the status of the endower (private individual vs. imam); 3) and in the identity of the beneficiaries (anything pious vs. legitimate expenses of the fisc). *Waqf* is a private thing, even if it serves community purposes, while *irṣād* is always related to the leader of the community. The most important consequence of the differences is that muftis agree that *irṣād*, unlike *waqf*, is not under the judge's jurisdiction: only the imam (and subsequent rulers after him) can appoint its administrators and he alone can change them and the terms of endowment – but even he cannot abolish it. We soon shall see the importance of this rule.

The term *irṣād* was a way for Ottoman jurists to make sense of administrative forms of 'assigning' fisc land in terms of Islamic law. They used a number of Arabic synonyms to denote the act of earmarking as giving something for a specific purpose: *irṣād, iqṭāʿ, ifrāz, iʿṭāʾ, taʿyīn*.[2] We can summarize their challenge as the problem of privatization in Islamic law. In short, the problem was how to express in legal terms administrative acts whereby assets or their income belonging to the Muslim community may become the private property of individuals.

This question was not a small matter. The Ottomans (and before them many rulers) granted land, or the income of land, to military men in return for their service. The jurists had to find a constitutional basis to answer questions about those grants, especially in cases of rents and inheritance. Hence acts of granting land required that jurists engage also with the temporal dimension of law. The problem of 'earmarking' and 'granting' resulted in a Muslim legal theory of Ottoman fiscal government which was best expressed in the eighteenth century. This theory and its vocabulary, as Cuno argues, were then also used to protect the interests of provincial groups – and later, as I shall explore here, to facilitate government oversight.

None of the scholars referred above have noted any instances where a ruler's legal act is explicitly identified as an *irṣād* in a judge's written certificate. This absence suggests that it was not a term used in applied law in the court. Nicolas Michel helps to explain this absence when he observes that the earliest examples of *rizqa iḥbāsiyya*, a special class of small-scale endowment originating in Ayyubid Egypt,

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[2] A contemporary historian, Ghānim has used *iqṭāʿ* in this sense as a synonym for *irṣād* – in my opinion correctly (Ghānim 1998:64).

are recorded in tax registers as being 'designated' (*murṣada*) although the later ones are recorded with a different wording (Michel 2018:134–135). If the chronicle-writers and as-Suyūṭī were right, and rulers indeed ordered, literally 'earmarked', the income from a fisc asset for various purposes, then we should look for the origins of the term *irṣād* not in judges' registers but rather in the Mamluk chancellery records – that is to say, within the administration itself. As it is well known, there is no legal requirement for a notarized written certificate for an endowment to be a valid legal act. Jurists insist that the will of the endower creates an endowment, and not the judge's notarization. The order of a ruler is an expression of his will, and it is thus likely that jurists interpreted sultanic administrative orders, such as an Ottoman *mülk-name* (see below), as giving legal substance to acts of earmarking. If this was indeed the case, and the origin of *irṣād* was administrative (*siyāsa*) and not jurisprudential (*fiqh*), this is an important example of how jurists incorporated administrative innovations into Muslim legal theory (for criminal matters see Rapaport 2012).

2. A theory of *irṣād*

The theory behind the idea of *irṣād* is based on the principle, best summarized by the learned mufti Ibn ʿĀbidīn in early nineteenth-century Damascus, that the leader of the community has no ownership over the assets belonging to the Muslim community in the virtual fisc, the *bayt al-māl* (Ibn ʿĀbidīn, *Radd al-muḥtār* III, 265–266, 392–393, 413). Neither does the fisc have ownership over every type of assets under its care.[3] It only has an original ownership title (*raqaba*) to those assets which are not dedicated to a specific purpose already in the Koran and prophetic texts (*fayʾ*).[4] In classic Šāfiʿī and Ḥanafī legal theory, the imam has a right only to *distribute* these fisc-properties, and the income from said fisc-properties, for the interests of those Muslims such as the poor, widows, soldiers, scholars, and so on, who already have a right to income from the fisc. After the imam's earmarking of an asset for a purpose the original ownership title of that asset remains with the fisc. In other words, the decision of the imam does not change the legal status of the asset. And the fisc's remaining *raqaba* is the reason why the imam's act does not result in

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[3] Muftis often argue that the *bayt al-māl* is the owner of the non-dedicated type of common properties, while it is only the guardian of the compulsory charity and other, dedicated types of income (Tabataba'i 1983:15; Michel 2018:241).

[4] There has been some confusion over what *raqaba* is exactly and how to translate it to English. Imber calls *raqaba* "the ownership of substance" of land, and "real substance" in Imber 1997:120, 123 (and he appears to suggest, mistakenly, that this right belongs to the ruler); A. Cohen in EI2 (art. "*mīrī*") calls it "absolute ownership," a right belonging to the treasury; and Mustafa al-Shihabi in EI2 (art. "*filāḥa*") calls it "original title" belonging to the treasury. In my opinion, al-Shihabi's solution is the best. *Raqaba* (lit. the neck) is also used to describe the ownership title in slaves. See examples in al-ʿAbbāsī al-Mahdī, *al-Fatāwā*, II (Kitāb al-ʿitq and Kitāb al-waqf). For *fayʾ* see for example, Abū Yūsuf, *Kitāb al-ḫarāǧ*, 176, 189; Johansen 1988: 8-9.

a real endowment. The imam is an individual private person. Like any other person, he can establish a *waqf* only from things in his personal, private ownership (*milk*). The imam is not an owner of fisc-assets (his relationship to these assets is not *milkiyya*), and thus his will concerning such an asset, his act of designation, cannot constitute a *waqf*. A logical consequence is that neither does his earmarking allow the beneficiary to create a *waqf* of the earmarked asset because, to repeat, the imam's will does not change the original legal status of the asset in this classic theory (although the beneficiary may create a *waqf* of the asset's revenue if that is their personal property).

But in the seventeenth century there emerged a new line of thought. In the Ottoman Empire the problem of privatization appeared at a large scale because of sultanic practices. Cuno highlights a *fatwa* by the chief mufti Šihāb ad-Dīn al-Ḥamawī. According to this mufti, individual property rights (*tamlīk*) may follow from the imam's earmarking of fiscal land for certain Muslim groups (Cuno 1999: 156). al-Ḥamawī's norms were reflective of the Ottoman administrative practice. Seventeenth-century sultans granted agricultural fisc land ("villages") with individual property rights (in Turkish orthography *temlik*) through a special decree (*temlik-name* and *mülk-name*) (Gerber 1988: 154–155; examples in Özcan 2013: 135–146). It appears that the Ottomans, at one point, developed a three-tier understanding of the legal dimensions of an agricultural asset: the original ownership title (*raqaba*), the individual ownership title (*milk*, "the right of possession"), and the title to the taxes (*rusūmāt*), which all could be granted separately (Barnes 1987:45). This fiscal-legal practice needs more research, but the vocabulary of the *mülk-name* appears close to the language used in describing *waqf* endowments. The imperial Ottoman ways of administrative privatization was perhaps unclear or confusing even to the most sophisticated muftis in the Arab provinces, especially since if the *raqaba* remained with the fisc, the act of giving individual property right was still an act of *irṣād*.

The obscurity of the term *irṣād*, between administrative acts and legal theory, is an example of what Thomas Bauer called *Ambiguitätstoleranz* in pre-industrial Muslim polities (Bauer 2011:18). Ambiguity in this case was useful for avoiding direct conflict between Muslim rulers and Muslim jurists. We shall see the nineteenth-century ambivalent application of this logic below.

The final theoretical issue is the muftis' insistence on the ban of abolition. Why was it not legal for the next imam to withdraw a designated common asset from serving a pious purpose? We can only explain this ban by the fact that in legal theory *irṣād* is nothing other than the formalization of an already existing right to the *bayt al-māl* assets enjoyed by the poor, widows, and other afore-mentioned constituencies of Muslims. This right is protected by the Koran and the Prophet's example and those sources are higher than the imam's authority. In this view, the imam merely executed what these authorities had already decided. Hence muftis could argue that it was illegal to abolish public trusts.

3. *Irṣād* in the nineteenth century

By the eighteenth century, Egyptian muftis interpreted regularized payments to locals from the provincial government's fiscal office in Cairo as falling within the category of *irṣād*. A history of the stipend- and tax-farm systems within Ottoman Egypt is yet to be written and the evaluation of its exact scope and economic significance should be the subject of detailed studies (scholars should build on ʿAfīfī 1991, Cuno 1992 and 1999, Michel 1999). There were stipends (*murattabāt*) to the staff in mosques, stipends of religious scholars, stipends of soldiers, widows, and orphans. Ḥanafī jurists considered the legal status of these stipends in the same way as the legal status of tax-farming, *iltizām* (which was the assignment from the fiscal office of a right to collect the tax in a rural location in return of regular payments). They referred to all these fiscal rights together as *irṣādāt* and *murattabāt*, both of these following the same logic, namely that the ruler or his representative assigned these incomes from fisc land at one point in time to Muslim groups – especially soldiers – who had legitimate rights in the fisc. In Egypt, the source of all these payments was one single bureau. The provincial government's fiscal office paid all these sums to the beneficiaries and was in charge with distributing the rights to *iltizām*. The jurists argued that the amounts may be decreased or increased but the ruler and subsequent rulers cannot abolish them. They also agreed that the stipends are heritable allocations; that they can be divided (for instance, someone had the right to the 'sixth' of the payments for all positions in a rural mosque, ʿAfīfī 1991:122); that the right to them may be even sold among the people (as the original title to the source of income anyway remained with the fisc); and that a stipend may be endowed as a *waqf*. This government-based virtual market economy of mostly urban rentiers in Egypt persisted well into the nineteenth century.

The last jurists who made extensive use of the category of *irṣād* in theoretical works to defend this virtual mini-market in Egypt were Ḥasan al-ʿIdwī al-Ḥamzāwī (1806–1885), an Azharī professor and early printing entrepreneur of Arabic books, supporter of khedives Said and Ismail and an important figure in the 1882 uprising (Cuno 1992:195; Cuno 1999; Schwartz 2017); and Muḥammad al-ʿAbbāsī al-Mahdī (1827–1897), the chief Ḥanafī mufti (later "Grand Mufti" of Egypt) between 1848 and 1897 (Peters 1994). In the 1850s, both sheikhs wrote treatises about Muslim laws of property and taxation as a reaction to Said Pasha's enquiry about property law and the subsequent remaking of the fiscal system, finalized in the 1858 Land Code (Cuno 1992; Mestyan 2020). Both of them relied on the work of Ibn ʿĀbidīn, whose majestic commentary *Radd al-muḥtār* was just published in 1855 in the Būlāq press. The defense of the old rentier economy, however, also contained important concepts to legalize a new wave of privatizing fisc land in late Ottoman Egypt.

Ḥasan al-ʿIdwī's long treatise about Islamic fiscal laws in Egypt contains important sections on *irṣād*. He writes that the land in Egypt comprises three kinds of legal status: private property (*mamlūk*), barren land (*mawwāt*), and fisc land (*al-arḍ allatī li-bayt al-māl*). According to law, the ruler cannot sell or endow lands that

fall into this latter category. He can only earmark it, says al-ʿIdwī, for the legitimate expanses of the fisc. The earmarked asset is "like a *waqf* in the meaning of an *irṣād*, that is, the conditions of the real *waqf* do not apply to it, which also means that he and those after him can increase or reduce the revenue but […] [they] cannot abolish it" (al-ʿIdwī, *Tabṣirat*, 84). And the sheikh devotes many pages to explain, with reference to many previous muftis, especially Ibn ʿĀbidīn, what *irṣād* is and why rulers cannot abolish it. After the theoretical arguments, al-ʿIdwī also evokes the story of *irṣād* from Ayyubid times to justify its existence in khedivial Egypt (al-ʿIdwī, *Tabṣirat*, 91–94). As to the 1850s contemporary practice, he clearly identifies the administrative use of this term and subtly warns the pasha that the theory of *irṣād* is also the constitutional basis on which his own family members can possess their large lands (al-ʿIdwī, *Tabṣirat*, 90):

> The reality in this time is that *irṣādāt* are made when the administrative authority (*walī al-amr*) issues an order about them – after submitting the allocated [quantity of fisc land] – to his followers in order to endow and earmark (*bi-īqāfihā wa-irṣādihā*) these for his descendants and similar others, and for the general interest, sometimes immediately sometimes as a consequence, and for the performance of pious acts and offerings. He issues an exalted order to execute this. It is not legitimate to abolish the terms of such noble orders which were issued as mercy for the subjects and which provide subsistence (*maʿāš*) for those who have legitimate rights to it among the subjects.

Unlike al-ʿIdwī's work, which was published in 1859, al-ʿAbbāsī al-Mahdī's short treatise did not go into print until decades later, only as part of the mufti's selected *fatāwā* in the mid-1880s. In this treatise (*Risālat aṣ-ṣafwa al-mahdiyya fī arṣād al-arāḍī al-miṣriyya*), the mufti focuses solely on the ruler's endowments (*irṣādāt*). He enumerates previous legal opinions and describes the familiar history of *irṣādāt* from the twelfth century. And, of course, he also argues that the abolition of these trusts, whether embodied in rights to land or to cash, is against the interests of Muslims. In an unusually straightforward manner, al-ʿAbbāsī al-Mahdī declares that resistance of the people is legal in such cases. Importantly, the mufti also notes that fisc land can be endowed by those for whom the administrative authority has assigned (*aqtaʿa*) these lands and with the permission of that authority. That is, one can create a *waqf* from an *irṣād* as if it were individual property if the imam specified that the act of 'assigning' was an act of assigning individual property rights (exactly like the seventeenth-century Ottoman practice above). The Egyptian mufti indeed evokes, following Ibn ʿĀbidīn, the distinction between individual property right (*milk*) and original title (*raqaba*). He repeats that the imam's assignment (*iqṭāʿ*) can create an individual property right to fisc land, but notes that this creation does not abolish the *raqaba* of the *bayt al-māl*. Subsequent imams cannot abolish, but instead only modify, the terms of *irṣād* because the specific beneficiaries – soldiers, scholars,

workers, widows, and the poor – are beneficiaries of the *bayt al-māl* itself. (al-ʿAbbāsī al-Mahdī, *al-Fatāwā*, 2: 645–50).

This is a quite abstract Muslim legal theory about property in the 1850s, at a global moment of industrial transformation of empires. We can even understand Cuno's 1999 article as a deep commentary on the treatises of al-ʿIdwī and al-ʿAbbāsī al-Mahdī because he analyzes many of the pre-nineteenth-century legal opinions on *irṣād* cited by the two sheikhs in the 1850s, as well as others besides. In a similar vein, my present paper in turn offers a commentary on Cuno's study of this complicated issue. I shall further investigate the consequences of this 1850s Muslim theory for the history of capital in Egypt at another place.

Although Cuno implies that *irṣād* was a purely ideological term, we know that it in fact appears in administrative use in the 1850s in cases of semi-privatization. For instance, a note by Said Pasha sent to the finance department on 10 Ḏū al-Qaʿda 1270 (4 August 1854) orders the 'demarcation' (*taḥdīd*) and 'setting apart' (*farz*) of 100 feddans agricultural land in a village for the lady Kalfadan, a female Circassian slave of the pasha, and her descendants. The land in question belonged to a particular fiscal category of untaxed land (*rizqa bilā māl*) whose earlier title deed for Said as a private person had been issued in 1839. In 1854 August, as freshly appointed governor, Said specified in his order that if Kalfadan's family died out two third of the land should serve the expenses of his mother's grave and one third the expenses of the mosque of al-Ustāḏ Bū Sīrī as '*waqf* and *irṣād*'. The registry office then issued the new title certificate on 22 Rabīʿ al-Awwal (13 December 1854) to the lady Kalfadan. The certificate referred to the pasha's act as a 'grant' (*īhāb*) and continued to describe the fiscal status of the land as *rizqa bi-lā māl* (quoted in ʿAbduh, *Fatāwā*, 1: 262). I will return to this document below.

Said's order shows the Arabic terminological ambiguity in the administrative domain of creating landed property in the mid-1850s. The khedives did assume sultanic legal authority in giving property titles to land in Egypt (Mestyan 2020) but they often compressed legally separate acts into one single administrative order, continuing in the meanwhile to use the vocabulary of endowment. In this example, Said sets apart a piece of land for Kalfadan and her family but only for as long as the family continues to exist. Within the same order, the text outlines the future fate of said piece of land in an ambiguous fashion, referring both to *waqf* and to *irṣād*. This ambiguity was due to the fact that the pasha was both a private individual and the representative of the imam; and it appears that the scribes were unsure how he could create an endowment out of his private property through the issuance of an order as the governor of Egypt.

We can also find arguments about *irṣād* in practical judicial processes. Consider this case. Said Pasha's office sent a long letter and documents to the chief mufti on 17 Šawwāl 1276 (3 May 1860). The case was a question about a *waqf* of agricultural land and two gardens in Qalyubiyya, endowed in the late eighteenth century, now under the trusteeship of a certain Muḥammad Sālim Lāẓ, possibly a high Ottoman

official. This Lāẓ rented the lands to a certain Saʿd Manša and gave permission for its cultivation and the erection of buildings. However, Manša complained to Said Pasha because the ʿulamāʾ of the (High) Judicial Council (Maǧlis al-Aḥkām) wanted to abolish this waqf and therefore to nullify his contract with the argument that the waqf was not legally valid. The council argued that the endowed assets were government (amīrī) land (that is, fisc land) and that the original eighteenth-century endower had thus had no right to create a waqf. The office of the pasha initiated a huge correspondence with all kinds of government bureaus and judges to locate the original documents and to decide about the case. Next, they asked the mufti al-ʿAbbāsī al-Mahdī whether the endowment was an irṣād, and if so, what the implications were, and whether it was permissible to abolish the endowment. After studying the documents carefully, the mufti issued his opinion in which he quoted again the authorities he had already quoted in the earlier essay, and declared that since sultanic permission had been granted in the eighteenth century to create an endowment (!) from these fisc lands which had been assigned as iltizām, Lāẓ's endowment was indeed an irṣād and it was not possible to abolish it. The mufti underlined that the ʿulamāʾ of the Legislative Council were thus wrong in demanding abolition (al-ʿAbbāsī al-Mahdī, al-Fatāwā II, 657–661; fatwā dated 17 Ḏū l-Qaʿda 1276). We do not presently know what happened at this juncture – to follow the case further, we would need to consult the archive of the (High) Judicial Council to see whether they considered the mufti's legal opinion and whether they adjudicated accordingly. If they did, that would mean that the confirmation of someone's income as irṣād conferred protection that it would not enjoy if his land were instead labelled as an illegal waqf.

Even more importantly, al-ʿAbbāsī al-Mahdī, while defending the earlier market regime of stipends, regularly reminded the khedivial administration of a legal possibility through which they could alienate fisc land to specific Muslim groups by the act of the pasha's assignment. How exactly the evolving government bureaucracy used this type of privatization needs proper research. I assume that we can see the ambivalent logic of irṣād behind the often mentioned but rarely analyzed important act when hundreds of Egyptian soldiers received land instead of cash sums upon retirement in the late 1850s and the early 1860s.

4. *Irṣād* in the Twentieth Century

Cuno notes that *irṣād* "is mentioned only in passing" among Egyptian jurists in the twentieth century (Cuno 1999:143). This is only partially correct.

The theory of *irṣād* is a good indicator of the problems associated with the transition from a Muslim imperial context to the age of the League of Nations in the 1920s. After 1924, the end of the Ottoman caliphate created an entirely new situation for which Muslim jurists had to develop new juristic solutions. In the case of post-Ottoman Egypt specifically, two problems with *irṣādāt* were 1) that some of these endowments supposed an imperial context (for instance, the income from Egyptian and Syrian villages for Mecca and Medina) but now there were distinct governments in separate local polities and 2) that the *irṣādāt* created by the khedives (as representatives of the sultan) during the nineteenth century required the identification of the imam, or at least the highest administrative authority (*walī al-amr*), in order to decide who has the right over appointments and over the terms of the endowment under changing political circumstances. Thus, through the problem of *irṣād* we can also explore whether the jurists identified the new Egyptian king as *walī al-amr*, and the local Egyptian government as his government in this regard.

First it appears that the theory and ideology of *irṣād* was indeed forgotten after the 1870s when a new property regime started in Egypt, and particularly after the 1882 establishment of the British occupation. Let us consider the following example. The afore-mentioned 1854 order of Said Pasha about the land of the lady Kalfadan is quoted in a question addressed to the Grand Mufti Muḥammad ʿAbduh on 14 Ǧumādā al-Ākhar 1318 (8 September 1900). Muṣṭafā Bey al-Bāǧūrī from Tanta asked the question because in the meanwhile the lady Kalfadan and her daughter had died, but her son was still alive, and her daughter's legal heirs asked for their share of the estate. In short, the bey asked whether the pasha's order and the certificate created individual property (*milk*) and if so, whether that meant the cancellation of the second half of the order about the legal status of endowment after the extinction of the family. This was an important question for the heirs because if they inherited private property they could simply sell their share.

The answer of Muḥammad ʿAbduh was that the 'goal was to create a *waqf*' and that 'the endower used the expression of allocating (*lafẓ al-iʿṭāʾ*) in the meaning of an endowment act'. So ʿAbduh decided the asset's legal status was *waqf* after the order. The mufti emphasized that in this case the income from the endowed land must be given equally to the female and the male descendants. ʿAbduh was not concerned with identifying the original legal status of the land to decide whether the order created a *waqf* or an *irṣād*. Perhaps ʿAbduh, who was not a practicing jurist until the 1890s, did not know or understand the difference. (Another possible explanation of this negligence is that he was hereby continuing an old practice, namely the legal acceptance of endowing *rizqa* land into a *waqf* as if *rizqa* land fell within the legal status of individual property.) (ʿAbduh, *Fatāwā*, 1: 262–263; Mestyan 2020).

Early twentieth-century professors of law did not forget *irṣād*, however. ʿAbd al-Ǧalīl ʿAbd al-Raḥmān ʿAšūb was a judge in the Cairo Šarīʿa Court of Appeal, and a professor in the Law Faculty in the Egyptian (later Fuad I, today's Cairo) University. He published a book about endowment law in 1915 specifically for his students. In the second edition (1935), he updated the text with what he considered important in his decades-long practice as a judge, too (the book has been republished several times and is used in al-Azhar even today).

ʿAšūb states that the judge must have proof about 'definitive individual ownership' (*milk batt*) to create a *waqf* but that the source of ownership — even if it is legally not correct, such as an act of sale when the money is not yet paid — does not matter. ʿAšūb highlights the special case of lands that belong to the fisc, which are earmarked for the benefit of Muslim scholars. As one might expect, he emphasizes that the original title (*raqaba*) remains with the fisc and thus their users cannot endow these lands. But he also declares that these earmarked lands can be made into *waqf* if the sultan gives the *raqaba* over to 'those who have a right to [to the fisc]' (*li-man lahu istiḥqāq fīhi*). His main source is, again, the Syrian jurist Ibn ʿĀbidīn. ʿAšūb also emphasizes that *irṣād* is a separate institution: *irṣād* is not *waqf* although 'it is in its form and image' (*ʿalā hayʾatihi wa-sūratihi*). He emphasizes that a judge cannot cancel an *irṣād* and return the land to the fisc or issue an order to give it to someone else or channel its income for another purpose. Only the imam can decide because the original public ownership right of the fisc was never transferred (ʿAšūb, *Kitāb al-waqf*, 24–25).

It is important to be reminded of the practical difference between *waqf* and *irṣād* in terms of the differing jurisdictional authority over the two types of endowments in this historical period. The Egyptian muftis maintained that after 1914, when Egypt became a local polity under British protectorate, *šarīʿa* courts – as opposed to the king, the government, or the local (*ahlī*) courts – had total jurisdiction over *waqf*. For instance, a very direct question about jurisdictional competence arrived from the Egyptian Border Authority (*Maṣlaḥat Aqsām al-Ḥudūd*) to the Grand Mufti Muḥammad Baḫīt al-Muṭīʿī in January 1918. Under what conditions, the query asked, could the rightful trustees of a *waqf* be deposed and the trusteeship given to other persons or to the government, 'with or without the agreement of the original trustees?' If this was not possible, would the death of the trustees or their deportation (*nafy*) be enough cause for such a decision? And, if the proceeds from the endowment could not be paid to the rightful parties, should this be established in front of a *šarīʿa* court? The Border Authority posed the same questions to the Ministry of Pious Endowments. The Grand Mufti's opinion was that a trustee could be deposed only in case of false management (*ḫiyāna*), and this must be established by an authorized legal ruling. Furthermore, only a *šarīʿa* judge's decision could authorize a new trustee, and that decision must be based on the original stipulations of the endowment. The judge could not appoint anyone else to the trusteeship for as long as there were relatives of the endower alive, even if they were not beneficiaries.

If the trustee died, and there was no stipulation about succession in trusteeship in the endowment certificate, only the judge could appoint a new trustee. In case of absence (for instance, deportation), the trustee should have a representative, and if there was no representative, the judge should appoint a temporary trustee. And, of course, any issue about payment to beneficiaries must be submitted to a *šarīʿa* court (al-Muṭīʿī, *al-Fatāwā*, 200–202 [*fatwa* n. 114]). The Grand Mufti thus upheld the total power of the judge over *waqf*; and, indirectly, denied that the new government or the sultan of Egypt had legal authority in this regard.

The identification of an endowment as an *irṣād*, however, had a very different consequence. As we know by now, only the imam or his representative could decide about *irṣādāt*. Furthermore, we have also seen that the orders by which a ruler assigned a piece of fisc land for a purpose were often worded ambiguously.

In 1873, Khedive Ismail, as the representative of the imam (the Ottoman sultan) in the Egyptian province, donated lands and buildings for the benefit of new local schools (*al-makātib al-ahliyya*). It is worth quoting the order (11 Šawwāl 1290 / 2 December 1873) in full:

> We have decided that all properties, real estates, and agricultural lands, which have remained until now as government (*amīrī*) property from the sale of Abdülhalim Pasha['s properties] (except what is contained in the Šubra department and what entered the Railways, so all the rest that have remained in government possession until now), we have given and donated (*wahabnā*) for the Civil Schools, in a kind of endowment (*bi-nawʿ al-īqāf*), in order to pay their gains and proceedings to the mentioned schools. The execution [of this order] is entrusted to the Endowments Department of the Schools, including the copy of the related *waqf*-certificates that were mentioned in the correspondence, and the agreement with the Director of Education about these principles. Whenever there are new additions henceforth, and anything should pass to the government from the sale of [the properties of] Abdülhalim Pasha, by way of estates and inheritances according to *šarīʿa* rules, first that [property] should be presented to us in order that we can issue an order about it to the Finance Department.

Ismail Pasha added an explanatory note, too: the Director of Endowments and Schools may select some of the properties to be sold or exchanged for the benefit of these schools before the final, proper endowment act (both quoted in *MS*, 124).

Abdülhalim was the uncle of Ismail, the most senior male member of the khedivial family in the 1870s, and lifelong challenger to his rule. In 1870, he signed a contract by the terms of which he disavowed all claims in Egypt in return for a stipend of yearly 60,000 British pounds. After this he lived mostly in Istanbul. The contract included that he gave the ownership of his properties in Egypt to the local government.

For decades there were no problems with Ismail's arrangement. The properties in question were quite extensive, financing most government-civil schools in Egypt. But in 1908, the Ministry wanted to sell some properties. It turned out that no court ever issued a *waqf* certificate about Ismail's assignment. The legal status of the properties was unclear. The Ministries of Justice and Finance together asked the Grand Mufti al-Ṣidfī whether Ismail Pasha's order in fact constituted a valid *waqf*. Al-Ṣidfī answered that the original order constituted an *irṣād*, because the assets belonged to the Muslim fisc (the local government) and not to Khedive Ismail as a private person. This endowment was thus not a *waqf*. But the assignment was a valid act because the representative of the imam (the khedive as representative of the Ottoman sultan) was authorized to designate income from fisc land. And, following an argument with which we are now familiar, he added that it was not possible to abolish the designation itself. Al-Ṣidfī used the analogy of a *waqf* to argue that an *irṣād* is legally valid:

> As the mentioned lands and properties in the afore-mentioned order were precisely specified and Ismail Pasha sent them and registered them (*waqqaʿa-hā*) for the mentioned schools to teach the Koran, and this was done by way of endowment (or: *like* the endowment, *min qabīl al-waqf*) for mosques and forts, the teaching of the Koran, and [the benefit] of jurists, and all kinds of similar things which are meant to last forever, so it is legally valid.

In sum, the mufti's argument was that Ismail's administrative order constituted an *irṣād* and should be adjudicated accordingly. The upshot was that the khedivial government was not allowed to abolish the *irṣād* by selling the designated properties (*al-Fatāwā al-islāmiyya*, 1540–1542).

Twenty years later, the now sovereign local Egyptian government under British occupation tried once again to secure authorization to sell the properties (possibly all of them), this time with more success. In June 1929, the Department of State Properties (*Maṣlaḥat al-Amlāk al-Amīriyya*) asked the Grand Mufti again, this time ʿAbd al-Maǧīd Salīm, to look at the order of Ismail and decide whether the mentioned lands constituted a *waqf* or not. Salīm's opinion was that 1) such an endowment would indeed be an *irṣād* since the lands had not been inserted into the personal ownership of the khedive and remained with the fisc, but that 2) the order itself did not make the assets *irṣād* or *waqf*. Rather, Salīm opined, the order was nothing more than a 'permission' (*tarḫīṣ*) for an endowment, which concerns a future point in time when the assets would have been sorted out and designated properly. Salīm's opinion was that such a permission does not constitute either *waqf* or *irṣād*. He used the word 'permission' because in this way he could avoid the consideration of intention. This was important because, in this way, the permission of Ismail about the sale of assets (before the endowment became established) was legally valid since there was not yet an endowment. And as there was no evidence for a proper endowment intention and act the mentioned properties were neither designated nor

endowed. The implication was that the government could not only sell the assets, but do as they wished (*MS*, 123–125).

In other examples from the post-Ottoman period, we find that *irṣād* cases forced muftis to decide and articulate who was the legal authority in Islamic law after the Ottoman caliphate was gone.

For instance, the Interior Ministry wrote to Grand Mufti Salīm in 1928 with a complex question. The governor Abbas Hilmi Pasha (r. 1849-1854) had created an endowment for Medina (possibly for the grave of the Prophet) and stipulated that the trusteeship should be a hereditary perquisite for the male descendants of a certain Muḥammad al-Muntaẓar, starting with this latter's son Muḥammad Ḫayr al-Dīn. In 1928, more than seventy years later, a certain Muḥyī al-Dīn Efendi al-Tarabzūnī was the trustee of this endowment. The *šarīʿa* court of Medina appointed his brother Muḥammad Amīn al-Tarabzūnī as another, joint trustee of the *waqf*. The Interior Ministry asked the Grand Mufti whether they should authorize this joint appointment because the Justice Ministry raised an objection. The Justice Ministry argued that an Egyptian *šarīʿa* judge, instead of the Medina judge, should have the power to appoint the trustee of this endowment even if the beneficiaries were not under Egyptian authority (*wilāya*). Obviously, the problem was that both the Hijaz and Egypt were in the Ottoman Empire during the 1850s but in 1928 the beneficiaries in Medina were in the new Saudi Kingdom of the Hijaz while the assets were in the new Kingdom of Egypt.

Grand Mufti Salīm, however, decided that this question was not the real issue. He argued that this endowment was an *irṣād*, with the now familiar reasoning that the endowed asset was not in the private ownership (*milkiyya*) of Abbas Hilmi but belonged to the fisc. Thus, the rules of *waqf* did not apply. The acts of the ruler or his representative concerning such an endowment were conditioned by the common interest of Muslims. And if this was the case, the ruler or his representative did not necessarily have to respect the original conditions in the founding document concerning the trusteeship (because this was not a 'real' *waqf*), but rather they were free to find any convenient way to deliver the proceeds of the endowed assets to the beneficiaries. In this case, the Medina judge could not rule about the trusteeship at all because 'the trustee [of an *irṣād*] not really a trustee of a *waqf* but *an employee of the fisc*, and the authority over him belongs to the one who is the executive power (*walī al-amr*) over the fisc' (my emphasis). Moreover, in this case, since the death of a sultan may invalidate the stipulation about the trusteeship's transmission, the death of Abbas Hilmi Pasha invalidated his original stipulation about the transmission to Muḥammad Ḫayr al-Dīn (the son of Muḥammad al-Muntaẓar), and consequently to his descendant, Muḥyī al-Dīn Efendi al-Tarabzūnī. In fact, the Grand Mufti argued that this person had no right to be the trustee. No judge in the Hijaz or Egypt or elsewhere could have appointed anybody because this endowment was not a *waqf*. Only the Egyptian Finance Ministry, as the representative of King Fuad, who was *walī al-amr* over the fisc, could decide about an *irṣād*. The Finance

Ministry thus had complete freedom to appoint whomever they wanted as intermediaries to deliver the proceeds from Egypt to the beneficiaries in Medina (al-*Fatāwā al-islāmiyya*, 4: 1207–1210).

A similar Egyptian-Saudi problem related to the food supply that Egypt sent every year to the Hijaz, based on the old Ottoman stipulations, which were originally *irṣādāt*. In 1926, the Grand Mufti Qurāʿa issued an answer to a question from the government. Mecca and Medina received every year 20,235 *irdibb* of wheat, which arrived with the Egyptian delegation that also brought the Kaaba's annually replaced ceremonial cover. This practice derived from the old orders given by sultans Selim and Sulayman in the sixteenth century. The firmans given to Mehmed Ali Pasha in the 1840s re-affirmed this Egyptian obligation. In 1926, however, the new king of the Hijaz 'Abd al-'Azīz ("Ibn Saud") wanted to receive this donation not in kind but in cash. The Egyptian Interior Ministry asked the mufti whether such an exchange would be possible since the original stipulation mentioned that the delivery must be in kind. The Ministry added that they had no objection to such an exchange (perhaps thereby inviting a positive reply). The mufti opined that these were *irṣādāt* from the *bayt al-māl*, by the two sultans, for the interests of poor Muslims. In this case, only the imam or his representative could change the stipulations. The Finance Ministry, he added, was the king's representative (who was, in turn, the *walī al-amr*). Thus, he concluded, there was no legal objection to changing the stipulation. (*al-Fatāwā al-islāmiyya*, 12: 4097–4099).

ʿAšūb's manual and the legal opinions of the grand muftis of the 1920s-1930s reflect the twilight of the theory of *irṣād*, which was, at the end, a constitutional theory about the Muslim fisc. The new Egyptian Civil Code in 1949, created by the ʿAbd ar-Razzāq as-Sanhūrī, does not mention *irṣād* although it regulates *awqāf*. While the muftis in the 1920s acknowledged the new king as *walī al-amr* in Islamic law and acknowledged also that he in turn delegated legal authority to the Egyptian ministries, after 1952 the government did not need Islamic law anymore to justify privatization and assignment of state land for various tasks. Scholars of Islam in Egypt who remained interested in *waqf*, however, time to time evoke the idea of *irṣād*, such as Sheikh Muḥammad Abū Zahra (1971:108) in the 1970s and Ibrāhīm al-Bayyūmī Ġānim (1998:62–65) in the 1990s (and today *fiqh*-scholars in Kuwait and Saudi Arabia) but without the analysis of the changing historical administrative contexts which prompted the changes in Muslim legal theory throughout the centuries.

5. Conclusion

A history of the term *irṣād* in Egyptian (and Syrian) legal opinions demonstrates the shifting trajectory of terms describing privatization of land between administrative terminology and legal theory in Muslim polities. Whether non-Ḥanafī modern scholars discussed *irṣād* in Morocco and Algeria, or in Yemen, should be the subject of separate research. The Ottoman practices in the seventeenth century pushed

Ḥanafī legal theorists to accommodate the privatization of fisc land but with an ultimate legal guarantee, namely, that the *raqaba* of such lands remains with the fisc even in the paradoxical case when the act of assignment is an act of changing the legal status of the assigned land into *milk*.

This article demonstrates the inapplicability of Western political theory concepts to the much more sophisticated Muslim legal realm. The binaries of public-private and state-non-state simply do not make sense before the late nineteenth century. The historical reason is not the absence of Muslim concepts of property and marketization but rather that the conceptual relationship between the Muslim fisc and the Muslim community was different from that of the Christian fisc and the Christian community. How the imperial Ottoman administration impacted this relationship, or at least its articulation in Arabic in Ottoman Egypt and Syria, into a veritable fiscality-based concept of community in which the ruler had limited legal power over the Muslims' economy, needs more research.

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THE ELEPHANTS' MINARET IN BUDAPEST ZOO: REORIENTING A CENTURY-OLD DEBATE

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There is no animal on Earth whose provision is not guaranteed by God,
He knows where it lives and where it is laid to rest (Q 11,6)

In the summer of 2020, social media platforms began to spread misleading news in Arabic about a conspicuous building in Budapest, alleging it to be an Ottoman mosque converted into the elephants' shelter within the local zoo. Its turquoise domes and minaret-like tower signalling a touristic hotspot – *vis-à-vis* its profane function – made some Muslim visitors uneasy. Several Twitter and Facebook users repeated the same basic information with despising undertones.[1] Concomitantly, news agencies devoted to battling fake news in Arabic hastened to debunk the case and pointed out the confusion: the building was, in fact, dedicated to elephants (and other species of the Pachydermata order) ever since its inception in 1909 (al-Ġūl 2020; "Ḥaqīqat taḥwīl masǧid"). Yet, this is not to deny that its visual appearance extensively borrowed elements from Islamic architecture, a fact that has enabled it to be an object of recurrent debates throughout its history.

Constructed between 1909 and 1912, the Elephant House is one of the highlights of Budapest Zoo, an iconic monument enjoyed by a significant number of visitors every day (Fig. 1). However, Muslims living in Hungary at the time of its completion – including the Ottoman consul-general – raised concerns about its oft-noted resemblance to a mosque. Their criticism targeted the minaret-like tower in particular, initiating a dispute that led to the decision of its demolition in 1915. The peculiarity of this case emerges from the fact that although various earlier buildings, both in Hungary and elsewhere in Christian-majority Europe, had incorporated

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[1] While visiting the zoo on 3 May 2022, I overheard a group of Arabic speakers coming up with the same impromptu interpretation at the site. It resulted from the building's general appearance, which they claimed to resemble that of a mosque, and from the knowledge that Hungary had once been part of the Ottoman Empire.

towers that imitated the forms of minarets, none of those seems to have sparked such an outcry. In addition, when the Elephant House underwent restorations in the 1990s, the tower's reconstruction again raised more than a few eyebrows. Although the debate has partly faded away since, critical voices are occasionally heard still today. The apparent 'minaret problem' may thus give various food for thought, not to mention that the architectural language of this building has hitherto received inadequate scholarly attention.

Figure 1. Elephant House, Budapest Zoo, built in 1912, tower demolished in 1915 and reconstructed in 1999. Photo by the author.

A recent article by the Turkish scholar Oya Şenyurt (2020), focusing on the Ottoman perception of the Elephant House, addresses one of the questions that will resurface in the present contribution. The author interprets this building within Edward Said's paradigm, conflating Orientalism with the Hungarian phenomenon of Turanism.[2] According to her:

> Despite the cultural and economic ties developed between Hungary and the Ottomans, it is possible that using the mosque format for the architecture of the Elephant Barn in Pest was related to the expansionist policy behind the Turanist ideology and the imperialist orientation toward the East in Hungary (Şenyurt 2020: 472–3).

The author also states, even more explicitly:

> It cannot be a coincidence that the early twentieth-century imperialist discourse about the East was expressed in the Orientalist style of the elephant barn of the zoo in Pest, which was built in the same period (Şenyurt 2020: 471).

Although this view might have merit from an Ottoman perspective, the existence of a deliberate correlation between a state ideology and the building's style seems, at best, unlikely. On the general level, it would be implausible to assume that all Orientalising buildings sprang from an imperialist agenda,[3] and thus the style in itself, contrary to Şenyurt's implication, is no evidence of such a connotation. The Elephant House was part of a comprehensive construction programme at Budapest Zoo, financed by the municipality, that was meant to create a joyful setting for exhibiting both local and exotic animals in various new houses. Neither the Austro-Hungarian Empire nor the state of Hungary had a say in its physical appearance. In short, it is far from obvious why the zoo would have attempted to convey "expansionist policy" or "imperialist discourse" with this particular building.

I shall argue below that the Elephant House should deserve to be discussed primarily in its internal context, that is, focusing on its commissioner and designer. The opinion of its harshest critics, while undoubtedly a significant point, provides but an additional layer of interpretation of the building. Contemporary sources indicate that the original intent behind its establishment was, as often the case, not in parity with its perception. The first part of this paper will study the Elephant House, assessing its conception, design, models, and initial reproach, followed by a contextualisation of the 'minaret problem' problem' – that is, the potential reasons people occasionally opposed minarets. In particular, I shall enquire whether the Elephant House's tower embodied a conscious reference to the religion of Islam. The

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[2] Cf. Ablonczy 2022, esp. 34–35, 39–71.
[3] See, for instance, MacKenzie 1995: 71–104; Giese, Volait, and Varela Braga 2020; Ormos 2021: 28–30; O'Kane 2022.

underlying question also concerns the singularity of this case: why did similar minaret-like towers not hit the nerves of anyone? By highlighting some new evidence relevant to this enigmatic debate, I aspire to take steps in a hitherto untrodden direction in the building's interpretation. Lastly, I shall propose a solution that may help to bring the ostensibly conflicting narratives closer to each other.

Figure 2. Main Portal (central section), Budapest Zoo, built in 1912.
Photo by the author.

1. From construction to deconstruction

Budapest Zoo, a private enterprise established in 1866, went bankrupt in 1907, after which the municipality of Budapest took over its ownership and management. As a result, the entire site experienced a thorough reorganisation and reconstruction, with numerous new buildings popping up on its premises between 1909 and 1912. The head of the scientific committee was the zoologist Adolf Lendl (1862–1943), collaborating with the general designer Kornél Neuschloss-Knüsli (1864–1935). In 1908, the two of them embarked on a study trip to Western Europe, mainly to Germany and the Netherlands, where they investigated the current trends in the displaying of flora and fauna at other zoos. One of the outcomes of their research was the idea to create houses for the animals in line with the architectural characteristics of their native lands.[4] At least vaguely Orientalising forms of buildings, some even with minaret-like towers, could be seen in the zoos of Berlin, Hamburg, and Munich at the time as today.[5] Accordingly, Lendl decided to take the concept further:

> We wanted all animal species to be set in a building characteristic of their homeland. The buffalos are in a Russian house, the elephant and the rhino are in an Oriental building; towers (*sic*), domes, Arab ornaments – these are all appropriate in style. This gorgeous Oriental building was designed by Dr Kornél Neuschloss quite selflessly; the birds are in Hungarian houses; the ostriches are placed in an African hut; the crocodiles are in a structure standing on poles above that large lake ("Az új állatkert". *Világ*. 16).

In other words, the tower – just as the general appearance – of the Elephant House purportedly referenced the native environment of the animals kept inside. And so did many other houses of the zoo. The "Oriental building", as Lend labelled it, adopted characteristics of Islamic architecture, thus constituting part of a genre that had been well-known to Budapest during the previous decades.

Among the architects who participated in the renewal of the zoo, Neuschloss-Knüsli was in charge of its overall layout, as well as of designing two individual buildings: the Elephant House and the Main Portal (Fig. 2). Even though his life is poorly known today, a few pieces of biographic information might be relevant to highlight here. Born to a Jewish family with several relatives working in the construction and carpentry industry, he received his training at the Eidgenössische Technische Hochschule, Zürich, graduating in 1893. He also took courses at the École des Beaux-Arts, Paris, and then completed his doctorate at Eötvös Loránd

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[4] "Az állatkert újjáalakítása"; Lendl, "Az új állatkert"; Lendl, "Újabb irányok", 1–2; Perczel 2014a: 219–226; Perczel 2014b: 71–76; see also Frazon 2014: 188–191.

[5] See also Koppelkamm 2015: 176–179. Another example, the Wilhelma Zoo at Stuttgart, features several Alhambresque buildings dating from the second half of the nineteenth century, but the site was opened to the public as a botanical garden only in 1919.

University, Budapest, in 1903, with a thesis on the Renaissance architects Filippo Brunelleschi and Leon Battista Alberti.[6] Having converted to the Reformed Church, he then assumed various roles as a politician, public servant, and university teacher, while remaining a productive designer of public and private buildings during his career. His projects were sober or even modest in style, fitting with the general trend at the time, although with two notable exceptions: the Elephant House and the Main Portal of Budapest Zoo.

The Elephant House forms an irregular, elongated structure divided into three aisles not unlike a church, in which the visitor walks down in the centre and views the animals on the sides. This utilitarian layout has no similitude to a mosque. Most of the inner decoration conforms with the style of Hungarian Secession, or Art Nouveau, with polychrome floral elements, even though a few details imitate Islamic motifs. The outside walls incorporate ceramic figures of animal heads, while the domes and semi-domes are clad in turquoise tiles produced by Zsolnay Factory at Pécs. The main gate opens on the southwest façade dominated by the 31-meter-tall octagonal tower with a balcony similar to those on minarets (Fig. 1). It is, therefore, not entirely misguided that, upon a brief view from the outside, one might associate the building's general appearance with that of a mosque. Some newspapers reporting on its completion indeed praised it as a "Turkish mosque" or "Turkish temple",[7] while Lendl described the tower as a "minaret".[8] As mentioned above, certain visitors likewise mistake the house for an Ottoman mosque still today, not surprisingly, given that no information on its history and architecture is available at the site.

The chief Orientalising elements in this building can be identified with their potential models, examples of Islamic architecture that were presumably known to the architect. The turquoise tiles call into mind monuments of Iran and Central Asia, such as the mausoleum of Ūljāytū at Soltaniyeh (1312).[9] The painted decoration on the inside of the main dome of the Elephant House is comparable with that in the mosque of Šayḫ Luṭf Allāh in Isfahan (1619), even though the former incorporates stylised animal figures into the design. The same dome's zone of transition, as seen from the outside, imitates Mamluk monuments in Cairo, especially the mausoleum of Ḫāyirbek (1502).[10] As for the tower, it is similar to the slender, pencil-shaped minarets adorning Ottoman mosques, but even closer in form is that of the Mosque

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[6] "Miscellanea"; "Nekrologe"; Neuschlosz 1903; see also Gosztonyi 2012; Pfleghard 1935; Kassai 2015.

[7] "Az új állatkert". *Budapesti Hírlap*; "A budapesti új állatkertről"; "Milyen lesz az új Állatkert?". Many other reports simply labelled the new building as "dsámi" ('mosque'; from the Turkish word *cami*).

[8] Lendl, "Az új állatkert", 8; Lendl, *Milyen lesz az új állatkertünk*, 14.

[9] See Coste 1867, pl. 67; and also Brambilla 2019.

[10] See Behrens-Abouseif 2007: 312–315. This funerary complex, situated in the Darb al-Aḥmar Street of Cairo, appeared in numerous paintings and photographs in the period.

of Ḥammūda Pasha (1655) in Tunis, which appeared as an illustration in a Hungarian newspaper in 1906 (Fig. 3). It thus seems that the designer of the Elephant House, who was also a well-trained architectural historian, cherry-picked elements from various Islamic monuments, adopting (or adapting) them in accordance with his – as well as the commissioner's – general concept.

Figure 3. Minaret, Mosque of Ḥammūda Pasha, Tunis, built in 1655.
"Tuniszi képek", 157 (cropped). Image in public domain.

The architect's design method inserts the Elephant House into the tradition of Orientalising buildings in Hungary; many examples of this genre can be highlighted from the second half of the nineteenth century. The common ground between them is that they consciously imitated Islamic architecture, often mixing characteristics of different regions from India to al-Andalus and co-opting them for functional or structural roles specific to the time. For instance, the Dohány Street (1859) and the Rumbach Street Synagogues (1873) in Budapest feature elements inspired by the palaces of the Alhambra, Granada, as well as minaret-like towers on their façades.[11] No less characteristic examples are the Vigadó (1864) and the Uránia (1896), both venues of entertainment with some – in the latter case, omnipresent – Alhambresque

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[11] See Müller 1993; Klein 2017: 514–539. Many other Orientalising synagogues exist (or existed) in Hungary and the wider region; Klein's monumental monograph contains a comprehensive catalogue of those in Hungary

decorations.[12] Zsolnay Factory produced a variety of Orientalising tiles that have embellished, among others, the spa at Trenčianske Teplice (*c.* 1890, Slovakia) and the Zacherl Factory (1892) in Vienna.[13] The Museum of Applied Arts (1896) adopted architectural and decorative forms from Mughal buildings in India.[14] For the millennial year 1896, two ephemeral entertainment districts were set up in the Hungarian capital: Ős-Budavára ('Old Buda Castle') and Constantinople in Budapest.[15] Both assumed a pastiche of Orientalising characteristics; the former, standing on the premises of Budapest Zoo, even included a mosque with a minaret right near the location of the later Elephant House. It borrowed elements from several Mamluk monuments and remained in place up until the renewal of the zoo began in 1907. Remarkably, many of these buildings included minaret-like towers, just as such a structure stands in one of the courtyards of Zsolnay Factory.

Nevertheless, only the Elephant House among those Orientalising buildings had to endure heavy opposition from local Muslims in Hungary. Three consecutive Ottoman consul-generals to Budapest – Muhtar Bey, Fahreddin Bey, and Ahmet Hikmet Müftüoğlu – raised their voices against its mosque-like appearance between 1912 and 1915. According to newspapers, the situation escalated to the extent that unnamed Bosnian "fanatics" repeatedly attacked the building at night, throwing bricks at it; on one occasion, dynamites were discovered nearby.[16] Whether or not those allegations reflect reality is somewhat questionable, however, especially since the zoo filed no police report. In any case, the municipality of Budapest initially ruled out any changes to the Elephant House, except for taking down the crescent from the top of the main dome. They saw it as an innocent building of exotic style, intending no disrespect, and claimed the Ottoman consul-generals' reproach to be misguided. Newspapers also highlighted that the designer had selflessly requested no compensation for his work, indicating that any modification to the house would therefore dishonour his efforts and accomplishment.[17]

The pressure gradually intensified on the zoo not only through protests but also through diplomatic channels. The foremost reason for the local Muslims' dismay was the allegedly inappropriate misuse of a religious symbol, the minaret, as they

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[12] See Gerle 2004: 72–94; Kelecsényi 2021.

[13] See Gerelyes 2004; Gerelyes and Kovács 1999; Ritter 2021; and also Merényi 2015: 43–61.

[14] See Sisa 2015: 175; Szántó 2015.

[15] See Kovács 2021; Perczel 2016. The architectural sources of inspiration for both entertainment districts remain to be investigated.

[16] "A török templom és az elefántok"; "A megbántott budapesti mohamadánok"; "A megbántott mohamedánok"; "Bonyodalmak az állatkerti dsámi körül"; "Bonyodalmak az állatkerti dsámi körül: Sziám meg Jónás". Some of the news reports are verbatim copies of each other. From these short notes, one has the impression that the journalists may have given voice to a rumour, even though some protests definitely took place at the zoo.

[17] "Bonyodalmak az állatkerti dsámi körül"; "Bonyodalmak az állatkerti dsámi körül: Sziám meg Jónás".

stated that such an architectural form was out of place in a zoo. On 21 June 1915, the Ottoman Consul-General Müftüoğlu sent an official letter to the Ottoman government about his efforts to have at least the tower modified so that it would resemble a minaret less. He added that the situation had been particularly unfortunate for the amicable relationship – and indeed Turanian 'consanguinity' – between the two nations, while expressing his relief that the 'minaret' was now to be demolished. Four days later, he sent a second letter enclosing a Hungarian newspaper article with illustrations as evidence of the ongoing modification to the building.[18] However, the main impetus for the Hungarian authorities' eventual compliance with his demand was the new political situation: the Austro-Hungarian Empire and the Ottoman Empire had begun to fight as allies in the Great War.[19] Any diplomatic disagreement hence had to be resolved.

The claim that Budapest Zoo misappropriated a religious symbol – that is, offended Islam – finds comparison in other, better-known cases of international notoriety. Among those were the satirical caricatures of the Prophet Muḥammad, first published by the Danish newspaper *Jyllands-Posten* in 2005 and later borrowed and expanded by *Charlie Hebdo* in France.[20] However, those cartoons deliberately and graphically depicted scenes that Muslims would find obnoxious and blasphemous; such intentionality is anything but confirmed for the Elephant House. A closer analogy in that regard was the mishap with the so-called New York Kaʿba, the storefront of Apple Inc., which, at some point whilst under construction in 2006, resembled the Kaʿba in Mecca. The resulting outcry appeared online, spurring the company to deny intentional mimesis or any other reference to Islam (O'Meara 2018). Accidentally, their response was similar to that of the municipality of Budapest, implying that a visual similitude between two buildings, whether or not deliberate, may not necessarily embody a religious reference. Nonetheless, one may notice a fundamental difference between the New York Kaʿba and the 'minaret' of the Elephant House. The former resembled an individual (and supposedly unique) structure,[21] whereas the latter assumed characteristics of a building type with various regional manifestations.

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[18] BOA, inv. no. HR SYS, 217/73/3–5. For another summary of these documents, see Şenyurt 2020: 466–468; and also "A vastagbőrűek házának átalakítása", which was the article enclosed with Müftüoğlu's second letter.

[19] "Újjáépítik a vastagbőrűek házát"; "A vastagbőrűek házának átalakítása"; "Az állatkert a háború alatt", 197.

[20] See, for instance, Flood 2013; Gruber 2018.

[21] Cf. Zarcone 2012; Iványi 2016: 37, 72–77; Nagy 2018; 2019: 274–276; Flood 2019: 35–47; O'Meara 2020: 17–18; 2022. Although the Kaʿba, in the eyes of Muslims, is generally held to be the most sacred building, this fact has encouraged many patrons to create its functional, conceptual, and even formal analogues throughout the Islamic world.
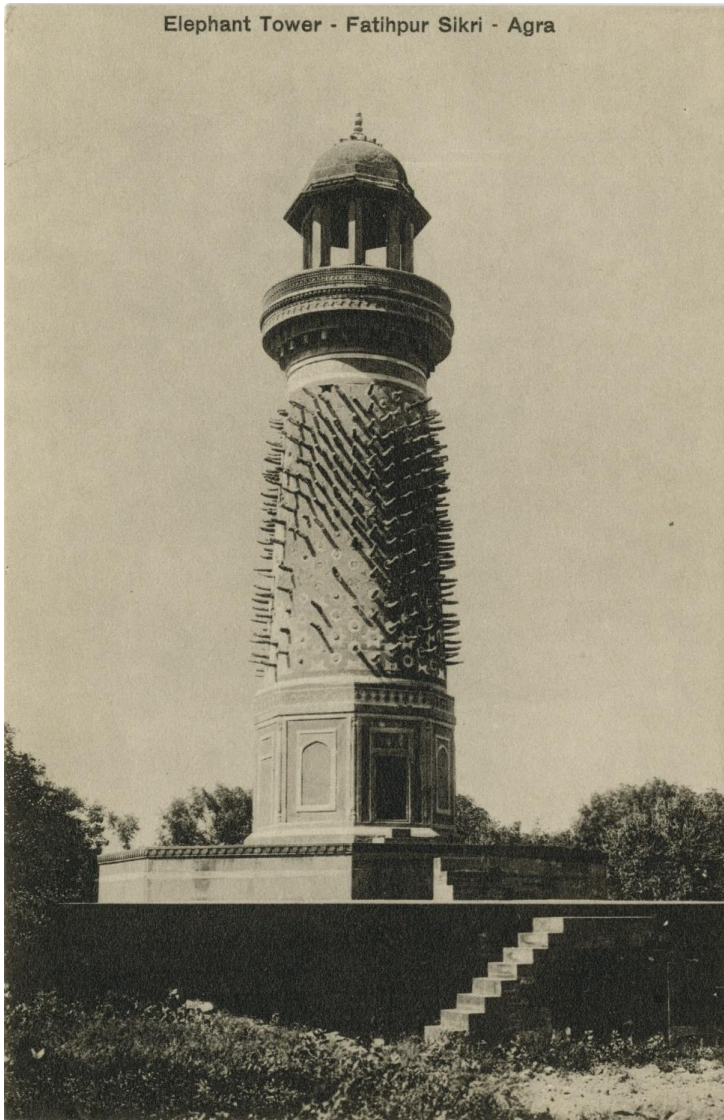
Figure 4. Hiran Mīnār, Fatehpur Sikri, built c. 1570s, early twentieth-century postcard. ©
Special Collections Research Center, University of Kentucky Libraries.

2. The 'minaret problem' in context

Since they are typically tall towers associated with a religion, the visibility of
minarets has been a heatedly controversial subject in several European countries
during the past century. For instance, Greece undertook systematic destruction of

Ottoman-era minarets in the 1920s, especially in Thessaloniki.[22] Another controversial case took place in Switzerland, where a national referendum was held in 2009 on the legal permissibility of such buildings, and the majority (57.5 per cent) voted against them. The resulting legislation did not concern, at least explicitly, the construction of mosques but rather what the electorates construed as the most conspicuous visual sign of such places of worship.[23] Leaving aside the intrinsic Islamophobia, those incidents in Greece and Switzerland raise the question of whether the minaret – an age-long characteristic of Islamic architecture – should always be seen as a religious symbol.

In the most comprehensive work on the history of minarets, Jonathan Bloom states:

> This book argues that the second type of structure – the tall tower – is a conscious invention of Muslim builders as a symbol of Islam. [… By the eleventh century the slender tower had emerged almost everywhere and the minaret became the symbol of Islam.[24]

That is, according to this authoritative view, there can be an overarching thesis fitting the different forms and uses of minarets throughout the territories under Muslim rule since the eleventh century. Plausible as it might sound, however, Bloom's statement finds little corroboration for premodern minarets in his monograph. While the broad subject, with particular attention to the building type's semantic perception, would deserve a more detailed analytical review, a few historical points highlighted below may suffice to demonstrate some of the complexities underlying such a generalising narrative.

The history of Islamic architecture indicates that minarets have often led to internal debates – including whether a mosque should have such a part at all – within the Muslim communities. The earliest mosques seem to have used their roofs for the *aḏān* ('call to prayer'). The specific place for the muezzin, described in the earliest Arabic sources as *miʾḏana* or *ṣawmiʿ*, is difficult to visualise today but likely to have meant a small, elevated pavilion on the roof. Only in the ninth century did tall towers begin to be habitually attached to major mosques.[25] Then, even in later centuries, some Muslim legal authorities occasionally opposed such practices. For instance, a ninth-century *ḥisba* manual written by a Zaydī scholar recounts that the *imām* ʿAlī (d. 661) prohibited the construction of minarets higher than the mosque's roof.[26] Another anecdote reported by al-Qāḍī an-Nuʿmān (d. 974) narrates that ʿAlī once

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[22] Tsitselikis 2020: 250–251; see also Mazower 2005: 328–331.

[23] Cherti 2010; Wyler 2017: 413–415; see also Haenni and Lathion 2011, with several essays on the Swiss minaret ban.

[24] Bloom 2013: 18; see also pp. 264, 265, 275, and passim.

[25] Bloom 2013: 29–39, 71–91; cf. ʿAzab 2013: 190–196.

[26] Published in Serjeant 1953: 16; translated in Bloom 2013: 182 (note no. 4), and also p. 228.

saw a tall minaret and gave order to have it demolished.[27] According to the Mālikī jurist Ibn al-Ḥāǧǧ (d. 1336), the construction of tall minarets is prohibited on three grounds:

> One is that it contradicts the [practice of our] ancestors (*al-salaf*), may God be contented with them, two is that it reveals the private quarter (*ḥarīm*) of Muslims, and three is that [the muezzin's] voice is [too] far from the people on the ground.[28]

In accordance with such legal opinions, there are various regions in the Islamic world where, at least in certain periods, Muslim communities were averse to minarets. The early Fatimid (909–1171) caliphs seem to have consciously avoided the building type, probably for their ideological opposition to the Abbasids (Bloom 2013: 138–142, 189–196). Ruling over the Maghrib and al-Andalus, the Almoravid dynasty (1060–1143) did not add towers to three of their great mosques in Nedroma, Algiers, and Tlemcen. The same tendency can be observed diachronically in premodern Sub-Saharan Africa, Oman, and parts of South Asia (such as Kashmir) at certain times: tower-shaped minarets were rare, if not absent. In addition, so-called staircase minarets, forming small pavilions accessible via stairs, have been documented in Nigeria, East Africa, Tunisia, Egypt, Turkey, and Iran.[29] Such structures were particularly common on the shores of the Persian Gulf, especially in Qatar, until recently.[30] During the Safavid dynasty (1501–1736), on the main square of the new capital Isfahan, the smaller of the two mosques known by the name of Šayḫ Luṭf Allāh (1619) did not receive a minaret, whereas the Masǧid-i Šāh (1629) has four, not to mention the muezzin's balcony (*guldāsta*) on top of one of the courtyard *īwān*s (Bloom 2013: 283–287). According to travellers to Iran in the seventeenth century, the muezzins avoided even the pre-existing minarets; instead, they customarily gave the call to prayer from the roofs.[31] In short, the minaret has not always been an essential part of a functioning mosque.

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[27] al-Qāḍī an-Nuʿmān, *Daʿāʾim al-Islām*, 1:147; translated in Bloom 2013: 138. On the question of Shīʿī jurists and the minarets, see also Bloom 2013: 108, 115–116, 132, 138–142.

[28] Ibn al-Ḥāǧǧ, *al-Madḫal*, 2: 241. This passage was later quoted in the work of Usman Dan Fodio (r. 1803–1817), the founder of the Sokoto Caliphate in West Africa; Dan Fodio, *Iḥyāʾ as-sunna*, 164. His views instructed the subsequent Sokoto caliphs to build mosques without towers or even to destroy pre-existing ones; Leary 2016: 94–96.

[29] Schacht 1938; O'Kane 1992: 111–112; Lambourn 2017: 763–766; Prevost 2009; Bloom 2013: 31. The lack of tall minarets may indicate sectarian affiliation, such as in the case of the Ibāḍī communities.

[30] See Whitehouse 1972; al-Khulayfī 2003: 56–59; Jaidah and Bourennane 2009: 206–305.

[31] Ritter 2006: 203; Matthee 2011: 104. Illustrations of this practice appear in Safavid manuscripts, for instance, in Nizāmī, *Khamsa*, painting dated 1530s, British Library, Add. 25900, see Brend 2014; *Fālnāma* ('Book of divinations'), 1550s, The David Collection, no.
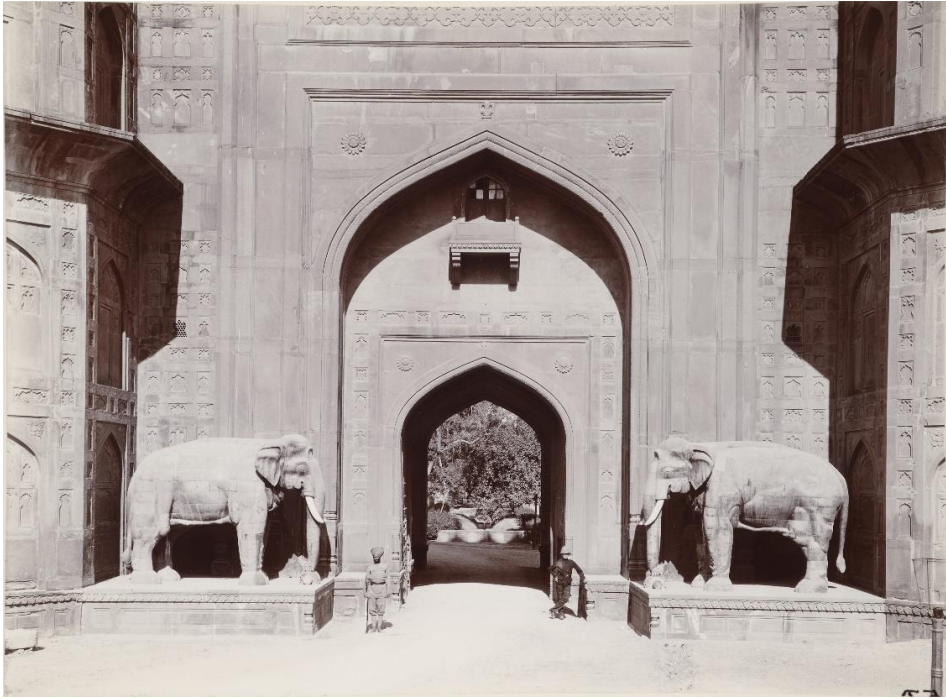
Figure 5. Red Fort of Delhi, Delhi Gate, built c. 1640s, with the elephant statues reconstructed in 1903. Albumen silver print, 15.5 x 21.0 cm, made in 1910 (or before). © Canadian Centre for Architecture, Montréal.

Other instances demonstrate that the building type has not always had a religious function. A group of medieval minarets in the eastern Islamic lands, mainly in Khurasan and South Asia, have repeatedly been described in modern scholarship as monuments of victory. Although this interpretation is debatable, since many of them stand virtually isolated, with no surviving mosque nearby, they warrant a purpose other than the *aḏān*.[32] Alongside the pilgrimage route from Kufa to Mecca, the Seljuq sultan Mālikšāh (r. 1072–1092) built a freestanding minaret named Manārat al-Qurūn ('Tower of Horns') and decorated with gazelle horns and donkey hoofs. According to its contemporary description, the patron used it for exhibiting his hunting booty.[33] This structure presumably served as a marker for pilgrims, which was a relatively common practice in both earlier and later Muslim patronage, while also advocating the sultan's virtues. Moreover, such towers with hunting booty are also known from later centuries, including the one near the tomb of Šams-i Tabrīzī

28/1997, see "Miniature from a copy"; *Fālnāma*, *c*. 1560, Aga Khan Museum, no. 96, see Graves and Junod 2012: 90–93 (esp. 93).

[32] Leisten 1993: 12–14; see also Flood 2002; 2009: 96–101.

[33] al-Bundārī, *Zubdat an-nuṣra*, 69–70; see also Bloom 2018: 243–244.

in Khoy, Iranian Azerbaijan. The architectural complex established by the Safavid ruler Ismāʿīl I (r. 1501–1524) originally included three minarets, one of which survives today, each decorated with over 800 mouflon skulls mounted into the brickwork (Bayramzadeh and Hassanzadeh 2020).

Figure 6. Giraffe House, Budapest Zoo, built in 1912 (rebuilt in 2009), with the Elephant House in the background. Photo by the author.

Figure 7. Bāb Šarqī ('East Gate'), Damascus, with the twelfth-century minaret. Photo by Maison Bonfils (cropped). Image in public domain (Archnet.com).

A few towers in South Asia, called '*mīnār*s' in the local languages,[34] deserve particular attention. Following earlier examples such as the Čānd Mīnār (1446) at Daulatabad[35] and the Fīrūz Mīnār (1489) at Gaur (West Bengal), Mughal emperors made peculiar uses of such structures. In his short-lived imperial capital Fatehpur Sikri, Akbar (r. 1556–1605) built a freestanding tower named Hiran Mīnār, which probably served as the 'mile zero' for measuring mileposts, as well as a hunting tower (Fig. 4). Additionally, according to a popular legend, it marked the grave of the emperor's favourite elephant.[36] This structure stands in contrast with the nearby imperial mosque that, just like all other early Mughal ones, had no minaret. The emperor Ǧahāngīr (r. 1605–1627) erected an artificial lake with a pavilion and a *mīnār* at Sheikhupura (Lahore) to commemorate the demise of his pet antelope. The

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[34] *Mīnār* can also signify any vertical structure such as milestones (sg. *kōs mīnār*) and memorial pillars (sg. *stambha*); Flood 2009: 248.

[35] See Manohar 2022, interpreting this minaret as a victory tower.

[36] See, for instance, Mundy, *Travels*, 230, note no. 2, fig. no. 18; *Fatehpur Sikri*, 194–195; Latif 1896: 157; Havell 1904: 125; Koch 1987: 125; Asher 1992: 59; Nath 2018: 53–59.

tower features poetic inscriptions in praise of the animal (Asher 1992: 126–127). Šāh Ǧahān (r. 1628–1658) added a *mīnār* near his hunting lodge at Hastsal (Delhi) (Koch 2001: 279–280). Other similar towers reportedly displayed the chopped-off heads of executed rebels or criminals.[37] As a different example, a pair of minaret-like towers dating from the second half of the eighteenth century belong to the Golden Temple complex in Amritsar, the spiritual centre of Sikhism. They functioned as watchtowers for the community who expected their Muslim enemies to reattempt the destruction of their sacred site.[38]

The fact that Muslim patrons erected minarets with secular purposes provides a conceptual antecedent for the tower of the Elephant House in Budapest. No less relevant in that regard is the other monument of Budapest Zoo designed by Neuschloss-Knüsli, the Main Portal (Fig. 2).[39] The entrance arch is flanked by two pairs of elephant statues sculpted by Gyula Maugsch (1882–1946), which comprises a widely employed iconographic composition in South Asian architecture. One example is the Hāthī Pōl ('Elephant Gate') in Fatehpur Sikri, featuring the now defaced sculpture of two elephants.[40] Outside this gate stands the above-mentioned Hiran Mīnār, which, in early twentieth-century illustrations, often appeared with the caption 'Elephant Tower', since studies generally recounted the legend that Akbar had dedicated it to the memory of his favourite elephant (Fig. 4). Thus, the conceptual similarities between two iconic buildings in Fatehpur Sikri and two in Budapest Zoo are far too telling to be overlooked as coincidental. Another pair of life-size elephant statues, restored and re-erected in 1903, stands at one of the gates of the Red Fort in Delhi (Fig. 5).[41] Given the evident analogies between such Mughal monuments and Budapest Zoo, it appears that the designer of the Elephant House, rather than consciously appropriating a religious symbol, simply took inspiration from secular antecedents in India.

Conversely, Muslims in Hungary were surely unaware of those Mughal buildings; to them, the 'minaret' of the Elephant House could only be associated with a mosque. But this was not the only tower in Budapest Zoo, and not even the only one that could be mistaken for a minaret. The Giraffe House, also built between 1909

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[37] Mundy, *Travels*, 72–73; see also Asher 1992: 97; Burton-Page 2008: 49–54.

[38] Arshi 1989: 27; Townsend 2014: 432–433. More specifically, the towers form part of a hospice building known by the name Ramgarhia Bunga (completed around 1770).

[39] A similar composition can also be seen in Berlin Zoo.

[40] See *Fatehpur Sikri*, 106–107; Latif 1896: 157; Keene 1899: 72; Havell 1904: 125.

[41] Cunningham 1871: 225–230; Marshal 1909; Beveridge 1909; Sanderson 1915: 26–27; Blake 1991: 37; see also Vanina 2019. The statues attributed to the patronage of Šāh Jahān (who established the Red Fort in 1638) were later removed during the reign of Aurangzeb (r. 1658–1707). When rediscovered in 1863, some of the fragments turned out to belong to *mahout*s or elephant drivers, which were reconstructed separately from the animal statues; Marshal 1909. Similar *mahout* statues appear in Budapest Zoo, in between each pair of the elephants of the Main Portal.

and 1912, features a square tower (Fig. 6).[42] This structure presents ostensible similarities with the twelfth-century minaret standing on top of Bāb Šarqī ('East Gate') in Damascus (Fig. 7);[43] they both incorporate a balcony and a small turret above the square shaft. Although their resemblance is more likely to be coincidental, rather than the result of conscious mimesis, that may not rule out the potential to offend people. If Muslims had made the connection between the two, they could have raised their voice against it, just as in the cases of the Elephant House or the New York Kaʿba. When it comes to offence, recognisability seems to prevail over intentionality. The fact that the Giraffe House never had to withstand opposition demonstrates the significance of what forms a given audience would cognitively associate with the architectural vocabulary of religious significance familiar to them.

At the heart of the 'minaret problem' stands the thesis that the building type is a definitive symbol of Islam. This seemingly explains not only the Greek minaret destruction and Swiss minaret ban but also the outcry against the tower of the Elephant House. However, as Oleg Grabar remarked on this question:

> As a tower for the call to prayer, the minaret is but a sign suggesting a function; it becomes a symbol when it reminds one of Islam, when it appears on stamps identifying a specific country […], or when it serves to design a space […]. In other words, while the sign attribute is fixed, the symbol attribute is a variable which depends on some "charge" given to it or on the mood or feeling […] of the viewer ("referant"). Theory, therefore, compels us to identify and isolate the triple component of sign, symbol, referant. Of the three, symbol is the one which depends on predetermined conventions, habits or agreements which are not in the object but in those who share it. Our problem then becomes one of defining the semantic field of a symbol by finding the area in time or space of its contractual agreement with a social group (Grabar 1980: 5).

As noted above, some Muslim jurists' opinions against the construction of minarets shed light on the conflicts about this question within Islam. Also, the divergent forms in which minarets have manifested in different regions of the Islamic world, each with its local tradition,[44] renders it disputable whether one can speak of a single sign, let alone a single referent group. Be that as it may, Grabar's compelling argument explains, at least in part, why none of the nineteenth-century minaret-like towers in Hungary had to withstand an outcry. Since no Muslim community lived in Hungary

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[42] See Fabó and Gall 2014: 128–129. The building suffered heavy damage in World War II, after which it was dismantled; however, it has now been reconstructed according to its original designs; Kis 2010.

[43] See Tabbaa 1986: 235–236; 2010: 68, note no. 47; Burns 2019, 196. Although the tower did not belong to a mosque, the contemporary traveller Ibn Ǧubayr (d. 1217) described it as a minaret (manāra); Ibn Ǧubayr, Riḥla, 282.

[44] On the forms of minarets in different regions of the Islamic world, see Hillenbrand 1994: 129–172.

during the construction of those towers, there was no referent reminded by the sign of the symbol. Or, when non-Muslims recognised the structures as 'minarets', that conveyed no explicitly religious connotation to them. Muslims began to settle in the country exactly about the time of establishing the Elephant House, for which the Hungarian Parliament declared Islam as an accepted religion in 1916.[45] Thus, although the narrative on the minaret as a symbol of Islam fails to account for the manifold notions about minaret-like towers in Budapest, their recognisability by a cognisant and religious audience emerges as a decisive factor.

3. Conclusions

In light of the above discussion, it seems reasonable to recapture some key aspects of the Elephant House. Adopting elements from various monuments of Islamic architecture, it belonged with the group of Orientalising buildings in Hungary, even though it was the swan song of this genre. In terms of motives, its commissioner and designer meant to create a building in line with the trend of expressing the animals' native environments, however inaccurately, in other European zoos. This paradigm concerned all new houses at Budapest Zoo. Since the first inhabitant of the Elephant House, Sziám the elephant, hailed from Ceylon,[46] it is plausible to propose that Neuschloss-Knüsli came up with the idea of linking an elephant and a 'minaret' following South Asian antecedents. In particular, the Hiran Mīnār and the Hāthī Pōl in Fatehpur Sikri show unmistakable conceptual and iconographic analogies with the Elephant House and the Main Portal of Budapest Zoo. Although it is unclear how Neuschloss-Knüsli would have known about those Mughal buildings, it is worth mentioning that his cousin, Aurél Stein (1862–1943), was a renowned archaeologist and explorer of Central Asia and worked as a professor at Lahore.[47]

If Neuschloss-Knüsli could be accused of misappropriating an Islamic religious symbol, then so could many other architects who had designed minaret-like towers with a profane or secular function, whether inside or outside the Islamic world. It is undoubtedly more likely that he had no disrespectful intention. Nevertheless, this is not to deny that the opponents of the Elephant House had their reasons, too. Whereas the form of the tower seems to have followed a minaret in Tunis, roughly comparable pencil-shaped minarets had been typical of the Balkan region, which makes it no surprise that Bosnians and Turks perceived it as such. Or, in Grabar's words, there

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[45] See, for instance, Léderer 1988; Dán 2000; Fónagy 2014; Fodor 2017. The 1910 census registered only 553 Muslims in Hungary, but their number had been on the rise since the annexation of Bosnia-Herzegovina in 1908.

[46] Lendl, "Sziám a vad elefánt".

[47] For a recent introduction to his research in India and Central Asia, see Kelecsényi 2018. The exact relationship between Neuschloss-Knüsli and Stein, especially whether they socialised or travelled together, has yet to be explored.

was now a referent who interpreted the given sign as a symbol of Islam. In the eyes of a Muslim minority in Budapest, the tower constituted a visual sign associated exclusively with places of prayer, and they, therefore, saw it as unfit for a profane purpose. The debate resulted from the situation that the two parties – the conceivers and the perceivers of the tower of the Elephant House – had incompatible, indeed mutually exclusive, sets of references in mind. Consequently, the broader question also sheds light on the inherent diversity of what scholars would classify under the umbrella of 'Islamic architecture', sometimes contrary to the buildings' regional, chronological, or semantical taxonomies.

As indicated by the most recent chapter in the Elephant House's criticism, manifesting on social media in 2020, the recurrent debates concerning its general appearance and tower are likely to remain with us for years to come. Over a century ago, Budapest Zoo sought to bring together flora, fauna, and architecture, thereby reifying a 'microcosm' of the world, but interpreted only the first two types of specimens in the form of explanatory plaques throughout its premises. This situation has partly changed since, as visitors can now read at least sporadic information about some of the houses. In contrast, the zoo has yet to attempt to defend the Elephant House from its opponents, potentially by engaging with its history and mitigating its debatable aspects. People arriving unprepared at the site find no explanation for its conspicuous architectural forms and, thus, may justly leave with a confused impression. Experience has taught us that some Muslims may even find the building offensive. It is, in other words, long overdue to better incorporate the built heritage into the zoo's educational programme and present to the visitors the motives behind establishing such an Orientalising monument in Budapest.

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ḤADD: A TECHNICAL TERM
IN ARABIC WORKS ON GEOGRAPHY

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The Arabic word *ḥadd* (pl. *ḥudūd*) plays an important role in texts on the early history of the Magyars and related subjects from the field of geography and history. Its meaning is "border", which nowadays is normally conceived of as a *line.* However, this meaning is not always accurate, because the texts in question often discuss *areas* with a certain extent, describing formations and events located or taking place *in* them. This is indicated by the frequent occurrence of the preposition *fī* "in" in connection with this word, e.g., "*wa-ṣ-ṣaqāliba fī awāʾil ḥaddihā madīna tusammā wāxīx* / in the first borders of the Slavs [=in the nearer parts of their border region] there is a town called *Wāxīx*".[1] Modern scholars are often at a loss as to the precise interpretation of this term. For instance, the first publisher of the text, Khvolson, translated this sentence in 1869 as follows: "*V bližnikh krayakh zemli Slavyanskoy nakhoditsya gorod po imeni Va-i-.* In the nearer regions of the Country of the Slavs there is a city called Va-i-."[2] Gaston Wiet's translation (1955) runs: "*La première ville qu'on rencontre aussitôt après la frontière se nomme Wabnit.* / The first city which one encounters right after the border is called Wabnit."[3] At the beginning of the Magyar chapter we come across the expression: "*awwal ḥadd min ḥudūd al-Maǧǧariyya* / the first border from among the borders of the Magyars", that is "the first of the Magyars' border areas", the one nearest to the author.[4] In Khvolson's translation: "*perviy iz krayev Mad'yarskikh* / the first one from among the Magyar regions". On his part, Gaston Wiet simply skips this problematic expression: "*la frontière des Magyars* / the border of the Magyars".[5]

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[1] Ibn Rusta, *Aʿlāq*, 143[7–8]. The sign *x* indicates an unidentified letter. The city remains unidentified, too.

[2] Ibn Dasta, *Izvestiya*, 28.

[3] Ibn Rusteh, *Atours*, 161.

[4] Ibn Rusta, *Aʿlāq*, 142[6–7].

[5] Ibn Dasta, *Izvestiya*, 25. Ibn Rusteh, *Atours*, 160.

We shall now make an attempt to clarify this situation.[6] The original meaning of the root √ḤDD is "to be sharp" in the Semitic languages, with occurrences in Akkadian, Arabic, Ethiopic (Geez) and Hebrew.[7] The basic verb belonging to this root in Arabic is *ḥadda / yaḥiddu / ḥiddat^{an}* "to be sharp".[8] All the other meanings connected to this root, the corresponding verb and nouns can be deduced from this form: "to be sharp" metaphorically (in respect of eloquence / intellect / understanding / anger; "look sharply"), "separate" / "distinguish" / "define", "prevent" / "forbid" / "withhold", "sharpen". The noun *ḥadd* (pl. *ḥudūd*) as listed by Arab lexicographers is closely related to this verb semantically: it means "limit or boundary of a land or territory".[9]

In modern Europe and in many other regions of the world a border constitutes a sharp division between two areas, and it appears accordingly as a sharp, clear-cut line in modern maps. In earlier periods, however, borders were, and in many cases still are, *strips* of land of sometimes considerable width, even large areas. At times borders were not constant but fluctuated, with the continuously changing military situation for instance, as was the case between the Kingdom of Hungary and the Ottoman Empire in the 16th–17th centuries. Availing myself of modern tools, which were not available to our predecessors, I have searched a large corpus of Arabic texts with the help of the website *al-Warrāq* and my findings fully corroborate these assumptions.[10] When the emphasis is on the demarcation of two territories, it is appropriate to translate this word as "border", which is now mostly interpreted as a *line*. However, when the emphasis is on something lying *within* the adjoining area, it is preferable to use "border area" in translation.

We should not fail to mention here that Lane's *Lexicon* lists a meaning "a side, region, quarter, or tract" in the entry on *ḥadd* on the authority of the *Lisān al-ʿarab*.[11]

If we look further and consider other languages too, we find a similar situation. For instance, the Modern English "border" can also denote the *land* near the *line* in question: "the line that divides two countries or areas; the land near this line";[12] "a region lying along the edge of a country or territory; frontier country".[13] Hungarian *határ* "border" also possesses the meaning "area around a settlement", e.g., *kint jár a*

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[6] I have treated this subject briefly elsewhere (Ormos, 2021:37–38) but it seems to deserve a more detailed analysis, which is attempted in these pages.

[7] Castell 1669:1128–1131. Gesenius 1987–2012: II (1995), 325.

[8] Lane 1980:524c.

[9] Lane 1980:525b.

[10] The website *al-Warrāq* (*alwaraq.net*) was very easy to use when I did my research for this paper. It has been completely "modernized" since then, with sadly disappointing results.

[11] Lane 1980:525b, bottom. Ibn Manẓūr, the author of the *Lisān*, died in AD 1312.

[12] Hornby 2005:168.

[13] Webster 1976:255b.

határban "he is out in the fields", *a határban a halál kaszál* "death is reaping in the fields".[14]

Hungarian *megye* "county; administrative district" is a similar case; it is a South-Slavic loanword, cf. Modern Serbian/Croatian *međa* "border", "ridge [between two fields]".[15] The early Hungarians borrowed it from the Slavic inhabitants of the area sometime after they conquered the Carpathian Basin towards the end of the ninth century AD. The semantic development of this word was "border" > "border area" > "area (in general)" > "administrative district". This can be demonstrated in Hungarian: at its first occurrence in 1055 it meant "border", while by c. 1116 it had occurred with the meaning "county; administrative district".[16] A word of the same origin entered Hungarian from Old Slovenian or Old Bulgarian, too: *mežda* "centre", "border" became *mezsgye* "border" in Hungarian.[17] The Modern Russian preposition *meždu* "between", itself a borrowing from Old Church Slavonic replacing the regular Old Russian *mežu*, also belongs here; it is a locative dual of Old Church Slavonic *mežda* "street", "lane", while in Modern Russian *meža* means "border".[18] We can observe a transition from "border" to "street" in these languages with both meanings present for some time. This would explain the occurrence of the *dual* form, which seems perplexing at first sight: "in the area of the two borders", that is "in the area defined by them" > "in the area between them".[19] (In Old Church Slavonic, *meždu* can be both preposition and adverb.)[20] These Slavic forms can be derived from Proto-Slavic

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[14] "In English the figure of death with a scythe is known as the 'Grim Reaper'". I am indebted for this information to Annabel Barber. — I.O. *A határban a Halál kaszál...* "Death is Reaping in the Fields..." is the title of a selection from the diary of Pál Prónay, whose extreme right wing military detachment executed many communists and Jews in the aftermath of the Hungarian Soviet Republic in 1919. This detachment was active mainly in the area of Kecskemét in the Great Hungarian Plain and carried out its executions usually in the outskirts of settlements. Prónay 1963.

[15] Serbian/Croatian *đ* (Cyrillic ђ) is a voiced alveolo-palatal sibilant affricate (IPA dz, ɟz; IPA number 216). The IPA symbol ʑ denotes a voiced alveolo-palatal sibilant fricative (IPA number 183), while the IPA symbol ɟ stands for a voiced palatal plosive (IPA number 108; Hungarian *gy*). According to Rešetar (1916:12 [§11, no. 8]), apart from Serbian/Croatian, the only other European language, where *đ* occurs is Polish and its pronunciation is very difficult for non-native speakers, but it is somewhere between *dz* and *dž*. Bräuer (1961:8) describes it as a "palatal voiced *dšĭ*". According to Leskien (1919:38), it is "approximately *d'z'* ", where apostrophe denotes palatalization.

[16] TESZ II, 877.

[17] For the Old Slovenian form *mežda*, see Miklosich 1886:185. Its New Slovenian equivalent is *meja* [*mei̯a*] "border", "fence". Bräuer 1961:199; Miklosich 1862–1865:365; 1886:185. TESZ II, 914–915. EWUNG 974.

[18] In Old Church Slavonic, *mežda* also means "centre", "space between", "distance"; Miklosich 1862–1865:365.

[19] Modern Russian "*meždu*": *eigentlich "auf den beiden Grenzen"*; Bielfeldt 1961:176 (§219.4). On the locative dual form, see Leskien 1919:114–117.

[20] Vasmer 1986: II, 591–592. Bielfeldt 1961:176 (§219.4).

medi̯a, which is related to Greek μέσος "middle (adj.)", Latin *medius* "middle (adj.)", Old High German *mitti*, New High German *Mitte*, Modern English *mid*.[21] This **di̯* becomes *žd'* in Old Church Slavonic (also Bulgarian) and *dž' > ž'* in Russian, but the precise correspondences in the Slavic languages (*di̯, dz, z, ď, i̯, d'ź, žd, ždž*, etc.) are not quite clear; the situation is especially complex in the Southern Slavic languages.[22]

In the Frankish Empire of Charlemagne, a system of defensive areas was established on borders with hostile populations. These were then inherited by Charlemagne's successors within the Carolingian dynasty and in the Holy Roman Empire; the system also spread to other parts of Europe. We are familiar with such terms as *Die Mark Brandenburg* or simply *Die Mark*, *Die Mark Meissen*, Italian [*Regione*] *Le Marche*,[23] English *march / mark*, French *La Marche*, etc. All these forms are akin to the Modern German *Mark*, Old High German *marka*, Modern English *mark / march*, Old English *merc* etc. and go back ultimately to an Indo-European form **mereĝ-, *morĝ- / *mroĝ-*. Originally it meant "mark, sign; edge, border", which soon evolved into "border area" because the two entities could not be distinguished in actual life.[24] (In some languages this word acquired the additional meaning "forest".)[25] The *Mark Brandenburg* was originally a special defensive area against Slavic tribes bordering on the Holy Roman Empire. Later, the border between the Germans and the Slavs was shifted a great distance to the east but the name was retained and the *Mark Brandenburg* or simply *Mark* came to denote an average province in the bosom of the Empire.[26] The case of the French *La Marche* and Italian [*Regione*] *Le Marche* was similar.

It is quite a remarkable finding that we have a basically identical situation with respect to the word "border" / "area" before us in several languages which are not closely related. This seems to be due to a universal feature rooted in the structure of our world and in common human experience.

The pair of expressions *awwalᵘ ḥaddⁱⁿ* and *āḫirᵘ ḥaddⁱⁿ* "first border" *vs.* "last border" often occurs in our texts.[27] In his work on the Arabic sources on the early Magyars, István Zimonyi fluctuates between two readings: "last border" (*āḫirᵘ*

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[21] Vasmer 1986: II, 591–592. Bräuer 1961:199. Miklosich 1862–1865:365. Pfeifer 2018: 879. Webster 1976:1429c.

[22] Bräuer 1961:199; Leskien 1919:37–38; Horálek 1962:105; Eckert, Crome, Fleckenstein 1983:50.

[23] In the plural, because this region consists of several historical *marche*.

[24] Pfeifer 2018:839a. Webster 1976:1380b [*s.v.* ²*march*], 1382c.

[25] Vasmer 1986: II, 591–592 [*s.v. meža*].

[26] See, e.g., the widely-read *Wanderungen durch die Mark Brandenburg* by Theodor Fontane (1819–1898).

[27] I do not regard *fī awāʾil ḥaddihā* (see n. 1 above) as belonging here.

ḥadd[in]) *vs.* "other border" (*āḫar*[u] *ḥadd*[in]).[28] The two expressions look identical in consonantal writing; the vowel must be supplied by the reader. This fluctuation is a clear indication that Zimonyi uses various translations and interpretations in different places, without remembering how he interpreted the same expression elsewhere. (Or is this perhaps a trace of different hands at work?) The interpretation "the other border" (*āḫar*[u] *ḥadd*[in]) can be found in Vámbéry's translation of Bakrī's account of the Magyars, from where Zimonyi might have borrowed it.[29] This translation is quoted in an important collection of sources on the early history of the Magyars, whose editor Count Kuun quotes Bakrī's account of the Magyars from one of Vámbéry's publications.[30] In this place *ḥadd* is in the singular, therefore Vámbéry's rendering would indeed work, if we left the other occurrences out of consideration. In general, it would be acceptable, if the Magyars had two borders, a near one and another distant one.[31] However, these countries and peoples, among them the Magyars, have "numerous borders" (*ḥudūd*) in the view of Muslim geographers, evidently meaning "border sections", "border areas" or "borderlands", respectively. For instance, at the beginning of the Magyar chapter in Ibn Rusta we read: "*awwal ḥadd min ḥudūd al-Maǧǧariyya* / the first border from among the borders of the Magyars", that is "the first of the Magyars' border areas", the one nearest to the author.[32] In Khvolson's translation: "*perviy iz krayev Mad'yarskikh* the first from among the Magyar regions" (p. 25). On his part, Wiet simply skips this problematic expression (p. 160) as we have seen above: "*la frontière des Magyars* / the border of the Magyars". Wehr also thinks that in these cases the meaning is determined by the assumption that there is a series of items at the head of which the item concerning us is located.[33]

As far as the grammar of Arabic is concerned, it must be pointed out that the adjective *follows* the noun it modifies, as is generally the case in Semitic tongues, in contradistinction to most European languages. Its opposite (the adjective *preceding* the noun) occurs in exceptional cases only, with elatives. This grammatical feature, involving a possessive structure (construct state) with a genitive and a lack of formal determination (determined article), although the whole structure is syntactically

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[28] Zimonyi 2016:45, 47, 363. It was during my careful study of this work that I came to be involved with the problem of the precise interpretation of the term *ḥadd*.

[29] Keleti kútfők, 195.

[30] This collection ("Keleti kútfők") appeared on the occasion of the festivities marking the thousandth anniversary of the arrival of the Magyar tribes in the area of modern Hungary. The quotation is from Vámbéry, *A magyarok eredete*, 133: *a másik határ vidékén, mely a pusztával tőszomszédos, egy hegy emelkedik* "in the region of the other border, which is adjacent to the steppe, a mountain rises". Cf. Vámbéry, *Ursprung*, 120; *an einer andern Grenze, die sich an die Steppe lehnt, befindet sich ein Berg* "on another border, which leans against the steppe, a mountain is located". Kuun used the Hungarian edition.

[31] Wehr 1952:593/29[16].

[32] Ibn Rusta, *A'lāq*, 142[6–7]. Cf. n. 4 above.

[33] Cf. nn. 4, 5 above. Wehr 1952:594/30. He quotes the expression *al-iqlīm al-awwal* etc. in geographical works as an example.

determined, runs contrary to the general rules of Arabic grammar, and lacks a satis-factory explanation. Examples of *awwal* and *āḫir* in this position are very common, also in Modern Standard Arabic (cf. the Egyptian weekly *Āḫir sāʿa* ["The Last Hour"]), and in the modern Cairene dialect, too.[34] The structure *awwal^u raǧul^in* ("the first man") exists only with the ordinal *awwal^u* in Classical Arabic but in later periods and in colloquial dialects it spread to the remaining ordinals, too: e.g. *ṯāniy^a marra^tin* ("the second time").[35] (On the other hand, I cannot remember ever having come across *āḫar* in this construction.)

It must be borne in mind that the distinction between *āḫar* and *āḫir* is not so clear-cut as is sometimes assumed and that the situation is rendered somewhat complex by the circumstance that the ordinal *awwal* ("first") is an elative form and behaves accordingly, while *āḫar* ("other") and possibly *āḫir* ("last") were originally elatives, too, although the memory of this has faded. The original opposite of *awwal* seems to have been *āḫar*; its accepted meaning "the other" is secondary.[36] Originally these two adjectives *āḫar* ("other") and *āḫir* ("last") were closely related; at a later stage they separated into two distinct concepts, and the pair of opposites *awwal* ("first") / *āḫir* ("last") became firmly established in the language. However, the survival of a closer-than-usual relationship between the two is attested by the occasional occurrence of *uḫrā*, the feminine form of *āḫar* ("other"), in the meaning of "last": *qālat uḫrāhum li-ūlāhum* (Q 7:38) "the last of them shall say to the first of them"; *wa-qālat ūlāhum li-uḫrāhum* (Q 7:39) "the first of them shall say to the last of them"; *ukhrānā* "our descendants"; *lā afʿaluhu uḫrā l-layālī* "I will not do it until the last nights/days [ever]"; *uḫrā l-qawm^i* "the last of the people"; *fī uḫrayāt an-nās* "in the last rows of the people, in the background" (opp. *ūlayāt*).[37]

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[34] Wright 1971: II, 227D. Nöldeke 1952: I, 12a (*āḫar, āḫir*); II, 52b⁻¹¹ (*awwalan wa-āḫiran*). Woidich 2006:215. Wehr 1952:572/8 (no. 3), 574/10, 579/15–582/18, 588/24 and especially 592/28–595/31.

[35] Reckendorf 1921:146, n. 1. Wright 1971: II, 219BC. Wehr 1952:593/29, n. 3.

[36] Wehr 1952:592/28.

[37] Nöldeke 1952:12a. Lane 1980:32a. Wehr 1952:593/29. The English translations from the Quran are by Arthur John Arberry.

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DEUX ALMANACHS CONSERVÉS À HARAR (ÉTHIOPIE): CIRCULATION ET USAGES DES SAVOIRS ET DES TEXTES

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1. Introduction

Lorsqu'on en vient à l'écrit manuscrit, ce sont les textes religieux qui dominent statistiquement en Éthiopie. La base de donnée issue du projet ERC « Islam in the Horn of Africa », 2013–2018, permet d'affiner cette première évidence et de voir que les livres ou compendiums de prières et de mystique sont de loin les plus nombreux. Or les données ont été recueillies auprès de toutes sortes de bibliothèques, incluant celles de lettrés. Il n'est donc pas fréquent de trouver des œuvres de sciences positives, par exemple d'arithmétique, de géométrie ou se rapportant à l'astronomie.

Les deux graphiques étudiés ici représentent de ce fait un matériel exceptionnel : il s'agit d'almanachs, numérisés dans le Harar, qui suscitent donc une interrogation sur leurs sources et sur leurs usages. À terme, l'on retrouvera l'un des thèmes de prédilection de la revue *The Arabist* dès sa création, une revue au comité de rédaction de laquelle j'appartiens. J'ai la chance de travailler avec Kinga Dévényi depuis plus longtemps encore, puisque c'est lors d'une visite à la Bibliothèque de l'Académie hongroise des Sciences, en 2010, que j'ai fait sa connaissance. De cette rencontre est né le projet d'un catalogue raisonné de la collection David Kaufmann en arabe, conservée à la Bibliothèque de l'Académie. C'est un privilège d'avoir reçu sa confiance.

2. Musée Abdullahi Sharif, Harar City, ms. Cat. 426

Il s'agit d'un feuillet séparé avec un schéma mettant en relation plusieurs almanachs. Le manuscrit n'est pas ancien : d'après la photo, il semble qu'un papier préligné ait été utilisé. Des perforations circulaires nettes sur le grand côté droit rappellent celles que l'on fait à l'aide de perforatrices pour classeurs à charnières. On note, le cas échéant, le souci qu'il y a eu à préserver le document, à une époque contemporaine, et à en assurer un accès aisé. Sur le grand côté gauche du feuillet, peut-être a-t-on la trace de deux agrafes, apparaissant sur la photo sous la forme de deux marques noires espacées, l'une dans le coin supérieur, l'autre dans le tiers inférieur. On ne sait

malheureusement pas à quel(s) autre(s) document(s) celui-ci était associé et il est possible que la séparation de la liasse ait été réalisée pour les besoins de la numérisation. Une seule face a été numérisée et placée sous la cote Cat. 426 dans un fichier au nom de « Kalender for Farmers ». L'image a été nommée : 64-Solar calender. Aug29-11. Le feuillet poursuit à présent une nouvelle vie dans le musée Abudullahi Sharif, à Harar City, où il est conservé. Cette bibliothèque privée d'accès public est la plus importante d'Éthiopie par le nombre de volumes.

Le document est en langue et écriture arabes. La langue n'est pas maîtrisée par l'auteur du manuscrit, la confusion entre le 's' sifflant et le 's' emphatique pour *ṣayf* (été), écrit *sayf* (épée), dans une des occurrences (quart inférieur droit) tend à indiquer qu'il n'évolue pas dans un milieu arabophone. La main n'est pas toujours assurée. Les ratures et reprises de *tāʾ maftūḥa* en *tāʾ marbūṭa*, les hésitations, les quelques vocalisations et termes incomplets, l'organisation imparfaite du graphique avec des cellules qui ne sont pas toujours égales, évoquent une prise rapide de note de la part d'un lettré, fort possiblement du Harar, intéressé par le sujet.

Le graphique est formé de trois cercles concentriques, divisés en quatre quart qui chacun représente une saison et, autour du périmètre du cercle extérieur, de points représentant d'autres astérismes. La mise en correspondance des différents almanachs repose sur la coïncidence dans le point où l'année débute. Le cercle intermédiaire présente 4 saisons sur l'année correspondant à l'entrée du soleil au premier degré de la première constellation sur les trois qui forment chaque saison. Dans ce modèle mathématisé adopté du monde grec, la première saison est le printemps, avec le passage du soleil en Bélier et l'équinoxe de printemps. Le cercle extérieur contient le zodiaque lunaire suivant 28 mansions (*manāzil al-qamar*), en fait des astérismes distingués au sein des constellations zodiacales. Le nombre et l'ordre de ces mansions sont déjà standardisés chez Ibn al-Qutayba (m. 276/889), chez qui leur nom est à peu près le même qu'ici, à l'exception de *faġr al-dalw al-muqaddam* pour *al-muqaddam*, de même *faġr al-dalw al-muʾaḫḫar* pour *al-muʾaḫḫar*, *al-rishāʾ* pour *baṭn al-ḥūt*, et *al-simāk al-aʿzal* pour *al-simāk*[1]. Ces différences terminologiques ne changent rien à leur localisation rapportée aux signes du zodiaque et à la division purement arithmétique en 2 stations et 1/3 pour un signe du zodiaque. L'année commence avec *al-saraṭān*, au début du signe zodiacal du Bélier. Cependant, afin d'être en phase avec les événements climatiques des contrées (*aqālim*, sing. *iqlīm*) du Sud, un glissement dans l'ordre des saisons a été effectué qui fait débuter leur ronde avec l'été. Cet almanach commence donc en été, avec la mansion lunaire d'*al-saraṭān* et s'achève avec *baṭn al-ḥūt*, qui clôt la saison du printemps. Trois lignes centrées, au-dessus du graphique donnent la direction du

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[1] Ibn Qutayba, *Adab al-kātib*, 88 (texte arabe). Le manuscrit de la *Risāla fī ʿilm al-nuǧūm* ou *Risāla fī manāzil al-nuǧūm* de Ǧamāl al-Dīn Muḥammad Abū ʿAbd al-Ṣamad al-Annī (m. 1299/1882), Suuse, SSE0014 (Appendice, sous n° 10), premier tiers du XXᵉ s., donne au f. 37v, l'équivalence entre *al-rishāʾ* et *baṭn al-ḥūt*, « بطن الحوت ويسمى الرشا ».

document ; lui correspondent trois lignes écrites obliquement dans sa partie inférieure droite. Elles divisent les mansions en deux groupes : la saison d'été débute avec *al-saraṭān*, pour le Sud, la saison d'hiver commence avec *al-ġafr*, dans l'hémisphère nord[2].

Le cercle central du graphique est lui aussi subdivisé en quatre saisons, mais dans un ordre différent. L'automne et l'hiver sont placés dans l'hémicycle de droite et le printemps et l'été dans celui de gauche, tandis que, dans le cercle intermédiaire, c'est le printemps et l'automne qui se trouvent dans la partie droite du graphique et l'hiver et le printemps dans sa partie gauche. Cet almanach se réfère aux astérismes du système des *anwāʾ*, qui définit plus particulièrement les périodes de pluie par l'observation du ciel (Ibn al-Qutayba, *Kitāb al-anwāʾ*, 169sq.). La tradition attribue son origine aux « Arabes », i. e. aux habitants de l'Arabie avant l'Islam. Ici ces astérismes sont également répartis entre 4 saisons, désignées du même nom que dans les autres almanachs en présence. Cet almanach s'appuie sur le système de la montée et du coucher de certaines étoiles, indiquées sur le périmètre extérieur du graphique, et débute avec l'automne au moment du coucher d'*al-ġafr* et du lever d'*al-saraṭān* (Varisco 1994 :24, l. 20). La correspondance est donc assurée et le graphique réalisable, tous les systèmes commençant avec *al-saraṭān*, première cellule du quart inférieur droit.

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[2] La même subdivision en *nuǧūm al-ṣayf al-šāmiyya* et *nuǧūm al-šitāʾ al-yamāniyya* apparaît aux p. 4–5, dans les *marginalia* du manuscrit du Yémen, Bibliothèque nationale de France in-4° 68 (1253)/SG MS4-68 (1253), *al-Kawākib al-nayyira al-kāšifa li-maʿānī al-taḏkīra fī fiqh al-ʿitra al-muṭahhira*, traité de *fiqh*, zaydite, de Sayyidunā al-ʿallāma Yaḥyā b. Aḥmad b. Muẓaffar [al-Sanʿānī] (m. 875/1470–1471), écrit au xvᵉ s. Le manuscrit arabe, dans sa reliure d'origine, a été copié dans la première moitié du xviiiᵉ s. Pour une édition du texte, Regourd Juillet 2019 : 132–134.

Tableau reprenant le graphique[3].

Cercle extérieur	Intermédiaire	Central
al-saraṭān[4] *al-buṭayn* *al-t̠urayyā*[6] *al-dabarān*[7] *ḥaqʿa*[8] *hanʿa*[9] *d̠irāʿ*[10]	*faṣl al-ṣayf*[5], al-Ḥamal / al-T̠awr / al-Ğawzāʾ	*al-ḫarīf,* *karam mannā*
nat̠ra[11] *ṭarf*[13] *ğabha* *zubra* *ṣarfa* *ʿawwāʾ*[14] *simāk*	*faṣl al-ḫarīf,* al-Saratān[12] / al-Asad / al-Sunbula	*al-šitāʾ,* *ğāī mannā*
al-ġafr *zubānā*[19] *iklīl* *qalb* *šawla*[20] *naʿāʾim*[21] *balda*	*faṣl al-šitāʾ*[15] al-Mīzān[16] / al-ʿAqrab[17] / al-Ğadī[18]	*al-rabīʿ,* *d̠īrāt mannā*
saʿd al-d̠ābiḥ[22] *saʿd bulaʿ*[24] *saʿd al-suʿūd* *saʿd al-akhbiya*[25] *al-farġ al-muqaddam*[26] *al-farġ al-muʾaḫḫar*[27] *baṭn al-ḫūt*	*faṣl al-rabīʿ,* al-Qaws / al-Dalū / al-Ḥūt[23]	*al-sayf,* *bīk (?) mannā*

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[3] Nous avons inséré une ligne de séparation entre les blocs formés par les saisons pour le confort du lecteur.

[4] Dans l'original, *al-šaraṭayn*.

[5] Dans l'original, *sayf* (sic !).

[6] Dans l'original, *al-t̠arī*, qui fait toujours référence à al-T̠awr.

[7] Dans l'original, *al-dabar*, avec vocalisation et signes orthoépiques ?

3. Musée Abdullahi Sharif, Harar City, ms. Cat. 435, 001

Le manuscrit Cat. 426 a été photographié avec d'autres feuillets séparés contenant des almanachs sous forme de graphiques, ainsi que des alphabets magiques. Sous la cote Cat. 435, se trouve la photo de deux graphiques, chacun dessiné sur le feuillet d'un codex. On ne peut exclure qu'ils soient tirés du même livre, copié au XVIIᵉ ou XVIIIᵉ s. Le feuillet n'est pas séparé mais bien à sa place dans le codex. Ils ont donc été « isolés » du livre qui les conserve par l'opération photographique et classés ensemble sous le thème « seasonal – circle ». Le premier, le n° 001, est introduit par une ligne : « wa-hāḏā fī maʿrifat hayʾtihā wa-māliha min al-burūǧ wa-ṭibāʾiʿahā wa-suʿūdihā wa-nuḥūsihā ». Le graphique se compose de 7 cercles concentriques, divisés en quatre quarts égaux par deux lignes, l'une verticale et l'autre horizontale, puis par trois rayons dans chaque quart jusqu'au 5ᵉ cercle concentrique en partant du centre. Rien n'est écrit dans le cercle central ; dans le cercle suivant, les 5 planètes et les deux luminaires sont inscrits dans 3 × 4 cellules. Suit la nature des planètes (?) selon les quatre éléments. Dans le cercle suivant, cad le 4ᵉ en partant du centre, on a

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[8] Dans l'original, le *tāʾ marbūṭa* est rendu par un *tāʾ maftūḥa* barré d'un trait oblique qui le fait ressembler à un *tāʾ marbūṭa*.

[9] Dans l'original, apparemment, même opération que pour l'écriture du terme précédent.

[10] Dans l'original, *ḏirāʿ* apparaît dans le quart de cercle suivant, celui de l'automne. *Al-ḏirāʿ* correspond au lever héliaque de Syrius, le coup d'envoi de la saison des pluies au Yémen. Mécaniquement, cependant, cette mansion a pu être chassée dans le quart suivant, la première cellule du quart de l'été étant occupée ici par deux mots que nous n'avons pas lus, au lieu de commencer par *al-šaraṭayn*.

[11] Peu clair dans l'original.

[12] Dans l'original, *al-šaraṭayn*.

[13] Dans l'original, *ṭarfa* ?

[14] Signe orthoépique sous la *hamza* finale, sur la ligne, dans l'original ?

[15] Peut-être *faṣl šitāʾ* dans l'original.

[16] Dans l'original, « ilā al-Mīzān », i. e. l'automne s'étend jusqu'avant le premier degré de la Balance.

[17] Dans l'original, al-ʿAqr.

[18] Al-Ǧadī se retrouve de manière erronée dans ce quart de cercle, alors qu'il devrait se trouver dans le suivant : il a été chassé par la mention à la saison de printemps, réalisée sur les deux cellules. Al-Qaws, du coup, n'a pas été noté. Mais cela n'altère pas la compréhension du système.

[19] Dans l'original, *zubānān*.

[20] On lit *šawl* dans l'original.

[21] La *hamza ʿalā al-kursī* bien rendue dans l'original.

[22] Dans l'original, *saʿd* est ajouté, verticalement, après *al-ḏābiḥ*.

[23] « faṣl al-rabīʿ » est écrit sur deux cellules du graphique (voir n. 18).

[24] Dans l'original, *bulūʿ suʿūd*.

[25] Dans l'original, *aḫbiya*.

[26] Dans l'original, *muqaddam*.

[27] Dans l'original, *muʾaḫḫar*.

les mois du calendrier syriaque et dans le 5ᵉ cercle, les signes du zodiaque. Les deux derniers cercles, les cercles extérieurs, ont dû être subdivisés à nouveau de manière à atteindre 28 cellules : on a d'abord les astérismes rendus pas de petits ronds et, enfin les mansions lunaires.

Quels sont les apports de ce document comparé au précédent? Les mansions lunaires sont qualifiées en de « bonne » et de « mauvaise augure ». Habituellement, la valeur est répartie, il y a 14 mansions de bonne augure pour 14 funestes. Mais ici, on a davantage de mansions négatives. La qualité de la main à l'œuvre ne fait pas pencher pour une erreur d'exécution. Cette différence devrait donc permettre de repérer une lignée de manuscrits ou une tradition.

La première mansion lunaire dans ce système est appelée *al-naṭḥ* et non *al-saraṭān/al-šaraṭayn*, sûrement pour *al-nāṭiḥ*, α d'Arietis. Cette notation est présente jusque tardivement au Yémen[28].

Les commentaires aux 4 points cardinaux du graphique font la différence entre les saisons selon les Arabes et selon les savants (*al-ḥukamā*ʾ) et l'on note qu'il y a une saison d'écart entre les deux almanachs, de la même façon que dans le graphique précédent entre le cercle intermédiaire et celui du centre. Par exemple, au départ d'*al-ġafr* on a: *ḏīrāt mannā*ʾ: *šitā al-ʿArab wa-ḫarīf al-ḥukamā*ʾ.

Enfin dans le 4ᵉ cercle en partant du centre, une main différente a noté les mois du calendrier musulman. *Al-muḥarram* est placé avec le mois d'août du calendrier solaire. On devrait donc pouvoir faire des hypothèses sur la date de l'addition.

Ces graphiques reflètent le projet de faire fonctionner ensemble des almanachs d'origine différente et combine une astronomie climatique et populaire avec une astronomie mathématique et savante. Les éléments locaux et observés qui ont été notés, sont donnés dans les représentations comme « arabes », donc de l'Arabie pré-islamique. En Islam, ils ont été tôt mis en relation avec d'autres almanachs et ont été pliés à des exigences mathématiques. Le glissement vers la saison suivante, l'été, commençant dans le signe du Bélier pour les climats du Sud, est attesté à l'époque médiévale. C'est le cas de l'almanach mis au point par les Rasoulides (r. 626–858/1129–1454) (Varisco 1994 : 84). Autre point à verser au dossier d'un passage par le Yémen, la terminologie: *al-saraṭān* rendu par *al-šaraṭayn* et la présence d'un *nūn* final à *al-zubānā*, *al-šaraṭayn* et *al-zubānān* étant la version présente dans le corpus rasoulide, contrairement à celle des textes classiques[29]. Ni par leurs éléments

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[28] Voir les *marginalia* du manuscrit du Yémen, Bibliothèque nationale de France in-4° 68 (1253)/SG MS4-68 (1253), *al-Kawākib al-nayyira al-kāšifa li-maʿānī al-taḏkīra fī fiqh al-ʿitra al-muṭahhira*, copié dans la première moitié du xviiiᵉ s., p. 4–5. Pour plus de précisions sur le manuscrit et l'édition du texte en marge, se reporter à la n. 2.

[29] D. M. Varisco, *Medieval Agriculture and Islamic Science. The Almanac of a Yemeni Sultan*, 1994, p. 240, n. 2. Cette écriture persiste au Yémen, d'après les *marginalia* du manuscrit Bibliothèque nationale de France, in-4° 68 (1253) / SG MS4-68 (1253), *al-Kawākib an-nayyira al-kāšifa li-maʿānī al-taḏkīra fī fiqh al-ʿitra al-muṭahhira*, copié dans la première moitié du xviiiᵉ s., p. 4–5. Voir n. 2 pour plus de détail sur le manuscrit et l'édition

ou leur terminologie, ni par leur projet ou leurs sauts épistémologiques, ces graphiques ne sont spécifiquement éthiopiens. On peut donc dire à leur sujet qu'il y a une circulation du savoir et des textes.

4. Usages et sélection du matériel

La circulation des textes, et de là des doctrines, la circulation des modèles de production du livre manuscrit du Yémen sunnite en direction de l'Éthiopie sont restées une affaire entendue jusqu'à la prise de conscience que la base documentaire dont on disposait était bien restreinte. La publication du catalogue de la bibliothèque de l'Institut d'études éthiopiennes, Université d'Addis Abeba, en 2014 (Gori et al. 2014), et, surtout, la base de donnée fournie par le projet ERC « Islam in the Horn of Africa », 2014–2018, a changé l'échelle. Or, il ressort de l'analyse des données que d'autres voies de circulation des manuscrits – et des hommes – ont été sous-estimées. Cependant, nous avons étudié récemment un livre d'exorcisme, le *Kitāb* al-Mandal al-sulaymānī, commun au Yémen et à l'Éthiopie (Regourd 2022). Il est peut-être l'ancêtre de textes de magie latins trouvés en Espagne et en Italie, mais pour le moment il demeure plutôt singulier sur les pourtours de la mer Rouge et de l'océan Indien, ainsi qu'en Afrique. À son sujet, on était donc fondé à parler d'une tradition écrite, magico-thérapeutique, partagée par l'Éthiopie et le Yémen. Les textes d'astronomie populaire présentés ici nourrissent le même propos. Le fait de placer les premières mansions lunaires en été, de commencer la liste par le degré *alpha* d'Ariétis sont partagés avec le Yémen. Le glissement des saisons est fondamental dans l'almanach rasoulide. Les n° 4 et 9 de l'Appendice témoignent d'une circulation d'écrits yéménites avec la *Manẓūma fī bayān ṣifat manāzil al-qamar* d'Ibn al-Muqriʾ (m. 837/1433 ; biographie récente, Dévényi Juillet 2020) et un texte sur le calcul des années solaire et lunaire qui se réfère à Našwān b. Saʿīd b. Našwān al-Ḥimyārī al-Yamanī (m. 573/1177), l'auteur du *Šams al-ʿulūm fī ḏikr al-kabīsa* (traité sur l'almanach ?) et de la *Urǧūza fī l-šuhūr al-Rūmiyya* (King : 21–22).

Qu'est-ce qui a suscité l'intérêt des lettrés éthiopiens ? Dans la même série de documents, sous la cote Cat. 428 de la Bibliothèque Abdullahi Sharif, se trouve un dossier nommé « Assyrian-Scripts », comptant 3 fichiers : le premier fichier contient un feuillet unique (Aug29-15 ; Aug29-16 ; textes complets) présentant au verso l'alphabet arabe avec ses correspondants en graphes syriaques (*qalam al-suryānī*, قلم السرياني). Le fichier 2 comprend 3 images pour 2 feuillets, l'un a été photographié recto-verso (Aug29-18 ; Aug29-19), et on peut supposer que le premier, portant la *basmala* (Aug29-17), n'a aucun écrit en son recto. Le texte de ce manuscrit est complet, il s'achève sur une *tatimma* au f. 3. Sur ces feuillets, 15 alphabets différents sont mis en regard de l'alphabet arabe. Le 15e alphabet est introduit par l'indication qu'il a été trouvé sur une table de plomb enterrée dans la palmeraie de la région du

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du texte en marge. Pour une version classique, voir Ibn Qutayba, *Adab al-kātib*, Leyde, Brill, 1900, p. 88 (texte arabe).

Ǧawf (« al-naḫīl al-ǧawfī »), al-Ǧawf étant le nom d'une région du Yémen. Enfin, dans le 3e fichier, on a une image en noir et blanc (Aug29-20) d'un feuillet où un alphabet qui n'est pas nommé est là aussi mis en correspondance avec l'alphabet arabe. L'ensemble de ces alphabets se caractérisent par les boucles formées au bout des hampes des lettres, qui rendent compte de leur appellation fréquente d'« écritures à lunettes ».

Dans l'appendice placé en fin d'article, ont été rassemblés les textes qui traitent des astres dans l'ensemble de la base de donnée du projet « Islam in the Horn of Africa ». Les manuscrits datés n'y sont pas antérieurs au XVIe s. et, en fait, ils ne sont nombreux qu'à partir du XVIIe s. Ils ont été collectés à partir des titres d'œuvres tels qu'ils apparaissent dans la base. Grâce aux associations émergeant des recueils, se dessine une corrélation entre textes religieux et mystiques, d'une part, et textes dont le sujet est les astres, d'autre part. Dans la tradition lettrée du Yémen, on a un spectre plus large d'utilisation. En fait partie le recourt aux mansions lunaires pour leur valeur d'augure, choisir le moment propice pour entamer une action – ou *iḫtiyār* (Regourd Juillet 2019 : 132–134). Il a aussi été noté que les savants rasoulides ont élaboré un almanach régional des récoltes et de l'élevage dans l'ambition de mieux collecter les taxes (Varisco 1994 : 84).

5. Conclusion

Ces deux almanachs fournissent un bel exemple de circulation des savoirs et des textes repris par la tradition lettrée éthiopienne. Ils sont partagés avec la tradition lettrée yéménite, d'où il est fort possible que certains éléments soient originaires. Cependant, ce qui semble avoir captivé, en Éthiopie, où la transmission écrite atteste l'importance de textes à usage religieux et mystiques, souvent « populaires » tels que les recueils de prières pour *mawlid*s, c'est une application magique et peut-être divinatoire de ces almanachs. Le texte a en effet circulé parmi les mystiques, chez qui sont souvent répandues les pratiques talismaniques. Ce qui fait que, dans ce cas, ce n'est pas tant la circulation des textes que leur sélection et usage qui fait sens. Reste encore à mieux préciser le phénomène dans le temps.

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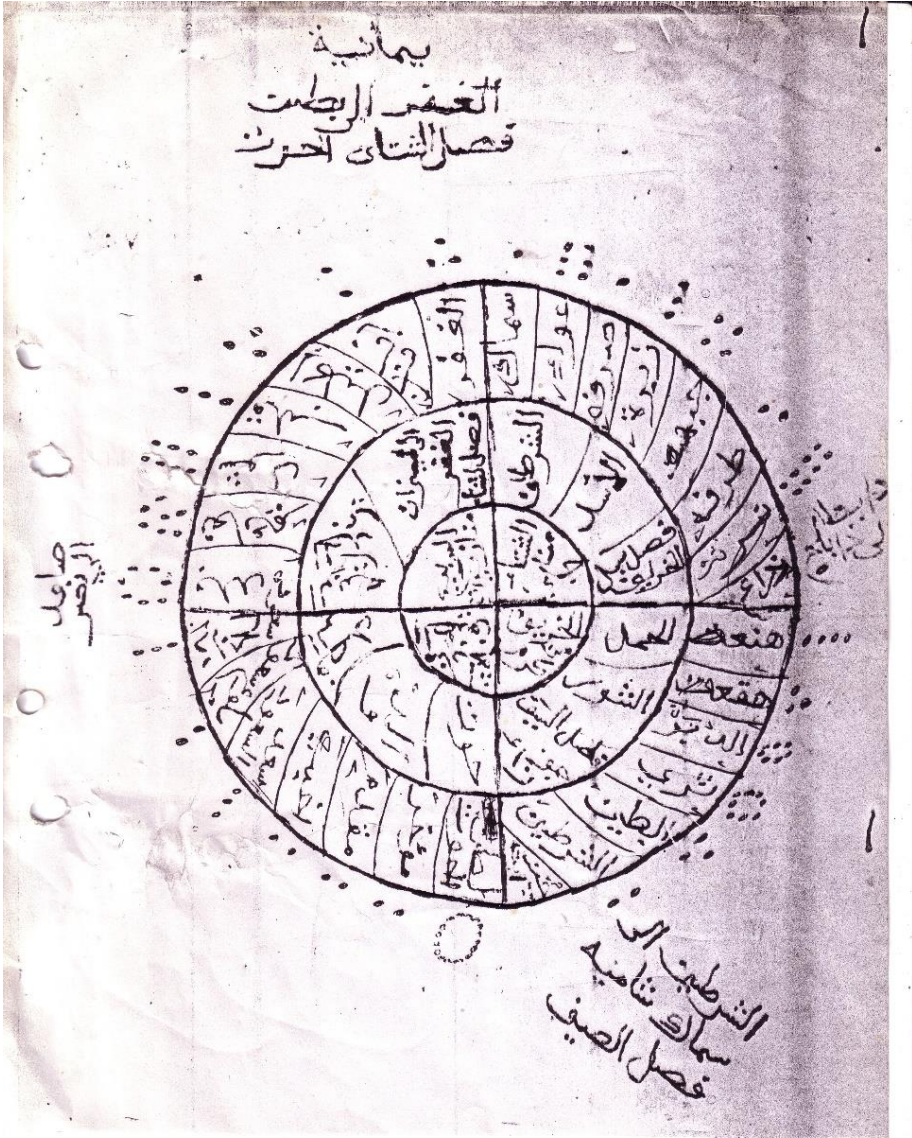
Musée Abdullahi Sharif, Harar City, ms. Cat. 426, feuillet unique.
Photo Abdullahi Sharif.

Musée Abdullahi Sharif, Harar City, ms. Cat. 435, 001,
cliché isolé d'un feuillet de codex. Photo Abdullahi Sharif.

Appendice

Tiré de la base de données « Islam in the Horn of Africa »[30]. Les œuvres sont données par ordre alphabétique de titre à l'intérieur des sujets, tels qu'ils ont été définis et nommés dans la base de données. Dans le cas où les manuscrits étaient dépourvus de titre, ceux-ci ont pu être reconstitués par les catalogueurs d'après le sujet et les éléments à disposition dans le texte. En d'autres termes, tous les titres de la base de données ne sont pas « transférés » des manuscrits. C'est une remarque mineure dans le cas de notre étude et les variantes des titres manuscrits d'une œuvre est une réalité bien connue. La localisation et le type des bibliothèques sont indiqués avec précision par la base de données. Les bibliothèques où se trouvent les œuvres concernées par cette étude se trouvent toutes en Éthiopie, qui est, du reste, la mieux représentée dans la base de données.

« Sciences naturelles »
13 textes, dont certains sont parfois en plusieurs copies.

1. *Fī maʿrifat ṣūrat al-kawākib al-muqassama*, sans auteur (f. 94v-96r), texte de géographie (aussi sous « Géographie »), avec plusieurs représentations des 28 constellations mentionnées par le texte, commentaire marginal, dans un recueil contenant des écrits dévotionnels et mystiques, du *taǧwīd* et autres.
   Coll. Drewes Stroomer, Leyde, DWL00002,
   https://islhornafr.tors.ku.dk/backend/manuscript_parts/5759

2. *Ǧadwal al-fuṣūl*, sans auteur, f. 86r-87v d'un recueil de très nombreux textes courts, contenant deux passages du Coran et, majoritairement, des textes religieux (dont hagiographies, prédication) et soufis se frottant parfois au *fiqh*.
   Bibliothèque Zabbi Molla, Wolkite, ZM00028,
   https://islhornafr.tors.ku.dk/backend/manuscript_parts/3094

3. *Kitāb Abū Maʿšar al-Balḫī*, Abū Maʿšar (m. 272/886), astrologie, page de couverture d'un livre imprimé.
   Bibliothèque Agaro Muḥammad Sayf, AMSVar01,
   https://islhornafr.tors.ku.dk/backend/texts/4096

4. *Manẓūma fī bayān ṣifat manāzil al-qamar*, d'Abū Muḥammad Šaraf al-Dīn Ismāʿīl b. Abī Bakr al-Muqriʾ al-Yamanī al-Šafiʿī (m. 837/1433), copiée dans les marges de *Muršid al-muštaġilīn fī aḥkām al-nūn al-sākina wa-al-tanwīn* d'Abū ʿAbd Allāh Muḥammad Nāṣir al-Dīn al-Ṭabilāwī (m. 1559 J.-C., f. 44v–50v), f. 44v–46r.

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[30] Base de données « Islam in the Horn of Africa », projet « IslHornAfr » : « Islam in the Horn of Africa, A Comparative Literary Approach » has been conceived as a contribution to both African and Islamic studies, with the aim of producing a critical and comprehensive picture of the Islamic literary history of the Horn of Africa. The project has been funded by the European Research Council (Advanced Grant no. 322849) for the period 2013–2018. https://islhornafr.tors.ku.dk/backend

Bibliothèque Agaro Šayḫ Kamal, SHK00116,
https://islhornafr.tors.ku.dk/backend/texts/3121

5. *Manẓūma fī al-burūǧ*, sans auteur, f. 113r–114v (cf. *Risāla fī al-burūǧ* ; *Risāla fī ʿilm al-nuǧūm*) d'un recueil de textes mystiques et dévotionnels ; les 3 derniers textes du recueil, à partir de 103r, sont de ʿilm al-nuǧūm.
Bibliothèque Agaro Šayḫ Kamal, SHK00039,
https://islhornafr.tors.ku.dk/backend/texts/3274

6. *Masāʾil al-manāzil*, feuillet manuscrit libre placé entre les f. 7r-7v d'un livre de hadith imprimé, texte apode.
Bibliothèque Agaro Šayḫ Kamal, SHK00078,
https://islhornafr.tors.ku.dk/backend/texts/3497

7. *Naẓm* « Kam afālū min nāṭiḥ bi-iġtifār », sans auteur, poème sur les astres,
Bibliothèque Limmū-Ghannat, LMG00038, f. 2r,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/8467
Bibliothèque Limmū-Ghannat, LMGVar10, f. 1r,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/6602

8. *Risāla fī al-burūǧ*, sans auteur, f. 103r-107r (cf. *Risāla fī ʿilm al-nuǧūm* ; *Manẓūma fī al-burūǧ*) d'un recueil de textes mystiques et dévotionnels, les 3 derniers textes du recueil, à partir de 103r, sont de ʿilm al-nuǧūm.
Bibliothèque Agaro Šayḫ Kamal, SHK00039,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/4904

9. *Risāla fī ḥisāb al-sana al-šamsiyya wa-l-qamariyya*, sans auteur, court texte sur le calcul des années solaire et lunaire, dans lequel Našwān b. Saʿīd b. Našwān al-Ḥimyārī al-Yamanī (m. 573/1177) est cité comme autorité, présent dans un recueil (f. 102v-103v).
Bibliothèque Abdullah Sharif, Harar, ASH00157,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/8905
Voir recueil https://islhornafr.tors.ku.dk/backend/manuscripts/2411

10. *Risāla fī ʿilm al-nuǧūm* ou *Risāla fī manāzil al-nuǧūm* de Ǧamāl al-Dīn Muḥammad Abū ʿAbd al-Ṣamad al-Annī (m. 1299/1882), šayḫ soufi qādirī,

- copiée en rabīʿ awwal 1344/septembre-octobre 1925, f. 133v-136v (cf. *al-Burūǧ* ; *Risāla fī al-manāzil wa-l-burūǧ*) d'un recueil de textes courts, à caractère religieux, variés, allant du dévotionnel au *fiqh*, incluant quatre œuvres de magie, dont une, *al-Qurʿa al-mubāraka al-maymūna wa-l-durra al-ṯamīna al-maṣūna*, d'Ibn al-ʿArabī (m. 638/1240 ; Yahia 1964 : I, 424, n° 580), avec commentaires marginaux.
Bibliothèque Agaro Šayḫ Kamal, SHK00006,
https://islhornafr.tors.ku.dk/backend/texts/1540

- f. 108r–112v d'un recueil de textes mystiques et dévotionnels (cf. *Risāla fī al-burūǧ* ; *Manẓūma fī al-burūǧ*), les 3 derniers textes du recueil, à partir de 103r, sont de ʿilm al-nuǧūm.
Bibliothèque Agaro Šayḫ Kamal, SHK00039,

https://islhornafr.tors.ku.dk/backend/manuscript_parts/4905

- f. 83v–85v, à la fin d'un manuscrit comprenant une autre œuvre de mystique du même auteur, *al-Naǧm al-munīr fī iršād man yurīd al-safar ilā al-āḫira wa-yasīr*. Bibliothèque Limmū-Ghanat, LMG00095,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/2016

- f. 32v–37v, copie 1325–1350/1907 ou 1908–1931 ou 1932, d'un recueil comprenant des textes religieux et de grammaire.
Collection Suuse, SSE0014,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/347

11. *Risāla fī al-manāzil*, sans auteur, f. 7r-8r d'un recueil de textes courts, poétiques, généralement dévotionnels, mystiques ou hagiographiques.
Bibliothèque Haro Abba Dura, HRD00049,
https://islhornafr.tors.ku.dk/backend/texts/2891

12. *Risāla fī al-manāzil wa-al-burūǧ*, sans auteur, f. 126v–130r (cf. *al-Burūǧ* ; *Risāla fī ʿilm al-nuǧūm*) d'un recueil de textes courts à caractère religieux, variés, allant du dévotionnel au *fiqh*, incluant quatre œuvres de magie, dont une, *al-Qurʿa al-mubāraka al-maymūna wa-al-durra al-ṯamīna al-maṣūna*, d'Ibn al-ʿArabī (voir sous n° 10).
Bibliothèque Agaro Šayḫ Kamal, SHK00006,
https://islhornafr.tors.ku.dk/backend/texts/3136

13. *al-Burūǧ* ou *Risāla fī ṣifāt al-burūǧ*, sans auteur, astrologie des signes du zodiaque et des caractéristiques des natifs, aussi classé dans « Others », f. 159r-163v (cf. *Risāla fī al-manāzil wa-al-burūǧ* ; *Risāla fī ʿilm al-nuǧūm*) d'un recueil de textes courts à caractère religieux, variés, allant du dévotionnel au *fiqh*, incluant quatre œuvres de magie, dont une, *al-Qurʿa al-mubāraka al-maymūna wa-al-durra al-ṯamīna al-maṣūna*, d'Ibn al-ʿArabī (voir sous n° 10 ; ces textes se suivent à partir du f. 155r, ce qui fait que l'astrologie (avec *al-Burūǧ*) alterne avec la magie.
Bibliothèque Agaro Šayḫ Kamal, SHK00006,
https://islhornafr.tors.ku.dk/backend/texts/3154

« Magic »

1. *Qiṣṣat Sulaymān wa-ǧinn al-burūǧ*, fragments d'un texte dans lequel Sulaymān rencontre les djinns de différents signes astrologiques. Chaque djinn offre à Sulaymān une thérapie contre les maux dont les djinns sont la cause en fonction du signe sous lequel les malades sont nés.
Bibliothèque Agaro Muḥammad Sayf, AMSVar12, 1r-1v,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/6682
AMSVar13, 1r-1v,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/6683
AMSVar16, 1r-1v,
https://islhornafr.tors.ku.dk/backend/manuscript_parts/6684

« Mysticism »

1.   *ʿArūs al-samar fī manāzil al-qamar bi-šarḥ nasīmat al-siḥr*, sans auteur, magique et mysticisme, prose et poésie, 2 copies,
-   Bibliothèque Limmū-Ghannat, LGLG00062, 1r-6v,
    https://islhornafr.tors.ku.dk/backend/manuscript_parts/2575
-   Bibliothèque Zabi Mollah, ZM00007, 5r-8r,
    https://islhornafr.tors.ku.dk/backend/manuscript_parts/1351

SHARIA IN GREAT BRITAIN

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In Western states with a sizeable Muslim community the introduction of the *sharia* – at least partially, in certain fields – is being raised again and again. In most cases it is not a question of the Sharia overtaking the local legal system or of establishing a parallel legal structure, but rather the implementation of some elements of Islamic law and the applicability thereof. The Sharia councils/courts, authorized within the Muslim community to interpret Islamic law, deal primarily with family law (marriage and divorce, inheritance, etc.).

It should be noted, however, that this is not about the Muslim minorities and their host communities only, but on a more general level has a wider relevance in every religious-cultural community. Namely, how can religious law/rules operate and what is its relation to the official law of the state.

In the past few years, wherever this question was raised (mostly in Great-Britain and Canada), it was followed by hot, emotionally charged debates, in which emotional considerations often suppressed rational arguments. Such debates usually did not focus on the operation of the religious courts *per se*, but rather on the applicability of Islamic law and/or of certain elements of the Sharia. Even more so as the question, besides its legal consequences, has a symbolic relevance over and above the concrete cases. This could serve as a further argument in the debate over the wide-spread narrative of the 'Islamization of Europe' and the (forced) expansion of Islam.

There are several topics for debate, even if emotions are put aside/left out of consideration. The question is not only if jurisdiction on a religious basis can co-exist with the local 'official' state law, or if the danger of a 'parallel' legal system is realistic, or what happens if religious councils/courts pass a resolution in contradiction with the official legal system of the state. Yet, if the values of a minority culture clash or are different on certain points from the established Western values, this may cause not only a threat to the existing domestic order but may even result in erupting violence. (Among European/Western circumstances such an 'ignition' could be the situation of women in Islam and the legal consequences thereof.) Another question is how the introduction of only some elements of Islamic law would affect the protection of human rights of the individuals – yet again a very

frequent topic for misunderstanding between the European/Western individual concept and the community-related thinking of Islam.

Interpretations of the Sharia

Sharia is the most important corpus of legal regulations in Islam, but, at the same time, it is "one of the […] worst defined and most misunderstood terms used today".[1] It has broader, more theoretic, and narrower, more practical interpretations. According to the former, the Sharia is the combination of law, religion and ethics, a philosophy based on divine principles, it is the divine law itself. In this interpretation it is equivalent to Islam itself. According to the latter, the Sharia is the Islamic (religious) law. Most people use it in this sense. The main difference between Sharia and Islamic law is that the former includes the divine rules, to be followed by all Muslims, while the latter, the Islamic law (*fiqh*) is the interpretation of these by Muslim legal scholars. The Sharia is of divine origin, while Islamic law is the 'product' of human interpretation. There is no unified and codified written Sharia. "One cannot go to the library and check out the" Sharia – writes John Esposito, famous scholar of Islamic studies.[2]

Muslims in the United Kingdom[3]

The presence of Islam on the British Isles has been defined and impacted by the historical colonization by the United Kingdom primarily on the Indian sub-continent. The first Muslim communities – a direct result of this colonization – were established in Britain some three hundred years ago, primarily by sailors and fishermen. In the beginning they were recruited by the British East India Company from the sub-continent mostly, but later (late 19th – early 20th centuries) from Yemen, Cyprus, Egypt and even Iraq. Settled down in the ports and other cities of Britain (London, Liverpool, Cardiff, etc.), they established their own communities, and since they were typically unmarried men, married British women. In the beginning of the 19th century, they numbered some 10,000 persons, that increased to some 50,000 by the beginning of the Second World War.

The first wave of Muslim immigration reached the United Kingdom after the Second World War, with immigrants arriving mostly from the countries of the British Commonwealth, first from the West Indies, then – following the independence of British India and the establishment of Pakistan – from the Indian sub-continent.

British colonial past, therefore, has a huge role in Muslim immigration, the establishment of indigenous Muslim communities, as well as the position on and

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[1] Ramadan 2017:145.

[2] Esposito & Delong-Bas 2018:34. It should be added, however, that there are several books by Muslim scholars written on the interpretation and implementation of the Sharia, yet none of these is equivalent to the Sharia itself.

[3] The chapter is based on Rostoványi, *Az iszlám Nagy-Britanniában* 349–403.

behaviour towards Muslim immigrants, which can be characterized – at least to some extent – as a kind of 'paternalistic' approach.

Since most Muslims were planning to return after a while to their home countries, their religious practice was basically restricted to the performance of prayers. However, due to several reasons – including political changes at home or better living conditions in the UK, etc. – the immigrants stayed, especially when the British Nationality Act of 1948 gave the same rights and benefits for those arriving from the Commonwealth as the UK citizens had. In the 1950's-1960's, however, in response to the increasing number and continuous stay of the immigrants, the first significant 'race-based' demonstrations started. The 1962 Commonwealth Immigrants Act was the first to limit/prevent immigration from South-Asia and Africa.

Though it is difficult to say how big the Muslim community is in the United Kingdom (some 4.13 million, i. e. 6.3% of the population),[4] it should be noted that they do not make up a homogenous community. There are more than 50 ethnic communities, and they are speaking seventy languages. Some two-thirds of them come from the Indian sub-continent, but approximately half of them were born in the United Kingdom, i. e. are not first-generation immigrants. Consequently, they form smaller communities, sometimes even relatively exclusive ones, mostly on the outskirts of big cities (London, Manchester, Birmingham, etc.).

In the UK there are no legal regulations specifically on religious communities, except for such traditional communities as the Anglican Church or the Presbyterians. The only legal framework in which Muslim organizations and mosques may operate is provided by the regulations on charity organizations. Yet, the question of legality and law – especially in the context of state law and a Sharia, and their relationship – with the explosion of the number of the Muslim communities has emerged with a previously unprecedented force.

The Archbishop of Canterbury and Sharia

Dr. Rowan Williams, the Archbishop of Canterbury, the Head of the Anglican Church gave a lecture on February 7, 2008, in the building of the Royal Courts of Justice,[5] in front of hundreds of legal experts from all over Great Britain. The lecture most probably would have remained within framework of the academic lectures reaching a narrow audience only, had not the archbishop given an interview on the same day to the World at One program of BBC Radio 4, in which he summarized the most important statements of the lecture. The first question of the reporter was whether the adoption of Sharia law was necessary for community cohesion. "It seems unavoidable and indeed as matter-of-fact certain provisions of Sharia are already

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[4] Islam in the UK – Statistics & Facts.

[5] For the text of the lecture, see in Williams 2008:262–282. The lecture was given as the introduction to the series of debates under the title „Islam in English Law" with Lord Phillips of Worth Matravers, President of the British Supreme Court in the chair.

recognized in our society and under our law. So, it's not as if we're bringing in an alien and rival system" – was the Archbishop's answer.[6]

The interview – and thus the lecture – raised a huge attention and the topic remained on the front pages of the biggest British papers, and the statements of the Archbishop were resonating for a long while.

Dr. Rowan Williams started his lecture by stating that British society is facing an increasing challenge by the – mostly religious – communities, which while no less law-abiding than the rest of the population, relate to something other than the British legal system alone. The question arises, therefore, to what extent the legal provisions of a religious group can be legalized if at all. This refers not only to Islam and Muslims, but to other religious communities as well. The Archbishop mentioned Orthodox Judaism, but also reminded of the Anglican Church. He went on examining how the legal provisions of religious groups can be implemented in a secular state in general, and how a rational and constructive relationship can be established between Islamic law and the law of the United Kingdom in particular.

The Archbishop – displaying a thorough knowledge of the Sharia and Islamic law – went on enlisting the false simplifications related to Sharia on the basis of which a negative picture has emerged among the wider public, claiming that it is a pre-modern system in which there is no place to human rights. The, Sharia however, is not a monolithic system, "there is no single code that can be identified as 'the' Sharia".

"And when certain states impose what they refer to as Sharia or when certain Muslim activists demand its recognition alongside secular jurisdictions, they are usually referring not to a universal and fixed code established once and for all but to some particular concretisation of it at the hands of a tradition of jurists".[7]

Islamic and British law – the Archbishop went on – are not simply two rival legal systems. On the one hand, Sharia depends for its legitimacy not on any human decision, not on votes or preferences, but on the conviction that it represents the mind of God; on the other, it is to some extent 'unfinished business' so far as codified and precise provisions are concerned.

In answer to the questions following the lecture the Archbishop stated that with regard to the Sharia he was not thinking of parallel legal systems, but was examining how the most fruitful cooperation between the state's law and a 'supplementary jurisdiction' may be established. He went on analyzing this 'supplementary jurisdiction', enlisting arguments for and against.

Some kind of a 'transformative accommodation', i.e., a mutual accommodation by both jurisdictional parties is necessary. Individuals retain the liberty to choose the jurisdiction under which they will seek to resolve certain carefully specified matters

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[6] In full: Rowan Williams interview. 11 February 2008.
[7] Williams 2008, ibid.

(aspects of marital law, the regulation of financial transactions and authorised structures of mediation and conflict resolution).

Ethnically, culturally, and religiously diverse societies are characterized by a 'multiple affiliation' since social identities are not constituted by one exclusive relationship or system of belonging. If we are serious in trying to move away from a model that treats one jurisdiction as having a monopoly of socially defining roles and relations, we need to work to overcome the ultimatum of "either your culture or your rights" – the Archbishop quoted Ayelet Shachar, Jewish Professor of Law.[8]

Regarding the Muslims he states that being part of the *umma* (the community of Muslim believers) is not equivalent to political-social affiliation, i. e. citizenship is not equal to being part of the *umma*. Even the mostly Muslim populated states are characterized by the 'dual identity' of the Muslims: they are citizens on the one hand, and members of the community of believers on the other.

The lecture of the Archbishop raised strong reactions. There were some who agreed with him, others, to the contrary, rejected his statements on the Sharia. Lord Phillips of Worth Matravers, President of the British Supreme Court, the Lord Chief Justice of England and Wales belonged to the first group, and stated his position in a speech on July 4, 2008, in the Muslim Center in London. Referring to the widespread misunderstanding regarding the Sharia he took the position that in cases when the principles of the Sharia are not in conflict with the legal system of England and Wales, they can be applied. "There is no reason why Sharia principles, or any other religious code, should not be the basis for mediation or other forms of alternative dispute resolution."[9] The Archbishop of Canterbury, Dr. Rowan Williams, had been misunderstood when it was reported that he said British Muslims could be governed by Sharia law – Lord Phillips said.

Nowhere in the lecture does Rowan Williams call for the implementation of law Sharia. Rather, he asks how it might be possible for the civil law to accommodate some of the legal procedures by which Muslim communities in Britain have traditionally regulated their relationships and financial affairs, while safeguarding the equality and human rights afforded by modern law for vulnerable individuals (particularly women) within those communities.[10]

In 2013 Rowan Williams was substituted by Justin Welby as the next Archbishop of Canterbury. His point of view was exactly the opposite of his predecessor, as Welby held that Islamic law can never become part of British law. In this case it is about much more than family law or inheritance. The Sharia originates from an entirely different legal background than British law. The British law, developed in

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[8] Shachar 2001:113–114.

[9] Sharia law 'could have UK role'. Lord Chief Justice Lord Phillips said English and Welsh law would still play a part. BBC News, 4 July 2008.

[10] Beattle: Rowan Williams and Sharia law. /

the past 500 years is based on values and beliefs, which are rooted in Christian culture and history.[11]

The "Secrets of Britain's Sharia Councils"

On April 22, 2013, BBC One in its Panorama series broadcasted the "Secrets of Britain's Sharia Councils", which raised much attention. On its website BBC promised that "Panorama reporter Jane Corbin goes undercover to investigate what is really happening in Britain's Sharia Councils – Islamic religious courts."[12]

The producers prepared secret recordings at Sharia council meetings in mosques and in private homes, as well as several interviews, based on which they saw the supposition confirmed that Sharia councils often pass decisions which are not conform with the regulations of the British legal system. Though these decisions are not obligatory, many feel that they should abide by them either because of their religious beliefs, or under pressure from the family or the community. These decisions, however, may be especially disadvantageous to women who are victims of ill-treatment by their husbands, yet the Sharia council does not allow them to divorce their husbands.

The BBC reporter made an interview with Sonia, a Muslim woman from Leeds, whom her husband regularly physically hurt/beat up. Since Sonia and her husband concluded not only an Islamic, but also a civilian marriage, Sonia filed for divorce. The civilian court approved the divorce and gave the custody of the children to the mother, with a limited access for the father to the children. However, when Sonia turned to a Sharia council seeking an Islamic divorce, in contradiction to the decision of the civilian court, it gave the custody of the children to the father. British law *expressis verbis* forbids that Sharia councils deal with questions related to children. The council only changed its decision when Sonia threatened with turning to the police. Sonia in the interview said that when she argued that children cannot be trusted to a man as violent as her husband, the answer was that the regulations of Islam cannot be contradicted.[13]

The Sharia in the British Parliament

On April 23rd, the day after the broadcasting of the film, the House of Commons held a debate on the role of the Sharia councils in the United Kingdom[14], where the MPs were frequently referring to the BBC program the evening before. Kris Hopkins, a

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[11] Archbishop of Canterbury: Islamic law incompatible with Christian values. /

[12] The full program is not available anymore, only the title and a one-sentence summary can be read, which identifies the 'council' in the title with the 'courts'.

https://www.bbc.co.uk/programmes/b01rxfjt The full program is accessible on YouTube: BBC Documentary 2017 – Secrets of Britain's Sharia Councils. BBC Documentary. https://www.youtube.com/watch/3EFP21OldMU

[13] Kern 2013.

[14] House of Commons Debates Sharia Councils.

Conservative MP called on the British government to take a position on the Sharia councils and guarantee that the councils cannot operate as an alternative legal system. In her answer Helen Grant, Parliamentary Under-Secretary of State for Justice, emphasized that Sharia law is not accepted in the British legal system. There is no parallel jurisdiction, and the government does not want to change this.

The Sharia, and the relationship between Islamic and British law have continuously been on the agenda in Great Britain. The question has serious practical consequences, since there are several Sharia councils operating in Britain, and some of their publicized decisions are raising heated debates. The British Parliament has discussed the issue several times. In October 2012 there was a debate on an Arbitration and Mediation Services [Equality] Bill, which wanted to limit the activities of the Sharia councils, calling on them to observe equality in court, including women's rights.

Baroness Cox of Queensbury, who presented the bill and who had campaigned against the spread of Islamic law in Britain, pointed out the contradictions of the situation. The bill deals with two – related – questions: the suffering of women oppressed by religiously sanctioned gender discrimination, and a rapidly developing alternative quasi-legal system which undermines the fundamental principle of one law for all.[15] The bill proposed to act legally against all those who claim that *sharia* councils and courts have legal power in family law and criminal cases.[16]

The Siddiqui Report

Theresa May, then Minister of Interior, in 2016 established a working group of religious/religious law experts, the task of which was to examine the situation of Sharia law and the operation of Sharia councils in England and Wales. The head of the group, Mona Siddiqui, Professor of Islamic and Inter-religious Studies at the University of Edinburgh in the preface to the report summarized the work: the basic task of the working group was to understand why Sharia councils exist, why Muslim men and women need them and turn to them for advice and opinion.

The number of Sharia councils operating in England and Wales is estimated between 30–85, but closer to the latter. (In Scotland there are no such bodies.) The Siddiqui report draws the attention to the fact that there is no unequivocal definition of the Sharia councils. In the report's definition a Sharia council is "a voluntary local association of scholars who see themselves or are seen by their communities as authorised to offer advice to Muslims principally in the field of religious marriage and divorce."

In a debate material for the May 1, 2019, parliamentary session this has been complemented by such everyday life issues as Sharia compatible finances and Halal food. The Sharia councils have no legal status and have no legal authority. Should

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[15] Baroness Cox's intervention. /
[16] The Arbitration and Mediation Services (Equality) Bill.

any of th Sharia eir decisions or recommendations be incompatible with British law, the latter will prevail. councils are not courts either and they should not refer to their members as judges.

The Siddiqui working group published its report in February 2018.[17] It stated that a huge majority – over 90% – of those turning to the councils for advice were/are women, who seek divorce from their husbands, yet had not concluded a civilian marriage [i. e. the only marriage contract they had, was concluded within the Islamic law and Sharia.] For men, divorce according to the Islamic law (*ṭalāq*) is much easier since it can be performed by a unilateral declaration. Women have no such option, except if it is included in the marriage contract.

The Siddiqui report makes several proposals. In an amendment to the 1949 Marriage Act and the 1973 Matrimonial Causes Act it deems it necessary to perform a civilian marriage preceding to "or at the same time as the Islamic marriage […] bringing Islamic marriage into line with Christian and Jewish marriage in the eyes of the law."[18] The 1949 Marriage Act could be complemented with the rule that in case of any marriage (including Islamic marriage) it is legally punishable if the parties miss the civilian registration thereof, which thus would become a legal obligation for Muslim pairs, too. The connection of Islamic and civilian marriages would provide protection – under family law – for Muslim women, including the right to civilian divorce, lessening this way the role of Sharia councils.

The report promotes the regulation of the operation of the Sharia councils by establishing "a process for councils to regulate themselves, designing a code of practice for Sharia councils to accept and implement."[19] The British Home Office, however, rejected the proposal, claiming "the proposal to create a State-facilitated or endorsed regulation scheme for Sharia councils would confer upon them legitimacy as alternative forms of dispute resolution."[20] "Sharia law has no jurisdiction in the UK and we would not facilitate or endorse regulation, which could present councils as an alternative to UK laws".[21]

Upon the initiative of Member of Parliament John Howell on May 2, 2019, the House of Commons held a general debate about Sharia law courts in the United Kingdom.[22] The minutes of the meeting noted that although the media usually mentions 'Sharia courts', most of the relevant organizations, as well as the academia refer to them as *šarīʿa* councils. The latter is more precise as Sharia councils have no official legal or constitutional role in the UK. The term Sharia 'court' can also be

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[17] The independent review into the application of Sharia law in England and Wales.

[18] Sharia law courts in the UK. Debate Pack.

[19] Ibid.

[20] Ibid.

[21] UK rejects proposals to regulate sharia councils. The National, February 2, 2018. https://www.thenational.ae/world/europe/uk-rejects-proposals-to-regulate-sharia-councils-1.701243

[22] Sharia law courts in the UK. Debate Pack.

misleading since it gives the impression that it is a real court, the members of which are judges in the legal sense. Further, this helps fuel the misunderstanding that Sharia would (or could) 'overwrite' British law, or that a parallel legal system would exist in Britain.

Parallel legal systems of minority legal orders (MLO)

The question, however, can be looked at from a different perspective, i.e. from the perspective of the 'other side', the side of the minority communities within the society, and their 'law-like' institutions. According to the report of the British Academy Policy Center prepared by Professor of Law Maleiha Malik, it is misleading to call these 'law-like' institutions as 'parallel legal systems' – which are threatening liberal democracies – since their activities fit the term 'minority legal orders' (MLO) much better. [23]

Ayelet Shachar, Professor at the University of Toronto published a much-quoted book on the topic in 2001, in which she analyzes the relationship between the two legal authorities, the state and the "*nomoi* group"[24] in multi-cultural societies. She describes two approaches, which developed from the long history of the relationship of state and church: the secular absolutist model, and the religious particularistic model.

Shachar proposed that the clashes of interest between the state and the *nomoi* group should not be perceived as a problem, but rather as an opportunity, which may increase the sensitivity, susceptibility, and responsibility of each entity towards all its members. Shachar proposed 'joint governance', which could manage at the same time inequalities both within the cultural groups and among the groups as well. Its preferred form would be a 'transformative accommodation', since it could cause a serious problem if because of pro-identity group policies, the status of the identity groups improves, but that of some of its weaker members worsen.

The 2012 British Academy Policy Centre report defines minority legal orders "around two aspects: first, by its distinct cultural or religious norms; second, by some 'systemic' features that allow us to say that there is a distinct institutional system for the identification, interpretation and enforcement of these norms."[25]

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[23] "Minority legal orders – the systemic, distinct, religious or cultural norms of groups such as Jews, Christians, Muslims, and others – are often misleadingly described as 'parallel legal systems'." Malik: Minority Legal Orders in the U, 4.

[24] Under '*nomoi* groups/communities' Shachar means those – primarily religiously-identified – minority groups/communities' that "share a comprehensive and distinguishable worldview that extends to creating a law for the community." This definition can be expanded to include minority groups organizing on an ethnic, tribal, or national basis. Shachar focused her analyses on identity-groups which aim at maintaining their 'nomos' as an alternative to total assimilation. Ibid., 2. footnote 5. '*nomos*' (plural *nomoi*) is a Greek word, which in this case should be interpreted to mean tradition, law.

[25] Malik: Minority Legal Orders in the UK, 5.

The report emphasizes that "In terms of political power, the state is the sovereign legal system. Other forms of normative social regulation (promoting particular common values or standards of behaviour) that exercise authority over the lives of individuals are 'subordinate' or a 'minority legal orders', and are subject to regulation by the state legal system. Nevertheless, there may be some situations where the minority legal order commands greater legitimacy and authority within the minority community than state law".[26]

The report enlists the following ways a liberal state can relate to a minority legal order:[27]

a) Prohibition of a minority legal order.

b) Non-interference with a minority legal order.

c) Recognition of the minority legal order through granting minority group rights or establishing a personal law system.

d) Transformative accommodation: "a system of joint governance that allows individuals to be both citizens with state protected rights and members of a minority group who can choose to enjoy their cultural or religious group membership. Jurisdiction may be divided between the state and the MLO in matters such as family law." (A special attention should be paid to "minorities within minorities", since "they may face social pressure to comply with norms within their social group, but they will lack the power to secure their interests.").

e) Cultural voluntarism as a 'third way' between prohibition and non-interference, acknowledging the fact that the individual wants to be part of both the state legal system and the minority legal order.

f) Mainstreaming the norms of a minority legal order within the state legal system.

The different approaches provide practical strategies that can be applied to various situations.

The Archbishop of Canterbury, Rowan Williams, has also been criticized for his clear advocacy of "transformative accommodation", referring to Ayelet Shachar, but this is only one – although preferred – form of Shachar's variants of "joint governance". Russell Sandberg and his co-authors argue that other variants may be more useful in specific cases than "transformative accommodation".[28]

Conclusion

Sharia councils in Britain play an important role in the life of Muslim communities. Their work focuses on mediation and the resolution of family disputes. Their services are mostly used by Muslim women who want to divorce their husbands for some reason (abuse, etc.), but their husbands are not willing to do so. The situation of

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[26] Ibid.

[27] In the following summary, we relied on the summary provided by the report, all quotations are from there, 6–8.

[28] Sandberg et al. 2013:263–291.

women is much more difficult than that of men, as Islamic law allows men to divorce by unilateral declaration, but women do not have this opportunity.

Sharia councils have been severely criticised for their failure to treat women as equals – for example, considering a man's testimony rather than a woman's – or for not granting divorce despite a woman's explicit request. Despite the shortcomings, the role of the services provided by the Sharia councils cannot be underestimated, as some Muslim women's only opportunity is to turn to the councils for help with domestic violence and can only be granted divorce through the councils.

The situation caused by the Covid pandemic has in a special way strengthened the role of the Sharia councils. Forced lockdowns and isolation have led to a demonstrable increase in divorces worldwide ('Covid divorce'), and this has been the case in Britain. The number of cases handled by one of the most prominent Sharia councils, the Islamic Council of Europe, has increased by 280% within six months from April 2020.[29]

However, negative stereotypes about Sharia and Islam, the negative perceptions of Muslim minorities in Britain[30] and the fear of the creation of a 'parallel legal system' are serious obstacles to the work of Sharia councils in Britain.

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[29] Azzouz: Will the UK's sharia councils struggle to meet the challenge of Covid divorces?

[30] A survey published by the University of Birmingham in January 2022 found, that Muslims are the second "least liked" group in Great Britain: 25.9% of the British public feel "negative", 9.9% "very negative" towards Muslims. Jones and Unsworth: The Dinner Table Prejudice.

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RUDOLF STROTHMANN'S TRIP TO THE MIDDLE EAST (1929/30): BOSNIA, MONTENEGRO, ALBANIA, ANATOLIA, THE LEVANT, JORDAN, PALESTINE, EGYPT, SAUDI ARABIA, ERITREA, AND YEMEN

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Rudolf Strothmann (b. 1877, d. 1960) is primarily known as a pioneer of Šīʿī studies in Western, and German, scholarship.[1] Between 1910 and 1923, he published a number of pathbreaking studies on the Zaydiyya.[2] At the same time, Strothmann began to delve into Twelver Šīʿī literature, an endeavour which culminated in his 1926 monograph, *Die Zwölfer-Schīʿa: Zwei religionsgeschichtliche Charakterbilder aus der Mongolenzeit*. Prompted by Eugenio Griffini's (b. 1878, d. 1925) 1915 publication "Die jüngste ambrosianische Sammlung arabischer Handschriften" (Griffini 1915), Strothmann became interested in the Ismāʿīlī materials among the manuscripts of the Nuovo Fondo in the Ambrosiana Library. Ismāʿīlism became the principal focus of Strothmann's scholarship during the later decades of his life. He produced several first editions of works by Ismāʿīlī and Nuṣayrī authors, including the *K. al-Kašf* attributed to ad-Dāʿī Ǧaʿfar b. Manṣūr al-Yaman (fl. first half of the fourth/tenth century), which was published in 1952, and the exegetical work *Mizāǧ at-tasnīm* by the Ismāʿīlī author Ḍiyāʾ ad-Dīn Ismāʿīl b. Hibat Allāh al-Ismāʿīlī as-Sulaymānī, which was published between 1944 and 1955.[3]

On various occasions, Strothmann travelled to the Middle East. His first trip occurred during the spring of 1913 (January through mid-May) and was spent at the German Protestant Institute of Archeology in Jerusalem. On his way to Jerusalem, he also spent about a month in Cairo. Some sixteen years later, on 18 September 1929, Strothmann embarked on his second trip to the Middle East, in the course of which he travelled to Bosnia, Montenegro, Albania, Anatolia, the Levant, Jordan, Palestine, Egypt, Saudi Arabia, Eritrea, and Yemen. He returned to Hamburg on 10 May 1930, nearly eight months after his departure. The trip is documented in three

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[1] For Strothmann's biography and his scholarly trajectory, see Schmidtke in press (a).

[2] For Strothmann's published work, see Schmidtke 2019 and Schmidtke 2021.

[3] Both publications were delayed for more than a decade after Strothmann finalized the editions as a result of World War II.

detailed letters (or *Ansichtskarten*, as he calls them) that Strothmann sent to Carl Heinrich Becker (b. 1876, d. 1933) on 19 December 1929, 10 March 1930, and 8 May 1930, as well as in Strothmann's partly extant travel diary, which covers about two-thirds of his trip – from 7 January, when he arrived in Jerash, Jordan, until 10 May 1930 (with some lacunae).[4] Becker acknowledged receipt of the first two letters on 2 May 1930.[5]

What follows is an edition of Strothmann's first and second *Ansichtskarten* to Carl Heinrich Becker, with annotations.[6] In these remarkable documents, Strothmann summarizes his observations during his trip to the Balkans, Anatolia, the Levant, Saudi Arabia, Eritrea, and Yemen, with an emphasis on the political situation in these places. The first letter, which Strothmann began writing in November 1929 and concluded on 19 December 1929, is particularly valuable, as it covers those parts of Strothmann's trip that his diary does not. The second *Ansichtskarte*, covering Saudi Arabia and Eritrea as well as his arrival in Yemen, has corresponding entries in the diary, with the exception of Strothmann's days in al-Ḥudayda towards the end of February 1930, where the diary has a lacuna. Unlike the first *Ansichtskarte*, the second one is undated, but Strothmann relates in his diary that he sent a letter to Becker on 10 March 1930, and it is likely that he means the second *Ansichtskarte*. In view of the different objectives and character of the *Ansichtskarten*, on the one hand, and Strothmann's diary, on the other, the accounts complement each other. It is noteworthy that Strothmann does not mention to Becker anything about his stays in Jordan, Palestine (including Jerusalem), or Cairo (destinations that are extensively covered in his diary), nor does he write in any detail about his many encounters with Eastern Christians, whose fate was of great concern to him.

These documents are preserved in Geheimes Staatsarchiv–Preußischer Kulturbesitz, VI. HA, NI Becker, C. H., Nr. 4385. The first letter, and possibly also the second one, was typed by "Fräulein Bartels", Strothmann's secretary in Hamburg, on the basis of Strothmann's handwritten drafts, which have not come

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[4] An annotated edition of the travel diary, which is preserved as part of the Strothmann Family Archive (SFA-A-01), is currently in preparation by Sabine Schmidtke and Gaby Strothmann: Strothmann, *Semester*. For the Strothmann Family Archive, see Schmidtke and Strothmann 2020.

[5] See letter Becker to Strothmann, 2 May 1930 (Geheimes Staatsarchiv–Preußischer Kulturbesitz, VI. HA, NI Becker, C. H., Nr. 4385): "Lieber Herr Kollege Strothmann, In diesen Tagen müssen Sie nach Hamburg zurückkehren, und da ergreife ich die erste Gelegenheit, Ihnen zu sagen, wie ganz besonders ich mich über Ihre Reisebriefe gefreut habe. Selten ist wohl jemand so gut vorbereitet wie Sie auf eine solche Reise gegangen, und ich habe mich auf jeder Seite der Fülle der Eindrücke gefreut, die auf Sie eingeströmt sind und die Meisterschaft bewundert, mit der Sie für alles zugleich Auge und Kraft besessen haben. Ich weiss nicht, ob ich noch diese Elastizität besitzen würde. Vor allem würden mir in vielen Punkten die Kenntnisse fehlen, die Sie mitbringen. Ich hoffe, dass wir bald einmal Gelegenheit haben, gemütlich über alles zu plaudern."

[6] For an annotated edition of the third letter, see Schmidtke in press (b).

down to us. Occasional errors in personal names suggest that she sometimes misinterpreted what Strothmann had written, and it is possible that she inadvertently omitted some words or perhaps even lines. Corrections of obvious errors are either mentioned in the annotation or marked by square brackets in the main text. Otherwise, Strothmann's spelling conventions and the transcription of names, places, and terms have been left unchanged. The beginning of a new page in the two letters is signalled in the main text by oblique strokes. Since the letters are typed out very densely, some additional paragraph divisions have been inserted.

First *Ansichtskarte*

Syrien, im November und Dezember 1929.
Hochverehrter Herr Minister,
Recht merkwürdig ist die Stelle, von der aus ich diese verabredete *Ansichtskarte* zu schreiben beginne. Als Sie in diesem Juni die amerikanischen Pädagogen empfingen, begrüssten Sie besonders den einen Araber, der natürlich ebenso erstaunt wie erfreut war, als Sie ihn mit *itfaḍḍal* zu Ihrer Rechten setzten: Professor Bulos Khauli, Pädagoge an der Amerikanischen Universität von Beirut;[7] er ist von seiner Deutschlandreise sehr angetan, und als ich bei einem Besuch in der Universität andeutete, dass das Hotel für meine Zwecke nicht der rechte Aufenthaltsort sei, sondern dass ich als *paying guest* unter den gleichen Bedingungen in ein orientalisches Haus gehen würde, nahm er mich auf in sein Fremdenzimmer auf dem Söller eines schönen Hauses, von dem aus man den Blick zum Meer und Gebirge hat; 5 nur arabisch sprechende Kinder umgeben mich bei Tisch, und der Pädagoge korrigiert mich glücklicherweise recht oft.[8]

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[7] Būlus b. Ḫalīl al-Ḥawlī (b. 1293/1876, d. 1367/1948) taught at the Syrian Protestant College (after 1920 the American University of Beirut) from 1897 until 1945 and also edited the AUB's journal *al-Kulliyya* for some years. On him, see "Directory of AUB Faculty, Staff, and Officers, 1866–Present" (entry: Ul-Khauli, Bulus Kuzma) http://libraries.aub.edu.lb/directory-archive/pages/directory1866.aspx (accessed 4 March 2022).

[8] Strothmann's sojourn in Beirut and his lodging in Ḥawlī's home are also mentioned in the journal of the American University of Beirut, *al-Kulliyya* 16, no. 2 (December 1929), p. 43: "Dr. Rudolf Strothman [*sic*], Professor of Semitics in the University of Hamburg, Germany, Director of the Oriental Institute of that city and Editor of the magazine 'Der Islam', was a welcome visitor to the University during November. He attended the Arabic classes in the A.U.B. Prof. Strothman's [*sic*] visit to Beirut was for the purpose of getting into personal touch with the East. He chose Beirut as his headquarters because he thinks that it is the center of the intellectual and educational movement in this part of the world. The learned scholar promised to make some literary contributions to the Arabic Al-Kulliyyah. During his stay in Beirut, he was stopping at the home of Professor Bulus Khauli." I thank Samar Mikati Kaissi, Associate University Librarian for Archives & Special Collections, AUB University Libraries, for having brought this passage to my attention.

Ich darf Ihnen nun die Hauptpunkte meiner Reise aufzählen, rein äusserlich; zunächst aber danke ich aufrichtigst für die liebenswürdige Aufnahme bei Ihnen: die Rücksicht auf Ihre Zeit veranlasste mich, Sie mit den kleinen laufenden Dingen des Fachs zu verschonen, um so wertvoller, ja für mich notwendig, empfand ich solche Besprechung, der *inaugurator* der deutschen Islamkunde bleiben Sie doch, jenen *character indelebilis* habe auch Khauli stark empfunden. Von Ihnen aus fuhr ich nach Sarajewo. Bald fand ich im Rektor der Schariat-Schule den allerpassendsten Führer. Zwiespältig wie sein arabisch-sla/2/vischer Name Schakir Sikarić war dieser blonde Musulman;[9] er hat einst bei Goldziher promoviert über Klöster und Welis in Bosnien, in ungarischer Sprache,[10] versteht etwas deutsch und viel arabisch; war sehr erfreut über den ersten *europäischen* Kollegen, der ihn aufsuchte; fühlte sich bei einer sehr bescheidenen Fiqh-Bibliothek von der Wissenschaft stark abgeschnitten und auch von der islamischen Welt; seit der türkischen Wandlung schwebt der bosnische Islam etwas in der Luft. Nachdem er mich öfter und sehr kollegial geführt hatte, erklärte er beim Abschied: "und jetzt gehe ich nach Hause (das ich auch nicht einmal von fern gesehen hatte) zu meiner tief verschleierten Frau". Er erklärte sich selbst als energischer Verfechter der islamischen Sitten im allgemeinen; auch auf dem Lande dort ist [*sic*] sie noch wenig gelockert. Eigenartig berührte mich ein Gymnasialalumnat, in welchem von den Dörfern die blonden Slavenjungen zum zukünftigen "geistlichen" Beruf gesammelt werden.

Durch die Herzegowina über Montenegro und den Skutari-See fuhr ich nach Albanien; glücklicherweise war kurz zuvor in einem Bädeker-Band ein sehr zuverlässiger Führer von Babinger erschienen.[11] In Tir[a]na entwirrte mir der *Raʾīs*

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[9] Šaćir Sikirić (b. 1893, d. 1966), a *šayḫ* of the Naqšbandiyya and a scholar of Arabic and Iranian studies, was appointed director of the Shariat College in Sarajevo in 1929 (I thank Rifet Rustemović for this information, as well as for some biographical references on the situation of Islam in the Balkans, viz. Babuna 2004, Jazexhi 2018, and Popovic 1986); later on, he taught as professor at the University of Sarajevo. On him, see Bušatlić 2016:403–407; Algar 1994:267. For the Shariat College, see Kettani 1997:466–467. For Sarajevo until the time of Strothmann's visit, see also Babinger 1934. For the situation of Islam and Muslims in Bosnia and Albania and their respective history from a comparative perspective, see Babuna 2004.

[10] Sikirić 1919 (non vidi); the study was also published as Sikirić 1918. The Oriental Collection, Library of the Hungarian Academy of Sciences, Budapest, preserves eighteen letters from Sikirić to Goldziher, written between 1916 and 1921, under the shelf marks GIL/39/08/02 through GIL/39/08/19; see: http://real-ms.mtak.hu/cgi/search/simple?q= Sikiri%C4%87_action_search=Search&_action_search=Search&_order=bytitle&basic_ srchtype =ALL&_satisfyall=ALL (accessed 4 March 2022). Between 1916 and 1918, Sikirić dispatched his letters from Oglavak, a village that was home to the Naqšbandī tekke founded by one of Sikirić's forebears in 1798. The letters of 1920 and 1921 were written in Sarajevo. I thank Rifet Rustemović for the information about Oglavak.

[11] Baedeker 1929. About route 39 ("Albanien"), Baedeker 1929:227–250, the preface states: "Etwas ganz Neues wird mit der ersten reisebuchmäßigen Darstellung Albaniens geboten, die auf dem Manuskript eines gründlichen Kenners, Prof. *Franz Babinger* [b. 1891,

al-ʿulamāʾ liebenswürdigerweise das zunächst unübersichtliche Bild des ganz stark in die einzelnen *Ṭarīqa*s aufgelösten Islam;[12] ein fein gebildeter etwas reservierter Mann, die einzelnen Eponymenerzählungen der Orden nimmt er natürlich für Geschichte. Enttäuschend war ein Besuch bei den Bektaschi; ich kann natürlich nicht verallgemeinern; aber an den Wiederaufbau glaube ich nicht so recht, ganz abgesehen davon, dass viele Hauptklöster im nicht zum Staat gehörenden Albanien lagen; zudem ist /3/ der Wille zum Mönchstum ähnlich geschwunden, wie bei der ganzen orthodoxen Kirche, drüben bis hierher. Der einzige orthodoxe Mönch ist das jetzige Haupt der neuen autokephalen Kirche Albaniens,[13] der mich zweimal, umgeben von seiner Kurie, empfing, um mir die überaus kennzeichnende jüngste Geschichte seiner Kirche zu schildern.[14] Tirana selbst war wenig geeignet zur Information, alles war unter dem Eindruck des bevorstehenden Erinnerungstages der Königskrönung Zogu's,[15] mit dem ein bemerkenswerter Kult getrieben wird; auf allen Landstrassen drängten sich die Truppenteile zur grossen Parade nach der Hauptstadt; Militär ist freilich nicht für Albanien allein Kennzeichen. Das fängt in Maribor an, welches ich noch als deutsches Marburg kannte, kennzeichnet Griechenland und die Türkei, und hier wirken Aleppo, Ladhikije, Tripolis und besonders Beirut, Damaskus, ferner die kleinen strategisch bedeutenden Orte Rejak, Losra, Suweida, Derʿa wie richtige Etappenlager in Kriegszeiten.

Die neueste Islamgeschichte veranlasste mich, wenigstens einen Einblick zu tun in die zwei Korrelatgebiete: das enttürkisierte entislamisierte Griechisch-Mazedonien und das entgriechte entchristete Anatolien. Gekappte Minaretts, zu Werkstätten oder Abraumstellen gewordenen Türbeh Mahullamoscheen; rührender

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d. 1967] (Berlin), beruht." See also Babinger 1930:6 n. 1: ". . . verweise ich auf die von mir verfasste 'erste reisebuchmäßige Darstellung ganz Albaniens', die, in freilich verkürzter Form, in Baedeker's *Dalmatien und die Adria* (Leipzig 1929) auf S. 327 ff. abgedruckt ist"; see also ibid., passim, for Babinger's annotations on Čelebī's report, which includes many of his observations during his visit of Albania in 1929. A portion of Babinger's report was also published as Babinger 1929. An English translation, prepared by Robert Elsie, is included in Elsie 2019. See also http://www.albanianhistory.net/1929_Babinger/ (accessed 14 March 2022).

[12] He can be identified as Behxhet Shapati (b. 1875, d. 1950); see Jazexhi 2018:51. I thank Rifet Rustemovic for this identification. For the office of the *raʾīs al-ʿulamāʾ* in Bosnia and, briefly, in Albania, see Karčić 1997. For the development of Islam in Albania in the post-Ottoman period, see Babuna 2004; Popovic 1986, chap. 1; Sciarra 1996. For the legal situation of the various religious communities since 1929, see Bousquet 1935. For the religious situation in Albania in the Ottoman period, see Skendi 1956.

[13] Metropolitan Visarion Xhuvani (b. 1890, d. 1965) served as the the primate of the Orthodox Autocephalous Church of Albania between 1929 and 1936.

[14] For the situation of Christianity in Albania during the time of Strothmann's visit to the country, see Broun 1986:46–47.

[15] Ahmed Bey Zogu (b. 1895, d. 1961), who served as president of Albania from 1925 to 1928, acceded to the throne as Zog I, king of the Albanians, in September 1928, when Albania changed its form of government from a republic to a monarchy. See Drizari 1928; Dako 1937.

ist's, wenn mit Freudenthränen der bildfrohe Griechenpope unter der Moscheetünche der wieder zur Kirche geweihten Hauptmoschee die blosgelegten Bilder Georgs, Demetrius oder der Theotokos zeigt; —in Anatolien—ich sah 6 der 7 apokalyptischen Gemeinden—gibt es, /4/ abgesehen von den Ausländern in Smyrna, zumal dem hier allgegenwärtigen Rom, keine Christen. Der Deutsche in Smyrna kann natürlich nicht vorübergehen an der Griechenwelt, in Pergamon führte Wiegand,[16] in Ephesus Keil[17] ausgezeichnet, und ich beruhige mein Gewissen über diesen Abstecher mit der didaktischen Ratsamkeit, methodisch an die Islamdenkmäler heranzutreten, von der hellenischen über die hellenistische zur orientalischen Kunst. Dem günstigen Urteil über die Türkei glaube ich nur beschränkt zustimmen zu können. Gewiss sind sie Herren jetzt in ihrem Hause; Kirchen gibts nicht mehr; sind Trümmerhaufen, Benzintankstellen, Garagen; da auch viele Moscheen und Türkenviertel zerstört sind, z.B. in Manisa, so sind also die Zertrümmerungen von 1921/22 nicht allein Taten der Türken; die Medresen sind in Mektebe verwandelt, stolz ragt das moderne Schulgebäude über die Lehmhütten der Dörfer; in Ephesus ist auch die letzte Erinnerung an den Heiligen Theologen gelöscht: Ajasoluk heisst jetzt Selćúk; die *Hotels* haben sie selbst übernommen; das Gewerbe eines selbst orientalischen Wirtes müssten sie erst eigentlich noch lernen; auch am Handel möchten sie sich beteiligen; aber dass sie zwei der kaufmännischen Gruppen, Griechen und Armenier, vertrieben, verschaffte ihnen noch nicht das Geschäft, schuf vielmehr für die verbleibende dritte ein Monopol. Ich war mehrere Tage in einem Hotel, wo die türkischen Grossgrundbesitzer und die Händler abstiegen und die diesjährige Tabackernte verschleisst wurde. Die Verkäufer standen einer geschlossenen Phalanx der Aufkäufer gegenüber—der Türke hat die alte Vorliebe für die bunte /5/ Mütze behalten. Soldat oder Beamter. Was man hier für Papier und Zeit verbraucht, wenn ein 7 mal legitimierter und photographierter Reisender von Adana nach Tarsus will! Schwierig wird es für die grossen ausländischen Firmen, wenn sie die grossen Projekte ausführen, sobald es an die Bezahlung geht! Der wirtschaftliche Wille scheint wohl da zu sein; über den wirklichen Bestand und Wirkungskreis der Agrarbanken bin ich mir nicht ins Klare gekommen; der anatolische Bauer ist zwar arbeitssam aber langsam und nicht umsichtig; schon in Phrygien oder gar in Lykaonien, dem weiten leeren Raum, möchte man als Kind eines landhungrigen Volkes am liebsten bleiben, um den Boden zu bebauen oder wieder urbar zu machen.

Schlimm steht es noch um die Hygiene, die grosse Sterblichkeit kann dem stark verbluteten, auch reichlich verseuchten Volke zur Gefahr werden; die

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[16] The German archeologist Theodor Wiegand (b. 1864, d. 1936) spent several months during the years 1927 through 1932 in Pergamon, where he directed the excavations. On him, see Watzinger 1944, esp. 396–439.

[17] The Austrian archeologist Josef Keil (b. 1878, d. 1963) directed the excavations at Ephesus during the years 1926–1933. I thank Angelos Chaniotis for this identification; the typed letter has "Klein", which is evidently an error. See Wiplinger and Wlach 1996.

Muhadschirun, zumeist mehr fortgeschritten, müssen sehr schwer ringen, vorgesorgt war für ihre Aufnahme nichts. In Konia ist die Türbe Dschela[l]eddin's anständig gepflegt als Museum;[18] für einen Moslem freilich peinlich, dass das Kloster als staatliches Museum nicht nur die Denkmäler auch aus der Seldschukenzeit enthält, sondern selbst christliche Heiligenstatuen und Kreuze und griechische unbekleidete Götter aus dem vorpaulinischen Ikonium. Im *Dhikr*-Raum dieses Mewlewi freundete ich mich an mit einem schlichten melancholisch die verlassene Klosterstätte durchwandelnden Mann; es war ein Kurde aus dem Vilajet Musch; er hatte am Aufstande des Scheich Saʿid teilgenommen:[19] ein Bruder getötet, zwei nach dem Iraq entkommen; er selbst seit 4 1/2 Jahren nach Konia verbannt unter Polizeiaufsicht, es war ein wehmütiger aber lehrreicher Führer durch /6/ das stark vernachlässigte Konia, voll Kurden- und Moslemingrimm; den Zug später füllten türkische Soldaten, die zu den Ostvilajets rückten. Mein Wirt in Konia war Muhadschir aus Russland; ernst und gross nimmt sich das Schicksal unserer Zeit gerade auch im Erleben des kleinen Mannes aus.—Ciliciens Hauptstadt Adana ohne Armenier! Während die Baumwollernte auf Kamelen in die projektenreiche Quasi-Fabrikstadt einzieht.

Armenier um so mehr in Aleppo, wenn man aus den selbständigen Militärstaaten seit Marburg an der Drau in den Militärbereich des Besetzten Gebietes eintritt nach Syrien. Ich sah Karchemis am Euphrat, nicht ohne Schwierigkeiten. Die Grenze geht durch den Ort; Schützengräben and Stacheldraht sind noch nicht aufgeräumt, die Ruinen liegen auf türkischem Boden, die Aufnahme durch den Militärposten war sehr ungnädig wegen des—roten Tuchs, des Turbans meines Begleiters, der nun auch prinzipiell wurde; es bedurfte meiner mühsamen Versuche zum hohen Lob über die wunderbaren Sehenswürdigkeiten des Türkischen Landes und die grosse Sorgfalt, mit der es seine Ruinen pflege, wie bereitwillig man den Reisenden alles zeige, die nun die Schönheiten der Türkei allerorten verkündeten, um zum Zweck meines Besuches zu kommen. An sich war die Debatte über den Turban nicht unlehrreich, eine Art Flaggenfrage, nur war sie zeitraubend am ungeeigneten Platze. Hoffentlich kehren die Amerikaner, die seit längerem nicht mehr gruben, zurück.[20] Der Tell ist noch sehr gross, das Freigelegte freilich schon ganz gewaltig und aufschlussreich.

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[18] Referring to the tomb built for the great Persian mystic and poet Mawlānā Ǧalāl ad-Dīn Rūmī (d. 672/1273 in Konya). For the tomb and its history, see Yalman 2016.

[19] Referring to the Sheikh Said Rebellion or Genç Incident, a Kurdish nationalist rebellion in Turkish Kurdistan in 1925.

[20] Karkemish was excavated since 1878 (with interruptions) by British archeologists; after World War I, the dig was briefly resumed in 1920 by Charles Leonard Woolley (b. 1880, d. 1960) until the outbreak of the Turkish War of Independence in the same year. See Güterbock 1954.

In Aleppo besuchte ich vor allem die beiden Antipoden: in der schönen Hauptmoschee[21] ist man fromm und verschlossen bis zum Ingrimm; erst als ich mich dem Examen über mein Woher unterworfen hatte, ward man freundlicher; Siegesstimmung herrscht in der Maronitenkathedrale;[22] abgesehen von der Messe/7/sprache und dem *Tartīl* des Messelesens erinnert wenig mehr an den Osten: Maron's Bild tritt in den Hintergrund gegen die Immaculée von Lourdes und die selige Jeanne d'Arc, welche von der Trikolore umflort besonders verehrt wird. Ein Bekriten-Tekke wirkte stark laizisiert als blosses Mahalla-Gebetshaus der Familien der Ordensglieder, die verheiratet ihren Geschäften nachgehen; eine etwas zarte, im ganzen freundliche Luft wehte um das Idyll.

Wunderbar ist das Nusairierbergland; die sauberen weissglänzenden Dorfheiligtümer werden von meinem muhammedanischen Begleiter mit sonderbarem Gefühl betrachtet; und ein eindringenderes Fragen darnach bringt in peinlichen Verdacht, man wolle sich in Orgienkreise eindrängen. Sonderbar, das Land der Nusairier ist heute völlig erschlossen; selbst in entfernte Dörfer kommen Autos, und doch wissen sie noch das Geheimnisvolle zu bewahren; natürlich mit dem Erfolg der bekannten Verleumdungen gegen jede Geheimgesellschaft; hier glauben auch viele Gebildete an die nach der Feier gelöschten Lichter etc. Tatsächlich aber lässt sich beobachten, dass die Frauen die Gottesdienste garnicht besuchen, und alle Gedanken dieser armen Fellachen in der Wirtschaftskrise sind Brot und Steuern; ihr Tun ist Arbeiten, Schlafen und Arbeiten, ihr Ideal Amerika. Lammens meint resigniert, dass es nicht möglich wäre, mehr aus den Nusairiern herauszuziehen, als ihm gelungen sei, trotzdem er jetzt wieder dauernd hier ist und ihm, dem geistigen Helfer des Mandatars, alle Mittel und aller Schutz zur Verfügung stehen.[23] Lammens ist ein Greis, der mit zitternden Händen fleissig arbeitet, über sein *La Syrie*[24] herrscht bei allen Nicht-Katholiken stärkste Er/8/bitterung; für eine nun im Manuscript abgeschlossene Muhammed-Studie hat er, nach Angabe des Präsidenten der Amerikanischen Universität,[25] vom Ordensgeneral nicht das

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[21] For the Great Mosque of Aleppo, see https://muslimheritage.com/the-great-mosque-of-aleppo/ (accessed 4 March 2022).

[22] For the Saint Elijah Cathedral in Aleppo, see https://oeuvre-orient.com/our-actions/reconstruction-de-la-cathedrale-maronite-saint-elie-a-alep/ (accessed 4 March 2022).

[23] Henri Lammens (b. 1862, d. 1937) was among the earliest Western scholars to study the Nuṣayrīs, and he is renowned for his view that Nuṣayrism constitutes a unique offshoot of ancient Christianity. For the current state of Nuṣayrī studies, see Bar-Asher and Kofsky 2002; Friedman 2010; Bar-Asher and Kofsky 2021. Among Strothmann's publications on the Nuṣayrīs, see especially Strothmann 1950; on p. 53 he makes a similar statement about Lammens.

[24] Lammens 1921.

[25] Bayard Dodge; on him, see below, n. 41.

Imprimatur erhalten. Wir sprachen zusammen Arabisch und Deutsch, welches letzteres er als Flame aus Gent kennt, oder wie er sagt, einmal kannte.[26]

Das Durchstöbern von Handschriften in der Josephs-Universität ist durch den Tod Cheiko's, der Bescheid wusste, sehr erschwert; besonders zeitraubend, die Katalogisierung war erst in Angriff genommen;[27] einer der eingeborenen Ordensglieder Taoutel[28] muss sich als Nachfolger Cheiko's erst hineinarbeiten; einen orientalistischen Nachwuchs hat der Orden hier z.Zt. nicht. Dagegen will das zur Universität umgenannte American College[29] eine semitistische Disziplin in der Philosophischen Abteilung begründen, bisher wird nur *Adab* doziert, in etwas belletristischer Form, es sind die einzigen Vorlesungen in arabischer Sprache;[30] ich nahm an Vorlesungen über Abu l-Atahija,[31] Abu Nuwas[32] und Abu Temmām[33] teil; ferner an Seminarübungen über Schauqi,[34] Raihani,[35] N[a]sira Zeineddin, eine in

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[26] For Henri Lammens, see Levi Della Vida 1937; Jalabert 1987:196–197; Knuts 2012. Knuts says about Lammens's Muḥammad biography: "His contemporary plan of writing a biography of the Prophet Muhammad, moreover, is boycotted by his clerical superiors because of his staunchly anti-Islamic reputation."

[27] Louis Cheikho (b. 1859, d. 1927) served as the first vice-chancellor of the Université Saint-Joseph, and between 1880 to 1927 he directed the Oriental library, which blossomed under his leadership. The catalogue of its manuscript holdings was eventually published as Cheikho, Abdo Khalifé, and Nwyia 1913–1998. On Cheikho, see Jalabert 1987:168–169. For a brief history of the library, see Herzstein 2015. For the early history of the Saint-Joseph University, see Herzstein 2008.

[28] The typewritten manuscript has Tawfel, which must be an error. Strothmann probably refers here to Ferdinand Taoutel (b. 1887, d. 1977), a member of the famous Taoutel family in Aleppo (I thank George A. Kiraz and Ephrem Isaac for confirming the identification). Ferdinand Taoutel is particularly known for his historical study on Aleppo, Taoutel 1940. On him, see also Jalabert 1987:329–330, and http://ferdinandtaoutel.blogspot.com/ (accessed 9 May 2022).

[29] The Syrian Protestant College was established in 1866 by American Presbyterians; in 1920 it was renamed the American University of Beirut (AUB). For its history, see Anderson 2011; Huber 2015. For Strothmann's visit to the AUB, see also above, n. 8.

[30] See *Catalogue of the American University of Beirut*, 55–58 for the Arabic teaching programme at the time and a list of the faculty teaching Arabic. See also ibid., 58 for an announcement of a new course in Semitics from the academic year 1929/30 onwards.

[31] Abū l-ʿAtāhiya, Abū Isḥāq Ismāʿīl b. al-Qāsim b. Suwayd b. Kaysān (d. 210/825 or 211/826).

[32] Abū Nuwās al-Ḥasan b. Hāniʾ al-Ḥakamī (b. 139 or 140/756 or 758, d. between mid-198/813 and early 200/815).

[33] Abū Tammām Ḥabīb b. Aws aṭ-Ṭāʾī (d. 231/845 or 232/846).

[34] Presumably a reference to the Egyptian poet Aḥmad Šawqī (b. 1868, d. 1932). On him, see DeYoung 2015.

[35] Probably a reference to Amīn Rīḥānī (b. 1876, d. 1940); on him, see Brockelmann 2012:399–414; Schumann 2008.

Beirut lebende drusische Führerin in der Frauenbewegung.[36] Ein Historiker wirft sich auf die neue orientalische Geschichte und druckt zur Zeit alle Dokumente zu *Syrien unter Ibrahim Pascha*, eine Zeit, nach der sich jetzt die nationalen Syrer, auch Christen zurücksehnen;[37] ein jüngerer Assistent hat 2 Semester bei Littmann studiert und führt erstmalig andere semitische Sprachen (Syrisch, Hebräisch, Himjarisch) in die Universität ein.[38] Ich habe als Gastgabe einen Beitrag für die Zeitschrift der Universität dargelassen "Ueber die Bedeutung und Aussichten einer semitistischen Disziplin in der Syrischen Universität".[39] Abgesehen von /9/ den offiziellen Gängen zu dem amerikanischen Dekan[40] und dem amerikanischen Präsidenten[41] verkehrte ich nur mit dem arabischen Teil des Kollegiums, durch meinen Hausherrn war ich

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[36] A reference to Naẓīra Zayn ad-Dīn (b. 1908, d. 1976), a Druze Lebanese activist, feminist, and scholar; see Zayn ad-Dīn 1928. On her, see Cooke 2010.

[37] A reference to Asad Ǧibrāʾil Rustum (b. 1897, d. 1965). For his biography, scholarly trajectory, and publications, see the contributions to al-Qaṭṭār, Rustum-Šiḥāda, and Šaraf 1984. For his professional academic career at the AUB, see http://libraries.aub.edu.lb/directory-archive/pages/Member.aspx?Edit=True&TBL=4&ID=93958 (accessed 22 March 2022). For his *Nachlass* at the AUB Archives and Special Collections Department, see https://libcat.aub.edu.lb/record=b1462117~S1 (accessed 23 March 2022).

[38] A reference to Anīs Ḫūrī Ilyās Frayḥa (b. 1903, d. 1993), who was appointed adjunct professor of Semitics in 1929 and taught at AUB until his retirement in 1967. For a reminiscence of his days in Tübingen, see Frayḥa 1978:108–122. For his professional academic career at the AUB, see http://libraries.aub.edu.lb/directoryarchive/pages/Member.aspx?Edit=True&TBL=4&ID=90745 (accessed 16 March 2022). For his *Nachlass* at the AUB Archives and Special Collections Department, see https://www.aub.edu.lb/libraries/asc/Documents/CommonDocuments/Anis%20Frayha%20Finding%20Aid%20final.pdf (accessed 23 March 2022). For Anīs Frayḥa and the beginnings of Arabic instruction at the AUB, see also Wilmsen 2017. For Enno Littmann (b. 1875, d. 1958), see Paret 1959.

[39] It was intended for publication in the AUB's journal *al-Kulliyya*; see also above, n. 8. The journal never published Strothmann's paper, and it is unknown what happened to his contribution. Anīs Frayḥa would certainly have been able to translate Strothmann's paper into Arabic (or English); see F[rayḥa] 1930, which is replete with references to secondary literature in German. See also Frayḥa's obituary for Theodor Nöldeke, Frayḥa 1931.

[40] Edward Frederick Nickoley (b. 1873, d. 1937), who served since 1924 as dean of the Faculty of Arts and Sciences. On him, see: https://www.aub.edu.lb/libraries/asc/Documents/CommonDocuments/Edward%20Nickoley%20Collection%20Finding%20Aid.pdf (accessed 21 March 2022). I thank Samar Mikati Kaissi for this identification.

[41] From 1923 to 1948, Bayard Dodge (b. 1888, d. 1972) served as President of the American University of Beirut. For the Bayard Dodge Archival Collection, held in the AUB Archives & Special Collections, see: https://www.aub.edu.lb/libraries/asc/Documents/CommonDocuments/Bayard%20Dodge%20Collection%20Finding%20Aid.pdf (accessed 4 March 2022).

in eine grosse Reihe arabischer Familien eingeführt; fast jeden Abend war eine *Musāmara*. Mein einziger erster Besuch galt dem *Qadi quḍat al-Schīʿa*,[42] der mich sofort zum Essen lud und seinen Gegenbesuch sehr ausdehnte, ein kultivierter Mann, mit dem man über alle internen Fragen sprechen kann: *bedāʾ*, *tašbih*, Verhältnis zu den anderen Schiagruppen; nur eines: die geschichtliche Entwicklung des Dogmas ist ihm eine gänzlich unvollziehbare Vorstellung; obwohl er die *Riǧal*-Bücher sehr genau kennt, das Werden darin sieht er nicht, auch die Männer, gegen die Ǧaʿfar al-Ṣādik [d. 148/765], [ʿAlī b. Mūsā] al-Riḍā [d. 202/818] u.a. ankämpfen mussten, sind für ihn jetzt kanonisiert, die gegenteiligen schiitischen Urteile sind für ihn Folgen sunnitischer Verleumdung. Besonders stolz war er, als ich die Bedeutung der syrischen Gelehrten vom Dschebel ʿĀmil für die Zwölfer unterstrich: "Die hier (nämlich die sunnitischen Scheiche) kennen ja nur den Buchari," meinte er; sehr freundlich waren nachher auch die Herren in Saida, wo eine ganz beachtenswerte Druckerei der Zwölfer "ʿIrfān" mit einer eigenen Zeitschrift besteht.[43]

Sie leiteten mich hinüber zu dem von mir literarisch öfter genannten Dschebel ʿĀmil. Dessen Ostabhang fällt hinunter zum Litani und von dort erreicht man über die Wasserscheide am obersten Jordan das Wadi el-Teim. Hier im Ursitz der Drusen, der freilich auch 1925 stark zerstört ist, sass ich zu Füssen des drusischen Hauptheiligtums Chalwat al-B[a]jād[a];[44] ich hatte die Drusen /10/ schon vorher in abgeschlossenen Libanondörfern aufgesucht: z.B. im entlegenen Wadi Schuraij; die Aufnahme war freundlich; Chalwat al-Bijāḍ wurde mir ganz gezeigt, man hat eben nichts in den Heiligtümern, was wir nicht sehen sollen; auf einem Dorf liess ein Lehrer sogleich durch seinen Knaben mir aus dem Qoran vorrezitieren, die Kenntnis weiterer heiliger Schriften leugnete er streng. Wenn man aber etwas mit ihnen bekannt ist, werden sie aufgeschlossener; wissen sie doch selbst, dass seit ihrem unglücklichen Aufstand 1925 weitere Schriften in fremde Hände geraten sind; die beiden Beiruter Universitäten haben solche auf öffentlichem Suk gekauft, inwieweit das mir hier bekannt gewordene Material neu ist, kann ich mit den hier zur Verfügung stehenden literarischen Mitteln noch nicht feststellen.[45]

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[42] Strothmann is possibly referring here to Muḥsin al-Amīn (b. 1284/1865, d. 1371/1952), the leading Twelver Šīʿī personality in Damascus since 1901; see Mervin 2000:161ff.

[43] The monthly journal *al-ʿIrfān: Maǧalla ʿilmiyya adabiyya aḫlāqiyya iǧtimāʿiyya* was published in Ṣaydā since 1327/1909, edited by Aḥmad ʿĀrif az-Zayn (b. 1883, d. 1960), a Šīʿī scholar from Ǧabal ʿĀmil. See Rosiny 1999:75 and passim; Mervin 2000:passim; Firro 2006:536–537; Sayed 2019.

[44] For Ḫalwat al-Bayāḍa, an important centre of Druze learning in the vicinity of Ḫāṣbayā, see e.g. Kaufman 2016.

[45] In 1939 Strothmann published an edition of a Druze text that is preserved in the Berlin State Library; Strothmann 1939. In it he briefly refers to the Druze manuscript material he saw during his journey (p. 269): "Außer den zahlreichen Beständen in westlichen Bibliotheken findet sich eine große Menge in Syrien, so in der Amerikanischen Universität zu Beirut, ferner in kleineren Bibliotheken und in Privathand, zumal seit Niederschlagen des Drusenaufstandes 1925. Mehrere habe ich an Ort und Stelle eingesehen."

In Damascus hörte ich den 90jährigen Scheich Bedreddin:[46] er liest Kommentar über Idschi, mawāqif,[47] vor drei und Kommentar zu Ibn Sīnā, ischārāt,[48] vor einem Hörer; eine merkwürdige Welt: ungebrochene Scholastik; mehr als äusserlich werden wir nie hineindringen; wunderbar wie diese präzise dogmatische Mathematik in diesen alten Scheichen lebt; und noch eins lebt: er hat mich zugelassen zu seinen öffentlichen Vorträgen unter der Adlerkuppe in der Omaijadenmoschee Freitags zwischen Mittags- und Nachmittagsgebet; anwesend 600 Männer und etwa 30 Frauen; seine Vorträge paränetisch-apologetischer, auch politisch-eschatologischer Art, mit starkem Interesse für den Antichrist, bestehen im wesentlichen aus einer geschickten Aneinanderreihung von Traditionen, die er mit den letzten Isnādgliedern einführt und wörtlich auswendig zitiert; genau /11/ so muss es zu Ašʿarīs[49] Zeiten gewesen sein; der Eindruck auf die Leute ist ungeheuer stark: jā-Allah-Seufzen; auch Rührungstränen und fromme Zwischenrufe in Gebetsformeln. Da die Materie vertraut ist, sind diese Vorträge am leichtesten zu verstehen; Scheich Bedreddin, Vater des von den Franzosen ernannten Staatspräsidenten Tadscheddin,[50] ist allerdings der einzige Islamgelehrte hier; der Mufti ist recht beschränkt und engstirnig; ich hatte mir die Erlaubnis, in den Bildungsgang der Kadis und Imame (übrigens dürftig) Einblick zu erhalten, erst zu ertrotzen durch Erpressung: ich würde seine Weigerung veröffentlichen, dann würden die Gelehrten denken, es sei eben so schlecht bestellt um diese Bildung, dass niemand sie sehen dürfe; nicht sunnitische Gruppe[n] hätte[n] [m]ich freundlich aufgenommen. Schliesslich fing ich an ihn zu prüfen: "Hast du gelesen dies und dies". Endlich bekam ich Erlaubnis; und nachher war er sehr freundlich.

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[46] For Šayḫ Badr ad-Dīn al-Ḥasanī (b. 1267/1850, d. 1354/1935), see Weismann 2005.

[47] Presumably referring to the popular commentary by aš-Šarīf al-Ǧurǧānī (d. 816/1413) on the *K. al-Mawāqif fī ʿilm al-kalām* by ʿAḍud ad-Dīn al-Īǧī (d. 756/1355) that was available in print since the nineteenth century.

[48] Presumably referring to the commentaries of Faḫr ad-Dīn ar-Rāzī (d. 606/1209) and Naṣīr ad-Dīn aṭ-Ṭūsī (d. 672/1274) on the *K. al-Išārāt wa-t-tanbīhāt* by Ibn Sīnā (d. 428/1037), which have been repeatedly printed together.

[49] Abū l-Ḥasan al-Ašʿarī (d. 324/936).

[50] Šayḫ Muḥammad Tāǧ ad-Dīn al-Ḥasanī (b. 1885, d. 1943), a French-appointed Syrian leader and politician, served as prime minister from 15 April 1928 to 19 November 1931; see Khoury 1987:327ff. and passim.

Ganz anders ist ja nun die Welt um die neue Universität;[51] der Kultusminister[52]—er lässt sich Ihnen empfehlen, Sie hörten ihn ja wohl in Oxford[53]—ist ein Mann von grösstem Wissen—darin sind uns die Orientalen ja überhaupt über—und von guter Organisationsgabe; die zukünftige philosophische Fakultät, der *fann al-adab*,[54] zählt jetzt 3 Professoren; ich hörte sie alle drei; Maghrebi[55] über Mutanabbi,[56] al-Bānī[57] über Rhetorik (sehr scholastisch), ähnlich wie die alten *Balāgha*-Bücher, und der sehr deutlich sprechende al-Ğabrī,[58] der zugleich Direktor im Kultusministerium,[59] über die *Literaturgeschichte als Wissenschaft* spricht; stark abhängig von der französischen Forschung de Boeuf [?], Villemand:[60] Natürlich ist diese Universität sehr westlich, Kurd Ali will sogar den Scheichen eine Theo/12/logische Fakultät aufzwingen; ich bin gespannt, was das wird; über den Mufti denkt er nicht anders als ich. Was ich suchte, boten mir natürlich die Scheichs in der Moschee und Bedreddin viel mehr als die Modernen; ganz besondere Freundschaft schloss ich mit den Schadhilīja-Brüdern; keine eigentlichen Derwische ausser dem Scheich, der aus Tlemcen stammt, gehen sie alle ihren Berufen nach; Kaufleute, Lastträger, Handwerker, Lehrer, Sekretäre. Ich wohnte dem *Dhikr* bei, nachdem ich mich einer gründlichen Prüfung unterzogen hatte. Wenn der Bädeker sie kennte—ihre Moschee ist aber ganz entlegen am Meidan, und sie wurden noch nie besucht—würde er sie

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[51] For the University of Damascus, which was founded in 1923 on the basis of the Ottoman school of medicine in Damascus (founded in 1901), see Rāfiq 2004; Rafeq 2008.

[52] Muḥammad Kurd ʿAlī (b. 1876, d. 1953) was appointed minister of education in Tāğ ad-Dīn al-Ḥasanī's cabinet in April 1928; see Khoury 1987:329. He also served as founding director of the Arab Academy in Damascus from 8 June 1919 until his death. On him, see also Escovitz 1983.

[53] Kurd ʿAlī participated in the seventeenth International Congress of Orientalists in Oxford in 1928 with a paper entitled "Muslim Studies in Europe". An Arabic version was published as Kurd ʿAlī 1921. See also Escovitz 1983:106 n. 9.

[54] Strothmann apparently refers here to the School for Higher Literary Studies (Madrasat ad-Durūs al-Adabiyya al-ʿUlyā) attached to the Syrian University that was established in 1928 and in 1929 renamed the Higher School of Arts (al-Madrasa al-ʿUlyā li-l-Adab). It had to close down at the end of the academic year 1933/34; see Rāfiq 2004:82–83, 115–120; Rafeq 2008:82–84.

[55] ʿAbd al-Qādir al-Maġribī (b. 1866, d. 1956), who was also one of the founding members of the Arab Academy of Science and later its vice president. On him, see Khoury 2016:109–159. For his appointment to the Higher School of Arts, see Rāfiq 2004:117.

[56] Al-Mutanabbī, Abū ṭ-Ṭayyib Aḥmad b. al-Ḥusayn al-Ğuʿfī (b. 303/915, d. 354/955).

[57] Saʿīd al-Bānī; for his appointment to the Higher School of Arts as a teacher of Arabic language, see Rāfiq 2004:118.

[58] Šafīq al-Ğabrī (b. 1898, d. 1980), who served at the time as director of the Higher School of Arts; see Rāfiq 2004:117; Rafeq 2008:83.

[59] Ğabrī was appointed *raʾīs dīwān wizārat al-maʿārif* in 1920; see Rāfiq 2004:117 n. 4.

[60] The manuscript reads "Villemand", which is evidently an error. Strothmann is perhaps referring here to the French writer and literary critic M. (Abel-François) Villemain (b. 1790, d. 1870).

die Springenden Derwische nennen. Das ganze *Dhikr*—schon zur voraufgehenden Nacht*ṣalāt* liess man mich zu—ist aber sehr gedämpft; sehr sinnig rezitierte Gebete und Qoranverse, zu der jeder beitragen darf, ganz demokratisch, und wenn sie sich nach einer halben Stunde erheben, geht das Wiegen im Kreis und das Beugen und Hüpfen so allmählich, dass nichts gewaltsam-gemacht erscheint, obwohl auf dem Höhepunkt der einstimmige Atem der 80 Brüder faucht wie ein Windsturm; und dann klingt es ganz natürlich wieder ab.[61]

Bei den mannigfachen Christengruppen war ich sämtlich, besonders bei den Orthodoxen, die seit einem Jahr keine Patriarchen haben;[62] das alte Patriarchat Antiochien zerfällt ganz vor der römischen Werbekraft; es fehlt jede Ordnung; ich habe beide Parteien der verunglückten Wahl gesprochen und veröffentliche darüber in einer theologischen Zeitschrift.[63] Von den europäischen Kirchen ist die Evangelische gänzlich zurückgegangen; die Deutschen sind ver/13/trieben, aber auch die Engländer und Amerikaner haben grosse Verluste; ich habe auf Dörfern ihre früher blühenden Schulen verlassen gefunden. Meine berüchtigte "Missionsbesprechung" im *Islam* ist mir hier von den Betroffenen, Nichtdeutschen leider bestätigt worden.[64] Früher war ein Wettbewerb; jetzt ist das Französische Amtssprache und wird in den entferntesten Dörfern gelehrt; das Land ist von französischen Mönche[n] und Nonnen—aber auch der Laienmission angefüllt; hier k[ö]nnte ein Historiker die Geschichte der Kreuzzüge nacherleben. Unvergleichbar sind die gut organisierten Unierten mit ihren jeweiligen früheren Glaubensgenossen; so sind z.B. die altmonophysitischen Jakobiten ein verstörtes ärmliches Häuflein und nach der Vertreibung aus Dijarbekr und Mardin ohne eigentliche Leitung; ihre unierten Brüder, die Syrianer, fanden bei der Flucht hier sehr gute Aufnahme vor; ihre Kloster sind gut, auch reich, wie alle von Rom geleiteten Kl[ö]ster hier in diesem sehr armen Lande, und syrologische Auskünfte konnte ich bislang nur bei ihnen, nicht bei den Altjakobiten haben. Ich gedenke diese aber weiter im Osten noch näher zu sprechen.

Das ganze Syrien ist ja nun einmal die steingewordene Dogmengeschichte, auch kleinste Örtchen mit 5 Konfessionen; und wo wirklich konfessionell geschlossene Orte sind, wie am Eingang zum Dschebel Druz vor Suwaida, folgt bald wieder ein christliches oder muhammedanisches; dadurch dass diese Zustände jetzt besonders amtlich unterstrichen werden, treten sie noch mehr hervor, zumal sie garnicht

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[61] For the history of the Šāḏiliyya and their followers in Damascus, see Ṭayba 2019. The identity of the *šayḫ* is uncertain; Ṭayba mentions a number of personalities who would fit Strothmann's description.

[62] Gregory IV Haddad (b. 1 July 1859 as Ġanṭūs Ǧirǧis Ḥaddād), the Greek Orthodox Patriarch of Antioch and all the East from 1906 to 1928, passed away on 12 December 1928. For a biographical sketch of Gregory IV, the collections of Christian Arabic manuscripts that he presented to the Russian tsar in 1913, and their later fate, see Pyatnitsky 2011.

[63] Strothmann 1930. The author's domicile is given as "Hamburg, z Zt. Damascus".

[64] Possibly referring to Strothmann 1926.

gradlinig unterstrichen werden können; /14/ Ledhikija, die Hauptstadt des Nosairierlandes hat kaum Nosairier; in Damascus konnte mir einst ein Schutzmann keine Auskunft geben; weil er kein Arabisch verstand (nicht "nein", das kommt öfter vor);[65] die Polizeitruppe ist grösstenteils tscherkessisch; es kann noch eine weitere Zerstückelung in Aussicht stehen; denn die Beduinen im Osten vor Deir Zor und Abu Kemal erklärten, nicht mit den Städten zu einem Reiche gehören zu wollen; lieber selbständig unter Bewachung eines Mandatsoffiziers; doch von politischen Dingen liesse sich besser gelegentlich erzählen; ich höre in diesen Dingen nur und weiche den viel an mich gerichteten Fragen aus: *Schū raiʾjak fī*? mit der Antwort: ich bin nicht *ʿālim*, sondern *mutaʿallim*; auch so sehe ich viel, den wirtschaftlichen Jammer neben dem militärischen Glanz; schlimm ist die Steuerlast; wenn ich auch an Klagen von Landleuten gewöhnt bin, so sind diese hier doch besonders eindringlich und äussern sich schliesslich in der grossen, immer noch zunehmenden Auswanderung nach Amerika. Gut gesorgt ist dagegen für den Touristen, der nur die Hauptpunkte besuchen will; ein fashionables Leben täuscht ihm den Fortschritt Syriens vor; peinlich ist dann aber, dass Damascus im Zentrum eine Ruine ist; die ganze Gassen- und Bazarecke des östlichen Teils zwischen den beiden Hauptmärkten Hamidije und Gerade Strasse liegt noch fast genau so, wie sie 1925 zusammengeschossen wurde. Vielfach, jetzt wieder hier in Bosra, wo es keine Lokanda gibt, lebe ich bei kleinsten Leuten; im Laden wird bei dem (europäischen) Tuch zum Frauengewand, über Nägel, Seile, Kartoffeln, auch Oel, um jeden Piaster /15/ (0,6 Pfennig) gefeilscht, meist auf Pump genommen oder mit Gerste und Weizen bezahlt, und das im reichen Hauran. Man erklärt diese Umstände mit der *Thaura* von 1925. Man sollte nicht glauben, dass z.B. Bosra noch mehr zerstört werden konnte, als es schon war; jetzt tritt das noch mehr hervor, weil für die Autos die alte Säulenstrasse grösstenteils wieder freigelegt wurde. Die zunächst für die Truppen notwendigen Neuerungen stellen natürlich einen grossen Fortschritt dar; etwa die Wasserleitungen; aber die Unternehmergruppen sind natürlich ausländische. Syrien ist z.Zt. nur Kolonie; dass man den Wasserturm von Bosra an die bequemst-höchste Stelle errichtet, nämlich in die Südapsis der Bahira-Kirche, muss freilich peinlich wirken, auch für den, der an den Mönch Bahira nicht (?) glaubt, also hier nicht den *Ursprung* des Islam sucht.[66] Von der wirtschaftlichen Seite her erwarten jetzt führende Syrer, auch Zeitungsredakteure, die ich besuchte, die Einigung der Staaten; es tagt eine allsyrische Wirtschaftskonferenz.[67]

Sehr verehrter Herr Minister, ich habe Fräulein Bartels gebeten, im Seminar diese oft an dürftigen Orten (im Hauran ist es abends recht kalt) geschriebenen etwas

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[65] The parenthetical comment "(nicht 'nein', das kommt öfter vor)" is evidently an addition by the person who typed out the letter.

[66] For the monk Baḥīrā, who features in studies about his miraculous foreknowledge of the prophet Muḥammad in the *sīra* literature, see Roggema 2011 (with further references).

[67] A reference to the Economic and Industrial Congress (*al-muʾtamar al-ṣināʿī al-iqtiṣādī*) that was convened in Damascus in September 1929; see Schad 2001:202, 204ff.

zusammhangslosen Zeilen Ihnen lesbar zuzustellen. Meine Tage hier sind geradezu vollgestopft von Eindrücken und bieten Gelegenheit zur reichlicher Arbeit. Vom Islam hier werde ich auch einmal schreiben (Nicht viel Gutes!). Mein Nebeninteresse hat sich leider gesteigert—versuchen werde ich nach meiner Rückkehr auch über die orientalische Christenheit zu lesen; leider wird das aber in Hamburg wohl *iflās* werden.

Mit den besten Wünschen zum Neuen Jahre

Ihnen Ihr dankbar ergebener

gez. R.Strothmann

Bosra, den 19.Dez. 1929.

Second *Ansichtskarte*

Hochverehrter Herr Minister,

Die Ichwan von Nedschd sind zumeist kleine, hagere, recht dunkelfarbige, aber ganz charakteristische Gestalten. Obwohl sie als Soldaten und Polizisten, auch wenn man nicht europäischen Massstab anlegt, keinen besonders schneidigen Eindruck machen, geben sie doch der Negerstadt Dschidda etwas das arabische Gepräge zurück, welches von den mannigfach gemischten Hadarī-Arabern des Stadtinnern nur wenige bewahrt haben. Regieren können aber die Nedschleute allein den Staat nicht; am wenigsten den nicht-wahhabitischen Hedschaz. Schon in der Garnisontruppe finden sich neben Stammesscheichen aus dem Nedschd fremde muhammedanische Offiziere, und der Kommandant ist ein etwas undurchsichtiger Iraqenser. Der leere Flugzeugschuppen wird von einem ehemaligen türkischen Offizier bewacht; der deutsche Flieger—der jetzige einzige deutsche Kaufmann,[68]

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[68] Kurt Krokowski, the owner of Dehani (Deutsche Handelsniederlassung). On him, see Pfullmann 2004:92ff. In his diary (*Semester*, 2 February 1930) Strothmann writes about Krokowski: "jung, etwa Ende 30er; dünn, reichlich nervös, überarbeitet, war nach dem Kriege hierhergekommen als angestellter Flieger der Regierung König ʿAlī's. Im Kriege 1925 erklärten die Konsuln (engl) es bestehe Gefahr für das Leben aller Europäer; er verließ Ǧidda mit einigen 140 Pfund, fand Anstellung in Berlin AEG; abgebaut, wieder angestellt, abgebaut, kam mit 1 Pfund zurück; wechselnd angestellt bei hiesigen Firmen, dann von der Regierung hier angestellt für Flugzeuge und Bauten, und eröffnete endlich die Importfirma hier für elektrische Gegenstände, auch Kaffeemühlen, Werkzeuge, Besen, will eine grosse Ausstellung machen, übrigens nicht nur deutscher Werkzeuge; auch (schon sonst oft vertreten) Autos; vor allen Dingen Ǧidda mit elektrischem Licht im Auftrage deutscher Firmen versorgen . . . Daß Ǧidda kein Ort für europäisches Leben ist, empfindet besonders stark seine Frau; sie sind seit 9 Jahren verheiratet, kinderlos, besitzen bei Berlin ein Siedlungshäuschen; vor 2 Jahren ist die Frau hierher nachgezogen; es gibt nur ganz wenige Europäerinnen; die Konsulate sind natürlich ziemlich üppig; Krokowski wohnen in einem gewöhnlichen Mietshaus mit häßlichem Treppenaufgang und 2 Zimmern; allerdings für 1 Pfund im Monat; eine andere Wohnung, welche sie beziehen wollten, kostete 70 Pfund für Jahr; etwas Berliner Typ."

neben dem es noch einen deutschen Mechaniker gibt,[69]—ist entlassen; das Flugwesen solle im Nedschd selbst konzentriert werden. In der Verwaltung herrscht z.Zt. eine scharfe Reaktion gegen die "Ausländer", oder wie man einfach sagt, gegen die "Syrer". Der bislang einflussreichste Minister D[a]mludschi musste schon gehen; der König führt das Amt wieder selbst durch einen Sekretär;[70] es sind freilich auch merkwürdige Gestalten, die draussen ihr wahhabitisches Herz entdecken und Ibn Saud ihre administrativen und politischen Dienste anbieten. Auch ihr Weg ins Land führt über Dschidda, immerhin die konsularisch-diplomatische Hauptstadt. Hier horchen sie sich dann die diplomatischen Geschichtchen und die personellen Interna auf, und so ausgerüstet /2/ können sie sich dann für ar-Rijad und Mekka das grosse Air geben.

Ich war einmal in Cetinje. Man kann sich nur zu gut vorstellen, wie dieses verwunschene Bergidyll, mit seinen verlassenen Gesandtschaftspalästen zwischen den Alpenhäuschen, Brennpunkt der internationalen Nahe-Osten-Politik war; noch heute ist der Cetinjer Ackerbürger ein rühriger Politikaster. Für die allerdings ja nur noch wenigen nicht erledigten Fragen des Mittleren Ostens hat Dschidda jetzt die entsprechende Rolle übernommen; und die vielredenden Araber beteiligen sich auf das eifrigste, nicht nur am Tradieren, sondern auch am Erfinden solcher Geschichten, Vermutungen, Pläne und Programme. Eine schriftliche Sammlung solcher Hadithe dürfte freilich den Titel *Ṣaḥīḥ* nicht beanspruchen, und hier möchte ich sie nicht fixieren, da ich mich nicht gern im *Isnād* sähe; für gelegentliche mündliche Ueberlieferung—ich verstehe jetzt durchaus, warum dies ursprünglich die einzige Sunnamethode war—eignen sie sich als Beiträge zur heutigen Orientfrage recht gut.—Hier nur das Äussere: der *Russe*[71] arbeitet mit muhammedanischen Konsuln,

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[69] Cf. Strothmann, *Semester*, 4 February 1930: "[A]uf Rückweg in Dehani ist unterdes das einzige andere deutsche Ehepaar eingetroffen: Ingenieur Reinke von der Firma Vanderholt [*sic*]; jünger, dick, resolut und angenehm; mit kleiner, pummeliger, viel redender Frau, die der Frau Krokowski schon immer auf die Nerven gefallen ist, und einem etwa 14 jährigen Jungen, der demnächst wieder zurückgeht; Gehalt 35 Pfund und freie Wohnung; die Stellung der 2 Deutschen, die selbständig sich emporarbeiten, ist nicht ganz leicht gegenüber den meist aus Konsularbeamten bestehenden europäischen Kolonien; besonders Krach scheint immer Frau Reinke mit den Holländern, Kollegen und anderen, zu haben, da diese sehr antideutsch und engländerfreundlich sind." See also 9 February 1930: "Nachmittags zum Kaffee bei Reinke, Monteur bei der Firma Van de Pol [*sic*], der eine Witwe mit Kind, Berlinerin, viel redend, geheiratet hat. Sehr anständige Dienstwohnung mit Licht, Wasser und 35 Pfund Monatsgehalt, von dem sie 25 zurücklegen. In allem ist die Frau das Gegenstück zur Dame Krokowski, tüchtige geschwätzige Hausfrau, die 3 leben ziemlich für sich."

[70] The Iraqi physician ʿAbd Allāh b. Saʿīd ad-Damlūjī (b. 1809, d. 1971) was deputy minister of foreign affairs from 1926 to 1928, when he was replaced by the Palestinian Fuʾād Ḥamza (b. 1899, d. 1951).

[71] Referring to Karim Sokolov, to whom Van der Meulen devotes a chapter in Van der Meulen 1961:36–49.

die also freien Zutritt nach Mekka haben;[72] mit etwa monatlich einem grossen Schiff vielfach unbestimmter, als konsularisches Gut der Kontrolle nicht unterworfenen Ladung, ferner einer Staatsärztin, einer Spez der Medizin, welcher das Hausinnere offen steht, aber durchaus nicht bloss der Harem.[73] *Italien* und *Frankreich* sind mehr Beobachter; sehr geschickt ausgesucht ist der französische Vizekonsul für Mekka, ein Franko-Berber, der durch die Universität Algier gegangen ist und mir gegenüber durchaus den Fachkollegen machte.[74] Der *Türke* anscheinend skeptisch uninteressierter, tritt noch wenig hervor. Der *Egypter*, aus der parlamentslosen Zeit stammend, ist der sehr korrekte Muhammedaner,[75] neben Philby und dem Franko-Berber am meisten bei den Koranrezitationen /3/ in den Ramadannächten anzutreffen; seine Aufgabe ist aber sehr schwer und wenig aussichtsreich, wie entsprechend der Hedschaz-Vertreter in Cairo nur privat-offiziös; für die Ueberführung des Verhältnisses ins Amtlich-Diplomatische soll er nun das Prestige seines Landes, des führenden "demnächst ganz" selbständigen Islamreiches retten; aber selbst unter Preisgabe aller "Neuerungen", die mit dem *Maḥmal* verbunden waren, stösst er auf den unerschütterlichen Alleinherscherwillen Ibn Saud's auch für Mekka, und das alles mit islamischer, d.h. wahhabitischer Begründung. So steht er vor der Aussicht, einst bei Abschluss des Vertrages mit leeren Händen zurückzukommen. Bei einer gemeinsamen Fahrt auf dem erlaubten Teil der Strasse nach Mekka sprach er sich ganz offen aus über diesen sich ihm stets als politische Energie entgegenstemmenden Wahhabitismus, den er vor Wochen besonders fühlte als Führer eines privaten egyptischen Annäherungsbesuches von 16 Journalisten und Notabeln: Hamza's Grabmoschee in Ochod zerstört; der von Aberglauben bereinigte Besuch an Muhammeds Grab in Medina, dessen Ueberbau nur durch konsularische, besonders holländische Fürbitte gerettet ist, wird durch Polizei kontrolliert; nur verstohlen konnte er den Mekkabesuch in *seiner* Form machen: insgeheimen beim

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[72] See also Strothmann, *Semester*, 4 February 1930: ". . . die russischen Konsuln sind Muhammedaner; besonders scharf sei der Vizekonsul, der von der Tscheka zur Beaufsichtigung des eigentlichen Konsuls hergesetzt ist."

[73] Van der Meulen 1961:45–46 provides a description of her.

[74] In *Semester*, 5 February 1930, Strothmann writes about him: "Nachmittags zum Dämmerschoppen kommt der französische Vizekonsul und der Sekretär und Vizekonsul für Mekka, Hamdi Bey, ein Tunesier, beide sehr nett; Hamdi Bey hat in Algier studiert bei den 2. Gauthiers, Marcels; Ben Cheneb, der im Februar 1929, also 1/2 Jahr nach seinem Oxforder Vortrag gestorben ist."

[75] In *Semester*, 6 February 1930, Strothmann writes about him: "Besuch beim ägyptischen Konsul, in seinem großen kühlen Konsulatsgebäude mit vielen Karten und Atlanten, sichtlich erfreut, als ich wegen Ramaḍān Kaffee und Zigaretten ablehne; hat selbst in Belgien studiert, ist auch für semitische Sprachen interessiert, zeigt die Bilder der ägyptischen Journalisten, die vor drei Wochen im Ḥiǧāz waren; ägyptische Pilger kämen im ganzen etwa 11000–12000, aber erst in der richtigen Pilgerzeit." See also the entry of 9 February 1930, where Strothmann identifies him as "der sehr vorsichtige ägyptische Konsul, Maḥmūd Nadīm".

Prophetengeburtshause anfangend.[76] Ganz plötzlich drängte er dann zur Rückkehr, um pünktlichst beim Sonnenuntergang zum Fastenbrechen zu Hause zu sein, da seine Stellung erschüttert wäre, wenn er sich verspätete, also in den Verdacht käme, schon bei Tage mit dem Ungläubigen etwas gegessen zu haben.[77] Der *Perser*, ein älterer Honorarkonsul aus einer Familie, die seit Generationen ihre Konfessions- und Kulturtradition dadurch aufrecht erhält, dass sie persische gelehrte Pilger in Dienst nimmt, sandte mir schon am /4/ 2. Tage seinen erwachsenen Sohn zu; es sind ihm jetzt etwa 3000 persische Pilger unter einer hochgestellten Persönlichkeit als offiziellen *Emir al-ḥaǧǧ* angemeldet.[78] Der *Holländer*, Schüler von Snouck, nimmt sich, einzig in seiner Art, seiner vielen frommen Pilger an, nicht nur vor ihrer

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[76] For the various modifications that were introduced in Mecca for the *ḥaǧǧ* under Ibn Saud's reign, see Van Meulen 2000:102–126. Van Meulen also describes (at 104–105) how the Egyptians, in particular, were affected: "With the Egyptians it was a case of something much more serious than disappointment. From the early days of Islam, it had been the custom for Muslim governments to send a *Mahmal*—a profusely decorated litter heading the caravan of their pilgrims—to the *hajj*. The Egyptian government was the only one that still followed that custom. With her *Mahmal* she used to send each year the new *kiswa*—the black carpet to cover the Kaʿba—with a gift of money, wheat and flour for the poor of the *Haramain*. The *Mahmal*, borne by an exceptionally big camel, the cases with money and the sacks with foodstuffs following in a long caravan, were escorted by Egyptian troops and preceded by a band. This now presented a difficult problem. Music in general was abhorred by the Wahhabis . . . Ibn Saʿud had no wish to offend Egypt by refusing the customary gift and in order not to lose the gift he decided to accept the escort on condition that the instruments of the band were left in Jedda. The *Ikhwan* looked suspiciously at the Egyptian escort, marching and camping in modern style. They sniffed idolatry of some kind behind it. In the plain of Muna there was trouble . . . As a result of this incident diplomatic relations were severed with Egypt and not resumed until ten years later. During those years the *kiswa* was woven in Mecca by Indian craftsmen. It is said to have been of inferior quality and the poor of the *Haramain* had to go without the Egyptian gifts in kind." For the history of the *maḥmal* ceremony, see also Meloy 2020.

[77] In *Semester*, 7 February 1930, Strothmann describes his excursion to Mecca as follows: "Nachmittags Fahrt mit Krokowskis und ägyptischem Konsul in dessen Wagen in Richtung Mekka; der Wüstenkies ist z.Tl. mit Gras und kleinen Blumen bedeckt; das Wasserleitungsrohr, das einst Wasser von Ṭāʾif bisher leitete, ist verstopft. Die türkischen Zisternen bestehen noch; der Mittagswind hat sich gelegt, es wird recht heiß; der Konsul will pünktlich zurückkommen, denn wenn man nicht zum Fastenbrechen zurück sei, mache man sich verdächtig, nicht gefastet zu haben. An der wahhābitischen Strenge nimmt er Anstoß; Ḥamzas Grab bei Uḥud, eine große Moschee, sei zerstört; nicht dagegen die Kuppel über Muḥammads Grab in Madīna, und den Propheten zu begrüßen, ist auch noch erlaubt; in Mekka selbst hat er sich die sonst verbotenen Heiligtümer, wie das Prophetengeburtshaus, pilgernd angesehen."

[78] In *Semester*, 9 February 1930, Strothmann writes about him: "Besuch beim persischen Konsul, in dem kleinen Hause mit dem Bäumchen davor; ist schon hier geboren, wie sein Sohn; ihr Persisch lernten sie durch persische Pilger, die sie als Lehrer engagierten; er betont die arische Gemeinschaft mit Europa (Persiens) in der Vorstellung, z.B. *Prussia* sei von *Persien* abgeleitet; es kommen jedes Jahr etwa 3000 Perserpilger."

Ausbeutung in dem so habgierigen, sondern auch in ihren inneren Nöten in dem sittenlos verdorbenen Lande.[79] Geschäftlich ist Holland durch den grössten Kaufmann hier vertreten, der sich vor Jahren veranlasst sah, Moslem zu werden, die schwarze tätowierte muhammedanische Mutter seines Kindes zu heiraten, noch unter König Husain [b. ʿAlī (b. 1854, d. 1931), "King of the Ḥiǧāz" from 1916 to 1924] jedoch Mekka nicht betreten durfte, jetzt aber als anerkannter Moslem selbst seine Wirksamkeit dort mit grossem Erfolge als muhammedanischer Notable ausüben kann,[80] sodass er, zugleich Bankier, fast die alte, auch den Sudan beherrschende Bank der *Engländer* einholt, die nun aber führend sind durch die von dem—besser: für den—"Kaufmann" Philby[81] gegründete Scharqīje (British firm of Commercial Exploration . . .), welcher auch den Funkdienst einrichten, die Flugstationen erweitern will usw., und besonders Einfluss auf die Prinzen Saʿūd und Faiṣal hat.

Die regierenden Persönlichkeiten sind oft hier, der König selbst zumeist nach Ende der Wallfahrt; er ist dann auch für Fremde durchaus zu sprechen; auch darin ist er wie der Prophet geworden, dass er Frauen mit sich führt; diese in geschlossenen Autos; nur steht er natürlich unter der gesetzlichen Beschränkung der 4. [D]as

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[79] About the Dutch diplomat Daniel Van der Meulen (b. 1894, d. 1989), who was in charge of the pilgrims coming from Indonesia, Strothmann writes as follows in *Semester*, 8 February 1930: "Nachmittags zum holländischen Konsul Van de[r] Meulen, ein äußerlich und innerlich schöner Mensch mit großem (Sudermann) Bart und guten, glücklichen Augen; Schüler von Snouck Hurgronje, der alle Verwaltungsbeamten für Niederländisch-Indien aussucht und erzieht; der hiesige Konsul ist stets erst Beamter in Indien, da er hier keine politische Aufgabe hat, sondern nur die Betreuung der 30000–40000 holländisch-indischen Pilger. Van de[r] Meulen ist aufrichtiger warmer gläubiger Missionsfreund, wenn er sie auch als offizieller holländischer Kolonialbeamter nicht besonders pflegen durfte; hofft Großes für Indien von dem Christentum; Religiosität sei das Einzige zur Charakterbildung, was der Westen dem selbständig werdenden Osten zu bringen hat. Gibt mir *Christ at the Round Table* von Eli Stanley Jones, dem Verfasser von *Christus auf der indischen Landstraße*, das ich doch wenigstens flüchtig durchblättern muß. Von den eigentlichen Kriegsleiden der deutschen Mission weiß er eigentlich nichts Rechtes, hat die Verzagtheit [Johannes] Warnecks [b. 1867, d. 1944], des Leiters der Rheinischen Mission in Niederländisch-Indien, seine *Englandfeindschaft*, nicht recht verstanden, hört aber meine Erklärungen aufmerksam zu, will wirklich christliche, all-evangelische Mission. Unter den vielkritisierten Gliedern der europäischen Kolonie hier ist er bei allen als lauter und gut beliebt." For Van der Meulen's term in Jedda as Dutch Consul and later as Minister Plenipotentiary of the Netherlands (1936–1931, 1941–1945), see Waardenburg 2002:245–269.

[80] Strothmann idenfies him further in *Semester*, 4 February 1930, where he describes him as follows: "Vanderholt, der holländische Schiffsagent, der besonders Javapilger verfrachtet, war in Holland verheiratet, mußte dann seine muhammedanische schwarze Dienerin heiraten und wurde Moslem; König ʿAlī wollte aber seinen Islam nicht recht anerkennen, erst unter Ibn Saʿūd darf er auch ungehindert nach Mekka hinein . . ."

[81] The British Arabist, author, and explorer Harry St. John Philby (b. 1885, d. 1960) served as an adviser to Ibn Saud from 1925. On Philby in Jedda, see Van der Meulen 2000:22ff. and passim.

bedeutet immer und immer wieder *Ṭalāq*. Der fromme alte Naturbursche macht, mit Ostentation seiner Gesetzespflicht genügend, die täglich benötigte grosse Waschung; die Zahl seiner Söhne wird nur auf einige 20 angegeben; ein Medinenser Mädchen hat es sogar bei ihrem Vater durchgesetzt, seine /5/ Werbung zurückzuweisen. Im ganzen hat der Wahhabitismus, zumal hier, wo er einer nicht-wahhabitischen Provinz aufgepfropft ist, eine Wirkung, welche sich nur allzu leicht mit jedem Perfektionismus verbindet: *riʾāʾ*; man könnte es hier mit Rücksicht auf seine geschicktesten Pfleger auch einfach als "cant" bezeichnen. Eine schlimme Gefahr sind die ganz kümmerlichen Gehälter der Beamten, dabei ist schon das Leben nach Landesart von den dürftigen Landesprodukten begreiflicherweise teuer, wer aber z.B. von den Beamten als "Syrer" schon an andere Ansprüche gewohnt ist, ist besonders schlimm daran; denn zu haben ist hier alles, an Essen, Kleidung und Getränken; Verbotenes so gut wie Nichtverbotenes; der Zolldirektor baut sich von seinem kümmerlichen Gehalt ein Palais, in dem er auch den König bei seinen Besuchen beherbergen will, das noch nicht fertig schon 97,000 Reals verschlang.[82] Selbst die Grammophonseuche, die im Orient nicht minder herrscht als bei uns, macht vor dem Gesang verfluchender Wahhabitentum nicht halt; das hiesige Exemplar, welches sein Hiersein einem Kunst mehr als Religion liebenden Polizeimann verdankt, hat aber, wie mir immer wieder betont und vordemonstriert wurde, eine leise Nadel.

Das Entgegenkommen gegenüber dem Orientalisten, der wie ich ohne jede amtliche Einführung kam, ist anerkennenswert freundlich. Der Emir von Mekka, Ibn Saʿud's zweiter Sohn Faiṣal, teilte mit, dass er im Ramadan leider nicht nach Dschidda komme, er übersandte durch den Finanzminister ein Arabergewand, den 9 bändigen wahhabitischen hanbalitischen Korankommentar von Ibn al-Kaṯīr und ein *Tauḥīd*-Lehrbuch. Ein interessanter Mann dieser Finanzminister; feingliedriger, dunkler Nedschder, redete er bei der Uebergabe im prachtvollen Arabisch wie ein gelehrter Theologe, /6/ dozierend die "Wahrheit" (so in jedem Satz), gleichsam mir in die Feder diktierend die zu schreibende Rezension, mit der ausdrücklichen Bitte, oder vielmehr mit dem Ersuchen, nun nach Europa zurückkehrend die Wahrheit zu verbreiten, nicht nur über die Wahhabiten, sondern diese Wahrheit selbst. Wundervoll klare, weil von ihrer Voraussetzung aus naiv einfachste Gedankengänge. Welch Unterschied zwischen diesem echten Wahhabiten von den

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[82] Strothmann writes about him in *Semester*, 4 February 1930, as follows: "Zum Palastneubau des Zolldirektors Amani, vor Mekkator neben Friedhof-Evagrab; für das Haus liefert Krokowski die elektrische Lichtanlage; nur 2 stöckig, mit großer Treppe, Dach; Halle, zu einzelnen Wohnungen abschließbare Räume im oberen Stock; vom Besuche des Prinzen Faiṣal her ist das Haus schon eingerichtet, herrlicher Blick aufs Meer, Bau ohne Architekt, z.Tl. luschig-luxuriös; Geld bis jetzt 9000 Pfund? Zolldirektor: die Korruption im Lande sei sehr groß, der König könne nicht für alles sorgen, seine meisten Berater Syrier, die damals Überhand bekommen hätten, als 1925 die 7 Deutschen im Dienste Königs Ḥusain und ʿAlī das Land verließen . . ."

Ichwan und dem Kulturwahhabiten Muḥammad Naṣīf;[83] einen reichen Notablen, mit grösster Bibliothek, der schon zu König Husain's Zeit als "Wahhabit" verfolgt wurde, dem Kreise um den *Manār* angehörend das reichlich schiefe Bündnis von Nedschd- und Intellektualwahhabitentum ängstlich pflegt, auch Führer schon im ersten Mekka-Kongress war und ein anderes Mitglied des Kongresses seinen Freund und gleichfalls Schafiiten (so!) Muḥammad al-Ḥadscharī, den ich inzwischen öfter sprechen konnte,[84] als Civilkadi bei dem zaiditischen Emir von Hodaida unterbringen konnte.

Die Verkehrsverhältnisse im Roten Meer machten Schiffswechsel mit einwöchentlichem Aufenthalt in Massaua notwendig;[85] glücklicherweise konnte ich vorsorgen; ich war in Suez nach eindringlichen Bitten schliesslich als überzähliger Passagier bis Dschidda in dem Dampfer mitgenommen worden, der von der italienischen Regierung für die Rückführung der erythreischen Delegation von der Kronprinzenhochzeit belegt war; mit den auch arabisch sprechenden muslimischen Gliedern war ich bald bekannt geworden; und es befand sich ein Waldenser

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[83] Strothmann writes about him as follows in *Semester*, 3 February 1930: "[Z]u Muḥammad [Ḥusayn] Naṣīf; es ist nicht der Muḥammad Ṣāliḥ Naṣīf, an den mein ägyptischer Empfehlungsbrief gerichtet ist; dieser, sein Verwandter, ist z.Zt. nach Mekka verreist; auch hier die Unterhaltung etwas erschwert, da er, wie viele Leute im Ramaḍān, etwas erkrankt ist. Er ist auch ein ganz frommer, der eine Zeitlang mich verläßt, um in der großen Halle das Nachmittagsgebet zu vollziehen; er besitzt eines der größten und verhältnismäßig besten Häuser in Ǧidda. Bei ihm wohnt Ibn Saʿūd, wenn er jährlich 1–2 Wochen in Ǧidda weilt; auf den hohen Divanen rund um die große Eingangshalle halten dann die Soldaten die Ehrenwache; er besitzt eine sehr große, genau nach Disziplinen geordnete Bibliothek und, zwischen vielen anderen, al-Ašʿarī, *k. al-ibāna ʿan uṣūl al-dijāna*, Kairo 1348 (älterer Druck schon in einem Sammelband Haiderabad 1321) u.a.; Muḥammad Naṣīf erkennt die Wahhābiten durchaus als echte Ḥanbaliten an." See also *Semester*, 10 February 1930: "Gespannt kann man sein auf das Bündnis zwischen dem Naǧdwahhābitentum und dem Kulturwahhābitentum von Kairo um die Zeitschrift *al-Manār*, die sich in Ǧidda vollständig findet in der grossen Bibliothek des Muḥammed Naṣīf, der schon zu Ḥusains Zeiten als Wahhābit gelitten hat. Schon die Anschauungen von Muḥammad ʿAbduh lassen sich mit dem echten Wahhābitentum schwer vereinen." For Muḥammad Ḥusayn Naṣīf, see also Van der Meulen 2000:20–21. It was in Naṣīf's house, Van der Meulen mentions, that he met Strothmann as well as a number of other European Arabists. See Van der Meulen 2000:21: "In Sheikh Muhammad Nasif's house I used to be a frequent visitor during all the years of my stay in Jedda and many were the learned men from different parts of the Muslim world I met there. Welcome exceptions for him and his friends, and for me, were the rare visits of Arabists from Europe such as Massignon from Paris, Strothmann from Hamburg, Wensinck and Pijper from Holland and others, non-Muslims, who found sympathy and a warm welcome in this place where the language and study of Islam brought us together." For the cousins Muḥammad Ḥusayn Naṣīf and Muḥammad Ṣāliḥ Naṣīf, see Freitag 2020:212 and passim.

[84] On him, see Strothmann, *Semester*, 10 March 1930.

[85] Strothmann arrived in Massaua on 13 February and left on 23 February 1930; see Strothmann, *Semester*.

Missionsarzt an Bord;[86] ich erwirkte mir die Erlaubnis, zur Ausnutzung eines etwaigen notwendigen Wartens in Massaua ins /7/ Innere gehen zu dürfen zum wirklichen Kennenlernen eines der Missionsfelder; wir haben in der Islamkunde damit ja stets wieder zu tun. Und ich bin für den Aufenthalt auf vielen Stationen sehr dankbar: Schwedisch und evangelisch kann diese Mission, schon vor der Okkupation im Lande, sich jetzt nur halten, indem sie das Gewonnene durch Waldenser Lehrer in die italienische Kultur einführt; die Lage des hier anscheinend zum Stillstand gekommenen Islam, nachdem er selbst grosse einst christliche Gebiete für sich gewonnen und andere in der Lebensform islamisiert hat; katholische Erfolge unter den Animisten; hilflose Gegenwehr der koptisch-abessinischen Kirche waren mir lehrreiche Eindrücke; unvergesslich wird mir meine Alpenfusstour zum Einsiedlerberg Debre Bizen sein,[87] älteste Mönchstumform, leben diese 250 Brüder in 2440 Meter Höhe ganz vergessen, abgesplittert von ihrer Kirche, da dem Abuna in Addis Abeba keine Funktion in der Kolonie zusteht; der alte Abt, der lange im Sultanskloster zu Jerusalem war und auch Arabisch versteht, während ich im übrigen eines Italienisch sprechenden Tigriña-Lehrers als Dolmetscher benötigte, war ganz gerührt, als ich ihm versprach, seinem Patriarchen in Cairo einen Bericht zu senden. Mein bisher nur literarischer Eindruck von der Mission, die sich einmal anzusehen die Islamkunde ja alle Veranlassung gibt, hat sich verstärkt in diesem Lande, wo der koloniale Gedanke so ungeheuer ernst genommen wird, wo das braun-schwarze Kind im entferntesten Dorfe mit dem Faszistengruss grüsst; ein glücklicher Umstand war es auch, dass für die Abreise französische Lazaristen meine Gefährten waren, die ihre, die älteste Arbeit im Lande abtreten müssen an italienische Kapuziner im Austausch gegen französische Kolonialfelder. Freilich wird man die Mission nach dem /8/ Einblick in ihre schwer beengte Lage erst recht mit mildem Verständnis zu beurteilen haben.

Dass ich Erythrea sehen musste, tröstete mich auch schon deshalb bald, weil es lehrreiche Vergleiche zum Gegenüber gestattet: dort ein Hafen; Strassen; Eisenbahn, Autos, Behörden mit Vollmacht zur Erteilung von Bewegungsfreiheit (wenn auch zur wirklichen Förderung und Hebung der Bewohner und des Bodens dieser Zuschusskolonie in 40 Jahren noch nichts Rechtes geschaffen ist); hier in Jemen nichts von alledem;[88] eifersüchtig gewahrter alter Orient, welcher aber selbst schon in der Tihāma interessante Einblicke tun lässt, wenn man nicht mit der Kritik kommt, wie das Land sein könnte und sollte, sondern mit der Frage, wie es ist. Ich traf es

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[86] A reference to the Catholic physician Nicola De Pertis (b. 1884, d. 1931), whom Strothmann regularly mentions in his diary. De Pertis hailed from the region of Naples; he went to Eritrea in 1913 and served there as physician for the Swedish Evangelical Mission (SEM) until his death. In 1915 he married Thérère Palmqvist (b. 1876, d. 1961), and the couple had one daughter, Anna; see Lundström and Gebremedhin 2011:290–291, 472, and passim

[87] Strothmann visited Debre Bizen on 20 February 1930; see Strothmann, *Semester*.

[88] The entries for 25–28 February 1930 in Strothmann, *Semester*, are not preserved.

schlecht und doch wieder gut: Schlecht: Ramadan-Ende, dann eine Woche lang das Fest des Fastenbrechens erschwerten den an sich schon umständlichen Geschäftsgang in diesem zentral-autokratisch regierten Lande; mehr noch eine grosse nationale Feier: der Kronprinz macht seinen ersten Besuch hier in der Hauptstadt der Tihāma, mit seinem Heere, das nach schwerem Ringen einen weiterer Erfolg in der Konsolidierung des Landes feiert: die Zerāniq, um Bēt al-Faqīh, ein bislang unabhängiger Stamm auf dem Berggelände östlich der Tihāma halbwegs Hodaida-Zebid, sind mit schärfsten Mitteln in die Staatseinheit hineingezwungen; das Gefängnis hier ist vollgepfropft von Gefangenen, wenigen Männern—die meisten fielen—und vielen Kindern, als Geiseln; 1 1/2 Tagreise weit kommen die Zerāniq-Mütter, umschleiert, ärmlich, stolz, um ihren Kindern—es sind sogar 3 jährige darunter—Brot zu bringen.

Der Kronprinz; der grosse Seif (al-islam, so der amtliche Titel) ist Kriegsmann, der mit würdevoller *Haiba* seine Parade ab/9/hält, mir gegenüber aber durchaus seine Kenntnis und Förderung der Bildung betonte; der kleine Seif, sein jüngerer Bruder, der hiesige Wali, steht recht gut in der allgemeinen wie in der speziell zaiditischen Gelehrtenüberlieferung; z.B. konnte er mir sofort bestimmt erklären, dass kein weiterer Band des *Iklīl* mehr in Jemen zu finden sei; er selbst habe schon stets danach gesucht; falls aber doch, dann würde mir eine Abschrift sicher sein; ganz eifrig ist die jüngere jemenische Historienschreibung; diese mir unbekannten Werke scheinen viel altes Gut zu bewahren; ich hoffe noch mehrere Autoren selbst kennen zu lernen und sie für Zubringerkorrespondenz zu informieren.

Pläne kann man selbst aber in diesem Lande nicht machen, wo man leider "Gast" ist, was nicht nur für einen Einzelreisenden kostspielig ist (Belastung mit *Backschisch* hungernden Dienern und doch Selbstverpflegung aus hygienischen Gründen mit europäischem Import), sondern vor allem Zeitberechnung unmöglich macht; dabei will ich unbedingt zu Ende des Urlaubs zurück sein, diesen aber restlos ausnutzen, und ich hätte noch vieles zu erfragen aus ältestem, alten und neuen Jemen.

In vorzüglichster Hochschätzung

Ihr Ihnen ganz ergebener

gez. R.Strothmann

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TAHA HUSSEIN'S HUMOUR

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Taha Hussein (=T.H.) (1889–1973) is considered the doyen of modern prose writers in the Arab world whose "westernized" approach to literature and in particular literary criticism not only brought in a breath of fresh air, but also "shook the foundations of conventional traditions". (Badawi, 1962:7).

A large number of his works have been translated into several languages and many scholarly researches have been devoted to his numerous books and articles, analysing his views, experiences and unique style.

Moreover, his autobiography, *al-Ayyām* (*The Days*), which is his childhood and early life memoirs, captured the attention of many readers inside and outside the Arab world as a model of *Bildungsroman*. (Kilpatrick 1992: 227). It has many facets: social life in rural Egypt, traditions and folklore, religion and education and some more. All these were expressed in a beautiful 'neo-classical' Arabic, rich in figures of speech and idioms taken from pre-Islamic poetry, the Qurʾān and post-Islamic sources, as well as phrases and expressions inspired by European languages (Cachia, 1990:52) or coined by him, often humorous, as "his gaze on people's grotesqueness" (Jad, 32) is almost found in every page of *al-Ayyām*.

In her book, *Blindness and Autobiography,* Fedwa Malti-Douglas devotes a chapter (6) to the humour in *al-Ayyām* in which she analyzes and illustrates some of the droll situations, as described by T.H. and the ideas and language which makes the descriptions amusing. Furthermore, because of T.H.'s blindness she concludes that all the mirth-provoking situations are connected with sounds, and are not obviously the result of visual perception. Hence, the term she coins is "blind humor" (p. 127 *et alibi*).

However, although Malti-Douglas' analysis is systematic and in-depth, the present article aims to shed more light on T.H.'s technique and tools, which afford the reader amusement, illustrated with examples taken from his first volume, since all the examples used by Malti-Douglas are quoted from Vols. 2 and 3 of *al-Ayyām*.[1]

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[1] For a brief sketch of his life and work, see Haywood (1971:193ff).

T.H.'s humour can be divided into three categories:

1. Funny situations
2. Superstitions, beliefs and customs
3. Phrases, expressions and idioms used to express irony, sarcasm and cynicism.

Linguistically and stylistically, T.H. employs many grammatical structures, some unique to Arabic, as well as figures of speech, such as metaphors and similes side by side with quotations from or references to the Qur'an and Arabic poetry. Moreover, his language is elevated literary Arabic (*fuṣḥā*) with a very small number of colloquialisms, which are either put in brackets or given a more classical 'flavour'.

Funny situations

Funny situations in part one of *al-Ayyām* are numerous. Let's examine some of them:

1.

حين تدعوه أخته إلى الدخول فيأبى فتخرج فتشده من ثوبه فيمتنع عليها فتحمله بين ذراعيها كأنه الثمامة[2].

(Arabic, 6)

'As soon as his sister called him to come indoors, he would refuse and then she would come out and seize him by his clothes while he resisted with all his might. Then she would carry him in her arms as though he were a plaything'. (English translation, 10).

Humour is reflected by the comic scene, in which the stubborn child struggles with his sister, who tries to put him to sleep, while he refuses to go to bed. The comic situation is also achieved by the sequential employment of the particle ف as الترتيب, i.e. ف denoting the exact sequence of events or actions [Wright, I :288].

2.

وكان إذا أخلت به إحدى نعليه دعا أحد صبيان الكتاب وأخذ النعل بيده وقال له: تذهب الى «الحزيّن» وهو هنا قريب فتقول له: «يقول لك سيدنا إن هذه النعل في حاجة الى لوزة من الناحية اليمنى.» انظر أترى؟ هنا حيث أضع إصبعي. فيقول لك «الحزين»: «نعم سأضع هذه اللوزة.» فتقول له: «يقول لك سيدنا: يجب أن تتخير الجلد متينا غليظا جديدا وإن تحسن الرقع بحيث لا يظهر أو بحيث لا يكاد يظهر.» فيقول لك «نعم سأفعل هذا.» فتقول له: «ويقول لك سيدنا: إنه عميلك منذ زمن طويل فاستوص بالأجر خيرا.» ومهما يقل لك فلا تقبل منه أكثر من قرش ثم عد الي مسافة ما أغمض عيني ثم أفتحها. وينطلق الصبي ويلهو عنه سيدنا ثم يعود وقد أغمض سيدنا عينه وفتحها مرة ومرة ومرات (Arabic, 30–31)

'Whenever one of his shoes needed patching he would call one of the boys of the school, and taking the shoe in his hand say to him, 'You will go to the cobbler who lives nearby and say to him, "Our Master says that this shoe needs a patch on the right side. Look, do you see? Here where I put my finger." The cobbler will reply, "Yes I will patch it." Then you will say to him, "Our Master says that you must

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[2] ثمامة means a 'blade of grass' but is used here metaphorically to indicate his light weight, but as a simile means 'trifle', 'easy to accomplish' (Wehr, s.v.).

choose a strong, coarse, new piece of leather and that you must put it on neatly so that it is invisible or nearly so". He will reply, "Yes I will do that." Then you will say to him, "Our Master says that he is an old customer of yours, so please take that into account," and whatever he says to you don't agree to pay more than a piastre. Now go and come back again in the twinkling of an eye.' So the boy would depart and 'Our Master' would forget all about him. By the time that he did return, 'Our Master' would have twinkled his eye times without number'. (English translation, 21–22).

The detailed instructions given to the pupil by the teacher are ludicrous and funny, since the teacher predicts exactly what the cobbler would say and therefore he prepares the child how to react. Moreover, the teacher "teaches" the pupil the precise job he wants the cobbler to do and in particular, how to haggle. The teacher's priority is clear: patching his shoe is more important than the fact that the pupil misses his class.

3.

ثم طلب اليه أن يقرأ « سورة الشعراء » وما هي إلا أن وقع عليه هذا السؤال وقع الصاعقة ففكر وقدر وتحفز واستعاذ بالله من الشيطان الرجيم وسمى الله الرحمن الرحيم ولكنه لم يذكر من سورة الشعراء إلا أنها إحدى سور ثلاث، أولها «طسم»، فأخذ يردد «طسم» مرة ومرة ومرة دون أن يستطيع الانتقال إلى ما بعدها وفتح عليه أبوه بما يلي هذه الكلمة من سورة الشعراء فلم يستطع أن يتقدم خطوة (Arabic, 39–40)

'Then he asked him to recite 'The Sūra of the Poets'. This request fell on him like a thunderbolt. He began to reflect and meditate. He uttered the customary phrase, 'I take refuge with God from the accursed Satan,' and also 'In the name of God the Beneficent, the Merciful,' but after that all he could remember of 'The Sūra of the Poets' was that it was one of the three that begin with Ṭā Sīn Mīm, so he began to repeat Ṭā Sīn Mīm over and over again, without being able to arrive at what came after it. His father prompted him by telling him some of the words which followed, but in spite of that he could not proceed at all'. (English translation, 27)

The dichotomy between the ordeal of a nine-year old child and the bemused T.H. the adult is conspicuous, especially that we are told later that he had failed to recite all other *sūra*s he was supposed to learn by heart, and was unable to decide who was responsible for his failure: himself, the teacher, who neglected him, or his father, who examined him. (Arabic, 41). Moreover, T.H. admits that as a child he had not managed to memorize the text of the Qur'ān but instead found a way to pretend to know it by bribing the ʿĀrif (= the teacher's assistant) in order to buy his silence. (Arabic, 52), and later by learning a different text (Arabic, 71–78).

Superstitions, beliefs and Customs

In several places in the book T.H. recounts a number of superstitions, beliefs and customs common to the primitive milieu where he grew up. These help the author draw a funny picture of a backward and naïve society with which the reader of the book may feel empathy and at the same time be amused by. The fear of the evil

sprites or demons who were on the loose during the night and were hiding during the day (Arabic, 8–9); the sizeable fish that swallowed small children but might have had a magic ring inside their stomach, which, if turned on the finger could fulfil any wish (Arabic, 13); and the ceremony conducted by T.H.'s mother in order to rid her son of the evil eye (Arabic, 83), are but a few examples of beliefs deep-seated in society which are humorously depicted. On the other hand, the custom to swear to divorce one's wife (Arabic, 61) or to shave one's beard as a proof for stating the truth (Arabic, 43–47); the custom of reading portions of the Qur'ān (عدية) to have a wish come true (Arabic, 106–107) and in particular, the "tariff": reading Sūrat Yā Sīn four times for small wishes, such as free education for children, reading it seven times in the case of important requests, such as matters that concern the life of the family, like settling a heavy debt and reading it forty-one times, if the wish is of an utmost importance, such as moving to a new job for pay rise. (106) – all these and many others not only provide us with an authentic description of rural life, but also make us hold T.H., the product of this society, in great esteem for his achievements.

Lexical phrases, expressions and idioms

Humour expressed by 'similes':

وقع عليه هذا السؤال وقع الصاعقة (Arabic, 40)
'this request fell on him like a thunderbolt' (English translation, 27)

تلاه علي كالماء الجاري (Arabic, 44)
'he recited it to me like flowing water' (English translation, 29).

كنت تتلو القرآن أمس كسلاسل الذهب (Arabic, 45)
'yesterday you recited the Qur'an like streams of gold' (English translation, 30)

Humour expressed by metaphors; since the examples are numerous, two will suffice:

فما راع[3] الصبي الا شيء في يده غريب (Arabic, 45)
'the lad felt something strange in his hand' (English translation, 30)

ولكن لسانه لم يلبث أن انعقد وريقه لم يلبث أن جف (Arabic, 58–59)
'but after that he became tongued-tied, and the saliva in his mouth dried up' (English translation, 36)
The use of idioms is very common in *al-Ayyām,* 'adding flavour' not only to the flowery style but also to T.H.'s humour technique. For example,
1. فقد رفعت رأسي وبيضت وجهي وشرفت لحيتي أمس (Arabic, 45)

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[3] The root روع expresses usually 'fear, surprise; dismay' and has figuratively acquired more meanings, including meanings expressed by the root رعي 'observe, heed'. Hence, deliberately used by the author to connote 'strange feeling harbouring some fear or dismay'.

'for yesterday you raised my head, caused my face to shine and honoured my beard'.[4] (Arabic, 29)

2. (Arabic, 83) أكل الحسد قلبه

(lit. 'envy has eaten his heart') he had been consumed with envy (Arabic, 49)

Paronomasia or wordplay is often used by T.H. to create humorous situations.

For example:

1. (Arabic, 4) وكان لها في حياته – أو قل في خياله – تأثير عظيم

'Now this played a great part in his life; or shall we say in his imagination?' (English translation, 10).

2. (Arabic, 55) كان صاحبنا يَرشو ويرتشي ويَخدَع ويُخدَع

'while our friend was engaged in giving and taking bribes, and in deceiving and being deceived' (English translation, 35)

3. (Arabic, 89) كان أقرب من أبيه إلى الدنيا وأبعد من أبيه عن الدين

'He was nearer to worldly things than his father and farther removed from things of religion' (than his father) (English translation, 53).

A large number of statements typify T.H.'s sarcasm directed at his teachers and in particular imams or Muslim theologians at large. In a number of places in the book he criticizes them, highlighting their deceit, greed and ignorance.

For example:

(Arabic, 98) كل ما يوجد من الفرق بين الساحر والصوفي هو أن هذا يتصل بالملائكة ذاك يتصل بالشياطين
'the difference between a magician and a Sufi is that one is connected with angels and one is connected with devils' (my translation).

T.H.'s deliberate use of ambiguity leaves the reader puzzled by the enigma: "who is who?". Moreover, the possibility to interpret the Arabic verb as intransitive ("to be in touch") or transitive ("to contact") makes the sentence an excellent example of 'double entendre'. Indeed, when referring to the famous philosopher and historian, Ibn Ḫaldūn, T.H. states that the former and his followers had confused "magic and Sufism, so that these two became one thing" (Arabic, 59).[5]

Moreover, the somewhat bizarre ceremony (of swallowing pieces of paper which contain letters from the Qur'ān) conducted by the Faqihs (Arabic, 110–111) allows T.H. an opportunity to mock the religious people [whom he sarcastically calls حملة القرآن – the bearers of the Qur'ān (Arabic, 109)] and their followers.

Several statements reflect T.H.'s cynicism directed at all: males and females, young and old and educated or uneducated.

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[4] The beard is the symbol of manhood and a source of pride and respect and therefore it is customary to express a commitment or attest truth by referring to it. (See Lane 1944:29).

[5] On T.H.'s opinion of Ibn Ḫaldūn, see, e.g., 'Awad, p. 12ff.

For example:

1.

فغنت إن كانت فرحة وعددت إن كانت محزونة، وكل امرأة في مصر محزونة حين تريد (26–25 ,Arabic)

'if glad, she will sing, and if she is sad by reason of bereavement, she will lament the deceased; for every woman in Egypt can mourn when she wishes'. (English translation, 19–20)

2.

المصحف! لقد حفظ ما فيه فما أفاد من حفظه شيئا. وكثير من الشبان يحفظونه فلا يحفل بهم أحد ولا يُنتخَبون خلفاء يوم المولد النبوي. (71 ,Arabic)

'As for the Qur'ān he had learnt its contents by heart and derived no benefit from what he had learnt. Moreover, many youths had learned it by heart and nobody took any notice of them nor were they elected caliphs on the Prophet's birthday'. (English translation, 43)

The Qur'ān is playing an important role in *al-Ayyām*. First when T.H. tells the reader his failure to memorise the Holy Book, his ordeal in the tests and subsequently the shame he brought upon his family, and secondly, the numerous quotations from and the references to, which intensify irony, sarcasm and cynicism.

For example:

1. The teacher regarded his own voice very beautiful, while T.H. thought that God has ever created an uglier voice (Arabic, 32), quoting the Qur'ānic verse:

إن أنكر الأصوات لصوت الحمير

'Verily the most unpleasant sound is the braying of asses' (Q. 31:19).

2. T.H. uses a periodic sentence based on a Qur'ānic verse to provoke mirth:

Q – إذا الشمس كورت وإذا النجوم انكدرت وإذا الجبال سيرت وإذا العشار عطلت علمت نفس ما أحضرت

'When the sun is rolled up, when the stars are cast adrift, when the mountains are wiped out; when pregnant camels are left unattended then each soul will know what it has readied' (Q. 81:1–14)

T.H. (Arabic, 7):

فإذا أوت الشمس الى كهفها والناس الى مضاجعهم وأطفئت السرج وهدأت الأصوات صعدت هذه العفاريت من تحت الارض

'when the sun sank to his lair and people retired to their resting-places, when lamps were extinguished and voices hushed, then these evil sprites would come up from under the earth'. (English translation, 11).

3. T.H. uses part of a Qur'ānic verse together with an example from Sībawayhi to describe the lamentable position he was held in the eyes of his siblings, thus resonating with the story of Joseph. The comparison with the biblical personality thus might be interpreted as irony. (Q. 12:13.)

(Arabic, 25) وكان صاحبنا يقعد منهم مزجر⁶ الكلب وهم عنه غافلون

Our friend would sit at a respectful distance from them, and although they were oblivious of his presence, …'. (English translation, 19).

Conclusion

There is no doubt that *al-Ayyām*, apart from being a masterpiece literary work, which teaches the reader about the early life of Taha Hussein, is a fountainhead of anecdotes from which one can gaze at life in rural and urban Egypt in the 19th and 20th centuries. It gives a clear idea about customs and beliefs, valuable information on parents-children relationship and human struggle and behaviour, when survival is 'the name of the game'. However, in spite of T.H.'s fierce criticism, often expressed by irony, sarcasm and cynicism, when almost every page of his Part One contains malicious mockery and even *Schadenfreude,* he does not hate this society as we often feel his empathy towards his characters whom he describes humorously.

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⁶ See Ibn Manẓūr, s.v. زجر . Paxton's translation misses the irony meant as literally the idiom قعد منه مزجر الكلب means "he sat at a dog's distance of someone" i.e., 'to sit at a fitting distance from s.o.' (Wehr, s.v. زجر).

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THE ROLE OF SMALLNESS AND RESPONSIBILITY IN THE STRATEGIC NARRATIVES OF BRITISH ELITES REGARDING THE WITHDRAWAL FROM THE GULF REGION (1968–1971)

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One of the most important attributes of the modern Gulf sub-system of the Middle East and North Africa is the unique distribution of material resources. The region is dominated by three large powers, Iran, Iraq, and Saudi Arabia, which (according to the latest data of the World Bank)[1] collectively possess approx. 91% of the territory, 87% of the population, and 78% of the economic capacities in the Gulf.[2] The rest is divided between five smaller states, which are squeezed between the three giants, which constantly represent a threat to their political, economic, military, and societal security.

This scattered configuration can at least partly be attributed to British policies in the region and the practical consequences of the British withdrawal. Between the 19th and 20th centuries, Great Britain was the dominant power in the Gulf through the so-called trucial system. Nevertheless, because of the review process concerning foreign policy initiated in the 1950s, the British government decided in 1968 to withdraw all armed forces from the region by the end of 1971. This process resulted in a flawed negotiation process between local rulers to form a union, which did not manage to integrate Bahrain and Qatar into the emerging United Arab Emirates. The outcome was the quite unstable situation which reproduced international and transnational tensions and strengthened the identity of smallness and weakness of local rulers, all of which manifested in several border tensions, smaller and larger armed conflicts (e.g., the conquest of Abu Musa and Tunb islands by Iran, the invasion of Kuwait by Iraq, the constant intervention of Iran in Bahrain, and the tensions between Qatar and Saudi Arabia).

Despite the apparently dominant role of the British government in the emergence of such a potentially unstable system, the perception of the British elite regarding the smallness of the newly independent states and their own responsibility in the

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[1] *World Bank Databank*.
[2] The Gulf is defined in the framework of this study as the region constituted by the six members of the Gulf Cooperation Council, Iraq, and Iran.

situation has not been investigated. Such an analysis could have potential scientific relevance from two perspectives – in understanding British motivations and strategy during the late 1960s and early 1970s and in researching post-colonial responsibility and the behaviour resulting from such perceived responsibility.

The aim of the research, therefore, is to identify the construction of the concepts of "smallness" and "responsibility" and their interaction in the discourse of British elites during the withdrawal process. To achieve this goal, I analysed the meaningful interactions in the House of Commons and House of Lords between members of Parliament (MPs) and of the government (MGs) regarding the withdraw between 1968 and 1971 and identified the main strategic narratives concerning the region. Using discourse analysis, I argue that the British political elite established five strategic narratives in which the smallness of the emerging states and the responsibility of the British government were constructed differently. In most contexts, smallness equalled weakness in the elite narratives, nevertheless, MPs and MGs avoided taking responsibility in various ways.

Conceptualisation and methodology

In the framework of the research, the discourse of British elites was analysed between 1968 and 1971 regarding their perception of the withdrawal from the Gulf region. To understand their interpretation of the smallness of Gulf states and their perception of their own responsibility, meaningful interactions taking place in the House of Commons and House of Lords were analysed. Altogether, these debates or responses to oral and written questions constitute the discourse in which separate narratives were identified regarding withdrawal.

In the definition, separation, and construction of these narratives, I relied on three key pieces of literature and concepts. First, in conceptualising narratives, I followed David Rudrum's advice and put the emphasis on not the "*representation of a series of sequence of events*" (as the traditional approach argues) but rather on the use of such series of sequence of events by a narrative goal.[3] Consequently, the definition of narratives depends highly on the context. Second, in the framework of this study, the most suitable concept is that of strategic narratives, which are "*means for political actors to construct a shared meaning of the past, present, and future of international politics to shape the behaviour of domestic and international actors*" and "*to extend their influence, manage expectations, and change the discursive environment in which they operate*".[4] The strategic narratives related to the British withdrawal fall in the category of policy narratives, which "*set out why a policy is needed and (normatively desirable), and how it will be successfully implemented or accomplished*".[5] Based on this definition, five strategic narratives were identified in

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[3] Rudrum 2015:195–204.
[4] Miskimmon et al. 2013:2.
[5] Miskimmon et al. 2017:8.

the discourse of British elites, which were separated on the basis of the different interpretations of withdrawal regarding the interests it serves, the consequences it has, and the role of the smallness of would-be Gulf states plays.

Before analysing the narratives, it is important to describe their basic components.[6] The *actors* of the narratives were grouped primarily not on the MPs' (and MGs') membership in the Labour and Conservative parties, but rather their pro-government or opposition stance. This is crucially important as the colour of the government changed in 1970, the perception of the withdrawal also changed. These agents have different *agencies* – MGs (and pro-government MPs) -had the power to shape and implement British foreign policy, whereas members of the opposition did use the narratives mostly for other political purposes (e.g., domestic political competition). The *scene* of these narratives was the same, the British parliamentary environment, which entails a culture of debates and accountability. The *act* about which the narratives were constructed was British withdrawal, while the *purpose* of the narratives differed to a considerable extent.

Last, but not least, several discursive strategies used by MPs and MGs were identified.[7] Nomination (the way in which other actors were referred to) did not play a major role in the analysis, but argumentation (the ways in which actors justify and legitimize their actions) and predication (the characterization of other actors) were important in understanding the perception of responsibility and smallness respectively.

The summary of results

In the period between 1968 and 1971, I found altogether 105 meaningful discussions[8] (including responses to oral and written questions) about the Gulf region, 101 of which took place in the House of Commons and 4 in the House of Lords. More than a third (38) of these debates were conducted in 1971; 1968 and 1970 had approximately the same debates (28 and 26), while 1969 witnessed the lowest number (13). The general elections and the subsequent change in government in July 1969 also affected the intensity of discussing the Gulf – during the Labour government, on average, 1.7 debates took place monthly about the region, while during the Conservative leadership, this number rose to 2.9. This does not represent, however, a different attitude by the governments, more likely a different attitude by the opposition.

The different interactions constituted separate but interconnected narratives through speeches, questions, and answers delivered by government officials as well as regular MPs from both the government and opposition sides. Throughout the four years, five narratives were identified in connection with the British withdrawal.

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[6] Based on Miskimmon et al. 2017:7.

[7] Aydin-Düzgit and Rumeili 2019:285–305.

[8] It is possible that in debates about other questions, the topic was raised by any MP, but most of these discussions were not included in the investigation.

Table 1 includes the number of interactions dominated by each narrative,[9] all of which had different and varying relative intensity:

- The withdrawal and the future relations with independent Gulf countries in the broader British foreign policy strategy. This narrative was the most empathetical among all narratives, but it became even more intense after the Conservative election victory in 1970.
- The military balance of power in the region, the possible vacuum created by the withdrawal, and the present and future status of British armed forces in the region. This narrative was dominant in the first two years compared to the others. It was also present in the last year quite strongly.
- The possibility of the creation of a Gulf Union among smaller entities was the third most intensive narrative, but it was mentioned roughly half as many times as the first two ones. It reached its peak also in the last year (1971).
- The presence of global and regional powers (the Soviet Union, Iran, Saudi Arabia, and the US) was constructed as a threat in a separate narrative, as the withdrawal might incentivise their build-up. This narrative was also stronger after the Conservative victory in June 1970.
- The least intense narrative put the withdrawal in the context of British military and public expenditures and trade. This was mentioned mostly during the period of the Labour government.

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[9] Every interaction was categorized based on the primary theme it contained. This is an imperfect method as several debates can refer to different narratives, nevertheless due to their interconnected nature, other methods of separation would have equalized the intensity of the narratives.

**Table 1: The varying intensity of the five narratives
regarding British withdrawal from the Gulf**

	Public expen-diture	Presence of global & regional powers	Defence, power vacuum, and British armed forces	British foreign policy and future relations	Gulf union	SUM
1968	7	4	8	6	3	**28**
1969	0	1	8	0	4	**13**
1970 (Labour gov't)	5	0	4	1	1	11
1970 (Conser-vative gov't)	0	6	0	9	0	15
						26
1971	0	3	11	16	8	**38**
SUM	**12**	**14**	**31**	**32**	**16**	**104**

In the five narratives, the smallness of Gulf states and the quality and extent of the responsibility of the British government were identified and constructed in different ways; consequently, they were analysed separately.

The five narratives regarding the withdrawal

Public and military expenditure

The initial announcement, which started the discussion on the withdrawal of British forces from the Gulf, was framed in the context of cutting military expenditures overseas. On January 16, 1968, Prime Minister Harold Wilson talked in the House of Commons about the review process announced a month earlier and the "*measures necessary to achieve a progressive and massive shift of resources from home consumption (…) to the requirements of exports, import replacement and productive*

investment".[10] To strengthen his point, Prime Minister Wilson stated that everything he would announce "*relates to public expenditure*".[11] According to him, defence policy should support foreign policy, but foreign policy decisions "*are a prior requirement of economies in defence expenditure; and in taking these decisions we have to come to terms with our role in the world. (...) Our economic strength, our real influence and power for peace will be strengthened by realistic priorities*".[12] It was in this context that the withdrawal of forces from the Persian Gulf until the end of 1971 was announced a few minutes later, in connection with the similar withdrawal from the Far East, and with the policy of maintaining military bases only in Europe and the Mediterranean.

In this first announcement, Prime Minister Wilson did not mention either responsibility or the smallness or weakness of the political entities of the Gulf; nevertheless, he talked about the commitments of the British government towards them. He acknowledged that he intends "*changes in our political commitments*";[13] in practice, "*cuts in defence expenditure would follow reductions in commitments*".[14] This endeavour manifests in "*renegotiating a whole series of arrangements, agreements and treaties*",[15] a process which naturally did not take place among equal participants. Prime Minister Wilson defended his policy, saying that the British government "*must not be asked in the name of foreign policy to undertake commitments beyond its capability*".[16]

Members of Parliament at first did not challenge this narrative, but after a week, they questioned the fiscal need of the policy as well. On the 22nd of January, Peter Tapsell asked the government if the article published in the Times about an offer made by the rulers of the Gulf region to provide for the costs of British military presence in order to pressure London to stay in the region was right.[17] The Secretary of State for Foreign Affairs refused to react in substance, questioning the reliability of the press. Later, several MPs (including Sir Tufton Beamish, Reginald Maulding) raised the same issue, and after a while, government officials started to give more meaningful answers.[18] MPs referred to the same proposal in a lengthy debate on January the 25th,[19] while in February 1968, the Secretary of State for Defence cited two reasons why accepting the offer of the Sheikhs would not change financial

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[10] HC Deb 16 January 1968 vol 756 c1577.
[11] HC Deb 16 January 1968 vol 756 c1578.
[12] HC Deb 16 January 1968 vol 756 c1580.
[13] HC Deb 16 January 1968 vol 756 c1582.
[14] HC Deb 16 January 1968 vol 756 c1596.
[15] Ibid.
[16] HC Deb 16 January 1968 vol 756 c1580.
[17] HC Deb 22 January 1968 vol 757 cc17–20.
[18] It was in this context that Secretary of Defence Denis Healey famously said that he does not want to be "sort of a white slaver for Arab shaikhs". Peterson 2000, 338.
[19] HC Deb 25 January 1968 vol 757 cc641–717.

calculations – first, while it would help ease the foreign currency burden on the budget, but it would not contribute to the reduction of public expenditures; and second, covering the costs of the military presence of the Gulf would not be enough because the government has to provide for the military logistical capability which is required to station British armed forces in the region, which would be higher than what the Sheikhs offered.[20] Similar conversations (which usually ended with a reference to this exchange or previous exchanges of arguments) took place on the 26th of February,[21] 20th of March,[22] 12th of June,[23] among others.

Another point of debate was the exact amount which is spent on the stationing of British troops East of Suez and thus saved by the withdrawal. Government officials put overseas expenditure at around 100–150 million pounds a year,[24] while the per capita costs related to every British serviceman stationed in the Gulf were calculated to be 1500 pounds a year.[25] The maintenance of British bases was conducted with 11 million pounds a year.[26] Additional savings (related to phasing out the logistical support and other equipment) were estimated to be around 12 million pounds a year.[27]

Naturally, these numbers were questioned by the Conservative opposition,[28] but a more meaningful debate emerged if these costs worth it and whether withdrawal could be expensive as well. "*The question is not whether we can afford to stay there*", argued Desmond Donelly, "*the question is how we can afford to leave*".[29] Several conservative MPs cited not just economic costs but political ones as well, arguing that leaving behind allies for financial reasons is bad for the reputation of the empire. In this debate, the smallness of Gulf states was implicitly cited positively by the opposition as a reason for small defence costs related to their deployment.[30]

Regardless of what the actual cost is, the final argument of the Labour government, which served as the basis for the final decision, was adequately summarized by Robert Edwards: whatever the actual cost of staying, "*we cannot afford that money any longer. We are no longer a world power. We have not a great empire to protect*".[31] This quote shows clearly that the governing political party

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[20] HC Deb 14 February 1968 vol 758 cc1346–7.
[21] HC Deb 26 February 1968 vol 759 cc934–7.
[22] HC Deb 20 March 1968 vol 761 c411
[23] HC Deb 12 June 1968 vol 766 c234
[24] HC Deb 05 March 1969 vol 779 c507; HC Deb 28 May 1970 vol 801 c520W.
[25] HC Deb 04 March 1970 vol 797 c405.
[26] HC Deb 05 March 1969 vol 779 c507.
[27] HC Deb 15 November 1968 vol 773 c160.
[28] E.g., HC Deb 05 March 1969 vol 779 c507.
[29] HC Deb 25 January 1968 vol 757 c669.
[30] E.g., HC Deb 24 January 1968 vol 757 cc526–527; or HC Deb 05 March 1969 vol 779 cc445–446.
[31] HC Deb 05 March 1969 vol 779 c507.

perceived its responsibility towards the British Empire as greater than the responsibility towards the peoples of the dependencies.

Power vacuum and the balance of power

Despite the efforts of the government to frame the withdrawal as a question of reducing public expenditure, the opposition quickly connected the topic to the local balance of power and the role of British forces played in it. In this narrative, the removal of the imperial army is interpreted as a measure that eventually creates a power vacuum in the region, as well as instability, conflict, and competition. Withdrawal is mostly seen as a disadvantageous decision that should be avoided.

One day after the announcement of the Prime Minister, former Minister of Defence Duncan Sandys laid down the foundations of this narrative. He argued that after British withdrawal, the "*small oil-producing States will have little chance of maintaining their independence without our help*".[32] This is problematic not because of the well-being of Gulf communities, but mostly because of the interests of the British empire connected to oil trade, as well as the chance that "*control [in the region] may pass into the hands of people who feel no friendship towards Britain and who may be actively hostile*".[33]

Basic notions of the narrative were repeated several times by the Conservative opposition. "*When we move out of any are in the world*", argued one noble in the House of Lords, "*we create a power vacuum. That vacuum is immediately filled by someone else, and nearly always by someone entirely opposed to all the interests and principles for which we stand*".[34] British withdrawal from the East of Suez was connected to the American withdrawal from Vietnam, which could result in "*the instability in the vast arena of the Indian Ocean and the Persian Gulf*".[35]

In this discursive framework, the smallness of the Gulf states appears implicitly as predication and as a reason for their weakness and a cause for instability. Moreover, many representatives of the narrative connected the size of the Gulf states to their massive oil wealth, depriving them of the possibility to build up relative deterrence.[36] All in all, "*they are countries which, being small and relatively defenceless but having a large oil income, offer a tempting prize to many people*".[37] This is especially dangerous since "*there are big power rivals in the Gulf and different and conflicting claims by big Powers against small Powers. In the area*

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[32] HC Deb 17 January 1968 vol 756 c1849.

[33] Ibid.

[34] HL Deb 22 May 1968 vol 292 c790.

[35] HC Deb 16 March 1970 vol 798 c118.

[36] E.g., HC Deb 17 January 1968 vol 756 c1849; HC Deb 18 January 1968 vol 756 c2071.

[37] HC Deb 18 January 1968 vol 756 c2071.

there are many States which are indefensible in terms of their own population, but which have vast and growing economic resources".[38]

Smallness and the inability to maintain their security constitutes responsibility for the British government to protect the area and to provide deterrence, at least according to the narrative promoted by the Conservative opposition.[39] Tory MPs oftentimes questioned even the agency of small Gulf states and predicted that in case of the British withdrawal, there would be another great power that will take over this responsibility. This idea was best captured by a debate in May 1968:

> *"It is no use talking in modern intellectual language to the Sheikhs and the small Governments of the Persian Gulf. They do not understand Oxford and Cambridge vernacular so pleasantly put forward from the Front Bench. All they see is that here is an area in which there has long been a dominant Power and when that power goes, they know in their hearts that there will be another dominant Power to replace it, because the pickings, to put it brutally, are so enormous and the military strength of the area is so ridiculously small."*[40]

Labour MPs and MGs responded to the vacuum narrative by three points. First, they questioned the theoretical foundations of the whole narrative, pointing out that the balance of power approach is flawed. According to Colin Jackson, "*another version of Conservative foreign policy has constantly included the word 'vacuum'*"—*there will be a vacuum in this, that, or the other part of the world unless the British stay*".[41] Nevertheless, "*It is not the job of Western Powers or any others to go around setting up so-called vacuum positions*".[42] The MP even recalled a similar narrative regarding predicting an emerging vacuum in the Middle East after 1956, to which the Jordanian foreign minister of that time said, "*I am not a vacuum. I do not want to be filled up. I just want to be an Arab leader within the Arab world*."[43] Second, they pointed out the vacuum narrative is used to argue for the maintenance of an ever-lasting military presence in various parts of the world, which is "*entirely non-sustainable*".[44] Moreover, in the long run, the stationing British troops might for good eventually undermine the security of Gulf states. Naturally, the Conservative opposition rejected the idea that they argue for perpetual commitments,[45]

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[38] HC Deb 25 January 1968 vol 757 c642.

[39] E.g., HC Deb 24 January 1968 vol 757 c527; HC Deb 18 January 1968 vol 756 cc2071–2072.

[40] HC Deb 31 May 1968 vol 765 c2401.

[41] HC Deb 25 January 1968 vol 757 c697.

[42] HC Deb 25 January 1968 vol 757 c700.

[43] HC Deb 25 January 1968 vol 757 c697.

[44] Ibid.

[45] HC Deb 05 March 1969 vol 779 cc433–563.

Third, Labour MPs and MGs connected the idea of the vacuum to the negotiations of a possible federation among Gulf states (see the fourth narrative). "*I do not agree that a vacuum will be created. We have until the end of 1971 to strengthen the States in the area and help them, if they require our help, to create a strong and viable union.*"[46] "*We believe that the outstanding problems of the area will be best met by solutions reached locally*".[47] Using this argument, which almost automatically made Labour politicians optimistic (and Conservative ones pessimistic)[48] about the unification talks,[49] was also another way to deflect taking responsibility ("*After 1971, defence will be primarily the responsibility of the States in the area*").[50]

Great power competition

A strategic narrative closely connected to the power vacuum one (though containing its own features) interpreted the withdrawal from the perspective of the competition of great powers and regional ones. In this framework, British actions in the Gulf should be interpreted in a Cold war context and the regional manifestation of traditional power politics. This strategic narrative was present throughout the whole period, but it never became dominant; major political debates mostly took place in evaluating the absolute and relative severity of these threats. That's being said, a major political cleavage did not evolve strictly on party lines as both parties accepted this interpretative framework – though the Conservative government was more open to taking into consideration the necessities of great power politics.

The primary threat perceived by MPs and MGs was constituted by the Soviet Union. The growing influence of Russia was observed and feared in the Persian Gulf region[51] (especially from Yemen),[52] an actor who is "*ready to stir the pot*" if the withdrawal would lead to instability.[53]

Iran was identified as another potential troublemaker,[54] even if the Shah's regime was a close partner of the United States and Great Britain. British elites perceived Iran as a great power of the region[55], and they also realised that the Iranian territorial claims would outlast their military presence.[56] They also identified Abu Musa and

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[46] HC Deb 18 November 1968 vol 773 c880.

[47] HC Deb 31 May 1968 vol 765 c2410.

[48] HC Deb 19 November 1970 vol 806 cc1452–577

[49] HC Deb 13 November 1968 vol 773 cc397–8

[50] HC Deb 15 October 1969 vol 788 cc103–4W

[51] E.g., HC Deb 20 May 1968 vol 765 cc8-9; HC Deb 12 June 1968 vol 766 c40W; HC Deb 09 December 1970 vol 808 cc435–508.

[52] HC Deb 25 January 1968 vol 757 c642.

[53] HC Deb 24 January 1968 vol 757 c423

[54] More so than Iraq, although the Kuwaiti crisis was also mentioned a few times (e.g., HC Deb 24 January 1968 vol 757 c423.).

[55] HL Deb 24 February 1971 vol 315 cc1091.

[56] HC Deb 04 November 1971 vol 825 c350.

the Tunb islands as a potential source of conflict between the smaller states. [57] The limited amount of trust towards the Iranian Shah was visible in a speech in which an MP argued that the British withdrawal would inevitably push him "*to closer association with the Soviet Union*".[58]

Even if regional and global powers were seen as potential threats to British interests, sensible optimism was detectable throughout this strategic narrative. British elites were comfortable thinking about the issue of withdrawal from the perspective of great power politics, and even if they identified possible challenges, they remained confident that they can handle these issues. At the end of the day, great powers like Iran or Saudi Arabia "*will have a positive dominating influence*" in the region[59] since "*all the countries in the area of the Gulf are interested in political stability*".[60] In the House of Lords, it was even argued that London might be more aware of the interests of regional powers than the powers themselves ("*the States that border the Persian Gulf have common interests, whether they perceive it or not*").[61] This romanticised view of great power politics also led to the presumption that other actors share the same feeling – even if Saudi Arabia and Iran "*have their claims in the area for sure*", they are still considered to want the Brits a great power, to stay.[62]

The argumentation in this narrative, therefore, leads not to change the decision regarding withdrawal but to consult security issues more intensively with great powers instead of local elites. The dominance of great powers should not be questioned, but even reproduced and strengthened – as early as January 1968, it was argued that the security of the region should be based on the "tripod" of Iran, Saudi Arabia, and, interestingly, Kuwait.[63] This strategy was mostly (but not exclusively)[64] argued for and implemented by the Conservative government after 1970, with the inclusion of Iran and Saudi Arabia.[65] It was admitted as well that talks are directly focusing on the defence of the area. [66]

This is the narrative where, both implicitly and explicitly, state size and responsibility are the most vividly connected by British elites. Great powers have more leverage and responsibility than small powers because they are bigger;

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[57] E.g., HL Deb 29 November 1971 vol 326 c4; HC Deb 03 December 1971 vol 827 c189W.

[58] HC Deb 31 May 1968 vol 765 c2401.

[59] HC Deb 25 January 1968 vol 757 c698.

[60] HC Deb 20 July 1970 vol 804 c14.

[61] HL Deb 22 May 1968 vol 292 c796.

[62] HC Deb 01 March 1971 vol 812 c1291.

[63] HC Deb 24 January 1968 vol 757 c528.

[64] HC Deb 23 June 1969 vol 785 c190W

[65] E.g., HC Deb 20 July 1970 vol 804 cc13–6; HC Deb 20 July 1970 vol 804 c5W; HC Deb 15 July 1970 vol 803 c231W.

[66] HC Deb 14 December 1970 vol 808 c248W.

therefore, even the independence and security of small states should be discussed with and by great powers. As a key example of predication, the primary attribute of Iran and Saudi Arabia is that they are big and strong, whereas the emerging states are small and weak,

British foreign policy and future relations

The most empathetical narrative throughout the four years interpreted the withdrawal from the Gulf in the broad framework of British foreign policy. Accordingly, the decades-long process of re-evaluating the interests, capabilities, and grand strategy of the Empire is the main theme in which basically all foreign policy decisions should fit. It is not just the reasons and circumstances of the withdrawal but the role of the Gulf states and British policy towards the region before and after withdrawal that should be decided and identified. "*Our future is basically in Europe*", argued one Labour MP in early 1968,[67] therefore most resources and attention should be devoted to Europe, instead of territories East of Suez. In this narrative, the future of relations with soon-to-become independent Gulf states bears as much value as details regarding the stationing of Gulf troops. This narrative was a fertile ground for both parties throughout the four years.

Despite the dominant nature of this narrative (especially visible in the last years), both governments were heavily criticised by their opposition for lacking a proper concept about the present and future role of the region in British foreign policy. In February 1968, the Labour government avoided a direct answer to such questions by arguing that the formulating and discussing the future relationship with Gulf leaders "*will be a long and continuing process*".[68] Later, Labour MPs and MGs only managed to refer to overly general aims, like the desire to make "*arrangements for stability and peace*",[69] or "*treaties of friendship*".[70] Similar to the power vacuum narrative, decision-makers pointed out the responsibility of local rulers who have to make an agreement about their own status first, before detailed negotiations could start.[71]

Maybe the most tangible strategic view articulated by the Labour government was that they do not consider the withdrawal as an end of British leverage in the region. As they proclaimed multiple times, the influence of Great Britain does not solely depend on military power.[72] The evidence behind this argument was said to be the fact that despite the presence of the British army in the Middle East, "*we have been impotent in recent crises*" in the region.[73]

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[67] HC Deb 25 January 1968 vol 757 c679.
[68] HC Deb 26 February 1968 vol 759 c229W.
[69] HC Deb 01 May 1968 vol 763 c1101.
[70] HC Deb 08 July 1968 vol 768 c24.
[71] HC Deb 08 July 1968 vol 768 c33.
[72]HL Deb 22 May 1968 vol 292 cc798-800; HC Deb 27 November 1969 vol 792 c617..
[73] HC Deb 25 January 1968 vol 757 c679.

The Conservative opposition did not accept the argumentation of the narrative (even if they used many of its elements in government). In 1969, Tory MP Geoffrey Rippon, who would become the Minister of Technology a year later, even asked the Labour government to give Gulf leaders "*our assurance that after the General Election the new government will give them support and will not be afraid to name them as friends and allies*".[74] This rhetorical move was intended to enlarge the agency of the opposition and undermine the leverage of the sitting government, arguing that severe changes are bound to happen after the Conservatives would be entitled to form foreign policy.

Nevertheless, such severe changes did not take place after the formation of the Heath government. Conservative MPs echoed the general and basically empty words of the previous government and put forward a very shallow vision about the current and future policy towards the region. In this case, the confusion was exacerbated by the lack of appetite of the Tory government to say if they would follow the withdrawal plan at all.[75] Minister of state Lord Balniel only proclaimed that "*In the Gulf, as in the Far East, our objective is the promotion of peace and stability. (…) The Foreign and Commonwealth secretary has started the process of consultations with our friends in the Gulf to establish how this common objective may best be served.*[76] Starting from October, Lord Balniel started to refer to the fact that the government asked Sir William Luce (the previous commander-in-chief and governor of Aden) to submit a study on the Gulf, and final decisions will be made afterward.[77]

Avoiding a detailed answer mostly by referring to waiting for the Luce report was a behaviour repeated by the Tory government for months.[78] The study was finally submitted in February, 1971,[79] after which the government still needed a couple of weeks for the formulation of the policy (despite the continuous attempts of the Labour opposition to force a meaningful answer out of MGs).[80] This practically meant that less them one year before the self-imposed deadline of the withdrawal,

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[74] HC Deb 19 February 1969 vol 778 c472.

[75] The Labour opposition asked the obvious question in October 1970 if the Conservatives had "*decided to accept the withdrawal plans*" of the previous government after all, to which Lord Balniel replied very shortly ("*no, not at all*") HC Deb 28 October 1970 vol 805 c235.

[76] HC Deb 13 July 1970 vol 803 c141W.

[77] HC Deb 28 October 1970 vol 805 cc231–232.

[78] HC Deb 29 October 1970 vol 805 cc397–8; HC Deb 16 November 1970 vol 806 cc298–9W; HC Deb 19 November 1970 vol 806 cc1455–87; HC Deb 19 November 1970 vol 806 c461W.

[79] HC Deb 22 February 1971 vol 812 cc29–30.

[80] E.g., HC Deb 18 December 1970 vol 808 c486W; HC Deb 14 January 1971 vol 809 cc232–3; HC Deb 25 January 1971 vol 810 cc8–9W; HC Deb 10 February 1971 vol 811 c193W; HL Deb 18 February 1971 vol 315 cc701–2; HC Deb 22 February 1971 vol 812 c18W; HL Deb 24 February 1971 vol 315 cc1062–157; HC Deb 25 February 1971 vol 812 c226W.

British elites failed to provide any long-term vision regarding the future of the Gulf and Gulf states in British foreign policy. The ongoing federation talks, and consultations were oftentimes mentioned as a reason as well, which deprives London of the ability to formulate the future strategy[81]

Eventually, the government provided the description of its Gulf policy on the 1st of March 1971,[82] right before the discussion of an upcoming Defence White Paper. When drawing up the context of the new policy, Secretary of State and Commonwealth Affairs Sir Alec Dougles-Home blamed the Labour government for their withdrawal decision which "*created a new and difficult situation*"[83] with the emergence of dormant tensions and growing opposition to British military presence. He admitted that the unification talks (which had previously been cited as the primary reason behind delaying the formation of the new policy) are yet to be concluded, but regardless of their outcome, the government was offering "*continuing links and assistance*"[84] in five different forms:

- signing a Treaty of Friendship "*containing an undertaking to consult together in time of need*"; [85]
- handing over the Trucial Oman Scouts to construct the core of the army of the future federation,
- stationing forces for training and liaison,
- conducting joint exercises with the participation of the British Army and Air Force
- conducting regular visits by the Royal Navy.

While the aim (and the embeddedness) of the British Gulf policy was not described in detail, "*continuing and effective British contribution to the stability of the area*"[86] was named as the primary framework for London's activity in the region. This tone is much softer than previous obligations partaken by the British government and signalled a much looser relationship and engagement in the Gulf.

While the Labour opposition expressed satisfaction about the conservative government's "*conversion (...) to the views of the [previous] Labour government*",[87] they criticised the government for wasting time in formulating the policy:

The government's response to the criticism was basically expressing frustrations with the previous government and the slow pace of the unification talks. Regarding

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[81] E.g., HC Deb 07 December 1970 vol 808 c15W; HC Deb 09 December 1970 vol 808 c545.

[82] HC Deb 01 March 1971 vol 812 cc1227–32.

[83] HC Deb 01 March 1971 vol 812 c1227.

[84] HC Deb 01 March 1971 vol 812 c1228.

[85] Ibid.

[86] HC Deb 01 March 1971 vol 812 c1229.

[87] HC Deb 01 March 1971 vol 812 c1230.

the differences between the Labour and the Conservative government, Dougles-Homes argued that "*they would have been out of the Gulf with no thought and no arrangements made for any future plans*".[88] Lord Balniel referred back to the public expenditure narrative, which, according to him, drove foreign policy decisions in the former administration, which "*had nothing to do with strategic objectives*".[89] Setting the deadline of December, 1971 was "*a sudden decision, a panic decision*", but after that, the new government did not have the leverage to change course. "*The very announcement of such a policy has changed the situation. A new approach and a new relationship are now needed*".[90]

It is clear, that the responsibility (especially towards the leaders and the peoples of the Gulf) was deflected by both governments. The role played by economic calculations by the Labour government was replaced by the Conservative administration with pointing fingers towards the previous government. Arguing that objective necessities (let them be of political or economic nature) deprived the elites to implement more satisfying policy was used as a tool for politicians to narratively undermine their own agency, and therefore question their responsibility. This was the only narrative in which the smallness of Gulf states did not play virtually any role, as it was concerned only with the British perspective.

Unification negotiations in the Gulf

The last narrative identified in the British parliamentary discourse was focusing on the unification of Gulf entities. According to this interpretation, the British withdrawal incentivised the sheikhs of the Gulf to start the long-awaited federalisation talks, which would (hopefully) eventually lead to the unification of the coastal region. This strategic narrative had the most connection with the other discursive frameworks – as it was already mentioned, the federalisation of the Gulf was named as a process of vital importance in terms of the local and regional balance of power politics, as well as in terms of the formation of the future British policy towards the region. That's being said, it is somewhat surprising that the narrative was among the less intense ones.

One possible reason behind this lacking intensity is that generally, there were no serious debates regarding the desirability of unification; views mostly differed on its probability. Again, in the argumentation behind this strategic narrative, the real cleavage was not constituted by political affiliation but by the agency of narrative actors – governments tended to be more optimistic about unification while members of the opposition questioned it oftentimes.

State size played a central role in the argumentation. According to MPs on both sides, the smallness of would-be Gulf states makes it imperative for them to conduct

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[88] HC Deb 01 March 1971 vol 812 c1230.
[89] HC Deb 01 March 1971 vol 812 c1334.
[90] HC Deb 01 March 1971 vol 812 c1242.

the talks on federalisation successfully. Even if "*there have been inevitable disagreements among the nine Rulers about the future form of the federation or union*",[91] the British elite perceived that "*there is recognition that the smaller States must combine together if they are to have an effective future*".[92] The question of security (and not, for example, political and economic viability) dominated the British perception of the region, as it should be the "*federal defence force to take over the British Treaty responsibilities*".[93] On the other hand, the responsibility of Great Britain in the successful conclusion of the negotiation process was not recognised, as London did not participate directly in the talks[94] but submitted its recommendations and proposals. [95]

In March 1968, one and a half months after the announcement of British withdrawal, Gulf leaders agreed in theory about the basic principles of the future federation. The Labour government called the event as "*an encouraging demonstration of a constructive approach on the part of these Rulers*".[96] An overly positive attitude towards the negotiations was observable; the Labour administration even took credit for it, arguing that "*these great and constructive strides towards greater unity and self-reliance in the Gulf*" would or could not have been "*taken so rapidly and successfully had the British Government not announced its own decision on the Gulf in January*".[97]

Despite British optimism, negotiations did not proceed as the Labour government wanted them to. They dragged on without any meaningful result, and even if the principles decided in March 1968 would become the foundations of the constitution of the United Arab Emirates, Qatar and Bahrain did not participate in the unification, despite British desire. The meeting of Gulf rulers in October was (falsely) perceived as witnessing a good atmosphere and substantial progress.[98] By the end of the year, the opposition started to claim that the talks "*have broken down*". blaming the British government and not the Rulers.[99] The Labour government defended the process, arguing that "*to form a federation takes a long time, and a hastily formed federation often leads to danger*".[100]

The conservative victory in the 1970 elections did not represent a substantial change in the narrative. MPs still questioned the viability of the process, [101] while the

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[91] HC Deb 08 July 1968 vol 768 c23.
[92] HC Deb 09 December 1970 vol 808 c546.
[93] *HC Deb 08 July 1968 vol 768 c23.*
[94] HC Deb 04 March 1968 vol 760 c57; HC Deb 01 March 1971 vol 812 c1228.
[95] HC Deb 03 December 1969 vol 792 cc301–2W.
[96] HC Deb 04 March 1968 vol 760 c57.
[97] Ibid.
[98] HC Deb 18 November 1968 vol 773 c185W.
[99] HC Deb 08 December 1969 vol 793 c84.
[100] HC Deb 05 March 1969 vol 779 c445.
[101] *HC Deb 19 November 1970 vol 806 c1550.*

new Conservative government constantly referred to the consultations as proceeding, [102] although slowly, with the help of Saudi Arabia and Kuwait. [103] The official aim of Great Britain remained to be the promote "*the union of the protected States consistent with the wishes of the Rulers*".[104] Nevertheless, participants failed to reach a breakthrough even after the March 1971 announcement of the government regarding the future contours of British Gulf policy.[105]

It remains to be an open question if the two subsequent British governments had anticipated the (partial) failure of the talks but kept their anticipation as a secret, or they were blindsided by realist expectation that small states should unite in such a volatile neighbourhood. Previously cited diplomatic notes from the 1960s show that the local agents of the British Empire were sceptical of the probability of the unification;[106] nonetheless, the fact that in the political discourse, the creation of a federal state was described as a key condition for the future stability of the region questions that the perception of diplomats was shared by the political elite in London.

Eventually, the sigh of relief of the Conservative government was easily sensible after the summer break of 1971, when they were able to announce for the House that "*six of the Trucial States Rulers (…) signed a provisional constitution for a Union. Her Majesty's Government welcome this useful preparatory step towards the establishment of a Union*".[107] MGs did not elaborate much on the refusal of Bahrain and Qatar to join the federation, except that they "*wished to resume responsibility for the conduct of their own affairs*"[108] and they signed treaties of friendship with them too.[109] They did not reflect on the fact that one of the smallest and weakest entities, Ras al-Khaimah, initially also refused to be part of the union (nevertheless, the leaders of the emirate eventually took part in the process).[110]

The process of withdrawal and the unification was to be concluded in November, when Rulers accepted the British offer made in March.[111] The British elite did not reflect on the incomplete nature of the unification. In December 1971, the government argued that the "*situation now achieved represents a reasonable and acceptable basis for the security and future stability of the area*".[112] In conclusion, the Tory government tried to refuse responsibility and take credit for the outcome of the process at the same time. Responding to general questions from a Labour MP

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[102] E.g., HC Deb 22 March 1971 vol 814 c17W.
[103] HC Deb 17 May 1971 vol 817 cc880–1.
[104] HC Deb 09 December 1970 vol 808 cc545–546.
[105] HC Deb 21 June 1971 vol 819 c183W.
[106] Cf. Jarman 1998.
[107] HC Deb 02 August 1971 vol 822 c203W.
[108] HC Deb 04 November 1971 vol 825 c350.
[109] HC Deb 18 October 1971 vol 823 c49W.
[110] Cf. Zahlan 1978.
[111] HC Deb 25 November 1971 vol 826 c451W.
[112] HC Deb 06 December 1971 vol 827 cc946–9.

about the armed forces in the Gulf region, Minister of State Joseph Godber argued on the 13th of December that[113]

> "*We inherited from his party a difficult problem in the Gulf area which my right hon. Friend, with great patience, has brought to what I believe is a satisfactory and honourable conclusion under which all the States in the Gulf, both Arab and non-Arab, can, I think, look forward to a future of stability, as a result of what Britain has done".*

Conclusion

The British withdrawal from the Gulf region in 1971 was a pivotal moment in the history of both local societies and Great Britain itself. For the former, it represented the beginning of an era of more self-reliance without the British security umbrella with more freedom and less security. For the latter, it meant a turn away from the East of Suez and putting more attention to Britain's place in Europe. From both perspectives, the responsibility of the British government and the smallness of the newly established states are important factors to understand the motivations and the policies of London.

As it is not surprising, British elites did not produce a single strategic narrative for the withdrawal but interpreted in five different frameworks. These narratives have three major attributes from the perspective of the present research. First, the relationship between the five narratives was different in each case. The first and the second ones were, for example, conflictual (as the power vacuum narrative was used as a counter-narrative by the Conservative opposition vis-á-vis the public expenditure narrative of the Labour government), while the fifth one was used a supportive narrative for the second, third, and fourth ones too.

First, smallness and responsibility played different roles in the five strategic narratives (see Table 2) and were used differently by narrative actors. British members of Parliament and government used predication regarding smallness most explicitly in the first, second, and fifth narratives, mostly as an essential weakness that incentivises federalisation of the Gulf. The only positive connotation of smallness was visible only in the case of the first narrative, concerning the limited costs related to the defence of the Gulf states.

Responsibility on the side of the British government was avoided in all strategic narratives, except maybe for the third one (great power politics). Nevertheless, one can observe diverse ways of refusing responsibility in the argumentation of different actors – in the strategic narratives about vacuum policy and the unity negotiations, the British elite transferred responsibility for local rulers without reflecting on the role played (at least informally) by Britain. In the framework of the fourth strategic narrative (and to some extent the first one), domestic political and economic constraints were used to deflect responsibility, especially in terms of financial

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[113] HC Deb 13 December 1971 vol 828 c21.

sustainability and, in the narrative of the Conservative government, the limitations set by the previous administration.

Table 2: Smallness and responsibility in the five strategic narratives

	1: Expenditures	2: Vacuum policy	3: Great power politics	4: Future relations	5: Unity talks
Smallness	Small costs	Inability to provide relative deterrence	Greater powers have automatic responsibility		Incentive for federalisation
Responsibility	Changing obligations	Transferred to local rulers		Avoided by referring to domestic political and economic constrains	Transferred to local rulers (no British participation)

Third, the relationship between narrative actors and narratives depended on both their political affiliation and, maybe even to a great extent, on their agency. The general elections of June 1970 represented a turning point in the discourse regarding withdrawal, which left the framework of the strategic narratives intact, but the various actors slightly altered their tone and the extent of support of various narratives.

The practical consequences of the strategic narratives laid down in the study is hard to prove, nevertheless, but they have. As Laurel Weldon argues, such discourses "*distribute political advantage and disadvantage*", especially in such a post-colonial context.[114] From this perspective, a few observations can be made. First, for the British elites, the smallness (as well as their massive oil wealth) was the primary attribute of Gulf states, which reflects a traditional great power viewpoint that is echoed by various actors in different situations. The hypothesis can be made that differentiating between smallness and largeness and connecting the importance of a territory or community to its size is possibly a key feature of colonial and post-colonial discourses and behaviour. Nevertheless, further study should be made in this field.

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[114] Cited by Barkin et al. 2019:111.

Second, avoiding responsibility regarding the effects of not just historical British presence but also of British withdrawal was also a vivid attribute of all strategic narratives. This observation helps us explain British behaviour after and during the early 1970s. A representative example was the Iranian occupation of the Greater Tunb Island, which occurred on the last days of November 1971. The island had been claimed by Ras al-Khaimah, one of the smaller emirates, but the Iranian leadership managed to capitalise on the instability caused by British withdrawal. The interesting aspect of the development was that legally, the occupation took place at a time when the British government still had responsibility in defending the emirate of Ras al-Khaimah, nevertheless, London decided to stay out of the affair.

The strategic narratives built up since 1968 helped the British government to deflect responsibility in the crisis. Responding to questions from Labour MPS, Minister of State Joseph Godber called the occupation of the Greater Tunb Island "*an unfortunate incident (...) which we regret very much*", and "*it is true that Britain's responsibility did not end technically until 24 hours later, we have made it quite clear that we did not think that (...) [paying compensation] was possible or practicable, when we were at the need of the period of our protection, as we explained to the Ruler of Ras al Khaimah. While we regret it, we cannot accept responsibility for it*".[115]

Third, the strategic narrative and the British behaviour connected to them reproduced (and arguably, reinforced) several key attributes of the Gulf sub-system, which affect security in the region ever since. Among these, one should highlight the different status of small and larger states (especially Iran, Saudi Arabia, and Iraq), the perception of the shores of the Gulf as a vacuum to be filled, as well as penetrated nature of the region. The constant instability caused by size differences in the region paved the way for the future presence of great powers in the region (especially that of the United States after 1991), the asymmetric relationship between local and extra-regional actors, as well as the almost constant interference of regional powers into the domestic affairs of smaller countries. These problems were not created but clearly reproduced by British elite discourses during the withdrawal period.

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THE SAINT OF ʿAYḎĀB: AN EARLY CASE OF SUFI SAINTHOOD ON THE RED SEA LITTORAL OF THE EGYPT-SUDAN BORDER REGION (LATE 6TH/12TH–EARLY 7TH/13TH C.)

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Introduction: A Neglected but Important Text

In what follows I present a published but hitherto never discussed passage that offers evidence of Sufism and saint veneration in the Sudan-Egypt borderlands at a remarkably early date. To be more precise, the early 7th/13th-century text analysed below attests typical Sufi practices at a time slightly prior to its composition in ʿAyḏāb, an important mediaeval port town on the Red Sea coast of the Sudan-Egypt borderland area (less than fifteen miles north of present-day Ḥalāyib, just north of the current Egyptian border).[1] Remarkably, the cult seems to have been home-grown rather than imported, although ʿAyḏāb had regular contacts with Egypt at the time, especially with Qūṣ in Upper Egypt, through which the pilgrimage route passed to ʿAyḏāb and thence to Ǧidda across the Red Sea and eventually to Mecca.

The passage in question tells of the activity of a Nubian saint at ʿAyḏāb; it can be found in *al-Muḫtār fī kašf al-asrār* by Zayn ad-Dīn ʿAbd ar-Raḥīm b. ʿUmar al-Ǧawbarī, an author of Syrian origin who flourished in the early decades of the 7th/13th century. To the best of my knowledge this passage has never been cited, much less discussed in any detail, by specialists of Sudanese and/or Egyptian history, probably because the book is about a entirely different subject. I have found no reference to al-Ǧawbarī's work in any of the literature on ʿAyḏāb's history or the history of Sufism in the wider region, but in view of the significance of the information that the passage provides, it may well be useful to make this instructive account better known. We know little of the author of this work, apart from the following few data (al-Ǧawbarī, *Muḫtār* 3). Born in Ḥarrān, al-Ǧawbarī later settled near Damascus in a settlement called Ǧawbar, hence his *nisba*. The date of his death is unknown, but he was a contemporary of Nūr al-Dīn Zangī and Saladin, and was alive in 635/1237–8, when the last mention of him appears in a work. He appears to

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[1] The site forms part of the disputed Ḥalāyib Triangle and is now permanently under Egyptian control.

have travelled widely (as he himself claims in this book) and visited various parts of Syria, Anatolia, Egypt, Nubia, the Hijaz, and India, which makes the rare information in his book on ʿAyḏāb especially valuable, since in all probability he gathered it locally and just a few years after the events that he describes. In other words, while his narrative is technically not an eyewitness account, it is not far from being one. The book is a collection of information on the tricks and subterfuges applied by various categories of people in their dishonest dealings, a focus that, as I argue below, evidently influences al-Ǧawbarī's perspective and his discussion of the Sufi saint of ʿAyḏāb. Written in a quasi-colloquial style and containing a considerable amount of colloquial vocabulary, the work is infused with a general sense of scepticism, even cynicism at some points.

Here is the relevant passage (al-Ǧawbarī, *Muḫtār* 180) in its entirety, followed by my English rendering:

وقد ظهر في ساحل عيذاب رجل من النوبة ادّعى المشيخة وسمع له خلق كثير وتبعه جماعة من التكرور وبُنِيَ له زاوية في جانب البحر وكان يعمل السماع فإذا طاب في السماع رقص ساعةً ثمّ خرج من الزاوية الى جانب البحر فرمى سجّادته على الماء وصعد فوقها وهو يرقص ثمّ يعود اليهم وقد ارتبط عليه جميع النوبة والحبشة والتكرور وقالوا إنّه يُعرف بعبد الله التكروري وكان جميع تجّار الهند واليمن يُقبلون عليه ويهدون له من كلّ الطُرف المعدومة في البلاد وحصل له بهذا الناموس وهذه الحيلة جملة كثيرة وقُتِلَ سنة ٦١٥.

"In the coastland of ʿAyḏāb a Nubian man came to prominence, claiming to be a holy man (*iddaʿā l-mašyaḫa*). A great multitude listened to him, and a group of West Africans (*at-Takrūr*) became his followers; a Sufi retreat (*zāwiya*) was built for him at the seaside. He held [Sufi] musical séances (*kāna yaʿmalu s-samāʿ*). When his spirits were high from a musical séance, he would dance for some time, then he left his *zāwiya* for the seaside, cast his prayer rug upon the water and climbed on it, dancing all the time until he returned to them. All the Nubians, Abyssinians and West Africans became quite attached to him. They say that he was known as ʿAbdallāh at-Takrūrī. All the traders of [or: frequenting] India and the Yemen called on him and gave him gifts of luxury items (*ṭuraf*) unknown in this land. By such cunning (*hāḏā n-nāmūs*) and trickery he acquired a great amount [of wealth]. He was killed in the year 615 [=1218-9]."

The text offers several tantalising glimpses into the local religious scene, without providing sufficient detail and specificity to determine several important aspects. Precisely where did this African saint originate? How did he begin his career as a holy man? Why was he killed? The text is regrettably reticent on these important issues. However, the passage is sufficiently graphic as well as specific to make it likely that its core is a factual account of contemporary events. Moreover, it offers some important data that must make us reconsider some of the received wisdom about the history of Islam, and especially Sufism, in the area. What are, then, the

implications of this early reference to the veneration of saints in the lands to the south of Egypt?

Islam in ʿAyḏāb and Its Hinterland

ʿAyḏāb is of course hardly a typical place within the Sudan or Upper Egypt. It was a wealthy port town that owed its affluence to the lively Red Sea trade in spices (black pepper, cinnamon, etc.) and brazilwood from India, as well as in Chinese porcelain wares, locally produced pearls, Egyptian products (textiles, sugar, glassware) and gold mined in the Wādī al-ʿAllāqī area southeast of Aswān and west of ʿAyḏāb itself. Perhaps an equally important source of the town's income were the taxes and customs duties imposed on the passing pilgrims to and from Mecca and the renting of ships for the Red Sea passage (Insoll 2003:94; Paul 1955:64; Kawatoko 1993:205–7; Peacock – Peacock 2008:34).[2] After the Ayyūbid period the town gradually declined and Sawākin came to emerge as the foremost port of the region. Surveying seafaring routes and ports in the Red Sea in the late 9th/15th to early 10th/16th centuries, Ibn Māğid and Sulaymān al-Mahrī make no mention at all of ʿAyḏāb, probably a ruined town or a miserable settlement by that time (Tibbets 1961:329).[3]

The region was the first zone of present-day Sudan to come under Muslim influence. The first (probably nominal) conversions to Islam among the local Beja population took place as early as the first half of the 3rd/9th century (Hasan 1966:149), but this could barely have influenced the mass of the Beja inhabiting the Eastern desert between the Nile and the Red Sea. Small nuclei of an Islamic presence were present in the Eastern desert, such as a Muslim settlement at Ḥawr Nubt (far to the south of ʿAyḏāb) that left the earliest Arabic-inscibed tombstones in the Sudan (mid-3rd/9th to early 4th/10th centuries), but it is unclear if this community was composed of Beja converts or Arab immigrants or both. By all indications (e.g. odd solecisms in the use of Arabic) at least some of those who made these tombstones were non-native speakers of Arabic.[4] Archaeologists also found Muslim inscribed tombstones at the Bāḍiʿ site south of ʿAyḏāb dated 387/997, 405/1015 and 428/1037, with some of the names in these inscriptions possibly pointing to Egyptian origins (Crowfoot 1911:545). Most of the Beja probably converted to a nominal Islam in the 14th to 15th centuries. In the late 7th/13th to early 8th/14th centuries the Beja of both the Red Sea coast (including the vicinity of the ʿAyḏāb site) and the hinterland-built

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[2] However, Power (2008:93–94; 2010:20–21) presents strong arguments against over-emphasising the role of the pilgrimage traffic in the economic life of ʿAyḏāb and similar ports. Also cf. Power 2012 on the wider picture of trading networks and activities in the Red Sea region in the relevant period; and Goitein 1954:188, 192–3, 197 on examples of Jewish trading to and from India passing through ʿAyḏāb in the 5th-6th/11th–12th centuries.

[3] On Sawākin's gradual taking over the mercantile role of ʿAyḏāb see Bloss 1936:278–85.

[4] On the Ḥawr Nubt site see Sandars – Owen 1951; Glidden 1954.

tower tombs constructed of stone that seem to have served as graves for outstanding personalities. These latter perhaps included Muslim holy men; at any rate the orientation of the tombs shows them to be Islamic and they have often served as objects of local pilgrimage and saint veneration (Insoll 2003: 101–3; Clark 1938: 29).[5]

From the mid-5th/11th to the mid-7th/13th century the Crusaders' wars in the Palestine region diverted the main North African pilgrimage route from the Sinai to Qūṣ in Upper Egypt and on to ʿAyḏāb on the Red Sea coast, which undoubtedly contributed to the increasing Islamisation of the ʿAyḏāb region and its inhabitants (Hasan 1966: 151).[6] Educated Muslims from Egypt and elsewhere visited ʿAyḏāb and no doubt raised the general level of Islamic knowledge there. A well-known example is the poet Abū l-Fatḥ Naṣrallāh b. ʿAbdallāh b. Qalāqis from Alexandria, who frequented the main ports of the Red Sea between Aden and ʿAyḏāb and wrote an ode describing these places (Yāqūt, *Buldān* I, 324)[7]; indeed it is in ʿAyḏāb that he died and was enterred in 567/1172 (Yāqūt, *Udabāʾ* VI, 2751). The region around ʿAyḏāb even produced some religious scholars of its own by the 6th/12th century, if we trust as-Samʿānī (d. 562/1166), who mentions a certain Abū l-Ḥasan Ṭāhir b. ʿAtīq al-Sakkāk aẓ-Ẓayqī, whose *nisba* was derived from the toponym Ẓayqa, a camping-ground in the desert at a distance of 10 *farsaḫ* (ca. 60 km) from ʿAyḏāb (as-Samʿānī, *Ansāb* IV:105).[8] Of course such a level of Islamic scholarship must have been exceptional among the inhabitants of this region, as it is hard to reconcile with the vivid eyewitness account given by Ibn Ǧubayr (d. 614/1217) in roughly the same period, during his travels in 578-81/1182-5. He describes the black inhabitants of ʿAyḏāb as being mainly of Beja stock under the jurisdiction of a Beja chieftain that paid nominal tribute to the Egyptian governor of the town.[9] Despite the Beja

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[5] For detailed descriptions, sketches, and pictures of three such towers see Madigan 1922; and see additional information and corrections in Crowfoot 1922, esp. p. 87, where the likely dating of these domed structures is given as between the 5th/11th and 7th/13th centuries, during the heyday of the pilgrimage route from Qūṣ to ʿAyḏāb.

[6] In 1182 (just a few years before Ibn Ǧubayr's visit) a Crusader expeditionary force headed by Renaud de Chatillon sacked ʿAyḏāb itself, but this being an extraordinary rather than typical incident, the pilgrimage route continued to pass this way for almost another century; see Murray 1926:235–7; Newbold 1945:221–3. Remarkably, the 6th/12th-century Jewish traveller Benjamin of Tudela does not seem to mention ʿAyḏāb at all in his decription of the Red Sea region; see Hess 1965:16–8.

[7] Crowfoot (1911:542) found Ibn Qalāqis' description of the ruins of Bāḍiʿ (far to the south of ʿAyḏāb near the Eritrean border) remarkably precise.

[8] Yāqūt (*Buldān* III, 465) claims the reading Ẓayqa must be a misspelling for Ḍayqa, because the letter ẓāʾ exists only in Arabic (and in Arabic the word ẓayqa is unknown).

[9] Ibn Baṭṭūṭa specifies (*Riḥla* 32) that the local Beja chieftain bore the name al-Ḥaḍrabī, a reference to the *Ḥaḍārib* group known to this day. The Beja subgroup that controlled ʿAyḏāb and the route to and from Qūṣ probably represent the predecessors of the present-day *ʿAbābda* (now Arabic speakers but somatically and culturally Beja), some of whom, being

townsfolk's affluence resulting from participating in trade and the pilgrimage business, Ibn Ǧubayr characterises them as semi-naked savages "*further astray from the way than the cattle* [Quran 25:44] and of less intellect, having no religion whatever other than the words of the monotheistic creed (*kalimat al-šahāda*) that they utter so as to appear Muslims" (Ibn Ǧubayr, *Riḥla* 45–6, 48–9).[10]

Ethnicity of the Sufi Community: West Africans, Locals, Merchants

The ethnic identity of the holy man in al-Ǧawbarī's account and his followers is a complex and significant issue. The passage uses various ethnic labels (*Nūba*, *Ḥabaša*, *Takrūr*) to describe the ethnicities present among the Sufi leader's disciples, but such labels tend to be rather liberally applied in premodern Arabic texts. What is certain is that the sheikh was a black African man, in all probability a local (i.e., either a Nubian from the southern reaches of Upper Egypt or a Beja from the Red Sea region). The text is also explicit about most of his followers being, like him, black Africans (apparently a motley crowd of various ethnicities). This is hardly surprising, because the population of ʿAyḏāb in that period (as in later periods too) was predominantly black. That much is explicitly stated in al-Idrīsī's geographical work completed in 548/1154 (*Nuzha* II, 134–135), and less than a century later – but relying on other, earlier sources – Yāqūt al-Ḥamawī (d. 626/1229) calls ʿAyḏāb "the town of the Beja" (*Buldān* IV, 388) in particular. The same passages in the *Nuzhat al-muštāq* also assert that most of the town's inhabitants were traders and fisherfolk. Al-Ǧawbarī's text refers to overseas merchants paying their respects to the local African saint. However, the wording *tuǧǧār al-Hind wa-l-Yaman* is too ambiguous to make it clear if these wealthy traders were Indians and Yemenites, or else local merchants (and perhaps Egyptians too) doing trade with those countries.[11]

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more 'civilised' from a mediaeval Arab perspective than the rest of the Beja, intermarried with immigrants from Ḥaḍramawt to form the *Ḥaḍārib* (a Beja-speaking group). See Murray 1923:417–8; Murray 1927:43; MacMichael 1922:I, 338–9, 346–7; Weschenfelder 2012:223–224. On the historical role of the *Ḥaḍārib* as a sort of upper caste among the northern Beja see Paul 1959, esp. p. 76–7; Hjort af Ornäs – Dahl 1991: 23–29; Dahl – Hjort 2006:485. In the Mamluk period, al-Qalqašandī states (*Nihāya* 124) that the *Ḥaḍārib* (his spelling of the word is *Ḥaḍāriba*) live around Sawākin (far to the south of ʿAyḏāb) and their chieftain is recognised by the Mamluks as ruler over all the nomads of the eastern desert southeast of Qūṣ (ʿurbān al-qibla mimmā yalī Qūṣ). Today some of the *Bišārīn* subgroup of the Beja also live in the proximity of ʿAyḏāb (a name that they still use in reference to the place). *Bišārīn* traditions ascribe the origins of their group to Jabal ʿElba, a mountain located a mere ten miles from ʿAyḏāb. See Sandars 1933:123.

[10] Some other Muslim sources concur with this negative assessment, see Insoll 2003: 96–7; Paul 1955: 65–6; and for an early twentieth-century European assessment of the desultory religious observations of the northern Beja groups see Clark 1938:4–5.

[11] The most probable guess is that the reference is to the Kārimī merchants of the Ayyūbid period, who dominated the trade between Egypt and India and used ʿAyḏāb as a major trading post up to 781/1380, whereupon they moved their activities to al-Ṭūr on the western coast of

At any rate, most of the local black African population obviously venerated the sheikh, and he had a large group of committed devotees around him. The text further states that his followers included a great number of West Africans, but the ethnic label *Takrūr* does not allow more precision as to the exact origins of the latter. The toponym Takrūr could be applied in a restrictive as well as a broader sense, and it could thus refer to a town (and its environs) along the Senegal River (e.g., al-Idrīsī, *Nuzha* I, 17), to the whole Senegambia and Mauritania region (e.g., al-Bartilī, *Fatḥ* 26), indeed even to the whole of Muslim West Africa (Levtzion 1986:183–185). Be that as it may, the holy man's West African followers seem to have formed a sufficiently numerous or even predominant part of his coterie to lend him the ethnic *nisba* at-Takrūrī. With ʿAyḏāb serving as an important station in the pilgrimage route from West and North Africa at the time, there can be little doubt that many of these people had arrived as pilgrims *en route* to Mecca or returning from there. While in later times the east-west route through the savannah belt south of the Sahara was the usual route of the pilgrims from West and Central Africa, in the 12th–13th century West African pilgrims would typically travel north across the Sahara and then go east with the North African caravans, reaching ʿAyḏāb via the Nile valley after having crossed the Eastern desert from Qūṣ (Insoll 2003:96).[12] This explains the presence of considerable numbers of West African Muslims in Egypt and parts of the Nilotic Sudan at a very early date. Some of these West Africans were sufficiently learned and pious to be regarded as holy men by the local population. For instance, al-Maqrīzī in his *Ḫiṭaṭ* describes a mosque called *Ǧāmiʿ at-Takrūrī* in Būlāq, which was named in honour of one Abū Muḥammad Yūsuf b. ʿAbdallāh at-Takrūrī. A contemporary of the Fāṭimid al-ʿAzīz (r. 365–86/975–96), this saint was still widely venerated in the late 6th/12th century, and his tomb continued to be considered holy at least to the late 8th/14th century (Levtzion 1986:206–7).

Sufi Practices and Rituals

al-Ǧawbarī's account describes several well-known aspects of popular Sufism, using terminology that is also familiar from other regions. Thus, the ritual led by the sheikh employed music (*samāʿ*) and dancing to induce ecstasy, the master's prayer-rug played a prominent role during the proceedings, miracle-making (stressing the marvellous prayer-rug) was an important source of the sheikh's hallowed status, and the devotees built a Sufi centre (*zāwiya*) for the sheikh and, presumably, for the whole group.

Musical séances with dancing having been a mainstay of the *ḏikr* practices of the Sufi orders from a very early period (Trimingham 1998:195–197), it is unsurprising

the Sinai Peninsula; see Kawatoko 1993:203. For a comprehensive discussion of the Kārimī, see Ashtor 1956.

[12] Even in the early twentieth century the contrast between the eagerness of West Africans to make the pilgrimage to Mecca and the rarity of local Beja to have done so was remarkable; see Clark 1938:4.

that we should find it as part of this Sufi sheikh's antics. The prayer-rug (*saǧǧāda*) is of course a well-known symbol of the authority of a Sufi group's founding sheikh, a kind of 'throne' of the order that is formally inherited by its subsequent leaders (Trimingham 1998:173). It would be interesting to know more details about the Sufi centre (*zāwiya*) referred to in al-Ǧawbarī's text: what it might have looked like, how many persons resided there, what functions it fulfilled for the community, etc. The term *zāwiya* is probably to be understood in its Egyptian sense rather than in the sense common in the Maghreb, even though West African pilgrims might have carried some Maghrebi influences to ʿAyḏāb. Thus, the *zāwiya* must have been a modest establishment housing a Sufi sheikh with his circle of disciples without a formal endowment (*waqf*) being made for their benefit (Trimingham 1998:18, 20, 168, 176–7). However, it is apparently difficult or impossible to identify even such a modest institution in the archaeological remains of ʿAyḏāb or in contemporary descriptions of the town. Ibn Ǧubayr's travelogue describes ʿAyḏāb in 583/1187 as composed mainly of straw huts, and also containing some recently constructed buildings of plaster (*akṯar buyūtihā al-aḥṣāṣ wa-fīhā al-ān bināʾ mustaḥdaṯ bi-l-ǧiṣṣ*) but does not specify the function of those more solid structures (Ibn Ǧubayr, *Riḥla* 45).[13] Modern surveys of the site have identified a cluster of nomadic encampments, a port area and an adjacent area built up of coral-stone houses, and disproportionately extensive cemeteries, including separate ones for Jews and Coptic Christians (Insoll 2003:94–6; Paul 1955:67–8; Breen 2013:315).[14] Ibn Ǧubayr certainly does not make reference to anything resembling a Sufi convent, and while archaeological excavations have been carried out intermittently at the ʿAyḏāb site, they have not so far brought to light the remains of any structure that could be identified as a Sufi establishment of any sort. However, some of the mediaeval area of ʿAyḏāb town may well be underwater today, as David and Andrew Peacock note in their recent article[15]; note that al-Ǧawbarī's text specifies that the *zāwiya* was situated directly on the beach (*fī ǧānib al-baḥr*). It might also be a relevant fact that a recent archaeological study (Breen 2013:315–6) mentions "a number of possible fourteenth-century tombs" near the ʿAyḏāb site, at Marsā Marob (75 km north of Dungunab), which "could be interpreted as the graves or memorial markers of well-known Islamic holy men or those of leading members of a local community", and

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[13] On the typical dwellings of the northern Beja tribes, see Clark 1938:6–7.

[14] Insoll's work includes a helpful general plan of the ʿAyḏāb site on p. 95. For an earlier map and description of the site see Murray 1926:237–40. (The latter source mentions the ruins of houses built of rubble and covered with matting as well as extensive cisterns and cemeteries, with the grandest building within the site being a mosque.) Peacock and Peacock 2008:42–44 also give a detailed description of the buildings (including the mosque) and the layout.

[15] "It is abundantly clear that some buildings may have been lost to the sea, as streets and walls seem to terminate abruptly at the coast or protrude onto the beach." See Peacock and Peacock 2008:43.

also notes the existence at nearby Ḫawr Tibadeb of a domed building (perhaps the grave of a holy man?) by the sea, south of which are freshwater springs, mediaeval cemeteries and a possibly the remains of a tower.

Despite the clear Sufi attributes of the man's activities, al-Ǧawbarī portrays him as essentially a crook rather than a *bona fide* Sufi saint – a charlatan consciously playing tricks upon his gullible followers. However, one ought not to give this assessment too much credit since other passages of the same work show al-Ǧawbarī as inordinately sceptical of popular religion in general. In fact, he includes a whole chapter on the guile of popular religious leaders and respected sheikhs. For instance, having mentioned the practice of fire-eating and biting off the heads of snakes during ecstasy, he adds (al-Ǧawbarī, *Muḫtār* 53): "By God, if this were done in front of children, they would laugh at what [the devotee] is doing. Oh, people of blind hearts, are these the miracles of saints (*karāmāt aṣ-ṣāliḥīn*)? Come to your sense, oh sleepers, and wake up!" al-Ǧawbarī's scepticism at some points borders on cynicism, and of course the stated purpose of his book is what he regards as exposing the vile trickery of various classes of mountebanks, which sets the general tone.

An Important Fact for the History of Sufism in the Region

al-Ǧawbarī's text seems to demonstrate the existence of Sufi holy men in the northern Sudan (albeit admittedly in a very special locality) well before the earliest references to Sufi practices in *Ṭabaqāt Wad Ḍayf Allāh*, the standard primary source on Muslim holy men and scholars in the Nilotic Sudan.[16] This work explicitly states that "the sheikh Tāǧ ad-Dīn al-Bahārī arrived from Baghdad [in the 10th/16th c.] and introduced the way of the Sufis (*adḫala ṭarīq aṣ-Ṣūfiyya*) into the land of the Funǧ" (Wad Ḍayfallāh, *Ṭabaqāt* 4).[17] It bears emphasis, however, that the geographical range of the *Ṭabaqāt* is limited and excludes practically any reference to the region between the Nile and the Red Sea (Holt 1967:145). Although he is usually not associated with Sufism *per se*, perhaps the earliest known Muslim scholar to migrate to the Nilotic Sudan was Ġulāmallāh b. ʿĀʾid, a Yemeni immigrant to Dongola in the early 9th/15th century and ancestor of the *Rikābiyya* and the *Awlād Ǧābir* scholarly lineages (Holt 1967:145–6; MacMichael 1922:I, 333). According to the traditional account, before this period the only type of Muslim immigrants to the Sudan had been Bedouin tribesmen having little knowledge of Islam, and Muslim religious figures had been virtually non-existent in the region. It is only after the founding of the Funǧ sultanate that men of religion began to migrate to the Sudan in sufficient numbers to raise the level of Islamic religious learning (Hasan 1966:154–5). The following phrasing (al-Tayyib 1975:46) is an explicit summary of this traditional view: "The beginning of Sufism in the Sudan, and the first Sufis to appear

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[16] The title exists in various variants; see Holt 1967:142.

[17] For a biography of al-Bahārī see *Ṭabaqāt* 42–43.

there came with the rise of the Islamic Sultanate of the Funj [i.e., in the 10th/16th c.]."

al-Ǧawbarī's account predates this time by several centuries. It is indeed a remarkably early account of Sufi practices for this region. To put it in chronological perspective, the case recounted by al-Ǧawbarī is only a few decades later than the lifetime of ʿAbd al-Qādir al-Ǧīlānī (d. 561/1166) in Baghdad; the celebrated Egyptian Sufi poet ʿUmar b. al-Fāriḍ (d. 632/1235) was for all practical purposes a contemporary of the ʿAydāb saint; while Abū l-Ḥasan aš-Šāḏilī (d. 656/1258), Aḥmad al-Badawī (d. 675/1276) of Ṭanṭā and Abū l-Ḥaǧǧāǧ Yūsuf (d. 642/1244) of Luxor were active roughly half a century later, to mention some of the Sufi figures significant for the Egypt/Sudan region. According to al-Maqrīzī, the first major Sufi convent (ḫānaqāh) in Egypt was the Dār Saʿīd as-Suʿadāʾ, established in the second half of the 6th/12th century (Trimingham 1998:18), not much earlier than the founding of the zāwiya in ʿAydāb that al-Ǧawbarī mentions. It is worth noting in this context that Ibn Baṭṭūṭa, more than a century after al-Ǧawbarī, tells of the presence of several holy men in ʿAydāb, including a very old Moroccan called Muḥammad al-Marrākušī who claimed to be a son of the Almohad ruler Abū Ḥafṣ ʿUmar al-Murtaḍā (r. 646–65/1248–66). He also mentions a mosque bearing the name al-Qasṭallānī, reputed to be a much-venerated holy place (kaṯīr al-baraka) (Ibn Baṭṭūṭa, Riḥla 32). It is also obvious from another passage in his book that the tomb of Abū l-Ḥasan aš-Šāḏilī at Ḥumayṯirā in the eastern desert was well connected to ʿAydāb by land routes and visiting it from ʿAydāb was something of a routine affair (Ibn Baṭṭūṭa, Riḥla 164).[18] The veneration of saints was apparently well established in both the region and the town by the time of Ibn Baṭṭūṭa's visit, but al-Ǧawbarī's narrative clearly shows that it had begun at least a whole century before that period.

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[18] Today the ʿAbābda Beja of the Eastern desert regard Abū l-Ḥasan aš-Šāḏilī as their patron saint; see Murray 1927: 46.

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WHY 'EMPHATICS'?

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In the introduction to the second edition of his *Arabische Grammatik* (1781) Johann David Michaelis (1717–1791) explains that, although he himself has never traveled to the East, he has been fortunate in meeting informants for his grammatical description of Arabic:

As you can see in this new edition, I have obtained greater certainty in the meantime, partly through native Arab visitors, partly through returning Europeans, who had learned Arabic in Morocco and Constantinople.[1]

For European Orientalists such opportunities to check their linguistic data were relatively rare, though and their lack of exposure to the language as it was spoken made it difficult for them to know how it sounded. This is particularly clear in their treatment of Arabic sounds that were unknown in European languages, such as those which in Western grammars of Arabic came to be called 'emphatics'. Silvestre de Sacy (1758–1838) is often referred to as the first to use this term. In the introduction to his *Grammaire arabe* he speaks about 'emphasis' or 'emphatic articulation' as "a kind of expansion of the upper palate, which produces an *o*-like sound after the consonant".[2] His characterization of the individual consonants is not very detailed: The ص corresponds to our *s*, but should be articulated somewhat stronger than س or with a certain emphasis ... The ض corresponds to *D* articulated more strongly than the French *d*, or with a certain emphasis ... The ط corresponds to *T* articulated strongly and in an emphatic manner ... The ظ does not differ in its pronunciation from ض at all.[3]

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[1] Ich bin, wie man aus der neuen Ausgabe sehen wird, seit der Zeit theils durch Besuch gebohrner Araber, theils durch zurückgekommene Europäer, die in Marocco und zu Konstantinopel, Arabisch gelernt haben, zu mehrerer Gewißheit gelanget (Grammatik 2).

[2] Ce que j'appelle emphase ou articulation emphatique, est une espèce de dilatation de la voute supérieure de la bouche qui laisse en quelque sorte entendre un o après la consonne (Grammaire I, 19).

[3] Le ص répond à notre s, mais doit être articulé un peu plus fortement que le س , ou avec une sorte d'emphase ... Le ض répond au D articulé plus fortement que le d français, ou avec une sorte d'emphase ... Le ط répond au T articulé fortement et d'une manière *emphatique* ... *Le* ظ *ne diffère aucunement, dans la prononciation du* ض (Grammaire I, 19f.).

Modern grammars of Arabic routinely call these consonants 'emphatics', and even in the general linguistic literature the term is commonly used (sometimes between quotation marks), for instance by Ladefoged and Maddieson (1996:365). The underlying idea is that these consonants are called 'emphatic' because supposedly they are realized with more energy and intensity than 'normal' consonants.

The 'emphatic' consonants *stricto sensu* are: *ṣād*, *ḍād*, *ṭāʾ*, *ẓāʾ*. In the Arabic grammatical tradition these are called *muṭbaqa* 'covered', so called because the dorsum of the tongue acts as a lid covering the soft palate and the nasal cavity. They belong to a larger group, called *mufaḫḫama*, that includes the *muṭbaqa* as well as the *qāf*, *ġayn*, *ḫāʾ*, and allophonic variants of the *rāʾ*, *lām*, *bāʾ*, *mīm*, and *nūn* (Al-Nassir 1993:50f.). The members of this group have in common that their pronunciation is accompanied by elevation of the tongue to the palate and stricture in the pharynx (Jakobson 1957).[4]

Those Arabic grammatical treatises that were available in Europe in the sixteenth century, mainly the *Āǧurrūmiyya* and al-Ǧurǧānī's *Miʾat ʿāmil*, were mostly concerned with syntax and did not provide any detailed phonetic description of the language. The lack of information on phonetics can only have reinforced the idea that the exact pronunciation of the Arabic sounds was not important when learning Arabic, or, alternatively, that the sounds were so difficult to pronounce that it would be a waste of effort to try to do so.[5]

One of the earliest Western descriptions of the Arabic sound inventory is found in Erpenius' (1584–1624) Arabic grammar.[6] His description of the four *muṭbaqa* consonants is not very precise:

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[4] In transliteration, the traditional Arabist signs (*ṣ, ḍ, ṭ, ẓ*) will be used here. There is a vast literature about the precise features of this class of consonants, which are variably described as being pharyngealized, velarized, or uvularized. Since this is not the topic of the present paper, I refer to Bellem's (2007) excellent treatment, which also covers the realization of the 'emphatic' consonants in the Arabic dialects. For the wider context of the Semitic languages and the historical development of the Semitic sound inventory, see Lipiński (1997:105f.); Edzard (2013). For the phonetic theories of the Arabic grammarians see Al-Nassir (1993); Bakalla (2007, 2009).

[5] A comprehensive study about the possibilities for scholars in the European Renaissance to hear Arabic in Jones (2020); see also Roman (2005); Hamilton (2006).

[6] Pedro de Alcalá's *Arte para ligeramente saber la lengua araviga* was much earlier (1505) but does not contain any description: he simply lists *Çad, Dad, Ta, Da* without further explanation (Hamilton 2006:168; Zwartjes 2014).

Tsad صاد *TS* but in such a way that *S* is heard rather than *T*. *Dshad* ضاد, but lisping.[7] *Ta* طاء *T* pronounced in the throat.[8] *Dsha* ظاء lisping, hardly differs from ض.[9]

Erpenius had some contacts with native speakers of Arabic (Hamilton 2006:169; Jones 2020:76–92) but did not travel to Arabic-speaking countries. His successor to the Chair of Arabic at Leiden University, Jacobus Golius (1596–1667), familiarized himself with spoken Arabic in Morocco and Syria, but he copied the description of the four 'emphatics' directly from Erpenius, adding only a few details about the vowel variants.

Throughout the seventeenth and eighteenth centuries Erpenius' grammar remained the model for almost all studies about Arabic (Killean 1984:224; Girard 2010), even when other sources of knowledge about the language became available. In former Muslim Spain, many Moriscos managed to hold on to their language, at least for some time after the Reconquista. The official policy against Arabic and literature in Arabic was ambiguous: on the one hand, the Inquisition did everything in its power to annihilate all traces of texts written in Arabic, on the other hand, there was considerable demand for Arabic texts on scientific topics and, as a result, a real interest in learning Arabic.[10] But even with so many native speakers available, grammars were either translations of the *Āǧurrūmiyya* or based on Erpenius' grammar.

An important stimulus for studying Arabic was the drive for missionary activities, by the Franciscans, many of whom worked in the Arabic-speaking world (Zwartjes 2007) and, to a lesser degree, by the Jesuits (Colombo 2019:359–362). In Rome, the Congregatio de Propaganda Fide established schools for the teaching of Oriental languages, in particular Arabic, to carry out their mission. Since their main purpose was the instruction of missionaries, who needed to be able to preach and hear confession in Arabic, their approach to language teaching was practical (Girard

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[7] *Blaesus* is the term commonly used in these Orientalist grammars to refer to interdentals. The Latin word means 'stammering, mispronouncing', but apparently came to be used in the sense of 'lisping'.

[8] In his paper on *mufaḫḫama*, Jakobson (1957) recalls how native speakers, when asked about the pronunciation of emphatics, point at their throat, indicating that something takes place there when they emit these sounds. The few experiences Erpenius had with native speakers may have been similar.

[9] Tsad صاد TS *sed ita ut* S *magis quam* T *audiatur*. Dshad ضاد *idem blaese*. Ta طاء T *in gutture pronuntiatum*. Dsha ظاء *idem blaese, vix differt a* ض (*Grammatica* 2).

[10] See Jones (2020:10). The expectation of learning Arabic from native speakers even attracted scholars from abroad. Nicolaus Clenardus (1493–1542) traveled from Flanders to Spain for this purpose (Jones 2020:20), but despite the presence of numerous Moriscos he was unable to find a competent teacher. Eventually, he managed to teach himself to read Arabic after only a few lessons (de Callataÿ 2011), but his wish to learn to speak Arabic was only fulfilled when a Spanish nobleman bought for him a learned Muslim slave (Martínez de Castilla 2017:180).

2010) and gave more attention to matters of pronunciation. In his description of the articulation of *ṣ* Philippus Guadagnolus (1596–1656) states that "it makes a stronger hissing sound because it is produced by the entire blade of the tongue attempting rise to the palate".[11] The reference to the activity of the 'blade of the tongue' (*planities linguae*) is correct, but he does not mention any secondary articulation in the pharynx. Antonius Ab Aquila (17th century) presents the 'emphatic' consonants as follows:

> 14ص *ss,* as a geminate *ss,* the blade of the tongue rising with full sound to the palate; 15ض *ddh,* likewise, with the blade of the tongue; 16 ط *tt* as geminate *tt,* with the blade and with full sound; 17 ظ *dth,* almost like 15, i.e., ض.[12]

One way of explaining the pronunciation of the 'emphatics' is by the effect they have on adjacent vowels, formulated as a constraint on the choice of vowel accompanying the consonant. The first to suggest a rule of this kind was Dominicus Germanus (1588-1670). In the introduction to the Arabic script in his *Fabrica linguae arabicae* (1639) he gives almost no details about the articulatory organs involved in pronouncing the 'emphatics', but divides the consonants into two groups, *graves* and *tenues* or *leves,* where the former tends to be pronounced with *a*, rather than *e*, and the latter with *e*, rather than *o*. Thus, as a rule *ṣ* is pronounced with *a*, rather than *e* (*favorisce piu alla fatha* a, *che alla chesra* e). One problem is that the group of *graves* includes consonants like *š* and *ṯ*, which are certainly not *mufaḫḫam*.

Later authors were not always better informed. Agapito del Valle Flemmarum (1653–1687) limits his instruction to the terse statement that *dāl, ḏāl, ḍād, ẓā'* are pronounced almost alike, as [d], albeit frequently with 'lisping' (i.e., interdental articulation) in the case of *ḏāl, ḍād,* and *ẓā'* (*Flores* 4). In fact, this applies to most later authors in the Franciscan tradition. Thus, for instance, Franciscus de Dombay (1758–1810) simply lists *s durum*, *d durum*, *tt*, *d durum* (*Grammatica* 3), and leaves it at that. Others remark that the rules do not always apply and that for a correct pronunciation one needs proper training. Bernardino González (1665–1735) refers to Dominicus' rule of thumb but recommends the help of a native teacher (*Gramática* II, 20), and so does Francisco Cañes (1730–1795) in the section on the script (*Gramatica* 3).[13] António Baptista (1737–1813) does not even bother to give any rules concerning the pronunciation of the 'emphatics" in his *Instituições*.

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[11] *At sibilat fortius, quia formatur tota planitie linguae conante ad palatum ascendere* (*Institutiones* 8f.).

[12] *14* ص ss, *sicut duplex* ss, *planitie linguae, sono pleno ascendentis ad palatum; 15* ض ddh, *eadem planitie linguae; 16* ط tt *sicut duplex* tt, *planitie sono pleno; 17* ظ dth, *pene sicut 15,* scilicet ض (*Institutiones* 10f.).

[13] This may be the reason why González' student Lucas Caballero (Zwartjes and Woidich 2012:307) and Cañes (Moscoso García 2017:177) have remarkably little to say about Arabic phonetics. A similar advice to seek the help of a native teacher was given by Giovanni Battista Raimondi (c. 1536–1614), see Jones (2020:191).

The study of Arabic served commercial and political purposes as well. British scholars working in British India gained direct access to Arabic sources through their contacts with Arabic-speaking teachers. The first English grammar of Arabic was produced by John Richardson (1740/41–1795) on behalf of the East India company.[14] His *Grammar of the Arabick language* appeared in London in 1776; it was quite popular and a second edition was published posthumously in 1811 (Killean 1984:224). Yet, with respect to the pronunciation of the 'emphatic' consonants, it did not provide any new insights (*Grammar* 9):

ص as *ss* in *dissolve;* ض by some as *dh* or *dd*, by others as *dz* or *ds;* ط as double *tt*, or *t* with a slight aspiration; ظ almost the same as ض or perhaps as *dth*. [15]

As a professor of Persian and Arabic at the College of Fort William in Kolkata, Matthew Lumsden (1777–1835), shows by the title of his book, *A grammar of the Arabic language according to the principles taught and maintained in the schools of Arabia*, his familiarity with the Arabic grammatical tradition.[16] His description of the emphatic consonants (*Grammar* I, 24–26) illustrates this, when he describes the pronunciation of the *ḍād* in terms going back to Sībawayhi (whom he does not cite by name): "Most Arabs are said to form it on the left side, but others are observed to prefer the right". This description corresponds to a lateral realization of the *ḍād*, which at Lumsden's time must be regarded as purely fictional (except perhaps in South Yemen, but he is not likely to have been aware of that). He adds that *ḍād* is commonly confused with *z* (i.e., *ẓāʾ*); this may be explained by the current pronunciation at his time, especially in Persian-speaking India.

Lumsden's expertise in Arabic grammatical treatises enabled him to arrive at detailed articulatory descriptions. About the *muṭbaqa* he says (*Grammar* I, 40f.) that they are called thus "because their utterance occasions the tongue to cleave to the palate"; about the realization of *ṣ* he writes (*Grammar* I, 26f.):

The letter صاد is another S, formed as I think, somewhat higher up in the mouth than سين, though the Arabs (the best, or indeed the only good judges of such questions) assign to the same place of utterance.

In the Orientalist tradition in Europe the notion persisted that these consonants were somehow pronounced with more intensity, as suggested by Silvestre de Sacy's reference to an emphatic realization. Savary (1750–1788), whose grammar was written in 1784, but published posthumously in 1813, uses expressions like "stronger (*plus fortement*)" to indicate the pronunciation of the emphatic consonants and he

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[14] On Richardson and his work for the East India Company see Mills (2017:286–292).

[15] According to Mills (2017:288), the innovatory contribution of his grammar was slightly over-emphasized by its author, since to a large part it was a copy of Erpenius' grammar.

[16] Lumsden also compiled a grammar of Persian (see Jeremiás 2012, 2013).

adds: "We hardly know this distinction between strong and weak consonants, but it is very clear in Arabic".[17]

Silvestre de Sacy cites as one of his predecessors the German theologian Johann Jahn (1750–1816), author of grammars of Hebrew, Aramaic, and Arabic, who was praised by him as having produced the best grammar of Arabic.[18] Jahn does not use the term 'emphatic', nor does he refer to any stronger pronunciation. He explains the four *muṭbaqa* as follows:

> *Zad:* Z deep in the mouth or *SS* between the teeth; *Dhad: Dh* from the throat, according to others *Z*; *Ta: T* deep in the mouth, with the tongue stuck to the palate. *Da: D* from the throat, according to others *ZZ* or *Z*.[19]

A second source mentioned by Silvestre de Sacy was Francisco Martellotto's (d. 1618) *Institutiones linguae arabicae*, who does not use the term 'emphatics', but mentions the greater energy with which they are to be pronounced. Martellotto was familiar with the terminology and framework of the Arabic grammarians (Girard 2020:285f.), but none of the treatises at his disposal contained an introduction to Arabic phonetics. As a result, his knowledge about the pronunciation of Arabic remained basically at the level of Erpenius' *Grammatica arabica*. Martellotto describes the four 'emphatics' as follows:

> ص This differs from S, or س, because it sounds somewhat stronger or (so to speak) a bit more hissing. ض is expressed by tapping the tip of the tongue to the upper gums, which produces a sound mixed from *d* and *z*, but very confused and temperate, so that in fact neither *d* nor *z* is heard. To this is added in the third place *h*, by which the hissing sound of *z* is softened somewhat. ط is pronounced like ت, but with more raising of the palate. ظ This differs from the sound of the letter ض because it is produced by a weaker tap, higher pitched as it were.[20]

It is doubtful that anyone would be able to pronounce the Arabic sounds correctly with just these instructions. The only element taken over by Silvestre de Sacy was that of the stronger pronunciation of the 'emphatics'.

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[17] *Nous connaissons peu cette distinction de consonnes fortes et faibles; mais elle est très-sensible dans l'arabe* (*Grammaire* 8).

[18] About Jahn see Mackerle (2012)

[19] Zad*: Z tief im Munde oder* SS *zwischen den Zähnen;* Dhad*: Dh aus der Kehle, nach andern Z;* Ta*: T tief im Munde, die Zunge an den Gaumen angeschlagen;* Da*: D aus der Kehle, nach andern ZZ oder Z* (*Sprachlehre* 5f.).

[20] ص *Hoc differt ab* S*, seu* س*, quod aliquanto fortius, vel (ut sic dicamus) paululum sibilantius sonat;* ض *ictu quodam extremitatis linguae superiores gingivas percutientis expremitur, sonusq. editur ex* d*, &* z *mixtus, sed valde confusus, & temperatus, ita ut expressè, nec sonus* d*, nec* z *audiatur. Unde addita est* h *tertio loco, qua sibilans sonus litterae* z*, quodam modo lenitur;* ط *ut* ت *profertur, maiori tamen elevatione palati;* ظ *Hoc differt a sono litterę* ض *quod minori quidem ictu, sed maiori veluti stridore profertur* (*Institutiones* 10).

First-hand experience of the language, as in the case of de Sousa (1734–1812), who grew up in Damascus,[21] was not enough for an adequate description of Arabic phonetics. Even Maronite scholars, who came to Europe to teach Arabic, such as Petrus Metoscita (1569-1625) or Victorius Scialach (d. 1635), failed to represent the pronunciation of the four 'emphatic' consonants in terms that Western readers could understand. One of these scholars stands out as an exception, Antonius Aryda [Anṭūn ʿArīḍa] (1736–1820), an exiled Maronite priest from Syria, who taught Arabic at the University of Vienna from 1789 till 1806. During his appointment Aryda collaborated with Jahn, who had a position at the same university (Mackerle 2012:48, n. 85). Aryda must have had some renown as Professor of Arabic.[22] He is quoted twice (*Grammatica* 27, 30) by Heinrich Ewald (1803–1875) and he was one of the founders of the journal *Fundgruben des Orients* (Kratschkowski 1957:83).[23]

Aryda distinguishes between the pronunciation of vowels that are *lenis* and vowels that are *emphaticus*:

The emphatic is to be pronounced with maximal emphasis in the entire mouth, namely by stretching the lower part of the mouth towards, so that it sounds twice as much as a Latin vowel.[24]

The same distinction applies to the pronunciation of the consonants:

With the said emphatic sound one should pronounce not only the letters ص ض
ط ظ ق, which are in opposition to the *lenes* س د ت ز ك , but also the letters ح خ

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[21] See Zwartjes (2011:243–260).

[22] One of his students in Vienna was the flamboyant Polish explorer, Count Wacław Seweryn Rzewuski (1785–1831), co-founder of *Fundgruben der Orient*, who later met him in 1818/1819 in Syria during his travels (Gouttenoire 1997:149f.). Kratschkowski (1957:70) mentions Aryda as companion of the Swedish Orientalist Jakob Berggren (1790–1868). Berggren mentions being taught Arabic in the monastery of ʿAyn Ṭūr in Lebanon by Aryda, who had recently retired there from his professorship at the University of Vienna. The lessons were cut short by his teacher's death in 1820 (*Reisen* 18, 28). On his travels Berggren was accompanied by Osip Ivanovič Senkovskij/Józef Julian Sękowski (1800–1859), who also studied Arabic at the monastery with Aryda (Serikoff 2009).

[23] He must have had his critics, though, because an anonymous and rather tendentious review of his Arabic grammar appeared in the *Wiener Allgemeine Literatur-Zeitung* 18. Nov. 1814 (p.466), which among other things complained that Aryda's transcription of the emphatics differed from that of his predecessors. One of Aryda's students responded with an *Apologia contra censuram in Grammaticam arabicam*. This student had had the temerity to correct Silvestre de Sacy, which earned him a strong rebuke in the letter to von Hammer-Purgstall, quoted below, n. 32. In a letter dated April 4, 1812, to Friedrich Münter (1761–1830), Silvestre de Sacy hints at negative information about Aryda's qualities as a teacher (Münter, *Briefe* II, 187). In a later letter (November 7, 1812) he mentions Jahn as his source for this gossip (*Briefe* II, 189)!

[24] *Emphaticus autem pronunciandus cum maxima emphasi pleno ore; intimam videlicet oris partem, guttur versus, dilatando; ita ut duplo plus sonet, quam vocalis latina* (*Institutiones* 3f.).

ر ع غ, which although they do not form an opposition with a *lenis*, are counted among the emphatics, which in fact they are.[25]

The nature of the 'emphatic' pronunciation is explained by him in more detail when he says:

> The emphatic letters ص ض ط ظ ق, have the same nature as the lenes س د ت ز ك, but the former are to be pronounced with much more emphasis than the latter, with the entire mouth, by pushing the tip of the tongue strongly to the beginning of the palate, especially with the two letters ض and ط, and by broadening the lower part of the mouth towards the throat in pronouncing both the said emphatics and the remaining ones.[26]

Ewald criticized Aryda's grammar because of its dependence on the Arabic grammarians, but apparently, he himself did not understand very well how the 'emphatic' consonants had to be pronounced:

> Among the sibilants س is *lenis*, our common *s*, but ص is to be emitted stronger, with aspiration and emphasis, as when you pronounce German *ss*, *ß*.[27]

This is followed by a somewhat confusing explanation of the other 'emphatic' consonants. It appears that Ewald believes that *ḍ* has developed (*enata est*) from *ṣ*. He claims that it is like an ordinary *d*, but has preserved the aspiration and emphasis of *ṣ*; likewise, *ẓ* has developed from *ṭ* with a hissing sound mixed with the letter ط, so that the aspiration and the emphasis remain, the which pronunciation has come to be distinguished by a diacritic point.[28]

Apparently, he thought that the form of the Arabic characters still reflects the original pronunciation, although he acknowledges that in the contemporary language *ḍ* and *ẓ* are often realized identically.

We do not know why Aryda chose the term 'emphatic' to denote the *muṭbaqa* and *mufaḫḫama*. A connection with the Arabic terms is unlikely. The word *muṭbaq* does not have any connotation of intensity and refers to a purely articulatory notion, indicating the position of the tongue in pronouncing the 'emphatics'. The term

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[25] *Cum dicto sono emphatico pronunciandae sunt tum literae* ص ض ط ظ ق *quae oppositae sunt lenibus* س د ت ز ك, *tum etiam literae* ح خ ر ع غ *quae quamvis lenes oppositas non habeant, numerantur tamen inter emphaticas, quales revera sunt* (*Institutiones* 3f.).

[26] *Literae emphaticae* ص ض ط ظ ق, *sunt eiusdem naturae, ac lenes* س د ت ز ك: *at illae multo maiori cum emphasi sunt pronunciandae, quam istae; pleno videlicet ore, mucronem linguae, in duabus praecipue literis* ض *et* ط, *initio palati fortiter sistendo; atque intimam oris partem, guttur versus, dilatando in pronunciatione tam dictarum, quam caeterarum emphaticarum* (*Institutiones* 9).

[27] *Inter sibilantes* س *est sonus lenis et nobis vulgaris;* ص *autem fortius cum spiritu et emphasi efferendum, quasi Germanorum* ss, ß *pronunciares* (*Grammatica* 31).

[28] *Sono sibilo literae* ط *admixto, ut spiritus eius et emphasis maneat, quae pronunciatio et ipsa paullatim puncto apposito distincta est* (*Grammatica* 31).

mufaḫḫam, which is used for the larger group of consonants pronounced with pharyngealization/velarization as secondary articulation, should probably be interpreted as 'made thick, fat, broad', rather than 'glorified, magnified'. Both connotations are present in the word,[29] but it was the former the Arabic grammarians must have had in mind when applied to pronunciation.

In the Orientalist dictionaries of the seventeenth through nineteenth centuries intensity and emphasis are not mentioned as equivalents for *faḫm*, with one exception. Golius translates *faḫḫama* with "he pronounced *a letter* thicker, with the entire mouth",[30] which is repeated *verbatim* by Freytag (*Lexicon* 464). For *muṭbaq* the only usage referred to by Golius (*Lexicon* col. 1441) is in connection with the pronunciation of the four consonants *ṣ*, *ḍ*, *ṭ*, *ẓ*. Kazimirski translates *faḫḫama* with "to pronounce a letter with emphasis and *so to speak*, to inflate the word *or* the letter in pronouncing it".[31] He is the only exception in using the word *emphase*, but he does not use 'emphatic consonant/letter'. As we have seen above, Aryda is the only one to use *literae emphaticae* as a technical term.

It is difficult to say who introduced the term. In the first edition of Silvestre de Sacy's *Grammaire arabe* (1810) the term *emphase* is applied to the pronunciation and is not a feature of the consonants in question. He does not quote Aryda and from his correspondence it appears that in 1812 he did not yet own a copy of the *Institutiones*.[32] By 1816, he must have obtained one because he quotes it in a review.[33] Then, in the second edition of the *Grammaire* (1831) he quotes Aryda once.[34] Aryda, on the other hand, does not quote Silvestre de Sacy's *Grammaire*, which had appeared three years earlier, although he must have known of it, if not personally, then through Jahn. Even if he borrowed the term 'emphasis' from Silvestre de Sacy, his use of 'emphatic' as a phonetic feature of the consonants in question (*emphaticae literae*) constituted an innovation.

Some additional observations may be made. In the first place, almost all authors know that in modern varieties of Arabic *ẓāʾ* and *ḍād* are usually realized identically, Bedouin dialects tending towards [ðˤ], urban dialects towards [dˤ].

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[29] Ibn Manẓūr, *Lisān* XII, 449f., where *faḫm* is equated with *ḍaḫm* 'fat'.

[30] *Crassius, plenoque ore, extulit litteram* (*Lexicon* col. 1768).

[31] *Prononcer une lettre avec emphase et* pour ainsi dire *enfler le mot* ou *la lettre en les prononçant* (*Dictionnaire* II, 553).

[32] Letter from Silvestre de Sacy to Joseph von Hammer-Purgstall (1774–1856), dated February 3, 1816 (von Hammer-Purgstall, *Briefe* 1203–1205).

[33] Review of Oberleitner's *Fundamenta* in the *Journal des savans* (January 1824, p. 273), in which Silvestre de Sacy calls Aryda's *Institutiones* a book with many errors; twenty-two years earlier he had praised the meticulous care with which Aryda had contributed to Jahn's dictionary (*Magasin Encyclopédique ou Journal des Sciences* 4, 1802, 305–328, in particular 313).

[34] *Grammaire* I, 126 (on the quadriliteral roots).

In the second place, most grammar books seem to be aware of a correlation between the pronunciation of the 'emphatic' consonants and the following vowels, although Jahn (*Sprachlehre* 11) adds that this rule has so many exceptions that it can hardly be accepted as a rule. Some even go so far as to claim that emphatic and non-emphatic consonants sound alike, distinguished only by the adjacent vowels.

In the third place, many scholars, especially in Germany, tended to compare the Arabic sounds with those of Hebrew,[35] with which they were more familiar. In the case of *ṣ*, Ewald and others posited some sort of affricate realization on the basis of Hebrew *ṣade*.[36]

The authors' struggle to differentiate sounds that to them sounded identical is visible in their efforts to represent the Arabic characters with Latin letters to make things easier for the beginning student.[37] In the case of the four *muṭbaqa* consonants, various devices were proposed for this purpose (see Table 1), including the reduplication of the Latin letter, combinations of letters, superscript dot, and subscript dot.

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[35] Early European Hebrew grammars did not use 'emphatic' in phonetics but reserved the term for forms with an emphasizing function (Nicolai, *Anmerkungen* 43, who distinguishes between *nicht-bedeutende Buchstaben* and *litterae emphaticae* or *intendentes*). In general Hebrew grammars seem to have taken for granted that some Hebrew consonants sounded identical, but Pierre Guarin (1678–1729) distinguishes between *ṭet* and *tav*: the former "is to be pronounced with a fuller mouth and thicker voice than the Latin *t*" (*ore pleniore ac voce crassiori proferendum est quam* t *Latinum*); *tav* on the other hand sounds more like the Latin *t* (*Grammatica* I, 6).

[36] This confusion is even clearer in Johann Friedrich Hirt's (1719–1783) remark (*Institutiones* 2f.) that *ṣ* is to be pronounced as *ts* with predominance of the *s*, and *ḍ* as *ts* with predominance of the *t*, which, to put it mildly, is not a very accurate description. Likewise, we find in Wasmuth's grammar (1654:2) about *ṣād*: ts *ita tamen ut* S *magis sonet quam* t, and about *ḍād*: *idem blaesè*. Ultimately, this goes back to Erpenius' description.

[37] For such efforts in the sixteenth century see Jones (2020:191, 195). Michaelis (*Grammatik* 32–41) devotes an entire paragraph to this topic, *Wie man die arabischen Buchstaben* in nominibus propriis *im Deutschen oder Lateinischen auszudrücken hat*, about the need to transcribe geographical names in Arabic sources.

	ص	ض	ط	ظ
Pedro de Alcalá (1505)	*ç*	*d*	*t*	*d*
Postel (1538)	*tz*	*thd*	*t*	*tdh*
Christmann (1582)	*tz*	*tzh*	*tt*	*tth*
Raimondi (1592) (Jones 2020:253)	*s*	*dh*	*t*	*thd*
Erpenius (1613)	*Tsad*	*Dshad*	*Ta*	*Dsha*
Martellotto (1620)	*Sad*	*Dzhad*	*Ta*	*Thda*
Scialach (1622)	*Sad* *s*	*Tdhad* *dzh*	*Tta* *tt*	*Tzdha* *tdh*
Metoscita (1624)	*Ssad*	*Dhad*	*Tta*	*Dha*
Dominicus Germanus (1639)	*Sszhad*	*Dzhad*	*Tthe*	*Ttzhe*
Philippus Guadagnolus (1642)	*Ssad*	*Dsad*	*Tda*	*Tdha*
Ab Aquila (1650)	*ss*	*dh*	*tt*	*dth*
Valle Flemmarum (1687)	*ss*	*dzh*	*tt*	*dth*
Lakemacher (1718)	*Zad*	*Dad*	*Ta*	*Dsa*
Assemani (1732)	*Ssad*	*Dsad*	*Tta*	*Tdha*
Hirt (1770)	*z* or *ts*	*z* or *ts*	*t*	*d*
Baptista (1774)	*ss*	*d*	*t*	*dz*
Cañes (1775)	*ss*	*dd*	*tt*	*tz*
Richardson (1776)	*ss*	*dh* or *dd* *dz* or *ds*	*tt* or *t* with aspiration	*dh* or *dd* *dz* or *ds* perhaps *dth*
Michaelis (1781[2])	*Sad* *ts*	*Dad*	*Ta* *t*	*Da*
Sousa (1795)	*Sád* *sç*	*Dád* *dh*	*Táh* *t*	*Záh* *z*
Jahn (1796)	*Zad* *z* or *ss*	*Dhad* *dh* or *z*	*Ta* *t*	*Da* *d* or *zz* or *z*
Dombay (1800)	*essād* *s durum*	*eddād* *d durum*	*ettā* *tt*	*ettā* *d durum*
Silvestre de Sacy (1810)	*s*	*d* or *dh*	*t* or *th*	*d* or *dh*
Aryda (1813)	*ṡ*	*ḋ*	*ṫ*	*ż*
Caspari (1848)	*ṣ*	*ḍ*	*ṭ*	*ẓ*

Table 1: Transcription of emphatic consonants by European Orientalists

Aryda was the only grammarian to give a more or less accurate description of the phonetic nature of the 'emphatic' consonants. From the conversations in Arabic with him that Jahn reproduces in his chrestomathy we learn that he regarded the Arabic language as the richest and most beautiful language in the world. He insists that the differences between *fuṣḥā* and *ʿāmmiyya* are small and cannot be compared with those between Latin and Italian, but he has a keen eye for these differences, freely using Syrian dialect forms like imperfects with *b-* or deictics *hal-* and *hēk*.[38]

After Aryda's introduction of *literae emphaticae* as a technical term, his students were probably responsible for its reception in traditional Arabic grammars.[39] Thus, for instance, Carl Brockelmann (*Vergleichende Grammatik* I, 43) uses *emphatisch* as a standard equivalent for "with stronger tension in the articulatory organs" (*mit stärkerer Anspannung der artikulierenden Teile*). Through the translation of Carl-Paul Caspari's *Grammatica arabica* (1848), it was introduced by William Wright (1830–1869) into English grammars of Arabic (Larcher 2014), together with its nowadays customary transcription with subscript dot.

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[38] Aryda contradicts Carsten Niebuhr's (1733–1815) observations about the difference between Classical Arabic and the modern colloquial language (*Beschreibung* xv-xvi). Adelung (*Mithridates* I, 391) criticizes Aryda's view; he claims that confusing *die neuere Schrift- und Umgangssprache* with the *Volkssprachen* led to his mistaken belief in the lack of change in the language.

[39] Ernst Friedrich Rosenmüller (*Institutiones* 16f.) uses the term in a passage copied from Aryda, without acknowledgment; he does cite his grammar elsewhere, so he must have been familiar with it. The same applies to the *Fundamenta* (1822) by Andreas Oberleitner, Aryda's successor at the University of Vienna after his retirement in 1816.

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MAGICAL LEFTOVERS FROM A DEMOLISHED HOUSE
OF THE THEBAN NECROPOLIS

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1. Human settlement at the necropolis[1]

The area of the Theban necropolis on the West bank of the Nile opposite Luxor was occupied by a peculiar settlement for hundreds of years. The beginnings of the vernacular settlement are obscure, but it seems certain that the tombs of the necropolis served as refuges for people from ancient times. Permanent settlements in the area evolved before the rise of Islam, when Coptic communities established colonies in the foothills, but these were later dispersed and deserted.[2] In the course of time, the necropolis became populated again, and according to the first reports regarding its inhabitants, it was occupied by a somehow fierce, unruly people.[3] On the other hand, apparently also the villagers of the nearby hamlet called Qurna extended their living spaces to the tombs of the necropolis at certain periods. According to descriptions from the beginning of the nineteenth century, Qurna was a poor, rudimental village built in the immediate vicinity of the temple of Pharaoh Seti I in the plain at the foot of the Theban mountains. Its folk frequently took refuge in the tombs of the necropolis from vicissitudes caused either by natural or political factors, like the inundation of the Nile or the invasion of troops, respectively. For the beginning of the nineteenth century, human settlement in the necropolis had become permanent, and the tombs were used as dwelling spaces. Later mud constructions were added, serving mostly as storage spaces with other domestic functions as well. The inhabitants of the necropolis were aware of the valuable ancient finds in the tombs, which they exploited in fact as a source of income, and they were much associated with the activity of treasure-hunting. European treasure-hunters, or early excavators usually characterized them as hostile people, ascribing their attitude to the fact that they considered the Europeans as rivals with respect to the exploration

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[2] See Van der Spek 2011:58–60.
[3] *Ibid.,* 65, 71, 81.

of the tombs.[4] In the long run, European excavators gained the upper hand, and the locals were employed as excavation workers or even as guards of the concession areas. In the meantime, the simple tomb-dwellings developed into mudbrick houses at first with one, and later with usually two storeys. The settlement structure of the village was unique, since the hamlets were organized around the tombs, each family occupying a quite extended space, without having necessarily another house in its immediate vicinity. The village never had a water-system; water was carried in barrels to the houses, while electricity was introduced at a certain point. The livelihood of the inhabitants was intimately connected to the archaeological aspect of the area: they worked at the excavations, they produced and sold artefacts for the tourists, and were also engaged in the trade of antiquities. The burial chambers with mummies and precious grave-goods served as a source of income and were considered as a natural source belonging to the occupants of the tombs and to the owners of the houses built in front of or around them. Naturally, the Antiquities Authorities tried to control the locals' access to the monuments by closing certain parts of the tombs and displacing the dwellers. However, a part of the tombs remained in the use of the families, and others were inaccessible due to the houses and courtyards built over them. On the other hand, the villagers pursued agricultural activities as well, primarily connected to stock raising. The domestic animals lived together with the people, in the imminent vicinity of the tombs or even inside these. The functions of the domestic spaces in the houses, and in the tombs that these included, changed periodically according to the succession of the seasons and meteorological conditions: rooms occupied by people may have been turned into lodgings for animals and vice versa; or both species would share the same place in case of necessity. Both the consequences of stock-breeding and conscious human activity aimed at the removal (and sale) of antiquities evidently jeopardized the future of the settlement built on the archaeological site. Several plans were conceived to remove the population of the necropolis and to relocate them in settlements built especially for that purpose (New Qurna), and after various partly successful attempts of resettlement the village was practically destroyed and bulldozed at the beginning of the 21st century.

When the houses of the village that once had stood in the area of the Theban necropolis had been finally demolished, their debris, including the personal belongings of the inhabitants, filled the concession areas of the archaeological excavations which were carried out in the area. From the excavators' point of view, the removal of the village was a joyful event long hoped for, and the remnants of the houses were promptly cleared away – without documenting them first. Vestiges of the modern life that flourished in the necropolis had no value in the eye of archaeologists and Egyptologists specialized in the history of Antiquity. Recently, a

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[4] *Ibid.,* 74, referring to Frederick Norden's report on his visit to the Theban west bank in 1737.

certain change can be observed in the approach of the researchers who study the necropolis: an increasing number of them regard the modern settlement that evolved in the ancient funerary site as the latest phase of the site's history worth documentation and research.

2. Sufi attachment and popular beliefs among the inhabitants of the necropolis

The tomb-dwellers of Qurna had been accused of religious laxity for long. According to the recurring accusations of early European travelers and excavators who visited the area, they had no mosque, they did not pray and did not show the signs of religious devoutness.[5] Certainly these allegations would not apply either to the present conditions of the villagers of (New) Qurna, or to the people who lived in the necropolis in the 20th century. It is enough to mention in this respect that the current grand imam of al-Azhar, Aḥmad Muḥammad aṭ-Ṭayyib was born in Qurna (in 1946), and his attachment to the village, just as the attachment of the villagers to him, is very strong. He is a hereditary Sufi sheikh of the Ṭarīqa Ḫalwatiyya, and upkeeps in New Qurna a complex with several communal functions *(sāḥat aš-šayḫ Ṭayyib),* which he visits regularly. In these occasions, the villagers flock to the place to meet him and receive his *baraka,* to partake of a collective meal, to participate in a Sufi *ḏikr,*[6] and furthermore, to arrange all kinds of private and public issues, like marriage, asking for legal opinion, or for cure *(muʿālaǧa)* from a local sheikh expert in writing protective amulets.[7]

The villagers' long-established attachment both to Sufism and to popular religiosity including magical practices is also evidenced by the modern finds unearthed during the excavation of their demolished dwelling places. Among the personal documents, photographs and similar material found in the debris of the houses, invitation cards to *ḏikr* ceremonies and objects of magical bearings frequently turn up. The local excavation workers – the former inhabitants of the area – are ready to provide information about the significance and the use of such vestiges. However, since strict orthodox views started to gain ground in the last decades, especially the young tend to ignore the role of magical acts or popular customs that have such connections. The elder, however, promptly explain the use and importance of objects related to popular beliefs. Despite the overt refusal, or apparent indifference of the younger generation towards such objects, their candid belief in the effect of amulets and spells becomes obvious in case they are anxious about the suspected harmful power of a magical device. Such a case was reported

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[5] Cf. Van der Spek 2011:115–118.

[6] *Ḏikr*s representing divergent spiritual traditions (and following different norms) are performed regularly at various religious institutions and private houses in Qurna.

[7] I have visited the place on 31 January 2020, Friday afternoon, when the grand imam of al-Azhar was present, and I had the opportunity both to meet him personally and to observe the functioning of this institution from inside.

for example by Andrew Bednarski, the archaeological field director of the Qurna Site Improvement Project of the ARCE (American Research Center in Egypt). When clearing the debris and recording the remains of the demolished hamlets in the Šayḫ ʿAbd al-Qurna and Ḫōḫa areas, they found a magic spell destined to render a man impotent. The spell included several primitive representations of phalli, and also a scorpion, which presumably increased its dreadful effect among the workers, who not only insisted on neutralizing it by a magical procedure performed by a local sheikh, but requested to destroy it physically, as well. After the documentation of the find, their demand had to be granted.[8]

The local excavation workers of the Hungarian excavation missions working in the Theban necropolis are ready to share their knowledge on popular beliefs and customs related to magic. Their attachment to these ancient practices became manifest to me, when a few years ago, after my inquiries about amulets, several, especially elder workers promptly took out simple-looking amulets *(ḥiǧāb)* from their pockets or purses (but none of them showed an amulet worn around the neck). Of course, these could not be opened, and their content could not be studied. However, they all showed similar peculiarities: they were written on cheap, ordinary paper folded up several times, usually had a symbol (e. g. pentagram) drawn on the outer surface, and they were never kept in a case. Either the method of folding, or an adhesive tape prevented them from unfolding. At the time, I failed to ask them whether these amulets were permanent protective devices or "disposable" objects written especially for a certain occasion with a determined purpose. Now I tend to believe that the latter was the case, since a permanent amulet would be guarded with more caution, and since the temporary use of amulets effective only for a fixed period or on a sole occasion was, and still is widespread. The workers named several sheikhs who wrote amulets, and two of these I had the opportunity to visit personally. One of them lives in Armant (some 10–15 km southwest of Qurna) where he runs a kind of consulting room that combines the functions of a medical centre, a psychologist's office, a group therapist, and a magical supplier. The other could be consulted in New Qurna, at the above-mentioned complex operated by the sheikh Ṭayyib, where in one of the lateral buildings a sheikh sat behind a table surrounded by dozens of locals jostling around it. The sheikh offered traditional healing based on the Quran and Prophetic tradition in the form of amulets, spells or naturopathic medicine. Most of the magical practices the workers talked about occasionally or answering my questions are related to fertility, like the *baraka* of the ancient monuments and especially tombs; whether of Muslim saints or of ancient Egyptian rulers and high officials.[9] Direct contact with a mummy (stepping over it seven times) is regarded

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[8] Bednarski 2017:133–134.

[9] As it is well-known, marks of scratching on the walls and columns of ancient monuments, even statues evidence the custom of using the powder scraped from these for fertility practices. The excavation workers did not mention this custom, although apparently it still exists.

especially effective, but it is ever more difficult to carry out. Some practices include fear-inducing elements, like giving a fright to a woman descending to the obscure Nilometer at the nearby mortuary temple of Ramses III (Madīnat Hābū). The small shrine of the local saint ʿAbd al-Qurna is customarily visited by women (accompanied by children) before the wedding feast and may be resorted to subsequently in case of delayed conception. Rituals include rolling themselves seven times in the dust at the shrine.[10]

3. Modern finds of magical relevance in the concession of the Hungarian Mission working around Theban Tomb 184

3.1. Miscellaneous objects

The workmen also willingly explained magical connotations of objects found during the excavations carried out in the concession of the Hungarian Mission working around Theban Tomb 184. Here a modern house used to stand, the greater part of which was demolished in 2009, while a smaller part is still standing abandoned. The house has a relatively long history: it developed from two tombs (TT 184 and TT 185), in front of the façades of which first mudbrick constructions were erected, then enclosures were built, resulting finally in a house comprising both tombs. The dimensions of the house by the time of the First World War were similar to those at the time of its demolition, although the second storey added to some parts of the house was a later development, no signs of which can be observed in a photograph of the house published in 1913, in the *Topographical Catalogue of the Private Tombs of Thebes*.[11] In the second half of the 20th century, the house was in the property of the Boġdādī family, whose private documents including photographs, letters, and other documents were unearthed during the excavations. The family was not unknown to the Hungarian excavation teams working in the area since 1983 in intimate proximity with its members.[12] Although several generations used to inhabit the house, it became depopulated gradually, and by the end of the 20th century only an elderly couple lived there, who did not have any children. The last owner, Ḥāǧǧ ʿAdlī Maḥmūd (who worked as the head of workmen under professor László Kákosy for over a decade and half) died around the year 2000, and her widow, Sakīna in 2007. Some objects found among the debris of their house do not have self-evident magical connotations at first glance, but remarks made by the local workmen proved

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[10] These beliefs and practices are described in Van der Spek 2011:300–306, although he connects the ritual of rolling in the dust to another nearby area, while the workers expressly related it to nothing else but the ʿAbd al-Qurna shrine. Most probably the ritual is performed at both places.

[11] Gardiner and Weigall 1913, plate VIII.

[12] A Hungarian excavation team headed by Prof. László Kákosy started to work in the area in 1983, excavating TT 32 (Djehutimes). The excavation of TT 184 (Nefermenu) began in 1995 with the direction of Zoltán Imre Fábián.

otherwise. For example, they attributed magical functions to any representations of children (either rag-dolls or doll-shaped small containers of kohl);[13] to a certain type of thick-toothed comb *(fallāya);*[14] to mixtures of incense against the "evil eye", or a mixture of herbs against snakes.[15] The components of one of the bags of incense were identified by a worker as *"ʿayn al-ǧamal"* (small seeds having black and red colour, but not "walnut", which is the usual meaning of the word), coriander, a kind of salt called *šabba,*[16] *ḥabbat al-baraka* (nigella sativa) and an aromatic wood. The mixture should be be burnt twice a day: just before sunrise and just before sunset, and no special spell or text is recited over it except for the *basmalah.* The mixture against snakes primarily contained *šīḥ* (white wormwood, artenisia herba-alta), and was found inserted into a deep crack on the wall of the first chamber of TT 185 (tomb of Seni, Old Kingdom / First Intermediate Period), between a huge mud granary and a nest for pigeons. It was wrapped into a piece of paper, a page torn out from an elementary school textbook. According to the workmen's explication, it is usually inserted in the wall, or hung above what (or whom) one wishes to protect, may that be household animals or children. Wormwood as a herbal medicine is used as an antiseptic, and since its leaves are very aromatic, it may be considered as having a repellent effect. Eggshell fragments on the wall next to the entrance of the same tomb were explained to have either protective function, or to ensure fertility. A pentagram painted next to the door leading from the tomb of Seni (TT 185) to the tomb of Nefermenu (TT 184) likewise had a protective function.

3.2. Amulets

A relatively great number of modern amulets were also found during the excavations. The simplest form of amulet is a piece of paper on which some verses of the Quran are written, folded up and frequently laid flat in a case, usually of leather. Normally a cord is attached to the case to hang it on the body. Since the whole Quran is regarded as a powerful amulet, miniature printed copies of it are widely available, which may be disjointed into smaller portions containing the special verses the protection of which are sought for. One such small, printed page (25 x 35 mm), containing Quran 16:1 *(sūrat an-naḥl,* "The Bee") was found in the debris of the house (M2016.413). The magical effect of the Quran may be increased by disjoining

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[13] M2016.461–462 (rag dolls), and M2017.573–575 (dolls with small kohl-containers in their insides). According to Van der Spek, *ʿarūsa* bridal dolls served as a typical decorative design on mud storage bins constructed by the bride at the beginning of her married life (Van der Spek 2011:167–168).

[14] M2017.576. Such combs can also be seen in the Ethnographical Museum of Cairo among protective magical devices.

[15] M2016.496 and M2017.529.

[16] According to the Dictionary of Egyptian Arabic, *šabba* (alum) has magical uses: it is burnt "for the purpose of divining (from the shape into which it cools) the identity of one with the evil eye." Cf. Hinds-Badawi 1986, sub voce *"Šabba"* (p. 449).

the letters of the text, eliminating the diacritical signs, adding sequences of numbers, letters, or magical symbols.

Another amulet (M2000.185, **figs. 1–3.**) exemplifies this type. It is written with black ink, on oriental paper, which was folded vertically three times and horizontally ten times and kept in a double case. The outer is a dark brown leather case, sewn with the same leather from every side, with a leather loop serving to hang up the amulet. The inner is a textile case made of a piece of cloth folded several times. Dimensions of the amulet inserted in both cases: height: 430 mm, width: 340 mm, thickness: 110 mm. Dimensions of the paper: 195 x 50 mm. The recto begins with 9 x 10 lines of disjoint letters *ṣād,* resulting in 90 letters (which equals the numerical value of the letter). The continuation is Quran 59:21–24 *(sūrat al-ḥašr,* "The Gathering"), which contains several of God's beautiful names *(Raḥmān, Raḥīm, ʿĀlim al-ġayb, Malik, Quddūs, Muʾmin, Muhaymin, ʿAzīz, Ǧabbār, Mutakabbir, Subḥān, Ḫāliq, Bāriʾ, Muṣawwir, Ḥakīm).* The person carrying the text evokes all the names, i.e., all divine aspects enumerated in the verses, which endows the amulet with especially strong magical power; its function is not limited to operating through one divine aspect represented by a sole name. The letters are connected, written without diacritical marks, apparently by an untrained hand, with some minor orthographical errors. The verso of the amulet contains only four lines: one and a half are the conclusion of the Quranic text written on the recto, the rest are disconnected letters, some of them not distinguishable. Several letters *hāʾ,* one letter *ṣād,* and a simple geometrical figure, no doubt a magical symbol concludes the text. The 90 repetitions of the letter *ṣād* on the recto serve to multiply the inherent powers of the letter. According to letter mysticism, the nature *(ṭabīʿa)* of the letter *ṣād* is "female" and corresponds to "earth" from among the four elements.[17] "Earth" letters are connected to patience *(ṣabr),* logical capacity *(quwwa manṭiqiyya),* alertness *(yaqẓa),* etc.[18]

Figures 1–2.

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[17] aṭ-Ṭūhī, *al-Bidāya wa-n-nihāya,* 12.
[18] Ibid. 13.

Figure 3.

The popular mystical-magical handbook of Aḥmad al-Būnī (d. 1225), the *Šams al-maʿārif* enlists several uses of the letter: He who writes it down 14 times on Friday and takes it with himself, would be successful in fishing or hunting *(ṣayd).* Another, more complicated recipe also ascribes to the letter power related to fishing; according to that recipe one should create a numerical square, write it on a lead tablet, draw a fish on the other side of the tablet (with 14 letters *ṣād* around it), and hang it on the bank of the river. It will attract fish in such a manner that one would be able to collect them with his bare hands, without using even a net. According to another recipe, one should write it in a square 95 times, which corresponds to the numerical value of the name of the letter: *ṣād* (90) + *alif* (1) + *dāl* (4). Then a circle should be drawn around the number, and 14 further letters *ṣād* should be written around it. He who carries this amulet *(ṭilsam)* with himself, would be protected from the thieves *(luṣūṣ),* and in general it would defend him from the malice of men and jinn.[19] Apparently, these somewhat naïve and unsophisticated practices are connected to the emphatic sound of the letter *(ṣ)* and the same characteristic phonetical feature of the words *ṣayd* and *luṣūṣ.* However, the *Šams al-maʿārif* reports other specialties of the letter as well, which have mystical connotations. *Ṣād* is one of the letters that occur at the beginning of some chapters of the Quran: it is one of the so-called mysterious letters of the Quran. The number of these letters happen to be 14, that is, half of the letters of the Arabic alphabet, which is consequently divided into two groups: luminous *(ḥurūf an-nūr)* and obscure letters *(ḥurūf aẓ-ẓulma).*[20] The mysterious letters of the Quran are luminous letters, and the unintelligible sequences in which they occur in the Quran are widely considered as mystical divine names, or are regarded as abbreviations that stand for the corresponding attributes of God. Thus, *ṣād* corresponds to *Ṣādiq.*[21] Each name has its own specialties that may vary in the different magical manuals. For example, according to the *Šams al-maʿārif,* the name

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[19] al-Būnī, *Šams al-maʿārif,* 398.
[20] Ibid., 265.
[21] Ibid., 265, 267.

ṣādiq relates to knowledge, whether exoteric or esoteric. It has an effect both on memorizing, learning science *(ʿilm),* and both on gaining intuitive, mystical knowledge *(maʿrifa).* It facilitates intimate conversation with God *(munāǧāt)* and the purification of the ascetics' hearts *(taṭhīr qulūb az-zuhhād).*[22] However, the letter *ṣād* also represents the divine name *malik* ("king"), for it corresponds to its numerical value *(M+L+K = 40+30+20 = 90).* This name is connected to the idea of dominating sensual desires and suppressing all kinds of temptations.[23]

Although I did not come across an exactly matching description of the amulet found at the excavation either in medieval or modern magical manuals, the text's underlying rationale is quite clear. It combines the power of the Quranic passages, the divine names these passages contain, the specialties of the letter *ṣād,* including the divine names it represents, and some other disconnected letters written on the amulet (among them, five letter *hā'*-s written in one line, corresponding to the numerical value of that letter).[24] The effect of all these is enforced by repetitions of the letter (written in a 9x10 quadrate form), and magical symbols. As it is evidenced by the recipes of the *Šams al-maʿārif,* the physical object of the amulet constitutes only one aspect of the whole magical procedure related to it: several instructions must have accompanied its use. In general, it fits perfectly to the medieval tradition of letter mysticism and magical use of divine names.

Among the debris of the house, a metal box was unearthed that contained letters (written between the years 1947–1977), official and other documents (mostly from the 1950s'), and three further amulets. Two of the amulets (M2016.426 and 427, **fig.**
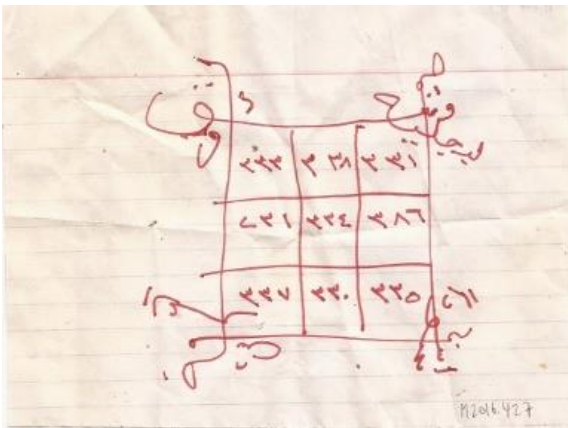

Figure 4.

4) kept in the box are essentially identical. Both are written with red marker pens, on lined paper with margins, detached from a modern exercise book. Both contain the same 3x3 magic square. The sides of the square are constructed from the elongated lines of four letters belonging to four words of a poem.

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[22] Ibid., 272.

[23] Ibid.

[24] Such repetitions of the letter *hā'* are found in several manuals that explain the effect of this magical device in different manners. For example, according to *al-Kibrīt al-aḥmar*, attributed to no one else than Ibn ʿArabī, it serves for escaping from prison. Cf. Ibn ʿArabī, *al-Kibrīt al-aḥmar,* 22.

A magic square *(wafq al-aʿdād),* "harmonious disposition of numbers", is a diagram composed of numbers (or letters representing their corresponding numerical values), in which every row, column and diagonal adds up to the same number.[25] The first magic squares were constructed in India[26] or in China,[27] but they attained to the widest popularity in the Islamic world, from the 9th century onwards. The first known occurrence of a magic square in Islamic context is in the medical encyclopedia *Firdaws al-ḥikma* by the Persian physician ʿAlī ibn Sahl Rabbān aṭ-Ṭabarī (d. ca. 860). The square is presented as a device to ease giving birth: its description, content and style are very close to the almost contemporary Indian sources.[28] Thus, it seems that both the concept and its medical context were borrowed from the Indian culture where the magic squares are essentially connected to the medical tradition. The simplest square consists of three rows and three columns, containing the numbers from 1 to 9. It appears in various early texts of magical character, like a treatise by Ğābir ibn Ḥayyān (beginning of the 10th century), the *Ġāyat al-ḥakīm* by Maslama al-Qurṭubī[29] (d. 964) and the encyclopedia of the Brethren of Purity (beginning of the 10th century)[30] – all these attribute to it the function of easing labour. In the latter text, the square is expressly considered a talisman *(ṭilasm).*[31] Mathematical treatises on the squares were written much later, by the mathematicians al-Anṭākī (d. 987) and Abū l-Wafā' al-Būzğānī (d. 997/8), explaining the mathematical regularities of both the simple and the complex squares, like the so-called bordered magic square in which "the removal of its successive borders leaves each time a magic square";[32] or the pandiagonal squares in which not only the main diagonals, but also the broken diagonals produce the magic sum of the square; and the composite squares in which the main square is composed of subsquares which are themselves magic squares.

In the Islamic culture, the squares were associated with medical-magical purposes from the outset, and precisely this aspect prevailed in their subsequent uses. They became widespread by the 12th-13th centuries; the *Šams al-maʿārif* enlists hundreds of squares without even basically explaining the underlying rationale that makes them operate. This fact proves that the squares, their construction and operative

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[25] For a more precise definition, see Sesiano 2017:3: "A magic square is a square divided into a square number of cells in which natural numbers, all different, are arranged in such a way that the same sum is found in each horizontal row, each vertical row, and each of the two main diagonals."

[26] Cf. Tolsa 2020:8-9 and the references there to the research of the Indologists Roșu and T. Hayashi.

[27] Cammann 1960:116.

[28] Tolsa 2020:8, 12–13.

[29] The *Ġāyat al-ḥakīm* has been attributed to al-Mağrītī traditionally.

[30] For a discussion of the texts, see TOLSA 16–18; on the squares in the Encyclopedia of the Brethren of Purity see also Zsom 2017:235–237.

[31] Cf. Bustānī (ed.), *Rasā'il iḥwān aṣ-ṣafā'*, I, 114

[32] Sesiano, 2017:3. For the definitions of further complex squares, see *ibid.* 4–5.

method were widely known and perfectly common by then. Būnī, who dedicated a long chapter to the 99 beautiful names of God and to their corresponding 99 squares (in fact, more), did not feel it necessary to explain the significance of the magic square as such, or to dwell on the import of the use of this mathematical method. Conversely, three centuries before, the authors of the Encyclopedia of the Brethren of Purity did explain the peculiar rationale behind the squares: "After having explained to you briefly the characteristics of geometrical shapes, and before that the properties of the numbers in the Tractate of Arithmetic, now we wish to explain to you something about the combination of both, since if you combine certain numbers with certain geometrical forms, that brings about qualities that could not be caused by one without the other."[33] This means that the geometrical form of the square adds to the effect of the numbers, letters or words it contains. That conviction explains the frequent occurrence of false squares in manuscripts, which look like magic squares apparently, but do not meet the minimal number of required conditions to be considered as such in fact. According to magical handbooks, the squares should be prepared observing several rules regarding the time, place and circumstances of their writing. They should be written on the appropriate material (paper, animal skin, etc.), without having any blemish interfering with the lines and signs drawn and thus spoiling their effect. The colour of the ink or the substance used instead of the ink is also meaningful: spells and magic figures are frequently written with blood, or red ink resembling blood. The lines which compose the square may be drawn in a predetermined order, and frequently also the numbers or letters should be written in the cells of the square in a fixed order. All this may be performed at the astrologically appropriate time, while burning the prescribed incense, wearing the proper dress and being in the required physical state (e. g. fasting). Naturally, the magic procedures described in the handbooks are of diverse complexity, they do not necessarily determine all these details.[34]

The square in the amulets found at the excavation is a 3x3 square, but not all lines add to the same sum, which is a frequent phenomenon and is due to the mistake of the copyist. The square contains the following numbers (the numbers in bold are erroneous; and the original is written, of course, with Arabic numbers):

333	338	331
231	334	**386**
337	330	335

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[33] Bustānī (ed.), *Rasā'il iḫwān aṣ-ṣafā'*, I, 109.

[34] For a comprehensive and very didactic introduction to the *ṭarīqat al-awfāq*, see the modern magical textbook by the Egyptian ʿAbd al-Fattāḥ as-Sayyid aṭ-Ṭūḫī, *al-Bidāya wa-n-nihāya fī ʿulūm al-ḥarf wa-l-awfāq.* [Cairo, ca. 1960 – it mentions *"ar-ra'īs* Ǧamāl ʿAbd an-Nāṣir"*, on p. 10], 117 ff.

The sum of the lines and of the diagonals is 1002, except for the second, erroneous line. The correct square can be reconstructed easily:

333	338	331
332	334	**336**
337	330	335

Now, this is in fact a square based on the simplest 3x3 square containing the numbers from 1 to 9 – the same which appears in the earliest texts dealing with magic squares. The simplest way of constructing new magic squares is to add an optional number to the numbers 1–9 (to each of them the same number), keeping the original distribution of the numbers in the square. In this square, the number 329 is added to the numbers 1–9, and the distribution is that of the so-called *budūḥ* seal plus the odd numbers: the numbers corresponding to the letters BDWḤ (2, 4, 6, 8) are written in the four angles of the square, while the odd numbers are inserted in the remaining positions, with number five always and compulsorily in the centre. 329 is the numerical value of the divine name *ar-Raḥmān,* including the definite article, and counting the letters corresponding to the usual defective script of the name (الرحمن), i.e., without the *alif* (1+30+200+8+40+50=329). Thus, the name "hidden" in the square is "the Merciful", and it evokes the special powers of that name. The 1–9 square serves as a structure holding the content proper, or as a mechanism making the name operate. The square is the deep structure of any word or utterance; it constantly generates the combinations of the constitutive elements resulting in exactly the intended content. It is not a static visual representation (as an image or even script), neither a single, isolated speech-act (as an utterance), but a dynamic reality constantly adding up the elements from all directions, and consequently constantly generating the content corresponding to the deep structure.

Of course, several magic squares can be constructed with the name *Raḥmān.* The *Šams al-maʿārif* describes a 5x5 square (corresponding to the *plene* script having 5 letters, رحمان). The square must be written at the time of the exaltation of Saturn. The effect of the square is connected to the meaning of the name (as usual): it brings mercy and grants God's favour to man. It has also medical use: the person who has fever should put it in water (to wash down the letters) and drink it, and his fever would disappear in no time. The antifebrile effect is attributed to the name most probably due to the nature of the letters it contains. According to common concepts of letter mysticism, the nature *(ṭabīʿa)* of a name is determined by the nature of the letters it is composed of. The 28 letters of the Arabic alphabet are divided into four groups, each group corresponding to one of the four basic elements (fire, earth, air, water). To identify the nature of a name one should consider its letters: the basic element to which most of the letters corresponds determines the name's nature. Thus,

the name *Raḥmān* corresponds to the element of water, and for that reason it can be applied as a kind of magical Priessnitz's wrap in case of necessity. The *Šams al-maʿārif* details several other speculations based on the numerical value of the name both in the *plene* and in the defective forms, and on other divine names having the same numerical value according to the intricate rules of letter mysticism.[35]

The sides of the square found at the excavation are composed of the elongated lines of four letters. These letters belong to four words of a poem by Ḥassān ibn Ṯābit (d. 674), a poet from among the companions of the Prophet Muḥammad. The first lines of the poem beginning *aġarru ʿalayhi li-n-nubūwwa ḫātam min Allāh mašhūd yalūḥ wa-yušhad* go as follows:

The most splendid seal *(ḫātam)* which he wears for the sake of prophecy
    a seal from God to which God bears witness, it glitters, and it is witnessed
For God attached the name of His Prophet to His own name
    for the muezzin says five times a day "I bear witness" [that there is no God but God and Muḥammad is His messenger]
    And He split for him [a part] from His name to honour him
For the One sitting on the throne is called *maḥmūd* (محمود, praised).
    And this one is called *Muḥammad* (محمد, praiseworthy)[36]

The poem identifies Muḥammad as the seal of the Prophets, whose special importance is evidenced by the fact that the Muslim declaration of creed mentions his name in immediate proximity to that of God. Moreover, his name is derived from one of God's names, being a short form "cut out" from the full form of the divine name: محمد *(MḤMD)* derives from محمود *(MḤMWD)* by taking away the letter *waw*. Annamarie Schimmel in her book *And Muhammad is His Messenger. The Veneration of the Prophet in Islamic Piety* dedicates a chapter to the mystical concepts connected to the Prophet's name, and (based on the above quoted poem) even raises the possibility that the veneration of his name goes back to the lifetime of the Prophet.[37] What is more (and not mentioned by Schimmel), Muslim tradition also records views according to which God and the Prophet essentially bears the *same* name (the magical connotations of such a view would be that they are in effect identical): "[Muḥammad b. Yūsuf aṣ-Ṣāliḥī] aš-Šāmī [d. 1535/6] said: One of the names of the Prophet is Maḥmūd, and that is justified since he is praised due to his many praiseworthy characteristics. […] And this [name] is one of God's names, as Hassān [ibn aṭ-Ṯābit] said: "And He split for him from His name in order to honor him". And he is right, since it is a name that is shared between God and His Prophet *(ism muštarak),* and I haven't seen anyone to declare it openly except for aš-Šāmī."[38]

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[35] Būnī, *Šams al-maʿārif,* 213.
[36] Ibn Ṯābit, *Dīwān,* 54.
[37] Schimmel 1985:127.
[38] ʿAbd al-Qādir ibn ʿUmar al-Baġdādī (1620–1682), *Ḫizānat al-adab wa-lubb lubāb lisān al-ʿarab,* 227.

The four sides of the 3x3 square are composed of the first four words of the line "And He split for him from His name" *(wa-šaqqa lahu min ismihi),* and the continuation is written in the angles of the sqare: "in order to honour him, for the One of the thrones is *maḥmūd* (praised)" *(li-yuğillahu [fa]-ḏū l-ʿarš maḥmūd).* Again, the text as it is copied on the amulet contains some imprecisions and orthographical mistakes: it omits the conjunction *fa-,* and more significantly, adds a superfluous letter *yāʾ* to *li-yuğillahu* (يجله) resulting in *li-yuğliyahu* (يجليه), meaning "to eliminate him" instead of the intended "to honour him". The use of this verse in magical squares is not unique: I have found several examples of squares constructed in the same visual manner, the sides made of the elongated letters of the first words of the verse, and the rest of the line bordering the square exactly the same way as in this amulet.[39] Besides the magical connotations of the verse identifying God's name with that of Muḥammad, revealing thus a hidden secret, the poem may be seen fitting to encircle an amulet due to the word "seal" it contains (in the first line). In the poem, "seal" refers to Muḥammad, the "seal of the Prophets", i.e., the last of them, while for magic-oriented intuition the word "seal" *(ḫātam)* is an allusion to the magical potency of the poem, for amulets are commonly called "seal", *ḫātam* in Arabic. Since the name hidden in the numbers of the square is *ar-Raḥmān,* the secret message of the amulet is that these three names are identical.

As it has been mentioned above, an amulet is only one aspect of a full magical procedure the constituents of which cannot be reconstructed in this case. The fact that the amulet was preserved in two copies suggests that each copy had its own function. For example, magic squares written on paper are frequently immersed in water to wash down the writing, and the water in which the numbers or letters are dissolved is drunk. Sometimes this procedure should be repeated several times, very much as one should take a medicine for a prescribed period. These details cannot be deduced from the amulet itself, which is only a fragmentary vestige of the whole magical procedure. However, at least the intrinsic connection between the magic device and its user can be stated: the name of the last owner of the house among the debris of which the amulets were found is ʿAdlī Maḥmūd, and the amulets were in a box containing several letters written to ʿAdlī Maḥmūd Ḥusayn in the 50s'-70s' (from 1967: al-Ḥāǧǧ ʿAdlī Maḥmūd Ḥusayn, before that without the honorific title). Since a central feature of the amulets is that they contain the name Maḥmūd, undoubtedly, they were considered as especially effective for the use of a man bearing the same name (may it be Ḥāǧǧ ʿAdlī Maḥmūd, or his father, Maḥmūd Ḥusayn).

The third amulet found in the metal box (M2016.499, **fig. 5)** is more difficult to interpret. It is written with red ink on three strips of paper (dimensions: 305x130mm, 190x120mm, 90x60mm) torn out from a lined exercise book. The strips of paper

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[39] [Attributed to] Ibn al-Ḥāǧǧ [al-ʿAbdarī] at-Tilimsānī al-Maġribī (d. 1336), *Šumūs al-anwār wa-kunūz al-asrār,* 97, 106.

were intricately folded into each other so that the writing would remain concealed, except for the signs written on the outer surface of the amulet. In fact it is an exaggeration to talk about "writing" in this case, since the signs written on the sheets are mainly dots and some very short lines (both horizontal and vertical), and their overall appearance reminds the reader both of the consecutive rows of dots written in order to create the signs of geomancy, and of the signs themselves.[40] However, it is clearly not geomancy, but it is more probable that the combinations of dots and lines stand for letters. In that case, the amulet would contain a coded text, may it be passages from the Quran or some spells. It is also possible, however, that the signs do not have any meaning, and they simply imitate writing, or more precisely, magic signs with signification.

The same may be the case of another amulet (M2016.398. **fig. 6.)** written with red ink, on a lined page torn out from an exercise book (dimensions: 225x160mm). It contains either illegible text or imitation of a legible text. The page was folded and inserted into the wall of the house, where it was found after its demolition.
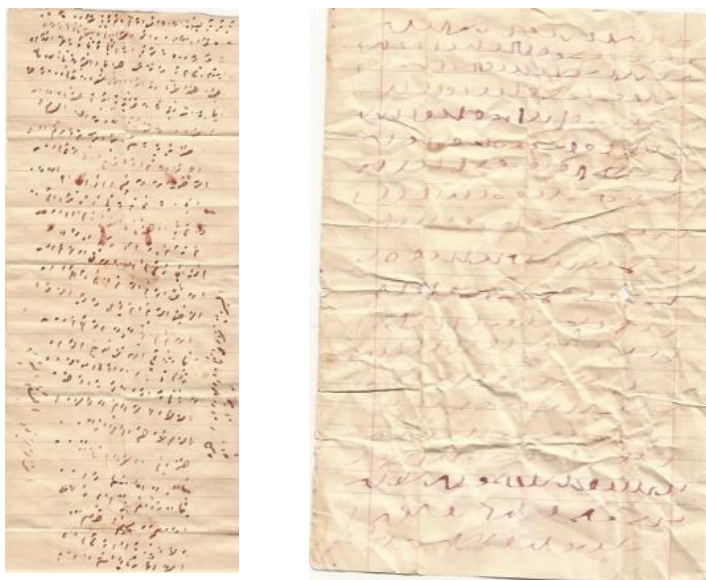
Figures 5–6.

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[40] Geomancy is a complex divinatory method based on randomly written dots from which signs composed of dots and dashes are formed.

The most complex amulet (M2007.845, **figs. 7–9)** found at the excavation comprises
a love charm and a protective incantation.[41] It was unearthed in a shaft tomb used by
the inhabitants of a demolished house that once stood on the top of the hillock, above
the house of the Boġdādī family. It consists of four sheets, two of which were folded
separately and the other two were intertwined (dimensions: 40x340mm, 67x335mm,
105x335mm, 105x338mm). The sheets were placed into a red linen case sewn up
from every side. Although the case contained two types of texts, these were written
by the same hand, for the use of the same person. The texts were written with red
and black ink, with disconnected letters lacking diacritical marks. The magic features
the texts include are the following: *nomina barbara,* that is, unintelligible divine
names; Hebrew divine names *(Adonay Tzevaot El Shadday,* "Lord of Hosts,
Omnipotent God"); magic squares; the Seven Seals of Solomon; mysterious letters
of the Quran; Quran passages used as spells; magical formulas. The love charm
contains an incantation that incites love between "ʿAdīla, the daughter of the second
wife, and Ismāʾīl, the son of the bondmaid of God, the daughter of Ḥawwā (Eve)".
In magical procedure, the parties involved are identified by matrilineal genealogy,
and if the mother is unknown, the name Ḥawwā is used. The elder excavation
workers were enthusiastic about the love charm and did their utmost to identify the
couple. Finally, they agreed that Ismāʾīl lived in a nearby house about fifty years ago
and was well known in the area due to his skills in producing touristic artefacts and
making mudbricks. Some of the workers even seemed to remember that the name of
his wife was ʿAdīla, but these claims must be regarded with discretion. The love
charm contains also the so-called *budūḥ* square, which is a 4x4 magical square
composed of the letters *BDWḤ* having the numerical value 2, 4, 6, 8.

Figures 7–8.

The two intertwined sheets of the amulet contain a protective incantation
consisting of the Throne verse (Q 2:255); the "protector verses", i.e., verses that
contain words deriving from the root ḤFZ̧, "to protect" *(āyāt al-ḥifz̧,* Q 12:64, 15:9,
15:17, 37:7, 41:12, 42:6, 50:4, 85:20–22, 86:4) some of them repeated alternatively

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[41] Since I have already published an article on this amulet that contains the transcription
of the Arabic text, its English translation and detailed explication of the magical features and
devices it employs, here a very short summary will suffice. For more details, see Zsom 2017,
222–244.

five and seven times; a 4x4 magical square combining the letters of the divine name *Ḥafīẓ* (Protector); the verses of refuge beginning "I seek refuge…" (Q 113: 1–5, 114:1–6); and seven magical signs commonly known as the Seven Seals of Solomon (seven signs interpreted either as pictograms or letters, among them a pentagram).
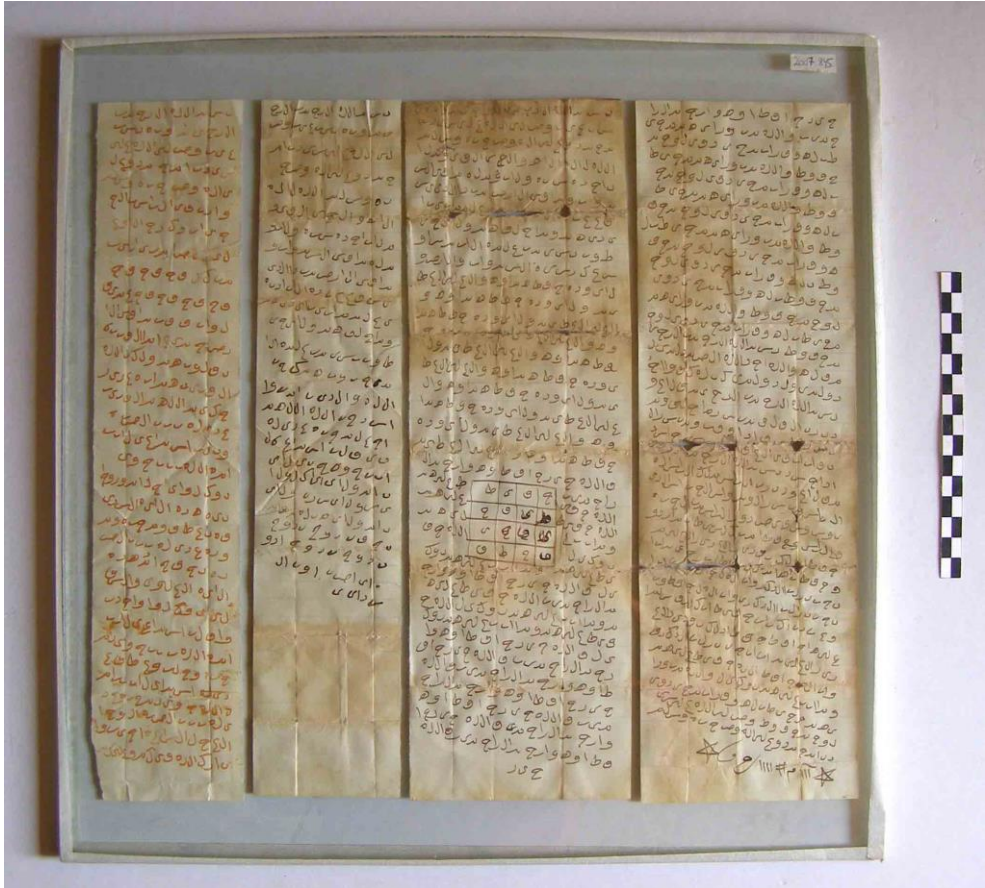

Figure 9.

Conclusion

The disappearance of a traditional way of living was evidently accelerated by the dislocation of the community that inhabited the Theban necropolis. The physical annihilation of their living spaces, the disintegration of the original communities are (among other factors) partly responsible for the gradual extinction of their inherited customs. Although the cultural heritage of the modern settlement in the necropolis has been regretfully destroyed, its vestiges still can be recovered. One of the characteristics of traditional popular culture is the extensive presence of magic in

every aspect of human life both in the individual and in the communal spheres. Magic is a highly conservative art, which adheres to concepts and practices deeply rooted in the past. The modern amulets found at the excavations in the area of Theban Tomb 184 evidence this aspect: the magical devices they employ can be easily traced back in medieval magical manuals; some of them date back to the rise of Islam, and some even much earlier. Popular beliefs and customs with magical bearings form part of the cultural heritage of the people of Qurna and are among the intrinsic values and qualities of local identity. As such, their reminiscences should be collected, studied, and recorded.

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