The Most Noble of People

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Chapter 4 examined the gender system as it was represented in the version of Islamic law that was probably current in al-Andalus by the ninth century, with some comparisons to the Visigothic code. The Sharī’ah-based system describes Muslim men and women as sharing a common humanity and religious identity, but also as distinct in their inherent characteristics, their manner of dress, their legal and financial standing, their sexual freedom, and their capacity to be full participants in their religion. Sharī’ah itself cannot, however, tell us how women were treated in fact or how closely their treatment adhered to the law.

WOMEN’S LEGAL STATUS IN PRACTICE

Fortunately we have at least limited sources that can illuminate how Sharī’ah was applied to women. One source from al-Andalus is the notarial formulary of Ibn al-‘Aṭṭār (d. 1009). This formulary contains templates of marriage contracts for practical use. A look at what they have to say on the subject of dower suggests that the rules of Mālikī law were generally followed, but with some important exceptions that benefited women.

The most fully sketched out of the model marriage contracts is similar to those in other parts of the Islamic world and includes several basic elements that make the contract legal. The model contract asserts that the
groom will deliver the contract to his new wife. It next indicates that there must be a ṣadāq that the groom will deliver to the bride’s wali, which the wali will use to provide the furnishings the bride will need in her new home. A specified amount will be delivered immediately, while a deferred amount must be paid within a stipulated period of months or years. This particular model contract is to be used in cases in which the bride is a virgin. Next, any stipulations (shurūṭ) limiting the groom’s rights must be spelled out. The template lists several possible shurūṭ that are likely to appear in contracts: the husband may not take a second wife or a slave concubine, or maintain in the household any slave who has given birth to his child (an umm walad, whose child would be born free and a legitimate heir to his or her father). If the husband violates any of these stipulations, the wife has the option of requesting a divorce. Further stipulations that may be included prevent the husband from being absent for more than six months, unless he goes on the ḥajj. If he does travel to Mecca, he cannot be gone for more than three years, and he must ensure that his wife is fed and housed in his absence. He cannot move her away from their current place of residence without her permission, and he may not prevent her from visiting relatives. In another possible stipulation, to be included if the bride is from a wealthy and distinguished family, the husband acknowledges that his new wife’s high social status means she has always had servants and has not been required to see to her own needs; he understands that he will have to provide servants for her. Finally, witnesses must affirm that the contract is an accurate record of the oral agreement that the groom and the bride’s wali have entered into. As is the case with all legal documents under Sharī‘ah, the actual transaction is the spoken agreement between the parties involved; the contract merely documents that transaction.

The contract distills a number of Sharī‘ah’s principles regarding marriage, including the role of the wali and the central importance of the ṣadāq. In other respects, though, the contract deviates from Mālikī Sharī‘ah. Most importantly, Mālik did not allow the bride or her wali to place stipulations in a marriage contract, since they had the effect of limiting the authority God had given men in marriage; he says that even if a stipulation is included in the marriage contract, saying for example that the husband may not move his wife away from her village, he has the right to do so anyway. Ibn al-ʿAtṭār’s formulary, however, suggests that stipulations were in practice quite ordinary. They appear in marriage contracts from other Islamic societies, including the early Ottoman Empire; it has been suggested that Sharī‘ah
courts became more inclined to support men’s legal privileges in the nineteenth century, partly under the influence of European colonialism, than they were in the premodern period.7

The limits the formulary’s stipulations put on men’s privileges clearly benefitted married women. Although scripture permitted polygyny, Islamic texts as far back as the ḥadīths recognized that a second wife damaged the status of the first wife; Muḥammad is reported to have forbidden his cousin and son-in-law ʿAlī from taking a second wife in addition to Muḥammad’s daughter Fāṭimah, saying that “she is part of me; what alarms her alarms me, and what hurts her hurts me.”8 A wife’s ability to prevent a second marriage, or a long-term liaison between her husband and a slave concubine, gave her a powerful tool for shaping her life and that of her family. The prohibition against moving a wife away from her home was also crucial, since her family could offer her protection and support. The fact that men regularly signed away some of their privileges suggests that Muslim women in al-Andalus, particularly if their families were wealthy, had powers in marriage that went beyond those that Shari’āh specified.

Also of interest is the acknowledgment that if the bride comes from a family that is accustomed to having servants, the groom, assumed to be of similar status, will furnish her with servants in their home. In this clause the template recognizes the principle of kafā’ah, the social and economic equality of the groom to the bride (discussed in chapter 2). A man could marry someone of a lower social status, but a woman could not. Religious authorities were ambivalent about the concept of kafā’ah. It was widely enforced, yet it goes against a foundational principle of Shari’āh: that all free adult Muslims are members of the ummah and, allowing for differences in status between men and women, are equal before the law. It follows that a man’s piety, not his birth or income, should determine his ranking as a prospective husband. The Mudawwanah communicates some of this ambivalence, offering in one place the opinion that a woman may marry someone below her (dūnahā) socially or economically, including a non-Arab, provided he is her equal in religion.9 Elsewhere, however, the Mudawwanah relates the story of a divorced woman who came to Mālik and told him that her ex-husband was negotiating a marriage between their daughter and the husband’s brother’s son. The daughter was wealthy and therefore entitled to a large dower, but her father had negotiated a relatively modest one, presumably as a favor to his brother and nephew. Mālik, who generally did not allow women to be involved in official negotiations for a marriage contract, says the woman
has the right to object to her daughter’s inappropriate dower.\textsuperscript{10} The formulary’s templates suggest that in practice, the rule of kafā’ah was observed, and without the ambivalence the topic generated for religious scholars.

Collections of legal rulings (fatwās) also tell us that in addition to the dower and the husband’s support, a woman normally received a gift from her own family at the time of marriage, usually consisting of items for the household and for the bride’s personal use. That practice is not specified in Shari’ah, so mention of a gift from the bride’s family (as opposed to a portion of the šadāq that the bride’s father uses to purchase household furnishings for her) is not normally included in marriage contracts. It seems, however, to have been common throughout medieval Islamic lands, particularly among upper-class families with the resources to donate a substantial gift for their daughters’ support.\textsuperscript{11} The gift could represent a form of early inheritance that allowed families to work around the restrictions Shari’ah placed on women’s inheritance.\textsuperscript{12} Such gifts from the bride’s family frequently appear in al-Andalus.\textsuperscript{13} Ibn Ḥabīb issued a ruling in the case of a father who made a gift of clothing and household furnishings to his newly married daughter, then, when he visited her at her new home, found that the goods were missing. According to Ibn Ḥabīb’s ruling, if the bride was a virgin at the time of marriage, she is not responsible for the missing items. If she was a thayyib, she is.\textsuperscript{14} That fatwā and others tell us something about the usual contents of the gift, along with confirming Shari’ah’s view that thayyibs were closer than virgins to having full legal responsibilities. Mālikī opinions state that while the house and most of its contents, including slaves, are presumed to belong to the husband unless his wife can produce evidence that she owns them, certain furnishings are assumed to be hers: lanterns, the bread basin, the bed, the cushions, and the carpets.\textsuperscript{15} That assumption may stem from the fact that such items were a normal part of the endowment from the wife’s family. It appears that women’s economic resources in marriage, at least in the case of well-to-do families, exceeded what was laid out in Shari’ah.

Another glimpse of women’s actual legal status comes from records of Shari’ah courts. Guichard’s model of “eastern” kinship assumes that women were mostly disinherited, particularly in the case of land, despite what Shari’ah says to the contrary. There is evidence, however, that Shari’ah’s inheritance rules did carry weight in al-Andalus. Sources from Shari’ah courts and faqihs suggest not that Arab and Berber women were automatically disinherited, but rather that a tension existed between Shari’ah and men’s desire to control property. Confirming Guichard’s model in part, men were particularly interested in preventing women in their families from inheriting land,
often going to court and claiming that the land belonged to a living male relative rather than to the deceased.\textsuperscript{16} On the other hand, Sharī'ah courts did defend women's rights to property. One of Ibn Ḥabīb's fatwās involves a brother and sister who had inherited property from their parents.\textsuperscript{17} When the sister died before her brother, he claimed that her heirs had no right to inherit from her, because she never asked for her share of the property (presumably when their parents died). Because of her silence, he argued, the property belongs to him and his heirs. Ibn Ḥabīb, however, ruled that the sister's silence did not negate her rights to family property, and that her heirs therefore must inherit their share.

A number of the lawsuits the Andalusī legal expert Ibn Sahl (d. 1093) describes in his \textit{Diwān al-aḥkām al-kubrā} involve family members, women as well as men, suing each other in Sharī'ah courts over inheritances.\textsuperscript{18} Since Ibn Sahl is interested in lawsuits rather than the routine dispersal of property, the cases he describes often feature male and female heirs fighting for their rights. In one instance, a husband challenges the right of his deceased wife to bequeath a one-third interest in her house to her sister. In another, a wife inherits property from her husband. He leaves behind two sons by another woman who have disappeared; the sons' creditors demand a share of the widow's inheritance.\textsuperscript{19} Women's rights over their property are, then, frequently challenged. In no instance, however, do the judges and faqīhs involved assume that being female is an impediment to inheriting or bequeathing property.

A particularly interesting example involves a complex dispute over farm land. A woman named Hashīmah complained to the court that her paternal first cousin was attempting to seize land she legitimately inherited from her father, Sa'īd b. Muzayn.\textsuperscript{20} The cousin asserted that his family had purchased the property before Sa'īd's death. The matter apparently dragged on for some time. Ibn Sahl, who is interested in the legal questions suits raise rather than the outcomes, does not tell us who finally got the property. Nevertheless, the case gives us important information. One of the qāḍīs hearing the case was Muḥammad b. Salmah, who was chief qāḍī of Córdoba and died under the reign of 'Abd Allah (888–912), making the early tenth century the latest possible date for the proceedings.\textsuperscript{21} The Banū Muzayn, as Ibn Sahl calls Hashīmah's extended kin group, were an Arab family whose members included a noted faqih and a governor of Toledo under Al-Ḥakam I who eventually settled in Córdoba.\textsuperscript{22} As in Guichard's model of the Arab family, Hashīmah's paternal male cousin seemed to regard himself as having rights over her as her paternal first cousin, and he was perhaps trying to bully her
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out of property that was legitimately hers. In contrast to what one would expect from Guichard’s model, though, Hashīmah was not powerless; she took the case to a Sharī‘ah court. The various legal experts commenting on the matter were concerned with the facts in evidence and whether witnesses were properly deposed. Even though the case involved real property, however, they do not assume that the male cousin’s rights take precedence over Hashīmah’s.

MEN AND WOMEN IN LITERARY SOURCES

Sharī‘ah in al-Andalus assumed that men and women were essentially different and that sexuality needed to be carefully controlled and limited to marriage (and, in the case of men, to the relationship between a master and a female slave). Practices that challenged those norms, like homosexuality or any expression of female sexuality outside of marriage, were prohibited. Other types of sources from the period, however, viewed gender differently. Literary sources elided the differences between the sexes, either by depicting men and women as similar in their essential natures or by presenting male narrators who regarded male and female erotic partners as more or less interchangeable. Mystical literature came closer to Sharī‘ah’s view that men and women were fundamentally different, but it saw their differences as representing a cosmic rather than a social reality. This section of the chapter will begin with a discussion of Ibn Ḥazm’s treatise on love, The Dove’s Neck Ring, which will establish some of the common themes of Andalusī literature as it pertains to gender, followed by an analysis of Arabic and Hebrew love poetry. The final section will focus on gender in mystical literature. It is not my intention in this chapter to offer a general survey of Andalusī literature and mystical texts but rather to select examples that offer a counterpoint to the previous chapter’s discussion of gender.

IBN ḤAZM’S TAWQ AL-ḤAMĀMAH

Ibn Ḥazm composed The Dove’s Neck Ring, or Tawq al-ḥamāmah, in either 1022 or 1027.23 At that point he was in his late twenties or early thirties and was living in Játiva, more or less in exile, as Umayyad rule in Córdoba was breaking down. The full title of the work is Tawq al-ḥamāmah fi al-ulfah wa-al-ullāf: “Ulfah” means friendship, love, or intimacy, and “ullāf” means
people who are one’s intimates, including close friends or lovers. Although the Ṭawq is often characterized as a treatise on love, it is more accurate to say that it is a treatise on intimacy. Love, erotic attraction, and friendship are all addressed.

The Ṭawq is a prose treatise incorporating poetry. It is connected to a long history of Arabic love poetry that purports to date back to pre-Islamic Arabia. More specifically, it formed part of a series of treatises on love going back to Muḥammad ibn Dāwūd al-Zāhiri’s Kitāb al-zahrah (Book of the Flower), written around 900. Ibn Ḥazm’s treatise is unusual, however, in that the author does not rely on traditional stories about lovers but instead draws on his own experiences and those of his contemporaries, although some parts may of course be fictionalized. That emphasis on contemporary events makes the Ṭawq a valuable source, since it includes anecdotes about life in al-Andalus at the end of the Umayyad period. To give just one example, he adopts at one point a theme from early Arabic poetry. In that traditional poetry set among Bedouins, the lover, who was separated from his beloved when their two tent-groups went their different ways, mourns the loss at the site of the abandoned campground. In the Ṭawq, however, Ibn Ḥazm’s mourning is for the site of his old family home that was destroyed during the political unrest surrounding the Umayyad state’s collapse.

Its contemporary orientation also makes the Ṭawq more entertaining than most such treatises; instead of material about lovers drawn from traditional literature, Ibn Ḥazm gives us gossipy anecdotes about the great and the near-great of al-Andalus. It is from him, for example, that we learn of the preference for blonds among men of the Umayyad family, a preference which Ibn Ḥazm shared. So long-standing was this Umayyad predilection for blonds (presumably slave women of European descent), he tells us, that all the descendants of ʿAbd al-Raḥmān III, with one exception, were blonds.

Ibn Ḥazm’s treatise does have obvious limitations as a source for understanding Andalusi society. Beyond the question of how much is fictionalized, there is no evidence that it was widely circulated or particularly struck a chord with contemporaries. While some scholars in the eastern and western Islamic worlds were aware of it in the two or three centuries after the author’s death, it survives today in only one manuscript dating from 1338, suggesting that interest in it was limited. And certainly Ibn Ḥazm’s views on any subject cannot be taken as typical. He seems to have had a reputation as an eccentric during his lifetime; Ibn Sahl apparently wrote a treatise about him called al-Tanbih ‘alā shudhūdh Ibn Ḥazm (A Warning Against the Eccentricity of Ibn Ḥazm). Even with those limitations, however, the Ṭawq is important
in that it shows that a view of gender different from that of Shari‘ah was conceivable in al-Andalus. Moreover, it suggests that someone could hold Shari‘ah’s view of gender and an alternative view at the same time. As we have seen in previous chapters, Ibn Ḥazm was himself a faqih. And while his opinions on women’s status and their relationship with men did not always match those of the dominant Mālikī madhhab, his legal writing recognized the same distinct roles of and hierarchy between men and women that the Mālikīs asserted. His legal writings also characterize homosexuality as a violation of God’s law, and one that calls for strict punishment. In the Ṭawq, on the other hand, he depicts women as similar in many respects to men and is sympathetic to homoerotic, if not homosexual, relationships. The hierarchy between Muslims and non-Muslims, which he insists on so strongly in his polemical works, is likewise much attenuated in the Ṭawq. Despite the contempt he shows for Judaism in the Faṣl, the Ibn Ḥazm of the Dove’s Neck Ring depicts himself sitting in the shop of a Jewish doctor in Almería, watching people on the street and speculating companionably with his friend on the love life of passersby.

Although it is possible to explain the unique tone of the Ṭawq in chronological terms—he wrote it before his later preoccupation with law and theology, and before his polemical attack on Ibn Naghrilah—his awareness of genre may be a better explanation. I do not refer only to the fact that different genres demand that one adopt different rhetorical conventions, so that bitter polemics about the failings of other religions or exhortations to wifely obedience would be out of place in a genre devoted to the themes of love and attraction. The different genres Ibn Ḥazm wrote in also touched on different aspects of his life, particularly since the Ṭawq has a strong autobiographical element. The Muḥallā’s section on marriage is about hierarchy and duty and the shape that Islamic society should take. The Ṭawq is about emotions and intimacy. The author’s statement that he prefers blonds, which seems perfectly natural in the Ṭawq, is hardly something he would put in a legal or theological treatise. As for Ibn Ḥazm’s easy companionship with the Jewish doctor in Almería, it may be that the formal attitude he took toward Judaism in his polemical works was different from his attitude toward non-Muslims in his personal life. Polemic is a type of performance, requiring a stance that admits of no nuance; in a treatise on love and desire, nuance is central.

Nuance, or perhaps ambivalence, is a key feature of the Ṭawq’s depiction of women. Manuela Marín argues that Ibn Ḥazm’s anecdotes about women are just more of the usual, emphasizing women’s weak-mindedness and sus-
ceptibility to passion. In some respects she is right. At one point, Ibn Ḥazm states that he has a poor opinion (sū’ al-ẓann) of women, which he attributes to his inborn sense of ghayrah. “Ghayrah” means a man’s jealousy or his sense of honor, particularly the aspect of honor that is increased or diminished by the good or bad behavior of the women in his family. The term goes back a long ways; it does not appear in the Quran but can be found in the ḥadīths, where, for example, one of Muḥammad’s followers known for his ghayrah says that if he saw a man with his wife, he would strike him with his sword. By characterizing himself as having ghayrah, Ibn Ḥazm places himself in a long tradition of men viewing women primarily in terms of how they affect men’s prestige, and as beings who are likely to behave badly, especially in sexual matters.

Women’s power to dishonor men is evident in Ibn Ḥazm’s story about Sa’īd ibn Mundhir ibn Sa’īd, a qāḍī in Córdoba. He was in love with one of his slave girls and decided to manumit and marry her. She demanded that he cut his beard in order to gain her favor. He did so, then freed her and proposed marriage to her. She did not accept, but instead accepted the proposal of his brother. Sa’īd, who as her former owner was now her wali, gave his permission for the match. The story appears in a section of the treatise about how passion makes the lover submissive to his beloved, so its main point is probably not that women are manipulative but rather that people put aside their dignity when in the grips of passion. There is, however, some implication in the story that Sa’īd’s freedwoman has emasculated him. Beards are an obvious marker of masculinity in the middle ages for both Muslims and Christians; for a soldier, a long beard meant that he had never been taken captive or humiliated by an enemy. In the twelfth-or early thirteenth-century Cantar de mio Cid, for example, the Cid reminds his enemy Count Don García that he, the Cid, has a luxuriant beard that had been touched by no one. In contrast, Don García, after the Cid defeated him, had been thoroughly plucked by the Cid’s servants, so that “there was not a boy there who did not tear a wisp out.” Muslim religious authorities generally recommend keeping the beard long, primarily to distinguish Muslims from pagans. In the Muḥallā, Ibn Ḥazm quotes a ḥadīth in which Muḥammad says, “do the opposite of the pagans: trim the mustaches and leave the beard.” In addition to being a marker of religious identity, beards in Islamic thought also served to distinguish men from women. Al-Ghazālī (d. 1111), a distinguished legal scholar, philosopher, and mystic, wrote at the end of the eleventh century that plucking the beard is a major evil: “for the beard is the ornament of man. . . . It is one of the signs of perfect creation,
and distinguishes men from women.” The slave girl’s request that Ąā’id cut his beard implies that she was undermining his identity as both a Muslim and a man.

The concern about becoming feminine also surfaces in a story about an acquaintance of Ibn Ḥāzm who took his relationship with a young man too far, by allowing the affair to become public knowledge and, probably, allowing it to become sexual. Ibn Ḥāzm says that his acquaintance, when he let his relationship with the young man get out of control, “uncovered his head and showed his face . . . and unveiled his countenance” (kashafa ra’sahu wa-abdā wajhahu . . . wa ḥasara muḥayyāhu). Uncovering the face and showing oneself in public was of course a source of shame and dishonor for women, not men. The man in the story has symbolically made himself into a woman.

In spite of the anxieties about honor and gender roles that the Ṭawq expresses, it is not simply a literary version of Ibn Ḥabīb’s treatise on women. In the world of the Ṭawq it is possible for men to feel deep love for women, rather than regarding them as an important but troublesome resource to manage. Ibn Ḥāzm recounts his first experience of profound love, when he was less than twenty, with a slave-girl named Nu’m. He was devoted to her and, when she died, was so distraught that he went months without changing his clothes. He says that he would have given up limbs to have her back, calling her “pure, and white like the sun.” Women can be similarly devoted to men. One young woman, the niece of a qāḍī of Córdoba, loved her husband so intensely that when he died, she spent the night before his burial wrapped with him in his shroud.

Women can also be good friends and confidants, an assertion Ibn Ḥāzm makes in the same section in which he notes his own suspicion of women. The lover, according to Ibn Ḥāzm, needs a helping friend to see him through the ordeals of love. The confidant must be a person of restraint and dignity (jalīl al-ḥilm) and refined in manners (ṭayyib al-akhlāq). A male friend can fulfill that role, but so can a woman, and in some ways a woman may be superior. Women, he says, are more likely to keep a secret for lovers than men are. He relates one story in which a wealthy woman discovered that a young man in her family was in love with one of her slave-girls. She tortured another slave-girl, who was a friend of the first girl and knew about the liaison. Even though she tortured the girl beyond what a man could endure, the girl would not divulge what she knew. He also tells the story of a pious elderly woman, whom he characterizes as honorable, as knowing the Quran by heart, and as an ascetic (jalilah, ḥāfiẓah li-kitāb allāh, nāsikah), who came across a letter written by a young man to a slave-girl with whom he was in-
fatuated. She promised to keep the couple’s secret. Older women in general, he says, because they no longer desire men and are presumably not competing with other women for men’s attention, can be very generous to younger women. It is not unusual to see a pious older women working to find a good marriage for an orphan girl or lending her clothes and jewels to a poor bride.

Elsewhere, Ibn Ḥazm denies the common perception that women are more likely to give into sexual temptation than men. This discussion takes place in one of the last sections of the Ṭawq, on disobedience to God’s laws of sexual behavior. He has, he said, often heard people claim that restraint of the passions is a trait of men but not of women. But in fact, he says, women and men are equal in these matters. Virtue is to a large extent a matter of keeping oneself away from temptation; given enough temptation, men and women will both fall into sin. His point is illustrated in a story from his own life that he relates earlier in the treatise. The story is about a beautiful slave-girl who was raised in the household of Ibn Ḥazm’s family. He fell in love with her, but she, a virtuous girl, refused each of his advances. He describes a party at his family’s home at which he pursued the slave-girl constantly, but she moved away whenever he tried to talk with her. She, not he, was the strong one who protected her virtue, and she did so by refusing to put herself in a situation in which he might be able to tempt her.

The Ṭawq al-ḥamāmah is hardly a piece of feminist rhetoric. It describes the world from a masculine point of view. Unlike some of the period’s authors of love poetry, Ibn Ḥazm does not always make a distinction between an active lover and a passive beloved, but almost all of his stories are told from the perspective of a man pursuing love (which helps explain his apparent silence on the question of lesbian love). Despite the masculine orientation of the treatise, however, it does offer some interesting contrasts with Shari’ah’s depiction of women. It would be unfair to say that Shari’ah does not grant women their humanity; in fact, it is careful to condemn practices that treat women as mere items of exchange between men. Shari’ah does not, however, grant women much agency. Agency belongs to men, who are responsible for fulfilling their obligations to women and enforcing their obedience. Women are presented not as subhuman but as substantially different from men, as people to be controlled but not understood. In the Ṭawq, the two sexes are psychologically more similar. Passion can lead either sex into foolish or immoral behavior. At the same time, both men and women are capable of restraint and of profound love and sacrifice. Perhaps more strikingly, both are capable of being generous friends and advisers, suggesting that women can have value in ways that are not tied to sexuality or reproduction.
Louis Crompton has argued that just as the Ṭawq does not make a psychological distinction between the way men and women experience love, it does not distinguish between the love men feel for women and the love they feel for other men. While most of the stories in the Ṭawq are about men and women, Ibn Ḥazm includes several stories about love between two men and does not suggest that that kind of love is different from any other. In his section on the importance of the eyes as gateways to love, he describes in a poem how, at a social gathering, he never took his eyes off of a man he was in love with. Interestingly, given Ibn Ḥazm’s own scholarship on the nature and origins of language, he employs a simile from grammar. He says, “I send them [my eyes] where you turn, and however you move, [so that you are] like a noun (man’ūt) in grammar with its adjective (na’t).” The words he uses are technical terms in Arabic grammar; “man’ūt” means a substantive accompanied by an attribute, and “na’t” means a quality or descriptor. His gaze can no more cease to follow the man he loves than an adjective can decide it will not follow the noun it modifies. Given that grammarians of Arabic in that period saw syntactic connections between words as shaped by unchanging rules that are in a sense built into the cosmos, his grammar analogy, which sounds a bit silly in English, conveys in Arabic a deeper sense of inevitability and commitment.

At times when Ibn Ḥazm is discussing his general observations about love, rather than recounting specific anecdotes, he seems to use the masculine pronoun in a generic way, suggesting that the object of the (male) lover’s affection may be male or female. That generic usage occurs in his section on the importance of love letters in maintaining a romantic affair. A letter, he says, can act as a man’s tongue when speech fails him, and receiving a letter can be as exciting as a face-to-face meeting. It is of course possible to become too excited about a letter; he describes one lover who put his beloved’s letter on his penis, a practice Ibn Ḥazm disapproves of (although he reports it anyway). The terms he uses for “lover” and “beloved” (“al-muḥibb” and “al-maḥbūb”) are both masculine, and, in view of Ibn Ḥazm’s untroubled shifting back and forth between stories of opposite-sex and same-sex love, it is likely that he intended the masculine pronouns as default or neutral terms; the correspondence could be with a male or female beloved. Crompton refers to Ibn Ḥazm’s flexibility as to the gender of the beloved as his “romantic bisexuality” and comments that Western readers may find that flexibility unsettling. His observation is borne out by the fact that A. R. Nykl, in his translation dating from the early 1930s, helpfully translates all of the masculine pronouns in this section referring to the beloved as feminine, explaining
in a note that “I translate ‘she’ where the text warrants it.”50 In fact, the text does no such thing.

For all his ease with hetero- and homoerotic relationships, however, Ibn Ḥazm does not go so far as to condone overtly sexual relationships outside of what was permitted by Islamic law. Near the end of the treatise, the section on “The ugliness of disobedience” (“qabḥ al-maʿṣiyah,” meaning in this case disobedience to God’s law on sexual matters) denounces those who give in to the passions and praises those who are ruled by the intellect and are thus drawn to that which is truly good and beautiful, which apparently does not include actual sex.51 He says proudly that he has never taken off his undergarment (miʿzar) to engage in illicit sex.52 It is possible that he added this section of the treatise mainly to deflect criticism, but in fact the only overtly sexual relationship of which he speaks with approval in the treatise is his own youthful affair with the slave-girl Nuʿm. She, assuming she was his own slave, was licit for him under Sharīʿah. Ibn Ḥazm observes social norms by limiting most of the heteroerotic liaisons he describes to those between free men and slave-girls; although a few stories mention married couples, respectable unmarried women do not appear in the Ṭawq. A slave woman was of course owned in a literal sense, and her owner was both her only legitimate sexual partner and a wali who could arrange her marriage. Still, she was not under the protection of male relatives whose honor could be violated in the same way a brother’s or father’s honor could be. Slave women were, therefore, independent operators to whom Ibn Ḥazm could assign agency as he would to a man without disturbing anyone’s sense of ghayrah.

The author’s own attachments to men seem to have been erotic but not sexual, and, as was discussed above, he condemns relationships between men that become sexual. Ibn Ḥazm’s other writings show that his legal position on sex between men is more forgiving than that of most jurists, who consider homosexuality to be form of zināʿ and decree that practitioners should be stoned to death. Ibn Ḥazm’s conclusion in his legal writing is that sex between two men is a grave crime but not zināʿ, and that it should not carry a mandatory death sentence; it can be punished according to the discretion of a qāḍī, possibly by lashing.53 Still, his position is hardly an endorsement of homosexuality. In light of the full range of his writings, it seems reasonable to take Ibn Ḥazm’s word for it that he kept his underwear on and did not write his treatise to condone sex outside the confines of Sharīʿah. What is significant about the Ṭawq al-ḥamāmah is not that it argues for sexual liberty but that it has a capacious vision of love, in which the gender of those who love and are loved is not of primary importance.
The Andalusī poetry of the period—as opposed to the mixture of poetry and prose that makes up the Ṭawq—presents a complicated landscape. Much of the poetry associated with the Umayyad and Taifa courts is unsatisfying as a source for contemporary attitudes about gender, even in court circles, since it is based on traditional conventions of love poetry and can therefore be formulaic and emotionally distanced. The poetry of the period, however, does express, in perhaps less spontaneous ways, the same themes we saw in the Ṭawq, including the power of the beloved over the lover and the pain of being apart from the beloved. The famous “Nuniyah” (poem rhymed in the letter “n”) of Ibn Zaydūn (d. 1071), which is part of a cycle of poems that is traditionally thought to be about the Umayyad princess Walladah, is about the pain of separation. It depicts the beloved woman as a noble and exalted creature who rules over the lover; the poet refers to her as one who is without peer and who has no associate in any quality (wa-mā shūrikta fī ṣifah). The use of a verb from the root sh-r-k, the root of the word “shirk,” idolatry or the associating of something with God, suggests that the beloved is almost divine in her lover’s eyes.

Two forms of poetry that originated in al-Andalus, the muwashshaḥah and the zajal, were written for elite audiences but were probably influenced by popular Romance and vernacular Arabic songs of the region. The muwashshaḥah was written in formal Arabic but always ended with two lines in a vernacular language, either colloquial Arabic or Romance, which usually represented the speech of the beloved woman or boy. The zajal was written entirely in vernacular Arabic, often with Romance words thrown into the mix. Zajals could be quite smutty. In one poem, Ibn Quzmān (d. 1160) writes,

Hardly had I beheld that leg
And those two lively, lively eyes,
When my penis arose in my trousers like a pavilion, And made a tent of my clothes.
And since I observed that a certain ‘son of Adam’ was dilated
The chick wished to hide in the nest.
“Where are you taking that pollo [chicken, written in Romance], for an immoral purpose?”

Muwashshaḥāt were more formal than zajals but also more free-wheeling than traditional Middle Eastern poetic forms. In a homoerotic
muwashshaḥah of Ibn ‘Ubāda al-Qazzāz (active in the second half of the
eleventh century), the beloved (a boy) is described in conventional terms as
a gazelle, a full moon, and a lily:⁵⁸

I loved a new moon unique in its beauty borrowing from the gazelle
its glances and (slender) neck.
A full moon that shone in shapely proportion was proud of its
beauty, desiring no increase.
Grace had adorned him; his figure was graceful.
A full moon that conquered with evident charm, cheek down
curling over a jasmine (complexion),
A lily placed in line with a well-guarded rose; when it appeared it
(proudly) trailed the edges of beauty’s robe.

In the last two lines of the poem, however, the boy who is the object of love
speaks in colloquial Arabic to rebuff the lover’s advances, saying that the
lover will never taste the tempting morsel (qūqū). Jewish courtiers writing
in Hebrew also explored the themes of homoeroticism and homosexuality
in muwashshaḥāt.⁵⁹ One Hebrew poem by Ibn Gabirol uses language simi-
lar to Ibn ‘Ubada’s to describe the beloved boy, invoking the images of the
moon and of vegetation:

His cheeks are like apples of gold in a setting of silver, and a word
fitly spoken.
The moon is shamed when he sees the light of his cheeks, and the
sun sets in his face.
His breast is like golden pomegranates fastened with silver; would
that I could suck his pomegranates!⁶⁰

The casual inclusion of homoerotic themes provides a link between this type
of poetry and the Ṭawq. The fact that the poems are about love between
mature men and boys, however, points to a major difference, since the Ṭawq
is more concerned with love between men who are equals as friends, if not
always social equals. The difference may perhaps be explained by Ibn Ḥazm’s
personal experiences, but it also reflects his interest in portraying the sub-
jective sense of union and companionship that comes with love. Even the
muwashshaḥāt, which usually gave the beloved the last word in their final
lines, emphasized the subjectivity of the lover, but not that of the beloved.

The literature of love produced in court circles may not record widely
accepted gender norms. It does, however, suggest that relationships between men and women, or men and men (or boys), could be seen in ways that had little to do with duty or the maintenance of social structure, and everything to do with private pleasure and intimacy.

**GENDER IN SUFI TEXTS**

Mystical texts, although they are obviously religious in nature, demonstrate a view of religion, and of gender, that is distinct from that of Islamic law. Where Sharī‘ah addresses gender in the context of how the family and society should function, Sufi texts use gender as a metaphor, either to express the intense relationship of the Sufi with God or to describe the nature of God or the cosmos. Poetry using the metaphor of erotic love to depict the bond between the mystic and his or her beloved God, like that of Jalāl al-Dīn Rūmī, has not survived in the Andalusī tradition. We do, however, have a body of writing from the mystic Ibn al-‘Arabī (1165–1240), who used gender as a metaphor in his cosmological and theosophical writings.

The term “Sufism” covers a wide variety of beliefs and practices within Islam. It can refer to the practices of ascetics like Rābi‘ah of Basra, to those seeking annihilation of their individuality in God like al-Junayd, to charismatic preachers like al-Ḥallāj, or to students of theosophy and cosmology like Ibn al-‘Arabī. In the North African tradition, the term “Sufi” is synonymous with “wali,” meaning in this context a friend of God or a saint; God grants walīs the ability to perform miracles. The Sufi tradition in al-Andalus was more limited and developed later than in most other areas of the Islamic world. There were examples in the ninth and tenth centuries of men acclaimed as ascetics (zuhhād), who fasted and prayed or recited the Quran continually. Women could also be known as ascetics (zāhidāt) and Quran readers (muqri‘āt). By the second half of the tenth century, saints’ miracles, or karāmāt, were attributed to some mystics. Such claims were controversial, however, since they could be put to political use. In 901 the Umayyad Ibn al-Qīṭṭī, a descendent of the amīr Hishām I, led a movement of Nafzah Berbers in Mérida. His stated goal was jihād against Christian Zamora, but he also claimed to be the Mahdī, or messiah, and was widely believed to perform miracles; his claims made him a distinct political threat to his kinsman, the amīr ‘Abd ‘Allāh. His claim to being the Mahdī, as well as his association with a Berber movement, suggests a connection with the various messianic Shi‘ī movements in North Africa at the time. Ibn al-‘Arabī gives a lengthy
account of holy men, and holy women, in al-Andalus, suggesting that the recognition of exceptionally pious and ascetic men and women as walīs had become widespread by the late twelfth century.\textsuperscript{65}

Ibn Masarrah, whose letter mysticism was discussed in chapter 2, was a muwallad who died in 931 and was probably an important link between the earliest mystics, whose practice focused on asceticism, and Ibn al-‘Arabī, who saw mysticism as a road to understanding the structure and meaning of the universe. The foundational modern work on Ibn Masarrah is an early twentieth-century study by Miguel Asín Palacios.\textsuperscript{66} According to Asín Palacios, Ibn Masarrah drew on the works of the pseudo-Empedocles, whom Muslim philosophers placed in the tenth century BCE as a contemporary of David and Solomon, but who in fact represented late antique Neoplatonic thought. Asín Palacios argues that there are two central tenets of that Neoplatonic thought as Ibn Masarrah understood it. The first is that God created the universe by an emanation of the first substance (al-jawhar al-awwal) that was purely spiritual but became degraded and formed material reality as well, meaning that the world we see around us is a mix of the more exalted spirit and the more degraded matter. The second and related concept is the existence of a universal spirit, of which all human souls originally were part. Human beings are a mixture of that pure soul with impure matter and must struggle to purify themselves so that their souls can return to the universal soul after death. Asceticism plays a major role in purification.\textsuperscript{67} According to Asín’s account, Ibn Masarrah founded a school of legal practice or madhhab. One of its leaders, Isma’il ibn ‘Abd Allāh al-Ru’aynī, a contemporary of Ibn Ḥazm, taught that property beyond what was necessary to sustain you for a day was not truly yours, and he believed in either holding all women in the community in common or at least in mut’ah marriage, a form of temporary marriage for a set period of time that was allowed in early Islam but was later permitted only under Shī’ī law. He denied the resurrection of the body and taught that the soul is rewarded or punished immediately after death.\textsuperscript{68}

How much truth there is in Asín’s description of Ibn Masarrah is open to debate, given how inconsistent the information in the primary sources he uses actually is.\textsuperscript{69} The work of Pilar Garrido Clemente makes a good case that Ibn Masarrah was a much more conservative figure than Asín suggests. According to her research, his thought did have some Neoplatonic elements; his \textit{Risālah al-i’tibār}, or \textit{Letter of Interpretation}, for example, sees humans as beings who have descended from God into the material world, and who can, through the mystical study of scripture, ascend and return to God.\textsuperscript{70} Much of his piety seems to have been more conventional, however.\textsuperscript{71} He wrote a
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summary and commentary on *al-Mudawwanah al-kubrā*, suggesting that he saw himself as a Mālikī. During a trip to Medina, he visited the house of one of Muḥammad's wives, Maria the Copt, and took measurements of an upstairs room in which Muḥammad was said to have prayed, so that he could recreate the room when he returned to Córdoba. This last story suggests a traditional pietistic outlook—he wanted to imitate the Prophet—rather than any radical position.

Furthermore, although some of his followers were under suspicion at the end of 'Abd al-Raḥmān III’s reign, Ibn Masarrah himself was never accused of impropriety during his lifetime. Ibn Ḥazm did later accuse him of being a Muʿtazili. Muʿtazilism was a movement in ninth-century urban Islam, centering in Baghdad, which held that logic and rational argumentation based on Greek models had a legitimate place in theology and that God had created human beings with extensive free will and responsibility for their actions. In al-Andalus, however, the term was used more broadly to mean something like “free-thinker.” While it would not quite be fair to say that Ibn Ḥazm classified anyone who disagreed with him as a Muʿtazili, he did use the term in a general way to describe Muslims who were more open to the use of speculative theology than he was, which meant virtually everyone with an interest in that field. The accusations against al-Ruʿaynī—that he believed in communal property and the sharing of women—are standard accusations against communities deemed heretical, and they are leveled at such communities in both the Islamic and Christian traditions. It does seem likely, though, that Ibn Masarrah practiced asceticism and imitation of Muḥammad’s actions, and that he believed a mixture of meditation and rational thought could lead to knowledge of God and the universe.

Ibn Masarrah's interests represent a bridge between the ascetics and miracle workers of the ninth and tenth centuries and the most famous Sufi scholar of al-Andalus, Ibn al-ʿArabī (1165–1240). Ibn al-ʿArabī wrote about the holy people with whom he associated, but most of his writing can be classified as theosophy. In developing his ideas, he often used images of gender, and specifically images of the male and female body. He saw both as sacred and as corresponding to various aspects of the divine; the male body in particular he associated with language.

There is an argument against including Ibn al-ʿArabī in this study since he lived so much later than the Umayyad period, but his views on gender provide a particularly interesting contrast with Shari‘ah. In the first place, he recognized the authority of women mystics and the importance of religious education for women. Additionally, in his mystical texts, he presents
gender as complementary, at least on the symbolic level; the male and the female principles are both essential parts of the cosmos. What, if anything, his theoretical ideas about gender or his warm regard for women mystics tells us about the period of this study is admittedly debatable. His ideas may represent a continuation of mystical ideas and practices that go back to Umayyad times but are poorly documented for that period. His views of gender, and the presence of women Sufis in al-Andalus, could also point to a later development of women’s mysticism that opened up at least some spiritual paths to women well after the Umayyad period. In any event, I present an analysis of his work here to suggest another possible way in which Andalusis understood gender.

Ibn al-‘Arabī refers to God as al-wujūd, that which exists, or al-haqq, the real; nothing else truly exists or has reality. Before the creation of the cosmos, al-wujūd existed as a completely self-contained being. It longed, however, to express itself, and it did so with speech. Al-wujūd spoke its names, which denote its multiple attributes: the Merciful, the Compassionate, the Wrathful, the Destroyer, the Victorious. As God spoke his names, the cosmos came into being. Before that act of speech the names were undifferentiated and contained within the divine being, but as God spoke the names emanated outward and became differentiated, thus creating the diversity of the created world. The universe was created because of God’s desire to express his nature, and it is supported by a network of his words. Ibn al-‘Arabī illustrates this concept of words as an active force in the cosmos in a story he tells about one of his teachers, a woman in her nineties, who could use the words from the first chapter of the Quran as a charm. For her the words became an active presence, like a daemon or jinnī that could do her bidding. In one case, in order to help a woman whose husband had deserted her, she sent the words after the errant husband, and they physically forced him to return home.

Ibn al-‘Arabī develops this idea of language as the basis of creation when he discusses the image of the pen (qalam) and tablet (lawḥ). The pen and tablet are images that appear in the Quran in the context of God’s revelation of the Quran to human beings. Quran 68:1, for example, talks about an archetypal pen of revelation, and 85:22 describes the Quran as inscribed on a tablet. In both cases the image is of revelation coming specifically through the written word, as something God writes. Ibn al-‘Arabī takes this image of writing much farther and connects God’s inscribing of words as the actual process of creation, not just of the Quran, but of everything. The pen, which Ibn al-‘Arabī equates with intellect, was the first thing God created; the tab-
let emerged out of the pen as an emanation. God spoke to the pen, which then wrote God’s words on the tablet, thus bringing the cosmos into being; it inscribed on the tablet “everything that was and that is and that will be and that is not but could have been had God willed it.” The pen and the tablet are gendered in Ibn al-‘Arabī’s thought; the active pen is masculine, while the passive tablet on which it writes is feminine. More specifically, they are related to the male and female body, corresponding to the penis and the womb respectively. Pen and tablet undergo a marriage, and the signs the pen places on the tablet are like semen deposited in the womb.

This image of insemination suggests the sacredness of the human body and of sexuality as a symbol of God’s creative act. And indeed in the final chapter of his Bezels of Wisdom, Ibn al-‘Arabī discusses the symbolism of relations between men and women. He first sets up a correspondence between God’s love for his creation and a man’s love for a woman. The intense desire of God’s names to express themselves led to his creation of the cosmos; his love and desire drew him to abandon his perfect unity and create, by speaking his names, the fragmentation and variety of the world. In the same way, women draw men away from their intellectual and spiritual life and into the world of physical life and change.

He then sets up a second correspondence between God’s love for human beings and man’s love for woman. Just as man was created out of God, woman was created out of man; a man is drawn to a woman because the whole is always drawn to one of its parts, as God is drawn to man. Contemplating women, who are below men and created from them, can benefit men spiritually because it reminds them of their own servitude and incompleteness in relationship to God. Finally, he argues that man stands in the same relationship to woman as God does to nature. God created the cosmos by injecting his works into the formless void of nature. In the same way man initiates creation by injecting his seed into woman.

The relationships among, and distinctions between, men and women, God and man, and God and nature are symbolically present in the pen and tablet. The pen is a symbol of God’s unity; it contains latent versions of the cosmos’ diversity, but that diversity only manifests itself when the pen writes on the tablet. The pen’s unity is similar to a man’s integrity, while the tablet’s multiplicity is echoed in a woman’s place in the natural world of change and variety. In addition, the female tablet is passive and its existence and meaning are dependent on the active male pen; the tablet is an emanation of the pen, just as Eve is an emanation of Adam on the physical plane.

Ibn al-‘Arabī’s understanding of the feminine in some ways parallels that
of the jurists. Women are below men in the hierarchy of creation and stand in relation to men as men stand in relation to God. In addition, the feminine is passive by nature; for Ibn al-ʿArabī the feminine is without form or meaning until the masculine writes meaning into it, while for the jurists women are (mostly) passive in their social and sexual relationships with men: “The man is the one who marries, the one who takes a concubine, and the woman is the one who is married, who is taken as a concubine.”

In other respects, Ibn al-ʿArabī presents a very different idea of gender relations. His writing shows us women who are admirable teachers and ascetics, as advanced in their spirituality as men. In his more abstract theosophical works, masculine and feminine exist in a hierarchy, but also as essences that complement and complete each other. The masculine may be superior to the feminine, but it also longs for the feminine and has no way of completing its process of self-expression without her. In many respects, Ibn al-ʿArabī’s masculine and feminine principles have more in common with the lovers in the Ṭawq al-ḥamāmah than with the husbands and wives described by jurists.

No literary, mystical, or legal work from al-Andalus shows a modern belief in equality of the sexes; all sources see at least some elements of hierarchy between men and women, and all differentiate between the roles of men and women and the meaning of masculinity and femininity. Looking at a variety of sources, however, allows us to see a range of attitudes toward masculinity and femininity. The legal materials envisage strict social roles for men and women and place men and women largely in the relationship of guardian to ward. Poetic and literary sources show a more flexible attitude toward gender, emphasizing the mutual dependence of the sexes and the potential for women to share men’s virtues. Those sources also suggest the possibility of love and sexuality between men, clearly not a part of Islamic legal thought. Finally, mysticism emphasizes the complementary relationship between the masculine and the feminine as much as their hierarchical relationship.