

الأبھاث

# Al-Abhath

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# What the *Qāḍī* Should Not Hear: Women, Eloquence, and the Poetics of *Kināya* in the *Maqāma Šāmiyya* of al-Hamaḍānī

*Maurice A. Pomerantz*

Associate Professor of literature, New York University, Abu Dhabi, UAE  
*maurice.pomerantz@nyu.edu*

*Bilal W. Orfali*

Professor and Sheikh Zayed Chair for Arabic and Islamic Studies,  
Department of Arabic and Near Eastern Languages, Faculty of Arts and  
Sciences, American University of Beirut, Beirut, Lebanon  
*booo@aub.edu.lb*

To Shawkat Toorawa who taught us *adab*

## Abstract

The *Maqāma Šāmiyya* of Badī' al-Zamān al-Hamaḍānī (d. 398/1008) has long been overlooked as a result of the decision of Muḥammad 'Abduh to remove it from the first modern published edition of the *Maqāmāt*. This article provides a scholarly edition of the *maqāma*, a translation, and a study. It argues that al-Hamaḍānī's *Šāmiyya* uses the rhetorical device of *kināya* to reflect on the power of language and literary performance.

## Keywords

Badī' al-Zamān al-Hamaḍānī – *Maqāma Šāmiyya* – *kināya*

## المستخلص

عَفَلَ الباحثون طويلاً عن المقامة الشاميّة لبديع الزمان الهمدانيّ (ت 1008/398)؛ والسبب في ذلك القرار الذي اتّخذه محمّد عبده في إسقاط هذه المقامة من أولى الطباعات الحديثة للمقامات. ويقدم هذا المقال أول تحقيق علميٍّ للمقامة الشاميّة، مع دراسة لها تطلّ بلاغة الكناية ودورها في إظهار سلطة اللغة والأداء الأدبيّ.

## الكلمات المفتاحيّة

بديع الزمان الهمدانيّ – المقامة الشاميّة – الكناية

## Introduction<sup>1</sup>

Much like modern television dramas, early Muslim authors explored the contours of their legal system by setting their stories in the court. While these works of *adab* were not meant to be transcripts of court proceedings, they nonetheless shed light on ways that early Muslims understood and interacted with the law and the legal system. Moreover as another recent study has argued, such stories can shed light on features of the legal system that are not found in other more normative sources.<sup>2</sup>

Badi' al-Zamān al-Hamadānī (d. 398/1008) the inventor of the genre set one of his *maqāmas* in the courtroom. However, this work, entitled the *Šāmiyya*, has never been adequately studied. Muḥammad 'Abduh, the first editor of al-Hamadānī's *Maqāmāt* considered the topic of the *Šāmiyya* to be in conflict with the sensibilities of his own day and excised it from his modern edition of

- 1 Funded by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) under Germany's Excellence Strategy in the context of the Cluster of Excellence Temporal Communities: Doing Literature in a Global Perspective – EXC 2020 – Project ID 3900608380. The authors would also like to thank the Library of Arabic Literature at New York University Abu Dhabi and the American University of Beirut Research Board for supporting their project.
- 2 Intisar A. Rabb and Bilal Orfali, "Islamic Law in Literature: The Pull of Procedure in Tanūkhī's *al-Faraj ba'da l-shidda*", in *Tradition and Reception in Arabic Literature: Essays Dedicated to Andras Hamori*, eds Margaret Larkin and Jocelyn Sharlet, Wiesbaden, Harrassowitz Verlag, 2019, p. 189–205 esp. 189.

the *Maqāmāt*.<sup>3</sup>

‘Abduh’s censorship of this work has arguably diminished the appreciation of some of the qualities of al-Hamaḍānī’s collection. Scholars, moreover, have not been able to trace the influence of this work on the later tradition of *maqāma* writing.<sup>4</sup> Al-Ḥarīrī (d. 516/1122) included four forensic *maqāmas* in his collection, the no. 9 *Iskandariyya*, no. 10 *Raḥbiyya*, no. 40 *Tibrīziyya*, and no. 45 *Ramlīyya*. Of these, the *Ramlīyya* is a close imitation of the *Šāmiyya* and suggests the way that al-Ḥarīrī drew upon and expanded al-Hamaḍānī’s models.<sup>5</sup>

In this article, we provide a scholarly edition of the *Šāmiyya* based on the oldest surviving manuscripts, accompanied by English translation of the text. We then explore some of the historical, social, and legal questions raised by this *maqāma* and consider the background in which readers understood the *maqāma*. We suggest that al-Hamaḍānī may have drawn upon earlier historical *aḥbār* for some of the themes of the *Šāmiyya*, particularly one account which closely parallels the *Šāmiyya*.

3 See Badī al-Zamān al-Hamaḍānī, *Maqāmāt*, ed. Muḥammad ‘Abduh, Beirut, Imprimerie Catholique, 1889, p. 7, ‘Abduh described in the introduction to the edition his apprehension in glossing some of the language found in the *Maqāmāt*. He wrote, “Here it is necessary to draw attention to the fact that the author of the *Maqāmāt* was diverse in the types of speech that he employed, and sometimes that included what might make an educated reader embarrassed in reading it aloud and would make one like me embarrassed to gloss its meaning. It would not be fitting for *naïve* people to sense its import, nor would it suit their minds to grasp the inner meaning. However, I take refuge from God, in hurling an accusation at the creator of the *Maqāmāt* which would decrease his fame, or heaping blame upon him in any way. Rather, I say, that there is a speech that is fitting for every age, and space appropriate for every type of imagining”.

4 It is worth noting that the *Šāmiyya* is included in the Ḡawā’ib Edition (1298/1881) of the *Maqāmāt* and in the margin of an old edition of al-Hamaḍānī’s letters titled *Rasāyil (sic) Abī l-Faḍl Badī al-Zamān al-Hamaḍānī wa-bi-hāmišihā maqāmātuhu*, 3<sup>rd</sup> ed., Cairo, 1315/1898, p. 128–34. The text is also added to the plagiarized copy of ‘Abduh’s text: *Maqāmāt Badī al-Zamān al-Hamaḍānī, al-ṭab’a l-kāmila*, Beirut, al-Intiṣār al-‘Arabī, 2009.

5 In her three articles on the *Ramlīyya*, Angelika Neuwirth fails to draw any parallels between the *Šāmiyya* and the *Ramlīyya*. See Angelika Neuwirth, “Women’s Wit and Juridical Discourse: A ‘Forensic *Maqāma*’ by the Classical Arabic Scholar al-Ḥarīrī”, *Figurationen: Gender – Literatur – Kultur*, 6/1 (2005), p. 23–36; *idem*, “The double entendre (*tawriya*) as a Hermeneutical Stratagem: A ‘Forensic *Maqāma*’ by Abū Muḥammad al-Qāsim b. ‘Alī al-Ḥarīrī”, in *The Weaving of Words: Approaches to Classical Arabic Prose*, eds Lale Behzadi and Vahid Behmardi, Beirut and Würzburg, Orient-Institut, Ergon Verlag, 2009, p. 203–16; *idem*, “Adab Standing Trial – whose Norms Should Rule Society? The Case of al-Ḥarīrī’s ‘*al-Maqāmah al-Ramlīyah*’”, in *Myths, Historical Archetypes and Symbolic Figures in Arabic Literature: Towards a New Hermeneutic Approach*, eds Angelika Neuwirth et al., Beirut and Stuttgart, Franz Steiner Verlag, 1999, p. 205–24.

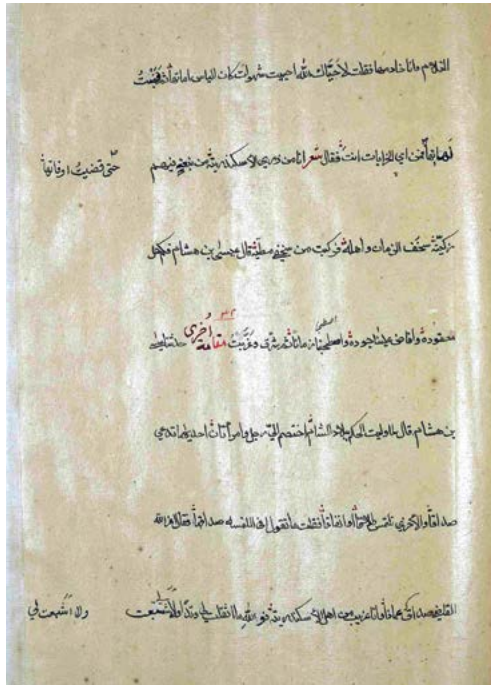
Samples of the Manuscripts



MS Fatih 4097, fol. 27v–28r



MS Beinecke, Salisbury 63, fol. 24r



MS London SOAS 47280, fol. 93r

### The Text of the *Šāmiyya*

This edition of the *Šāmiyya* is based on four main witnesses to the text, three manuscripts and one early edition. In previous research we have identified three main families in our work on the manuscript tradition of al-Hamaḍānī.<sup>6</sup> The edition provided in this article represents the oldest family A. MS. Fatih serves as the base text. We have added occasional diacritical marks, shaddas, vowels, and *tanwīns* that do not appear in the original text.

1. ف Istanbul Fatih 4097 (520/1126). This is the oldest extant collection of al-Hamaḍānī's *Maqāmāt*. It contains forty *maqāmas* and is bound with the collection of ten *maqāmas* of Ibn Nāqiyā (d. 485/1092).
2. ب Yale University, Beinecke Library, Salisbury 63 (603/1206). This manuscript contains fifty *maqāmas*. The additional ten *maqāmas* are the so-called “amusing tales” (*mulaḥ*) of al-Hamaḍānī and additional *maqāmas*.
3. ل London SOAS 47280 (13th/19th c.). This is a nineteenth century copy of a manuscript copied in the year 562/1166–1167.
4. ح Ğawā'ib Edition (1298/1881) *Maqāmāt Abī l-Faḍl Badī' al-Zamān al-Hamaḍānī*, Quṣṭanṭīniyya: Maṭba'at al-Ğawā'ib, 1298 A.H.

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6 For an overview of the corpus of al-Hamaḍānī, see Bilal W. Orfali and Maurice A. Pomerantz, “Assembling an Author: On the Making of al-Hamaḍānī's *Maqāmāt*”, in *Concepts of Authorship in Pre-Modern Arabic Texts*, eds Lale Behzadi and Jaakko Hämeen-Anttila, Bamberg, University of Bamberg, 2016, p. 107–27.

## المقامة الثانية والثلاثون

### [الشامية<sup>7</sup>]

حدّثنا عيسى بن هشام قال<sup>8</sup> لما وُلّيت الحكم بديار الشام<sup>9</sup> اختصم إليّ رجلٌ وامرأتان إحداهما تدّعي صداقاً \* والأخرى تلتبسُ طلاقاً وإنفاقاً<sup>10</sup> \* فقلت<sup>11</sup> ما تقولُ في الملتزمة صداقها؟ قال<sup>12</sup> أعزّ الله القاضي صداق عن ماذا؟ وأنا غريب<sup>13</sup> من أهل الإسكندرية فوالله ما أتقلّت لي وتدّاً \* ولا أشبعت لي كبداً \* ولا عمّرت لي<sup>14</sup> خراباً \* ولا ملأت<sup>15</sup> جراباً \* قلت<sup>16</sup> قد تبطنتها؟ قال نعم \* ولكن<sup>17</sup> فما غير بارد \* وثدياً غير ناهد \* وبطناً غير والد \* وعبياً غير واحد<sup>18</sup> \* وريقاً غير ريق \* وطريقاً غير ضيق \* فعدلتُ إلى المرأة وقلت<sup>19</sup> ما تقولين؟ قالت<sup>20</sup> أيد الله القاضي<sup>21</sup> هو أكذب من أمه \* وأسمح من عمله \* وأكثر في اللؤم من حيله \* وأشدّ في الشؤم من دغله<sup>22</sup> \* وأفسد عشرةً من أسفله \* والله لقد صادفت<sup>23</sup> من فمه صقراً \* ومن يده صخرًا \* ومن صدره سمّ خياط \* لا يرشح بقيراط \* ولقد زُففتُ إليه بدنًا كالديباج \* ووجهًا كالسراج \* وعينًا كعين النعاج \* وثدياً كحُقّ العاج \* وبطنًا كظهر الهملاج \* وخصراً<sup>24</sup> ضيق الرّئاج \* خشن<sup>25</sup> المنهاج \*

- 7 (المقامة الثانية والثلاثون الشامية): المقامة الثانية والثلاثون: ف، ب؛ مقامة أخرى 32: ل؛ المقامة السادسة والعشرون الشامية: ج.  
8 (قال): سقطت من ب.  
9 (الحكم بديار الشام): ف؛ الحكم ببلاد الشام: ب، ل، ج.  
10 (وإنفاقاً): ف، ب، ج؛ أو إنفاقاً: ل.  
11 (فقلت): ف، ب، ل؛ فقلت للرجل: ج.  
12 (قال): ف؛ فقال: ب، ل، ج.  
13 (وأنا غريب): ل، ج؛ وأنت غريب: ف؛ وأنا رجل: ب.  
14 (عمّرت لي): ف، ل؛ أعمرت متي: ب؛ عمّرت: ج.  
15 (ملأت): ف، ج؛ ملأت متي: ب؛ ملأت لي: ل.  
16 (قلت): ف، ب؛ فقلت: ل، ج.  
17 (ولكن): ف؛ لكن: ب، ل، ج.  
18 (وعبياً غير واحد): ف، ب، ل؛ وعبياً عين واحد: ج.  
19 (فعدلتُ إلى المرأة وقلت): ب، ل؛ فقلت للمرأة: ف؛ فعدلت للمرأة: ج.  
20 (قالت): ف، ج؛ فقالت: ب، ل.  
21 (أيد الله القاضي): ف، ب، ج؛ أيدك الله القاضي: ل.  
22 (وأشدّ في الشؤم من دغله): ف؛ وأشدّ في الشؤم: ب، ج؛ وأشدّ في الشؤم من دغله: ل.  
23 (من دغله... صادفت): سقطت من ب.  
24 (وخصراً): ف؛ وخصراً: ب؛ وخصراً: ل؛ وحشياً: ج.  
25 (خشن): ب، ل، ج؛ حسن: ف.

حَارَّ الْمِزَاجُ \* صَعِبَ الْعِلَاجُ \* وَلَكِنْ كَيْفَ أَلِدُ<sup>26</sup> \* وَلَا يَنْجِزُ مَا يَعِدُ \* وَهُوَ يَجِدُّ وَيَجْتَهَدُ<sup>27</sup> \* لَوْ لَمْ يَخْنَهُ الْوَتْدُ؟ \*

فَقُلْتُ لِلرَّجُلِ قَدْ رَمَتَكَ بِالْعُنَّةِ \* وَنَسَبَتَكَ إِلَى الْأُبْنَةِ \* فَمَالَ إِلَيْهَا وَقَالَ اسْتُ الْبَائِنُ<sup>28</sup> \* أَعْلَمُ أَلَمْ أَجْعَلْ تِسْعِينَكَ ثَلَاثِينَ \* أَلَمْ أُعْزِكَ<sup>29</sup> فِي لَيْلَةٍ عَشْرِينَ \* حَتَّى اسْقَطْتَ الْجَنِينَ؟ \*

فَقَالَتْ أَشْهَدُ أَيُّهَا الْقَاضِي<sup>30</sup> عَلَى هَذَا الْإِفْرَارِ \* فَقَالَ خَدَعْتَنِي يَا دَفَّارُ<sup>31</sup> \*

وَقَالَتْ الثَّانِيَةَ أَصْلَحَ اللَّهُ الْقَاضِي أَسْأَلُ إِمْسَاكًا بِالْمَعْرُوفِ أَوْ تَسْرِيحًا بِإِحْسَانٍ \* فَقَالَ الْإِسْكَندَرِيُّ كَمْ نَفَقْتَهَا<sup>32</sup> فِي الشَّهْرِ حَتَّى أَقْدَمَهُ سَلْفًا؟ فَقُلْتُ مِائَةَ فِي الشَّهْرِ \* تَعِينَهَا عَلَى صُرُوفِ<sup>33</sup> الدَّهْرِ \* فَقَالَ لَعَلَّكَ قَسَتْ شَهْرِي بِشَهْرِكَ \* إِنَّ أَمْرِي دُونَ أَمْرِكَ \* فَقُلْتُ لَا أَنْقِصُهَا عَنْ هَذَا الْقَدْرِ \* فَقَالَ هِيَ طَالِقٌ<sup>34</sup> إِنْ لَمْ تَعْطِهَا<sup>35</sup> نَفَقَةَ شَهْرَيْنِ<sup>36</sup> دُونَ الْأَجْلِ تَضْرِبُهُ<sup>37</sup> \* وَقَبْلَ الْمَاءِ تَشْرِبُهُ<sup>38</sup> \* فَقَالَتْ الْمَرْأَةُ اتَّقِ اللَّهَ أَيُّهَا الْقَاضِي فِي بَنَاتِ صِغَارٍ لَيْسَ لَهُنَّ كَادِحٌ سِوَاهُ \* وَلَا كَادُ إِلَّا إِيَّاهُ<sup>39</sup> \*

فَأَمَرْتُ بِتَوْفِيرِ ذَلِكَ عَلَى الْمَرْأَةِ وَعَادَا بَعْدَ شَهْرَيْنِ<sup>40</sup> يَلْتَمَسَانِ فِي النِّفَقَةِ فَضْلًا<sup>41</sup> \* فَقُلْتُ الْطَّلَاقُ يَلْزِمُ الْقَاضِي إِنْ نَظَرَ بَيْنَكُمَا فَعِيبًا غَيْبِيكُمَا اللَّهُ<sup>42</sup> \* وَأَنْشَأُ<sup>43</sup> الْإِسْكَندَرِيُّ يَقُولُ [مَجْزُوعِ الْخَفِيفِ]:

- 26 (ألد): ب، ل، ج؛ ألد: ف.
- 27 (ولا ينجز ما يعد. وهو يجدد ويجتهد): ف؛ وهو لا ينجز ما يعد وكيف ينجز وهو لا يجدد وهو يجتهد: ب؛ وهو لا ينجز ما يعد وكيف ينجز ما يعد وهو لا يجدد وهو يجتهد: ل؛ وهو لا ينجز ما يعد وكيف ينجز ولا يجدد وهو يجتهد: ج.
- 28 (فمال إليها وقال است البائن): ب، ل، ج؛ فقال است الناس: ف.
- 29 (عزك): ف، ب، ل؛ أعرك: ج.
- 30 (أيها القاضي): ف، ب، ج؛ القاضي: ل.
- 31 (دفار): ب، ل، ج؛ مكار: ف.
- 32 (نفقتها): ف؛ يقيمها: ب، ل، ج.
- 33 (صروف): ف، ب، ل؛ صرف: ج.
- 34 (طالق): ف؛ طالق ثلاثاً: ل، ج.
- 35 (تعطها): ل، ج؛ تعطها: ف.
- 36 (عن هذا القدر... شهرين): سقطت من ب.
- 37 (تضربه): ف، ب، ل؛ بضربه: ج.
- 38 (تشربه): ف، ب، ل؛ بشربه: ج.
- 39 (إياه): ف، ج، ل؛ هو: ب.
- 40 (شهرين): ف، ل؛ الشهرين: ب، ج.
- 41 (فضلاً): ف، ب، ج؛ فيصلاً: ل.
- 42 (فغيبا غيبكما الله): ف؛ فغيبا عينكما: ب؛ فغيبا عينكما: ل، ج.
- 43 (وأنشأ): ف؛ قال: ب؛ فأنشأ: ل، ج.

جَائِرِ الْحُكْمِ نَافِذَهُ      رَبِّ قَاضِي عَلَيِّ الْوَرَى  
وَنَصًّا عَن نَّوَاجِذِهِ      سَامَنِي بَدَلًا مُعَوِزًا<sup>44</sup>  
سَامَنِي فِي امْتِ 46 آخِذَهُ      دَقْنَ 45 مُعْطِيهِ بَعْدَمَا

فقلت القاضي لا يسمع ما يكره ولأن<sup>47</sup> أحتمل هذا خير من أن أزن ذاك<sup>48</sup> \* فانصرفا  
وخرجا وأتبعتهما من يعرف<sup>49</sup> خبرهما فرجع فقال سألته عن اسمه<sup>50</sup> فقال<sup>51</sup> أبو الفتح  
الإسكندري<sup>52</sup>.

### Translation of the *Maqāma Šāmiyya*

Īsā b. Hišām said:

When I was appointed judge in al-Šām \* there came before me two wives and one man. \* The first wife came asking for the bridal gift that now was her due, the other sued for a divorce and a stipend, too. \*

So I said to him, “Good sir, what do you say \* to the woman from you seeking her bridal gift today?” \*

He said, “May God save the judge! Why the gift? What’s the reason? \* I hail from Alexandria. I’m a stranger in this region. \* This woman never fastened the peg of my tent to the ground! \* Nor through her was ever my heart’s desire found. \* Not once did she make my wasteland bloom, \* nor did she fill my sack with foods to consume!” \*

I then turned to him and said, \* “But you took her to bed?” \*

“Yes”, he replied, “But her breath was rank. \* Her chest was as flat as a wooden plank. \* Her womb would surely prove barren! \* Countless are the ways she erred in. \* The water from her mouth afforded no delight \* and the path to her pleasure was no longer tight”. \*

So I turned to her and asked “Do you have a retort?” \* She said, “May God offer you, O judge, His support! \* This man’s falser than his hopes and needs \* and viler than his deeds. \* He’s more blameworthy than his tricks and deceits, \* and more ill-omened than his base conceits. \* In short, I’d say he’s a worse

44 (معوز): ف، ب، ل؛ معجز: ج.

45 (دقن): ف، ب؛ دقن: ج، ل.

46 (في است): ل، ج؛ فست: ف؛ في: ب.

47 (ولأن): ف؛ لأن: ب، ل، ج.

48 (أزن ذاك): ل، ج؛ أزن ذا: ف؛ آذن ذاك: ب.

49 (يعرف): ف، ب؛ تعرف: ل.

50 (فرجع... اسمه): سقطت من ف.

51 (فقال): ب، ل؛ فقليل: ف.

52 (فانصرفا... الإسكندري): سقطت من ج.



friend than his own butt cheeks! \* And from his mouth for me there was only stale water \* and a rock was all his hands would offer. \* Tinier than a needle's eye was his largess, \* it weighed no more than a carat, maybe less. \*

Before we were wed, my skin was a damascene brocade, \* my face was a lamp, eyes were ewes, and my breasts from ivory cups made. \* My belly was as flat as a race horse in full stride, \* while my waist was cinched tight, though suitably wide. \* Down below I possessed a native heat, \* that was difficult for even skilled doctors to treat. \* But how could a child from him be born, \* when he couldn't do what he had sworn? \* For though he struggled and strove, \* his stubborn 'tent peg' refused to move!" \*

Then I said to the man, "Her speech contains a slight. \*

She alleges you an impotent catamite". \*

He then turned to her, and related the saying, \*

'the ass of the one milking the camel is more revealing'<sup>53</sup> \*

Didn't I make your 'ninety thirty'?<sup>54</sup> \* I raided your tent not one time but twenty! \*

and made you abort your pregnancy? \*

She said, "Witness this, O *qāḍī*, all I said is honest and true" \*

He turned to the women "You stinking wench! I've been cheated by you!" \*

The second wife said, "May God support the honored *qāḍī*!" \*

I hope that he either holds my husband to account or allows me to be free!" \*

The Alexandrian said, "What monthly support do I owe, so I can pay an advance?" \*

I said, "One hundred ought to shield her from the workings of chance". \*

Alexandrian said, "It seems you've measured my month against yours. \*

My affairs are far humbler than what you suppose". \*

So I said, "I've decided I won't lower her stipend one bit". \*

He said, "Well then either you'll pay her stipend for two months more, \*

Or I'll divorce her as fast as you can drink a draught or before!" \*

The wife said, "Please *qāḍī* fear God and show us mercy and rule in our favor! \*

I have young daughters whose life depends on this man's labor!" \*

So I ordered the wife's stipend be paid. \*

In two months, they turned up seeking more aid. \*

53 See Aḥmad al-Maydānī, *Mağma' al-amṭāl*, ed. Na'im Zarzūr, Beirut, Dār al-Kutub al-ʿIlmiyya, 1988, I, p. 421–22, who interprets the saying as the following: The *bā'in* is the person who is to the left side of when milking a camel. The person on the other side known as the *mu'allī* holds up the container to the camel's udder.

54 The meaning of this expression is unclear.

So I said, “If a *qāḍī* were to judge now, he would surely rule for divorce. \*  
So be gone with you, and may God make you scarce”. \*

Then the Alexandrian said:

Many a judge over people, with iniquity \*  
imposed upon me the humiliation of poverty \*  
His smile revealed the giver’s chin of pride \*  
While he made me into the taker’s backside \*

I answered, “the *qāḍī* does not hear what is hateful  
It is better that I endure this, than I permit that”.<sup>55</sup> \*  
After the two left, I ordered someone to track them in order to see,  
He said, “I asked him his name”, and he said, “I’m Abū l-Fatḥ al-Iskandarī”.

### The *Maqāma*

*Al-Maqāma al-Ṣāmiyya* is composed of one long episode of two wives complaining before a *qāḍī* about their husband. The action of the *maqāma* can be divided into two main parts in which each wife tells her story to ʿĪsā b. Hišām.

The first wife demands her dowry (*mahr*) be returned to her. The husband claims that the wife is at fault, and paints his wife in the ugliest of physical descriptions. However, he readily admits to the *qāḍī* that he nonetheless took the woman to bed, thus consummating the marriage.<sup>56</sup>

The wife’s testimony complicates matters. She alleges that she was extremely beautiful at the time of her marriage, and accuses her husband of ill-treating her and abusing her. Moreover, she claims that her husband has violated the marriage contract, by being impotent and the passive partner in a same-sex couple. In anger, the man then describes that he was so potent that he was able to have intercourse with her twenty times in a single night, and through such rough treatment caused her to miscarry. This would mean that the wife was, in fact, fertile, invalidating his initial claim that she was barren. Seizing upon this fact, the wife insists that all she said was true, whereupon her husband accuses

55 The translation above reads *أذن* for *أز* following MS Yale. However, it is also possible to follow MS Fatih, *أز*, which would mean “Better I endure this (insult) than pay you anything further”. On philological grounds both readings are possible. We believe that the former offers a slightly clearer meaning, however, it is far from certain.

56 If the man had not consummated the marriage, he would have been only liable for half of the *mahr*. However, the question of whether he was capable of consummating the marriage is at stake in the *maqāma* also.

her of having tricked him and he insults her in front of the *qāḍī*.<sup>57</sup> The scene concludes without ʿĪsā b. Hišām offering any judgment.

The second wife then begins her story of complaint. Unlike the first wife, she demands a stipend (*nafaqa*) from the judge, or that she be divorced from him. The husband wants to know the sum so that he can pay in advance. ʿĪsā b. Hišām, the *qāḍī*, sets the amount at one hundred *dirhams* per month. The husband answers that the judge does not recognize his poverty, and has unfairly offered too large a stipend. However, the woman insists that she needs the money for her daughters. So the *qāḍī* in this situation pays the stipend. When the two return seeking more money in two months, the *qāḍī* dismisses them, threatening them with a judgment of divorce and exercising his right not to judge in the case.

After ʿĪsā b. Hišām dismisses them, the man recites a poem which makes plain that the entire scene before had been a series of ruses intended to mislead and obtain money from the judge. He further implies that in creating for himself the stigma of poverty, he had stolen money from the proud judges. His poem implies the sexual reversal in that the judge understands him as the weaker (penetrated) party. This reversal in turn upends the accusation of the man's wife earlier that he was an impotent catamite.

ʿĪsā b. Hišām having heard this poem replies with a legal maxim, "The *qāḍī* does not hear what is hateful" and suggests that in his eyes, it was better for him to have endured the cost of paying the wife's stipend and dismiss the couple from his presence, than continue to permit this illicit speech.

The *maqāma* concludes with the *qāḍī* sending someone to learn the identity of the man whereupon he learns that he was the famed trickster, Abū l-Faṭḥ al-Iskandarī. His shameless eloquence has gotten the better of the judge, ʿĪsā b. Hišām, and enabled him to live another day.

### Legal Realities and Courtroom Dramas

Although this *maqāma* is lighthearted, the appearance before judges portrayed in this *maqāma* was a solemn procedure. It was the *qāḍī*'s moral responsibility to hear litigants and collect evidence from the plaintiff and the defendant.<sup>58</sup> Moreover, as Mathieu Tillier has noted, women's testimony before judges

57 Edward William Lane, *An English-Arabic Lexicon*, London, Williams and Norgate, 1874, p. 890b, notes that the insult is usually leveled at a female slave, and means, "O thou stinking one".

58 See Wael B. Hallaq, *Shariʿa: Theory, Practice, Transformations*, Cambridge, Cambridge University Press, 2009, p. 342 and following.

was often fraught with difficulty.<sup>59</sup> Judges and litigants had to contend with issues relating to the quasi-public nature of the judicial procedure and its clear potential for the revelation of intimate and scandalous details about the marriage.

Given the topics of family law, women's appearances at court often had the potential of touching on two central issues: money and sexuality. Tillier describes how one area of women's concern was the repayment of the dowry by the husband after the marriage and her receipt of a marital support. Suing for repayment of the dowry, was often a mode of provoking their husbands to divorce them.<sup>60</sup> Common, too, was a claim that the husband was no longer providing marital support for the wife. According to Yossef Rapoport up until the seventh/thirteenth century, the *nafaqa* was usually considered to be an in kind stipend of goods, such as food on the table. As in this *maqāma*, wives often sought assistance from the judge, placing him in the position of arbiter over the financial wherewithal of the husband, and the nature of his responsibilities toward his spouse.<sup>61</sup> Both the questions themselves, and the relationship of the *qāḍī* to these questions are on trial in this *maqāma*.

It could be argued however, that an even greater propensity to scandal was the mere presence of the wife, her speech and the potential for the revelation of sexual matters. As Tillier notes, the jurist al-Ḥaṣṣāf goes to great lengths to describe how the delicate process of unveiling a woman in the court should transpire, such that while the *qāḍī* ought to see the woman, the less the other persons saw her, the better.<sup>62</sup> One basic issue related to the capacity of the woman to leave her residence in order to lodge her complaint with the *qāḍī*. Law books make it clear that only women who were of high enough social stature were able to visit the *qāḍī*, and this fact may have some bearing on the interpretation of the *maqāma* as well.<sup>63</sup>

Scholars of Islamic law are fortunate not only to have the proscriptive evidence from legal manuals, but also to be able to consult court records contained in the Cairo Geniza. While conventional scholarship on the Geniza pointed to the common presence of women in court as evidence for the relatively high status of women, recent work by Oded Zinger has argued to the contrary that women "encountered great difficulties when they tried to seek

59 Mathieu Tillier, "Women before the *Qāḍī* under the Abbasids", *Islamic Law and Society*, 16/3-4, (2009), p. 280–301.

60 Yossef Rapoport, *Marriage, Money and Divorce in Medieval Islamic Society*, Cambridge, Cambridge University Press, 2007, p. 73.

61 Tillier, "Women before the *Qāḍī* under the Abbasids", p. 282, citing al-Ḥaṣṣāf.

62 *Ibid.*, p. 295.

63 *Ibid.*, p. 296.

justice in communal courts”.<sup>64</sup> Similar to what was mentioned above, Zinger stresses that nature of the legal questions raised as well as the women’s very presence in the courtroom was a potential source of much scandal and shame.

*Adab* works offer further information on other dimensions of forensic dramas at Muslim courts. How do stories underscore the fears and anxieties of husbands about what impact their wife or wives’ appearance and complaint at court might contain? For instance, there are several tales related in which a woman complains to the jurist al-Ša’bī of her husband’s ill treatment of her. Learning of the ruling in his wife’s favor, the man complains that she has seduced al-Ša’bī into unjustly judging on her behalf.<sup>65</sup> *Adab* tales discuss the ways that marital disputations before judges (because of their potentially salacious content) often contained testimony so indirect and vague that judges found themselves at a loss as to how to pass judgment.<sup>66</sup>

In contrast to this, the litigants’ speech in the *Šāmīyya* is at times however frightfully direct, and this may also have reflected legal realia. For instance, wife number one claims in this *maqāma* that her husband is not fulfilling his marital duties and that he is abusive and cheap. Male impotence (*ʿunna*) was a possible grounds for divorce, however it was difficult often for the wife

64 Oded Zinger, *Women, Gender and Law: Marital Disputes According to Documents of the Cairo Geniza*, PhD dissertation, Princeton University, Princeton, 2014, p. 68.

65 See Muḥammad b. Ḥalaf b. Ḥayyān Wakī, *Aḥbār al-quḍāt*, Beirut, ʿĀlam al-Kutub, n.d., III, p. 416.

66 Abū ʿAlī l-Muḥassin b. ʿAlī l-Tanūḥī, *Nishwār al-muḥāḍara*, ed. ʿAbbūd al-Šālǧī, Beirut, Dār Ṣādir, 1995, III, p. 227. One tale told by the *adīb* and practicing judge, al-Tanūḥī described a case that had come before Abū Sa’d al-Dāwūdī of a sufi woman who sought the judge’s aid against her husband. When they came before the judge, the wife said, “This is my husband and he wishes to divorce me, and if you rule to prohibit him, he won’t have the right to do this”. The judge becomes interested wishing to know the way that Sufis view this matter and inquires further. The wife then describes the issue thusly: “He was married to me and his meaning (*ma’nā*) still present, but now his meaning has diminished from me, and my meaning which was in him has not diminished, and now it is necessary that I be patient until my meaning is no longer present in him, as his meaning has diminished from me”. In this case, the judge is perplexed by the opaque language of Sufis and the tale makes light of this. However, it seems to suggest in the use of terms such as the (*qā’im*), which also means erect, suggesting that the woman’s opaque language may have been a cover for other matters. See Florian Sobieroj, “The Mu’tazila and Sufism”, in *Islamic Mysticism Contested: Thirteen Centuries of Controversies and Polemics*, eds Frederick de Jong and Bernd Radtke, Leiden, Brill, 1999, p. 68–92, esp. 79–80, who understands the female Sufi’s language to be “ridiculing the Sufi concept of annihilation in God and the terminology associated with it, or possibly, such annihilation in one’s partner as a pedagogical preparation for attaining the highest goal”.

to prove this.<sup>67</sup> Castration of the male, for instance, was immediate grounds for divorce, according to Ḥanafīs. In cases of impotence, however, judges commonly instituted a long waiting period (in one case up to a year) in which the male would be given the chance to regain his potency.<sup>68</sup> Related to this, is the question of a male willfully swearing an oath (*ilā'*) not to have intercourse with his wife for a certain period. In these cases, jurists considered the act to constitute harm (*maḍarra*) to the wife, and would allow the divorce to be accomplished.<sup>69</sup>

*Adab* works of the fourth/tenth century considered cases of men with lack of desire for their wives on account of other reasons. In particular, a predilection for young boys is cited as a cause for impotence, presumably because the husband is not sexually aroused by the wife. This seems to be the implied connection between impotence and the desire to be anally penetrated (*ubna*) in the wife's speech. As Khaled El-Rouayheb has noted, *ubna* was often understood as a disease in the case of grown men and treated as a disease. *Ubna* was in the medical tradition believed to be a "pathological" desire that could no doubt cause a man so afflicted to not pay attention to his marital duties.<sup>70</sup>

Al-Rāḡib al-Iṣfahānī relates numerous stories that discuss the relationship between *'unna* and *ubna*.<sup>71</sup> In one of his tales, the husband himself declares that he is impotent (*'anīn/innīn*) and seeks the judge's intercession. After the judge subjects the man to a test, he determines that the man is not impotent, but is only aroused by the young male servants of the judge. The judge then orders the man to resume his marital duties and stop chasing after the young

67 This is to be distinguished from cases in which the man is incapable of consummating the marriage. Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*, Oxford, Oneworld, 2006, p. 12, asserts that "all legal schools adopted the view that a marriage could be dissolved for impotence—that is, the husband's failure to consummate the marriage", however, she adds (p. 13) that "the vast majority of jurists went on to declare that she has no such right [to press a claim of impotence] once the marriage has been consummated".

68 Tillier, "Women before the *Qāḍī* under the Abbasids", p. 280–301.

69 On a case involving an analogy to *ilā'* see David S. Powers, "Four Cases Relating to Women and Divorce in al-Andalus and the Maghrib, 1100–1500", in *Dispensing Justice in Islam: Qadis and their Judgements*, eds Muhammad Khaled Masud, Rudolph Peters and David S. Powers, Leiden, Brill, 2006, p. 383–409, esp. p. 395.

70 See Khaled El-Rouayheb, *Before Homosexuality in the Arab-Islamic World, 1500–1800*, Chicago, University of Chicago Press, 2005, p. 19–21, discusses the "pathological" side of *ubna* which presumably would have distracted a man from his marital duties.

71 al-Rāḡib al-Iṣfahānī, *Muḥāḍarāt al-udabā' wa-muḥāwarāt al-šū'arā' wa-l-bulaḡā'*, ed. Riyāḍ 'Abd al-Ḥamīd Mrād, Beirut, Dār Ṣādir, 2012, III, p. 523–25.

male servants of the judge.<sup>72</sup>

In the case of the *Šāmīyya*, the tale describes how the wife through her accusation tricks her husband by calling him impotent. He then responds by affirming his potency to such a degree that he claims to have such extraordinary potency that he caused her to abort a fetus. This of course then runs counter to his earlier claim that she was infertile. There is no shame that the litigants will not invoke and their dramatic speech leaves the *qāḍī* confused. This seems to be one of the central axes around which the courtroom drama turns.

### The Fear of an Eloquent Woman

In addition to the fears and fantasies about the presence of women at court and the fears about the contents of their speech, there was a pervasive anxiety about women's speech. As we have seen, the *Šāmīyya* contains not one, but two eloquent women, whose powers of oratory seem to threaten the husband with public embarrassment or worse.

The trope of the fear of an eloquent woman exposing her husband and besting her in the man's game can be seen in other *adab* works contemporary with al-Hamaḍānī. In *Accounts of the Female Visitors to Mu'āwiya b. Abī Sufyān* (*Aḥbār al-wāfidāt min al-nisā' 'alā Mu'āwiya ibn Abī Sufyān*) of al-'Abbās b. Bakkār al-Ḍabbī (d. 222/836–837) contains a story which turns on the extraordinary eloquence of the wife of the very learned (and eloquent) Abū l-Aswad al-Du'ālī (d. 69/688). The story recounts how once when Abū l-Aswad was advising Mu'āwiya on matters related to the religious sciences (*'ilm*) a woman whose face was uncovered (*barzātun*) shows up seeking justice from the caliph with regard to her husband who has unjustly divorced her.<sup>73</sup> The caliph asks who her husband is, and she points out to Abū l-Aswad. The two then trade eloquent insults however it is the wife that bests the husband, vanquishing him with a direct display of rhetorical prowess, accusing him by turns of being a cheap, ignorant and ignoble man and shaming him before the caliph. Mu'āwiya is intrigued by the woman's eloquence and so invites her back during the evening prayer. At issue between the husband and the wife is the custody of their son, and the wife makes a powerful case that makes Mu'āwiya side with her. Abū l-Aswad despite his great learning and eloquence

72 *Ibid.*, III, p. 523. See also *ibid.*, III, p. 496, which describes a wife's complaint that a man who is penetrated becomes impotent (*al-ma'būn 'anin*).

73 See Lane, *Lexicon*, I, p. 187a, offers numerous definitions of this term, "A woman whose good qualities or actions or whose beauties are apparent: (ك:) or open in her converse; syn. متجاهرة: or as in some correct lexicons, disdainful of mean things, or of middle age, (كهلة) who is not veiled or concealed like young women". [italics in original]

is no match for his own wife.

The *Šāmīyya* likewise contains a battle of eloquence between a man and wives. With regard to wife number one her speech seems to vanquish her husband and publicly shame him. Similarly, in the second section of the *maqāma* the wife appears to have the upper hand, hoping to use the means of the public display to obtain funds from her destitute husband. In both of these cases however the truth is not exactly what it appears to be to the *qāḍī*, ʿĪsā b. Hišām.

### Before *Tawriya*: The Valences of Hidden Speech

Scholars of the *maqāma* have often pointed to the central role that double-entendre (*tawriya*) and euphemism play in the *maqāma*. Abdelfattah Kilito first pointed to the centrality of the concept of *tawriya* in al-Hamaḍānī and al-Ḥarīrī, by which he meant a figure that presumes a “proximate meaning” (*sens proche*) which acts a decoy, and a “distant meaning” (*sens lointain*) which is the real sense of the passage. For Kilito, the hero Abū l-Faṭḥ in disguise as a blind or an aged man was himself an embodiment of the rhetorical figure of *tawriya*.<sup>74</sup> Monroe, citing this passage followed Kilito in this insight stating:

What is *tawriya*, if not a figure of speech that blurs the distinction between the (false) surface meaning of the word, and its (true) hidden meaning? Insofar as an ever-present tension between appearance and reality is one of the major features of the *Maqāmāt*, the relationship between *tawriya* and *maqāma* pointed out by Kilito is a useful one.<sup>75</sup>

Monroe then points out that the actual incidence of *tawriya* in the *Maqāmāt* is rather rare, and notes that Kilito’s aim is to draw an analogy.<sup>76</sup> More recently Angelika Neuwirth has written on the importance of the *tawriya* in al-Ḥarīrī’s

74 Abdelfattah Kilito, “Le genre ‘séance’: Une introduction”, *Studia Islamica*, 43 (1976), p. 25–51, p. 33.

75 James T. Monroe, *The Art of Badr az-Zamān al-Hamaḍhānī as Picaresque Narrative*, Beirut, American University of Beirut Press, 1983, p. 97; Philip F. Kennedy, “The *Maqāmāt* as a Nexus of Interests: Reflections on Abdelfattah Kilito’s *Les séances*”, in *Writing and Representation in Medieval Islam: Muslim Horizons*, ed. Julia Bray, London and New York, Routledge, 2006, p. 196, n209.

76 Kennedy too praises this insight of Kilito and Monroe and revisits the same example of the remarkable playfulness that al-Hamaḍānī employs daring the reader to uncover allusions to the *kunya* of Abū l-Faṭḥ. Moreover, he wisely notes that Monroe has attributed an agenda to al-Hamaḍānī that is “surely too rigid and serious”. *Ibid.*, 196.



*Maqāmāt*.<sup>77</sup> For Neuwirth, the image of the female is related to the figure of *tawriya*. Neuwirth suggestively describes the *maqāma*'s action as a form of meta-discourse, and notes that the forensic frames of several of al-Ḥarīrī's *Maqāmāt* invite the reader to act in the place of the judge.

The term *tawriya* is not, however, a rhetorical figure that was discussed by fourth/tenth or fifth/eleventh century critics, although surely many traces of amphibology are commonly found in Arabic literary discourse from all periods. According to Bonebakker, the term was first dealt with formally by Usāma b. Munqid (d. 584/1188).<sup>78</sup> Moreover, as we shall see, what is operative in this *maqāma* is not simply a ruse that is deployed for the cultivation of literary art. Rather, what seems evident in this *maqāma* is that the ruse is part of a larger theme about the necessity for euphemistic speech and masking because of the social context.

Al-Hamaḍānī in this *maqāma* rather was elaborating the well-known concept of *kināya*. The device of *kināya* or euphemism is well-attested in the fourth–fifth/tenth–eleventh century literary culture for which al-Hamaḍānī was writing. The term has been recently well discussed in an article by Erez Naaman, who emphasizes the sociolinguistic dimensions of euphemism as a manner of avoiding taboo subjects, even as he describes the different semantic range of euphemism and *kināya*.<sup>79</sup>

### Revealing and Concealing in the *Maqāma: Kināya*

The trope of *kināya* was already in common use by the writers of the fourth/tenth century and anthologists and literary critics were writing treatises devoted to it during (and shortly after) al-Hamaḍānī's lifetime. As Naaman notes, a centrally important work on *kināya* was Abū Manṣūr al-Ṭa'ālibī's (d. 429/1037–1038) *al-Kināya wa-l-ta'rīḍ*. This can be supplemented by the very important work of Abū l-'Abbās Aḥmad b. Muḥammad al-Ġurġānī (d. 482/1089–1090),

77 Neuwirth, "The double entendre (*tawriya*) as a Hermeneutical Stratagem: A 'Forensic *Maqāma*' by Abū Muḥammad al-Qāsim b. 'Alī al-Ḥarīrī", p. 203–16.

78 See S.A. Bonebakker, "Tawriya", *Et*<sup>2</sup>. See also *idem*, *Some Early Definitions of the Tawriya and Ṣafadī's Faḍḍ al-xitām* 'an at-tawriya wa-l-istixdām, The Hague, Paris, Moulton & Co., 1966, p. 24 and following.

79 Erez Naaman, "Women Who Cough and Men Who Hunt: Taboo and Euphemism (*kināya*) in the Medieval Islamic World", *Journal of the American Oriental Society*, 133/3, (2013), p. 467–93.

*al-Muntaḥab min kināyāt al-udabā' wa-išārāt al-bulaġā'*.<sup>80</sup>

Throughout the *Šāmīyya*, *kināya* functions as a meta-signifier to masking what appear to be the scandalous elements of the litigants' speech before the judge. The *maqāma* begins with the figurative speech of the husband in ll. 4–5. His speech composed in balanced rhymed couplets. After stating that he is a foreigner (*ġarīb*) originally from Iskandariyya (Alexandria), a revelation of his identity that is never considered by the judge, ʿĪsā b. Hišām, the husband launches into series of abstract comparisons that approach the question from a great distance, as if he were denying the physical connection.

This woman never fastened the peg of my tent to the ground!  
Nor through her was ever my heart's desire found.  
Not once did she make my wasteland bloom,  
nor did she fill my sack with foods to consume!

The husband's rhetorical aim, it seems, is to distance himself from the affair through euphemistic language.

The *qāḍī* ʿĪsā b. Hišām however interrupts this line, by interjecting with the more direct (albeit euphemistic) verb, (*tabaṭṭantahā*) (lit. you placed your belly on top of hers). The husband then answers with a simple “yes” (*naʿam*).

Forced to come closer to realia, the husband again employs *kināya*. Rather than even speak of his wife as a whole, he divides her into pieces. His description contains a list of negatives (lit. a mouth without coldness, breasts without lift, and a womb that cannot produce a child, and a vagina that was no longer narrow (*i.e.* pleasurable)). His language though, throughout this passage remains euphemistic. He does not affirm any quality of his wife, but rather relies upon the auditor/reader to make an inference.

Frustrated perhaps by this testimony, the *qāḍī* ʿĪsā b. Hišām then turns to the wife to determine the truth value of his statements. The wife however proceeds down an opposite path to the husband. Rather than using figurative language to conceal, she intends to use *kināya* to reveal:

This man's falser than his hopes and needs, and viler than his deeds.  
He's more blameworthy than his tricks and deceits,  
and more ill-omened than his base conceits.  
In short, I'd say he's a worse friend than his own butt cheeks!

In each of these phrases, she encourages the reader to dwell on the fact that the outward signs of her husband's behavior are ironically less than his debased

80 See ʿAbd al-Malik ibn Muḥammad al-Ṭāʿalibī, *Kitāb al-Kināya wa-l-taʿrīd*, ed. Usāma Buḥayrī, Cairo, Maktabat al-Ḥānṣī, 1997; Aḥmad ibn Muḥammad al-Ġurġānī, *al-Muntaḥab min kināyāt al-udabā' wa-išārāt al-bulaġā'*, Beirut, Dār Ṣaʿb, 1980.

interior. In her speech, *kināya* becomes a mode of powerful implication at the depravity of her husband. And indeed, her final reference to his bottom (*asfalīhi*), euphemistically suggests the base source of his depravity.

The wife's subsequent speech recounts what she was like as a bride, borrowing terms used by men to describe female beauty. She counters his allegations of her unpleasantness with figurative language that implies her own sexual potency. Her references are drawn from poetry, the *tašbīh* "breasts like ivory cups" (*ḥuqq al-ʿāğ*) can be found in the *muʿallaqa* of ʿAmr b. Kulṭūm,<sup>81</sup> whereas the "eyes of ewes" (*ʿayn al-niʿāğ*) can be found in the *muʿallaqa* of ʿAbīd b. al-Abrāš.<sup>82</sup> Her description, too, however moves toward her privy parts, but does so in ways that euphemistically underscores her sexual power.

The woman's final riposte however then casts a new accusation at the man: "But how could a child from him be born, when he couldn't do what he had sworn?

For though he struggled and strove, his stubborn 'tent peg' refused to move!"

Taking her husband's figure of the "tent peg", she implies his impotence, figuratively castrating him. Even though she is still speaking in euphemism, the implication of the wife's claim is clear. How can she be blamed as barren when he is impotent? The judge at this point is attempting to understand the meaning of their speeches, and delivers to the husband what he believes to be the import of the wife's claims, namely that she alleges that he is impotent. Moreover, he connects this with the idea that he desires to be penetrated by other men, which was implied by the wife's earlier speech. Once again, ʿĪsā b. Hišām attempts to understand the inference underneath the litigants' use of *kināya*.

The husband then responds to the wife's accusation by employing a proverb (*maṭal*) "the ass of the one milking the camel is more revealing" (*ist al-bāʿin aʿlam*). Al-Maydānī (d. 518/1124) in his *Mağmaʿ al-amṭāl* states that the first person to utter this proverb was al-Ḥārīṭ b. Zālīm. Al-Ġumayḥ (who was known as Munqid b. al-Ṭammāḥ) one day went looking for a herd of she-camels that belonged to him. He found that they had strayed into the land of the tribe of Murra. So he sought the help of al-Ḥārīṭ b. Zālīm who was from the tribe of Murra. Al-Ḥārīṭ called all of the tribesmen who had one of his she-camels in the hopes of regaining his lost herd. All of the lost she-camels were returned except for one which was called al-Lifāʿ. He searched everywhere until he found the camel being milked by two men. He said to the two: "Get away from that

81 al-Tibrīzī, *Šarḥ al-qaṣāʾid al-ʿašr*, ed. Muḥammad Muḥyi l-Dīn ʿAbd al-Ḥamīd, Cairo, Maktabat Muḥammad ʿAlī Šubayḥ, 1962, p. 487.

82 ʿAbīd b. al-Abrāš and ʿĀmir b. al-Ṭufayl, *The Dīwāns of ʿAbīd ibn al-Abrāš, of Asad, and ʿĀmir ibn aṭ-Ṭufayl, of ʿĀmir ibn Šaʿaʿah*, ed. Charles James Lyall, Leiden and London, E.J. Brill; Luzac & Co., 1913, p. 20.

camel, it doesn't belong to you!" And he fell on them with a sword. The milker (*bā'in*) at this moment passed gas, whereupon his partner (*mu'allī*) said to al-Ḥārīṭ that the camel wasn't his. However, al-Ḥārīṭ responded with the phrase that became proverbial, "the ass of the milker is more revealing".<sup>83</sup> In the immediate context, the term *ist* may be a *kināya* for the woman's pudendum. Therefore he is attempting to affirm his potency once again by encouraging the *qāḍī* to examine the question even more closely.<sup>84</sup>

The husband then is forced to reaffirm his masculinity by stating:  
 Didn't I make your 'ninety thirty'?  
 I raided your tent not one time but twenty!  
 and made you abort your pregnancy?

These lines are particularly coarse. The meaning of the first line is unclear and may be intentionally so. His closing act of "raiding tents" seems to be a *kināya* referring to the sexual act. The man's violent imagery is also clumsy. He admits that his wife was at one time pregnant, and thus he is contradicting himself. His attempt to cover himself with *kināya* has apparently failed and wife then siezes on his misstep.

The discussion between the second wife and *qāḍī* seems on the surface to be far more direct, yet here too implication and inference are central. The wife first swears that she wants her husband either to abide by what is right or let her go. Iskandarī then appears to wish to lower the monthly stipend, implying his own poverty, while the wife desires to raise it by mentioning the presence of her daughters. Finally, when Iskandarī pretends that the cost is simply too high for him and threatens a divorce, the judge steps in to resolve the situation and pays the stipend. When they return and seek an additional support, the *qāḍī* no longer wishes to pay this, saying that they ought to leave or he will rule for a divorce. Finally at his wit's end, the *qāḍī* threatens to rule for a divorce between them.

The husband responds by reciting a poem that implies that this judge was not the first to unjustly stigmatized him both as a passive partner in sex and a poor man. Quoting from a judicial maxim, the *qāḍī* states that "the *qāḍī* does not hear what is hateful". He then seems to affirm that by not inquiring further into the case and allowing them to leave with his stipend, is better than permitting their offensive speech. Abū l-Faḥḥ's shameless rhetoric has enabled him to live another day.

83 al-Maydānī, *Maḡma' al-amṭāl*, I, p. 421–22.

84 al-Maydānī suggests that the meaning of the *maṭāl* is used for a situation in which "a person undertakes a particular task and is devoted to it, for he is more knowledgeable in it than the person who is not devoted to it, and does not undertake it", *ibid.*, I, p. 422.

### Conclusion: What the Qāḍī Should not Hear

Central to many of the texts that make up the *Maqāmāt* of al-Hamaḍānī is a common focus on the power of words. Al-Hamaḍānī's *Šāmiyya* utilizes the frame of a courtroom drama to draw attention to how language functions. In so doing, it affords some new perspectives on the relation between figurative language, truth, and power.

Locating language play at the *qāḍī's* court, the *Šāmiyya* focuses on the manner that language may conceal realities in the face of power. Litigants at the court are forced on numerous occasions to resort to the figure of euphemism (*kināya*) to describe socially-stigmatized acts and circumstances. *Kināya* thus acts in the *maqāma* as a mode of hiding truths in the face of power for the sake of keeping face.

As is so often the case in the *Maqāmāt* of al-Hamaḍānī, however, this reflects only one aspect of the multiple powers of language. For as the litigants speak in their rhetorically sophisticated metaphors, the *qāḍī* is forced to get at the root meanings and must think and then utter coarse and shameful things. As the judge and reader listen to the final poem of Iskandarī, it becomes clear that the litigants were not whom they had first appeared to the *qāḍī*, ʿĪsā b. Hišām.

By uttering a legal maxim that “The *qāḍī* does not hear what is hateful”, ʿĪsā b. Hišām seems to endorse the very trick that has been played against him. Refusing to establish the truth about the litigants for fear of the social stigma attached to this, he has been cheated out of money. The conventional morality of ʿĪsā b. Hišām fails to understand the cunning words of the trickster.

Present-day readers of this *maqāma* may note with some irony that this *maqāma* which is so attentive to the problems of euphemism, social conventions, and the truth was silenced by Muḥammad ʿAbduh. Reading this *maqāma* closely we can see, however, that al-Hamaḍānī was not merely satirizing the conventional morality of the *qāḍī*. Nor is the *maqāma* a mere picaresque trick.

The *maqāma Šāmiyya*, like many of the other *maqāmāt* of al-Hamaḍānī, challenges the reader to appreciate the power of language to create reality as well as reflect it. Like “temporary” marriages of the trickster portrayed in the text, the relationship between author and reader might be based on a false premise. However, the arguments surrounding these debates are both entertaining and useful. And, after all, isn't this the very definition of what *adab* should be?

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