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'Ishq

Love in Islamic context

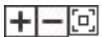


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Is love a form of rebellion?

"I am a subject, and I challenge the law". This Peter Haidu wrote, in exergo, at the beginning of his *Medieval/Modern* (Stanford UP, 2004). This statement may well epitomize the many ways Islamic medieval culture developed the notion of 'ishq, the word that in Arabic means passionate love. Indeed, the topic of love is treated first of all by poetry, then by the theorists of love, as a human experience of conflict between desire and Law. Actually we have on one hand, in Arabic classical love poetry, the disrupting role of love against social rules, and its declaration of an intrinsic (often ostentatious) antinomianism. On the other hand we have a love theory that seems to reveal the powerful and dramatic will to impose on itself an ethical system, enabling the lover to claim his compliance with the Law.

This point of contact and conflict between nature and culture, desire and social order, seems to arouse a particular insight on suffering, that inserts the social livability of love in the literary canon and helps it face its condition: whether it proudly claims its will to stay out of the Law, or it submits its legitimacy and legality to an hermeneutic of Law, this twofold discourse on love (common to mystics) is able to provide a meaning and a form of recognition.

In the past, behind the shifting manners in which subjects asked their questions, we can find forms of desire that always tend to voice their claim for legitimacy and legitimization. Post-modern thought started

its own criticism based on the Hegelian handling of the notion of desire, in order to verify its compatibility with the (alleged) universality of norm and ethics, and it critically highlighted the ethical violence exerted by the Hegelian notion of universality, with its normative status, when it projects itself onto the social dimension (J. Butler, *Subjects of desire. Hegelian Reflections in Twentieth-Century France*, New York, Columbia UP, 1999; Ead., *Giving an Account of Oneself*, New York, Fordham UP, 2005).

Observed through the lens of interpretive tools provided by post-modern criticism, Arabic medieval culture of love might be seen as a phenomenon of an emerging subjectivity whose ethical consciousness realizes that its own truth (led by its own nature) is a challenge to society: the truth of love is based upon a desire that belongs to the human sphere, but it is compelled to confront the unlawfulness of its implementation. Actually, unlike other expressions of love that were explicitly and willingly 'outlawed' (it is sufficient to remember the antinomian poetics of Abū Nuwās and his school), medieval love theories demand a recognition of their concept of love, that is capable of discussing, against jurisprudence, both the unlawful feature of love as well as its allegedly disruptive role in the social body: the long controversy against them sponsored by Hanbali scholars up until the XVII century shows how relevant the debate was (J. N. Bell, *Love Theory in Later Hanbalite Islam*, Albany, State University of New York Press, 1979). The status of unlawfulness assigned to passionate love by the normative culture of Islamic Middle Ages lies essentially in the fact that, as it is conceived and praised by love poetry, it is an experience outside of the matrimony. A fruitful contribution to the understanding of such a status comes from an anthropological approach to adultery (*zinā'*) (as proposed by M. H. Benkheira, *L'amour de la Loi. Essai sur la normativité en Islam*, (Paris, PUF, 1997, pp. 269 ff.).

The idea that love was a peculiar form of rebellion looks sustainable as so far as some of the dynamics featured in the minority claims — recognition, assumption of responsibility, negotiation, as illustrated by post-modern critical thought — emerge from the way Arabic love culture draws the boundaries and limits, of its ethical discourse in relation to the normativity (that is, in turn, essentially constructed within the juridical sphere). Particularly in regards to responsibility and negotiation, as well as the conditions according to which minorities are allowed to access the sphere of the human, they shed a light on the historical conditions that are capable of establishing the social construction of subjectivity, and they highlight the processes by which the subject becomes intelligible to itself (Butler, *Giving an Account of Oneself*) — all these factors seem to be relevant components of the Arabic love discourse and its intrinsic tragedy. These factors, beginning from their initial, mimetic expressions, increasingly take the shape of a criticism and of a legitimacy claim.

Normativity always demands an assumption of ethical responsibility to those who, as bearers of difference, look for recognition within the norm; such an assumption is unfolded along a double level of purpose: on one hand, it is a practice by which individuals fix their attention on themselves, in order to interpret and declare themselves as subjects of desire, and finally carry out a form of self-knowledge capable of discovering through desire the truth about themselves (M. Foucault, *L'usage des plaisirs*, Paris, Gallimard, 1984, p. 12). Such self-consciousness is connected, as certain reflections by Michel Foucault allow us to grasp (*L'herméneutique du sujet. Cours au Collège de France 1981-1982*, Paris, Gallimard, 2001, p. 26), to an ancient tradition of self-care that is the most generalized form of spirituality. On the other hand, suffering until death — a recurrent topic in the love discourse, as we shall see — is the testimony of a truth asserted by him who firmly wants to stay within the boundaries of the Law, out of a form of love for the Law.

Such a testimony seems to be answering a classical Foucauldian question: what price must the subject pay for telling the truth about himself? In other words: what price has to be paid by love in order to negotiate recognition for its lawfulness — as we shall see, against medicine that makes it pathological, against ethics that banishes it from the politics of sentiments, against a majority juridical thought that defines it as illegal and asocial —? If it is true, as Judith Butler wrote, that “the forms of rationality by which we make ourselves intelligible, by which we know ourselves and offer ourselves to others, are established historically, and at a price” (*Giving an Account of Oneself*, p. 121), probably the very origin of the question must be placed within the juridical sphere, along with the specific *ẓahirī*, literalist interest in love as a consistent part of an issue that historically revolves around Law, lawfulness and hermeneutics; an interest that has long endured, from Ibn Dāwūd al-Iṣfahānī’s IX century Baghdad to Ibn Ḥazm’s XII century Andalusia.

We can imagine from what distance Islamic love culture set forth its own theories, which we can interpret either as a theory on self knowledge, and a practice aiming at challenging an order of rationality that established access and participation to the human sphere. As far as it speaks about the rational soul, or about the subject’s juridical responsibility, poets, poetesses and theorists of love speak about nature, “since loving him is a nature of my soul” (*ḥubbay-hi ṭab‘un li-nafsī*). Ibn Dāwūd al-Iṣfahānī — author of the *Kitāb al-Zahra* (Book of the Flower), a poetry anthology with a commentary that is the first attempt to turn the literary experience of love into a real theory — attributes this verse to a contemporary, but no doubt it is his own (Ibn Dāwūd al-Iṣfahānī, *Kitāb al-Zahra*, The First Half, ed. A. R. Nykl, I. Tuqan, Chicago UP, 1932, p. 15).

The founding themes of love theory

Gustav E. von Grunebaum noticed the meaningful coincidence that the two major theoreticians of Arabic love — Ibn Dāwūd al-Iṣfahānī (d. 909) and Ibn Ḥazm (d. 1064) — both belonged to the *Ẓāhirī* juridical school. We must also consider a third distinguished member: Ibn ‘Arabī, d. 1240) (“Avicenna’s *Risala fi’l-‘ishq* and Courtly Love”, in *Journal of the Near Eastern Studies* 9, 1952, pp. 233-238). Both authors consider passionate love legitimate, even if constrained by renunciation and chastity, according to the rules of courtly love. A. J. Denomy, in *The Heresy of Courtly Love* (New York, McMullen Company, 1947), affirmed that Western courtly love could have been influenced by Avicenna’s *Treatise on Love*. Grunebaum highlights the absolute lack of references to this work in Ibn Hazm’s *Ring of the Dove*. The Austrian scholar states (“as far as we can judge at this moment”) that the Andalusian concept of love similar in many ways to the one of Iraq courtly love, could be better explained with the transmission of Zahirism.

The opening chapter of *The Ring of the Dove*, dedicated to the essence of love, is profoundly infused with a philosophical view of love, as shown in the powerful image of Aristophanes’ myth of the spherical creatures cut into two halves, each one destined to be longing for the other half. Ibn Hazm reformulates the myth in disagreement with Ibn Dāwūd (*The Ring of the Dove*, translated by A. J. Arberry, London: Luzac & Co., 1953, p. 13):

Personally I consider Love a conjunction between scattered parts of souls, that have been divided in this physical universe, a union effected within the substance for their original sublime element. I do not share Muḥammad ibn Dāwūd’s view — God have mercy on his soul! — when he follows certain philosophers that declare that spirits are segmented spheres; rather I suppose their vital forces have an affinity in the supernal world. It is their everlasting home, and a close approximation of their constitution.

Ibn Dāwūd was a member of al-Kindī's intellectual circle. Considering that al-Kindī was his teacher, perhaps he was Ibn Dāwūd's source for the myth of the spherical creature from Plato's *Symposium* (A. L. Giffen, *Theory of Profane Love Among the Arabs. The Development of a Genre*, New York UP, 1971, pp. 6, 65; D. Gutas, "Plato's *Symposium* in the Arabic Tradition", in *Oriens* 31, 1988, pp. 48-49; G. Endress, "The Circle of al-Kindī", in G. Endress, R. Kruk (eds.), *The Ancient Tradition in Christian and Islamic Hellenism*, Leiden, Research School CNWS, 1997, pp. 43-76). Actually, as Dimitri Gutas has shown, Plato's passage appears for the first time translated in Arabic in a lost treatise by al-Kindī, most likely a summary of the *Symposium*. Biographers of the first Arab philosopher entitle this treatise *Fī sabab ijtimā' al-falāsifa 'alā al-rumūz al-'ishqiyya* (Philosophers' Agreement on Love Allegories) ("Plato's *Symposium*", pp. 37-39). In such a cultural context, Ibn Dāwūd might have come in contact with an earlier philosophical approach to the question of love; more precisely, he came in contact with an ancient stream of thought that made him capable of philosophically assessing the issue of passionate love and its nature. It seems that he is the first one to contextualize excerpts from an alien wisdom— the opinions of ancient Greek thinkers (Giffen, op. cit., 12; J.-C. Vadet, *L'esprit courtois en Orient dans les cinq premiers siècles de l'Hégire*, Damas, Institut Français de Damas, 1956, pp. 273-ff; W. Raven, *Ibn Dāwūd al-Iṣbahānī and his Kitāb al-Zahra*, Amsterdam: s. n., 1989, 58 ff.) — within the specific outcome of Islamic culture of his time, according to which love is the highest expression of relations between sexes, and its source is Arabic poetry. He comprehends this thought from the past through comparison and analogy with the cultural (modern, to him) features of his own time.

In fact, in his *Book of the Flower*, Ibn Dāwūd juxtaposes different ideas: the prophetic tradition of the mutual attraction of souls by affinity; Aristophanes' myth of the spherical creatures cut in two halves; a fragment from Plato's *Phaedrus* where love is a divine madness (*junūn ilāhī*) neither praiseworthy nor blameworthy, therefore morally neutral; and finally a renowned poem by Jamīl on the union between the souls of the poet and his beloved before they were born (*Kitāb al-Zahra*, pp. 14-15; Raven, op. cit., pp.102-104). Which is the contact point of these three different bodies of knowledge — a religious assertion, Greek wisdom and poetry — where each one of them converges into the idea of mutual attraction of the souls? And does the jurist Ibn Dāwūd build his legal foundation of love on this idea? They converge on a concept that underpins the entire Arabic love culture — nature (*ṭabī'a*), and the subsequent concept of love as the effect of a natural affinity (*mushākala ṭabī'iyya*) of souls that resemble each other. The influence of Aristophanes' myth is recurrent in love representations, like the one evoked in a famous, although fictional, symposium at the Barmakid court as reported by al-Mas'ūdī, where the topics of a late 8th century banquet discussing on love are deduced from love poetry of the 9th-10th centuries (J. S. Meisami, "Mas'ūdī on Love and the Fall of the Barmakids", in *Journal of the Royal Asiatic Society*, n.s. 2, 1989, pp. 252-77). Thanks to the notion of 'nature of love' (*ṭabī'at al-'ishq*), the understanding of love as provided by poets (pertaining to Arab sciences) is therefore compared with the cognitive data that comes from Greek wisdom (the foreign science, or the science of the Ancients). The quest for an etymological truth enclosed in the word *ṭabī'a* (*physis*) must have led Ibn Dāwūd, as a literalist, to conceive such a parallel as possible. Knowledge could be deduced from philology (his own modern linguistic reasoning), ancient reason (a mythical reason), and revealed reason (depending on prophetic wisdom). We shall return to this point later.

With his tragic destiny marked by love and death, through which real life embodied a literary model, Ibn Dāwūd became a paradigm for Arabic love culture. With him, we have a change (or, at least, it has been

credited), the passing from a desert dimension to an urban one, of the cultural myth of 'udhrī love and its literary themes (S. Leder, "The 'Udhri Narrative in Arabic Literature", in F. Pannewick (ed.), *Martyrdom in Literature. Visions of Death and Meaningful Suffering in Europe and the Middle East from Antiquity to Modernity*, Wiesbaden: Reichert Verlag 2001, pp. 163-87). This has been generally neglected by scholarship: whereas ancient, romantic and desperate love openly challenged common ethics and social conventions, fighting them to death. The urban concept of love — reverberating from courtly literary circles onto the city and its social spaces — claims at first an ethical recognition, and then a full recognition of its lawfulness finding its final accomplishment in death within the norm, within the Law. This is why Ibn Dāwūd approaches suffering of lovers to the redemptive power of jihād (here intended as a discipline of passion, and a higher expression of spirituality), basing his statement on a prophetic tradition.

As it is well-known, this *ḥadīth* is mentioned for the first time in Ibn Dāwūd's *Book of the Flower*: "He who loves passionately, remains chaste, and conceals his love, and then dies, dies as a martyr (shahīd)" (*Kitāb al-Zahra*, pp. 66; Raven, op. cit., pp. 13-15) This tradition, at the beginning of chapter eight devoted to chastity, is considered the hallmark of the courtly lover (*ẓarīf*). It spread extraordinarily both in courtly cultural traditions and in legal (especially from the Hanbali school) literature on the 'critique of passion' (*dhamm al-hawā'*), the latter eager to argue against its reliability. The severe criticism of this tradition soon became a relevant aspect in the long history of Hanbali controversies against (extra-marital) love (Bell, op. cit., pp. 107-109), and particularly against the Zāhirī school (B. Gruendler, "'Pardon Those Who Love Passionately'. A Theologian's Endorsement of Shahadat al-'Ishq", in Pannewick (ed.), *Martyrdom in Literature*, op. cit., pp. 189-236, reference to pp. 192-93; S. Leder, *Ibn al-Ġawzi und seine Kompilation wider die Leidenschaft: der Traditionalist in gelechter Überlieferung und originärer Lehre*, Beirut-Wiesbaden, Franz Steiner Verlag, 1984, pp. 271-76)

Nevertheless, after Ibn Dāwūd's death by consumption, this tradition would reverberate onto his destiny: as a tribute, these words were attributed to him, pronounced just before he died with the claim of the lawfulness of his love, not requited, for Muḥammad ibn Jami' al-Ṣaydalānī (*Kitāb al-Zahra*, pp. 66; Raven, op. cit., 53-56).

Love, knowledge and nature

In the 9th and 10th century, the topic of love verifies the compatibility between different bodies of knowledge — on one hand Arabic sciences, on the other the new forms of knowledge that were introduced in the epistemological horizon of urban Islam by the large-scale phenomenon of translations from Greek into Arabic. The most famous example in literature of such encounter is, as previously noted, the banquet evoked by al-Mas'ūdī, where a debate on love is a somehow enigmatic digression, a reflection — paradigmatic in Islamic historiography dedicated to the rise and fall of the Barmakids — on the dangerous relationship between love and political affairs (J. Dakhliā, *L'empire des passions. L'arbitraire politique en Islam*, Paris, Aubier, 2005). Another literary representation of such an encounter (or yet conflict) — behind which we can detect an allegory of the confrontation between juridical reason versus philosophical and mystical reason — comes down to us from Abū Ḥasan al-Daylamī, a 10th century source: during a banquet at the court of the Caliph al-Ma'mūn, guests are invited to discuss about love. Thumāma ibn Ashras, a mutazilite theologian, addresses the jurist, Yaḥyā ibn Akhtam, with this meaningful remark: "Your task is supposed to be concerned with divorce, or with purity of pilgrims. It seems to me that this [e.g., the definition of the nature of love] instead is our job, (*fa-amma ḥādḥā fa-ṣinā'atunā*)" (al-

Daylamī, *Kitāb al-‘atf al-alīf al-ma’lūf ‘alā al-lām al-ma’lūf*, ed. J-C. Vadet, Cairo, Imprimerie de l’Institut Français d’Archéologie Orientale, 1962, p. 31).

This very short passage could be considered the prelude to a long historical dispute: the theologian, familiar with the *philosophia naturalis* of Greek antiquity (or, at least, its first excerpts), is questioning the presence of a jurist, his taking part to a similar discussion. As we have already seen, the contact point shared by these different epistemic approaches (including the juridical one, that defines the range between illicit and licit according to an implicit distinction between nature and culture) is the concept of nature/*physis*/*ṭabī‘a*.

The word *physis* first enters the Arabic philosophical dictionary translated as *kiyān* (from Syriac *kiyōnō*), connected to the semantic field of the root *k-w-n*, expressing the state of being and of existing per se (P. Thillet, “La formation du vocabulaire philosophique arabe”, in D. Jacquart (éd.), *La formation du vocabulaire scientifique et intellectuel dans le monde arabe*, Turnhout, Brepols, 1994, pp. 43 ff.) The word was soon replaced by the more effective term *ṭabī‘a*, that maintains the etymological sense of imprint, mark, inner disposition, character. Both terms maintain not only a semantic relationship with what is by birth, but also a psychological reference to the individual nature of each being. Unlike *kiyān*, however, the etymological sense of *ṭabī‘a* better expresses, in Arabic, the idea that all beings, once born, fulfill their nature according to their character and it is immanent to each.

According to an old scholarly attitude, the prevalence of the term *ṭabī‘a* would have had a major impact only in the fields of philosophy and Aristotelian physics (e. g. L. Massignon, “La Nature dans la pensée islamique”, in *Eranus Jahrbuch* 14, 1964, pp. 136-84; G. Anawati, “La philosophie de la nature chez les penseurs musulmans au Moyen Âge”, in Id., *Études de philosophie musulman*, Paris, Vrin, 1974, pp. 93-115). Actually, the concepts originally formulated in Greek, when re-thought by Arabic translators, also had an influence on theologians and jurists. In fact Ibn Dāwūd, a jurist, proves that he acknowledges the semantic range of the word *ṭabī‘a*, and its capacity to define a faculty, an attribute of the human soul exactly like it is when it was born, that is to say exactly like it was created. This term seems to be the keyword of his introduction to the Book of the Flower; the cognitive nexus between love and knowledge seems to revolve around this term, and it was explicit from the very beginning of the book (*Kitāb al-Zahra*, p. 5):

I do not state that love (*‘ishq*) is something that happens in an inescapable way, otherwise I ought to admit that it’s not me and my will that choose it. Nor I argue that I make sure that love happens to me, as if it were an acquisition for my own benefit, otherwise I would be a liar, and would deny that it belongs to my nature (*ṭabī‘i*).

Although he is far from a strict legal treatment, and considering the declared purpose of his book (“to speak about what is caused by resemblance [between souls] (*mushākala*), and determined by the meeting of those complementary natures (*al-ṭabā‘i’ al-muta‘ādila*)”) (*ibid.*) which introduces a physical theory of love supported by the convergence of different bodies of knowledge, Ibn Dāwūd is perhaps asking a question about moral responsibility, that should be read in accordance with, as we have noted before, an inner sense of Plato’s fragment on love: love is beyond any moral consideration.

The boundaries of a legitimate passionate love

In the 9th century, love as a speculative issue undergoes an ethical and juridical development. Since Hellmut Ritter dated the genesis of an Arabic scholarly treatment of love (“Philologika VII. Arabische und

persische Schriften über die profane und mystische Liebe", in *Der Islam*, 21, 1933, pp. 84-109), scholarship considers al-Jāḥiẓ (d. 868) the first author concerned with the issue. According to Anita Lois Giffen (op. cit., pp. 3-4), the *Epistle on the Singing Girl* is a polemical reply addressed to sectors of Sunni orthodoxy that considered certain aspects of Abbasid society of the time immoral: the presence of singing girls, with their seductive power, in male public spaces. Recent scholarship dealing with another treatise by the same author, the *Epistle on love and women*, highlights indeed al-Jāḥiẓ's male point of view when he describes the boundaries of a social space. They were substantially oriented towards homosociality, where women are physically and subjectively absent (A. Cheick Moussa, "La négation d'Eros ou le 'ishq d'après deux épîtres d' al-Jāḥiẓ", in *Studia Islamica*, 72, 1990, pp. 71-119; M. S. Gordon, "Yearning and Disquiet: Al- Jāḥiẓ and the Risālat al-Qiyān", in A. Heinemann et al. (eds), *Al-Jāḥiẓ: A Muslim Humanist for our Time*, Würzburg-Beirut, Ergon Verlag 2009, pp. 253-68; K. Heitty, "The Contrasting Spheres of Free Women and Jawārī in the Literary Life of the Early Abbasid Caliphate", in *al-Masāq* 3, 1990, pp. 31-51). Coherent with a lexicographic and discursive practice that, during the 9th century, begins to underpin the vocabulary of love phenomenology, and that would accompany the development of a profane love theory, al-Jāḥiẓ, in his *Epistle on love and women*, distinguishes between *ḥubb* (*phylia*, as well as *agape*) — the appropriate measure of love, balanced and endorsed by marital relationship — and *'ishq* (eros): the latter, being an excess of the former, is dangerous for (male) physical and emotional stability; in trespassing the limits of legitimate relations, it compromises the (male) capacity to correctly interact with women.

In this formative period, the transmission of literary material and documents specifically related to prophetic traditions is not yet separated in the rigid organization of fields of competence. A meaningful example of this is provided by al-Kharā'itī (d. 938). He is the first Ḥanbalī jurist to set forth, with his work entitled *I'tilāl al-qulūb* ('The Malady of Hearts'), a 'soft' (so to say) approach to love, marked by mercy and indulgence. His material is quite heterogeneous: *adab* literature, *akhbār*, *ḥadīths* collected and transmitted by traditionists. Such heterogeneity and cross-contacts between fields of knowledge simply reflect the cultural practices of the time (J.-C. Vadet, "Littérature courtoise et transmission du ḥadīth", in *Arabica* 7, 1960, pp. 140-66; Gruendler, op. cit.). In studying the chains of transmitters whom al-Kharā'itī drew upon, Jean-Claude Vadet identifies a double parallel process: on one hand, the elaboration of the written corpus of prophetic traditions; on the other hand, the spreading of a love culture praised by a specific "social group" (*ẓurafā'*) (cfr. M. F. Ghazi, "Un groupe social: les Raffinés (*zurafa'*)", in *Studia Islamica* 11, 1959, pp. 39-71), whose common paradigm was the concept of love as a factor of refinement and ennoblement of character. The life style of this group, as well as their behavioral code, had turned into a theory by Ibn Dāwūd and al-Washshā' (we'll speak about him later), both contemporaries of al-Kharā'itī. For the first time, in al-Kharā'itī's work, all this material found its place in a legally oriented framework, conceived as a response to a love culture that considered death not as an extreme escape from an oppressive social pressure (as for the *'udhri* style), but rather as an extreme adherence to the ethical and religious order.

Al-Kharā'itī seems to be close to medical literature, and to the medical approach to the issue of love, considering it as belonging to the field of physical diseases. Actually, al-Kharā'itī has a specific attention to love suffering — from physical illness, to melancholy, all the way up to death — that is always recorded in his source material when treating unhappy love stories. Probably, such a level of suffering may have constituted a tangible social data. Distant from the subsequent critical attitude towards passion that his

own juridical school would develop in a specific literary genre (*dhamm al-hawā'*), this author considers Ibn Dāwūd's *ḥadīth* on martyrs of love and its chain of transmitters reliable. According to al-Kharā'itī, martyrdom for love makes this love, otherwise unlawful, honorable – always in the range of meanings that, as al-Jāḥiẓ outlined, were used to relegate passionate love (*'ishq*, not *ḥubb or maḥabba*) beyond the edges of what is lawful. In other words, he acknowledges the moral value of such a death — although without admitting that passionate love in itself might represent a virtue. He considers love an unavoidable force, and whoever is a victim of love is not responsible for his behavior: this is a very indulgent opinion, even if it is legally relevant (Gruendler, op. cit., pp. 209-10).

Despite al-Kharā'itī's declared sense of compassion, it is an external point of view, not at all concerned with the cultural and social phenomenon observed. The four chapters he dedicates to adultery and to the unlawfulness of love outside of marriage recall the boundaries in which courtly love sets up its ambiguous rebellion (Vadet, "Littérature courtoise", pp.157-59).

The philosophical and ethical approach

Whether love is a virtue *per se*, and may have the power of ennobling human beings, an apparent distance separates philosophical statements from the ones coming from jurisprudence. Avicenna — as well as the Ikhwān al-Ṣafā' — identifies in love (*'ishq*) a propulsive and dynamic force that holds the whole universe; through desire it drives and elevates the soul (the vegetative, the animal and the rational). In doing so, love awakens the soul to self-consciousness; therefore, according to Avicennian psychology, when it affects the animal level of the soul and raises it to a rational one, love becomes an instrument of self-knowledge. In this act of self-knowledge, the soul receives the otherness of love along a cognitive path that leads from sensitive perception to rational consciousness of metaphysical beauty (Ibn Sīnā, "A Treatise on Love by Ibn Sina", transl. by Emil L. Fakhenheim, in *Medieval Studies* 7, 1945, pp. 208-28; cfr. F. Rundgren "Avicenna on Love. Studies on the *Risāla fi Māhiyat al-'iṣq*", in *Orientalia Suecana*, 27-28, 1978-79, pp. 42-62; J. N. Bell, "Avicenna's 'Treatise on Love' and the Nonphilosophical Muslim Tradition", in *Der Islam* 58, 1969, pp. 73-89). According to the Avicennian consonance (slightly predictable) between philosophy and Law, when love leads the rational soul, with its attractive force, towards the other, it drives man (the male subject) towards a legitimate union in order to satisfy a yearning typical of the human species, reproduction. This is possible only within the boundaries of marriage ("Treatise on Love", p. 222). Avicenna's statement is legally oriented. Well-known is the distinction developed by Islamic classical jurisprudence between licit or illicit unions on one hand (blood relationship, extra-marital relationship), and possible or impossible unions (homosexuality, bestiality; the latter is *per se* illicit) on the other (cfr. Benkheira, op. cit., pp. 273 ff.) Legitimate unions are an intermediate category between possible and impossible unions. According to Benkheira, jurisprudence doesn't unequivocally define the conditions that determine if unions are possible or impossible, leaving them suspended in a vagueness that renders the inclusion of homosexuality within the boundaries of adultery (because of its being a sexual behavior out of marriage) a highly questionable issue. In such a notion of possibility, is there a reference to data belonging to nature, or belonging to an extra-judicial moral? It might be that juridical reason interacts with ethical normativity in defining, not only the relations between sexes, but also gendered sexual relations between individuals.

What is the reason of Avicenna's juridical concern in his treatise on love? There is an evident distance from the literary culture of love (as expressed, e.g., by the Zāhirī Ibn Ḥazm) and its views on love and

desire, where one can observe the absolute disregard of gender orientation in the phenomenology of love (cfr. L. Crompton, "Male Love and Islamic Law in Arab Spain", in Murray, Roscoe (eds.), *Islamic Homosexualities*, 142-57; for an example of the *zāhirī* method in jurisprudence see C. Adang, "Ibn Ḥazm on Homosexuality. A Case-study of Zāhirī Legal Methodology", in *al-Qanṭara* 24, 2003, pp. 5-31). Indeed, Avicenna seems close to heterosexual exclusiveness of love as was established, later, in Western Christendom, by Andreas Capellanus' *De Amore*. There is a detail, in Avicenna's introduction to his epistle on love, that modern readers never questioned: in the dedication, a lawyer (*faqīh*) is explicitly mentioned ("Treatise on Love", p. 211), and it is very likely that the epistle was written in response to the demand of a jurist, in a period in which love began to arouse juridical concerns and anxieties.

It is nevertheless noteworthy that, according to Avicenna, love, in order to be considered as ennobling the soul, had to overcome the physical dimension of its object (depending mainly on the sensitive perception), and eventually tend towards the true knowledge (depending on intellect) of beauty, that is placed beyond the physical object that arouses love. Even before the mystical direction that would be a feature of Islamic and Christian visions of love, between the 10th and the 11th century love had to develop its right of citizenship, in order to be declared a mystic of love, socially visible and socially sustainable, capable of opposing the ethical violence that denied its moral value. The philosophical appropriation of the love issue, in fact, tends to shift the object of love towards a transcendental goal; accessing transcendence is not allowed to women, since women and the female body are felt to be an obstacle in the achievement of the very object of love, that is, the knowledge of God. This spiritualizing turn (although not properly mystical), that denies that women are subjects of love, would condemn them to be a mere screen of a higher beauty, and removes them from the nexus between love and knowledge, considering them an obstacle to the 'true' goal, the transcendent one towards which love must tend to, in order to be recognized as a subject of self-knowledge.

Another evidence of this denial of the dignity of human love comes from Miskawayh's *Ethics*. Even Miskawayh (d. 1030), as a philosopher, defines *'ishq* as the universal dynamism that moves every being to a higher level of existence through desire. He follows the Galenic partition between the three faculties (vegetative, animal, rational); coherently with the idea that the rational faculty (*al-quwwa al-nāṭiqā*), the most noble among them, is the one that qualifies a creature as belonging to humankind (*wa'l-insān innamā šarā insānan bi-afḍal hādhihi al-nufūs*) (Miskawayh, *Tahdhīb al-akhlāq*, ed. by N. al-Jarrāḥ, Beirut, Dar al-Šadir 1427/2006, p. 40; trad. M. Arkoun, *Traité d'éthique*, Damas, Institut Français de Damas, 1969, p.75). The philosopher explicitly relegates passionate love, exactly like every other passion driven by brutal instincts (*al-'ishq al-shahwānī wa-ḍurūb min sū' al-khalq*), outside the boundaries of ethics (*Tahdhīb*, p. 20; trad. p. 26). Within these boundaries, human beings can secure their belonging to humanity; outside of them, there is no participation to the human sphere, but only in a lower, inhuman existence dominated by instincts, that features whoever obeys to the impulses of the animal faculty (*al-quwwa al-sabū'īyya*). Therefore, passionate love is a disease of the soul that comes from the illicit gaze; its first symptoms are inaction and apathy (*Tahdhīb*, p. 133; trad. pp. 268-69).

When speaking of the education of young people, Miskawayh reproves to an equal extent love literature: it is dangerous since their poets let people believe that love could be a principle of refinement of the character (*ḍarb min al-ẓarf wa-riqqat al-ṭab'*); actually, according to moralists, it is a strong factor of corruption for youth (*Tahdhīb*, p. 46; trad. p. 96).

Courtly lovers as a community?

Nonetheless, *zarf* proves to be an ambiguous word when sources (external to the love culture context) refer to it, to the extent that it is identified, sometimes, with the heterodox attitudes of *zandaqa* (Szombaty, op. cit., p. 109). It is worthwhile to note that the notion of *zarf*, in its most ancient emergence as a social phenomenon, was paradoxically associated to debauchery and profligacy (*mujūn*, *khalā'*) that labeled another style of love poetry — the *mujjān* style (Ghazi, op. cit., p. 65). The paradox of such a perception rests on the fact that love culture firmly dissociates and manifestly distances itself from the declared antinomianist aesthetics, as well as from the transgressiveness of the *mujūn* style (either as a life style or as a literary genre). A key concept makes such a distance highly evident: continence (*'iffa*), whose meaning oscillates from temperance to chastity, and its capability of providing love with a virtue. It is the same concept accompanying the transit from the ancient, Bedouin theme of udhrite love (and its radical evolution) to the modern, urban, courtly context; but the way Ibn Dāwūd treats it, devoting to it the eighth chapter of his *Book of the Flower* and its culminating with the prophetic tradition about martyrs of love, establishes the conditions under which love, outside of marriage, may be licit — and at what price (*Kitāb al-Zahra*, p. 66).

Even admitting that the social visibility of this community was nourished by a codified mannerism capable of establishing new behavior rules (e. g., in relationships between sexes), with Ibn Dāwūd we have an evident rupture: he really dies, and from such a perspective we come to know something about the deep desire that is proper to Islamic love culture – that is in accordance with the Law. In suffering from chastity and renunciation— as Ibn Dāwūd shows, a religious and legally relevant suffering —, love, human love, declares its dignity and exhibits it like an extreme expression of care of the self, and this way it gives an account of itself.

Some pages ago, we have seen Ibn Dāwūd's attempt to provide the issue of love with a legal foundation as a quest for an etymological truth, starting from the importance he gives to the concept of nature. Zāhirī school was particularly concerned with language and its heuristic dimension (R. Arnaldez, *Grammaire et théologie chez Ibn Hazm de Cordoue. Essai sur la structure et le condition de la pensée musulmane*, Paris, Vrin, 1956; R. Gleave, *Islam and Literalism. Literal Meaning and Interpretation in Islamic Legal Theory*, Edinburgh UP, 2012, pp. 146 ff). According to the literalist Ibn Dāwūd, such an etymological truth is placed in the relationship between words and things, as made explicit by language and capable of defining love according to nature — the nature of soul as created by God —, must inevitably be investigated within the boundaries of Law. Ibn Dāwūd's literalist method of identifying truth is a search for textual evidence: in his relevant essay on the literalism of the Zāhirī school ("La raison et l'identification de la vérité selon Ibn Hazm de Cordoue", in *Mélanges Louis Massignon*, 2 vol., Damas, Institut Français de Damas, vol. I, pp. 111-21), Roger Arnaldez has shown how the search for a normative meaning, carried out only within the understandable form of the foundational sources (*uṣūl*), so the consequent refusal of analogical reasoning, as well as of the interpretive work of jurisprudence which tends to arbitrarily multiply the licit and illicit conditions (*furū'*), could have represented a practice capable of liberating many aspects of human life from being objects of legal relevance. Therefore, seen from this peculiar juridical perspective, the revealed text allows us to consider as licit everything that manifestly (that is evidently indicated there, according to the Zāhirī criterion) does not fall within the categories of

divine prescriptions (Arnaldez, "La raison et l'identification", pp. 119-120). If licit is the space of neutral equilibrium between what is binding and what is lawful, then love lies in that space.

Identifying the truth that God gave to humankind must be exclusively accomplished according to the revealed text; the purpose of discursive reasoning is to uncover the extent of the commensurability of God's word with human language. Such a powerful counter-hermeneutics could perhaps let us explain why, to a Ḍāhirī jurist, passionate love *per se* is not submitted to the bonds of law. Actually, Ibn Dāwūd introduces into the theoretical debate on love a concept connected to the human sphere — nature, of which the Quran never says a word; thus, *per se*, it is legally neutral. Probably within the same juridical perspective, Ibn Hazm was to state, according to a (pre)modern version of *Phaedrus'* declaration on love's moral neutrality, that "love is neither disapproved by Religion, nor prohibited by the Law" (*The Ring of the Dove*, p. 12).

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