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Protection Granted by Women: Between Law and Literature

La protection accordée par les femmes : entre loi et littérature

الحماية التي تمنحها المرأة: بين القانون والأدب

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Résumés

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Grants of protection in pre-Islamic Arabia were often connected to expressions of status and power. This paper evaluates the gendered aspects of protection to explore how Arabic literature viewed grants of protection by women. The issue was recorded in various guises: jurists debated the issue on a theoretical level, historians included relevant stories in the Prophet’s biography, and literature preserves other episodes from pre- and early-Islamic-era Arabia. While jurists generally permitted women to grant protection, literary works took an opposite track, and employed the trope of women’s acts of protecting to denigrate male characters. A cross-genre analysis of women protectors reveals intriguing aspects about the status of women and the nature of fact and fiction in Arabic literature about the Arabian past.

Accorder une protection dans l’Arabie préislamique était souvent lié à l’expression du statut et du pouvoir. Cet article évalue les aspects genrés de la protection afin d’explorer la manière dont la littérature arabe considère l’octroi de protection par des femmes. Cette question a été attestée sous diverses formes : les juristes en ont débattu sur un plan théorique, les chroniqueurs ont inclus des histoires édifiantes dans la biographie du Prophète, et la littérature conserve d’autres
 pré-Islamique et du début de l’ère islamique. Si les juristes ont généralement permis aux femmes d’accorder une protection, les œuvres littéraires ont pris une voie opposée et ont utilisé le trope des actes de protection des femmes pour dénigrer des personnages masculins. Une analyse des femmes protectrices au prisme du genre fournit des éléments intéressants sur le statut de la femme, le rapport aux faits et à la fiction dans la littérature arabe sur le passé arabe.

Entrées d’index

Mots-clés : Histoire arabe, droit islamique, littérature hors-la-loi, Arabie préislamique, les femmes dans la littérature arabe

Keywords: Arab History, Islamic law, outlaw literature, pre-Islamic Arabia, women in Arabic Literature

Texte intégral

1. Pre-Islamic Arabic poetry’s frequent invocation of specialised terminology for acts of protection (usually called ʾiǧāra, ʾiǧwār/g`uwār) underscores that the ability to shelter fugitives was a significant indicator of social status amongst many pre-Islamic Arabian communities. The grant of protection in these circumstances was not a particularly altruistic gesture, rather it was a statement of power: by undertaking the obligation to defend someone against his enemies, the grantor’s act of protection implicitly communicated his superior strength over his client’s foes. Worthy were the men, therefore, who could deliver on promises of protection.2

2. The Qurʾān reflects similar sentiments, as it uses poetry’s notion of ʾiǧāra both as a technical description of protection offered by Muslims to non-Muslims,2 and in rhetorical assertions that no one can offer protection against God.3 The Qurʾān’s description of God as “the one who protects, yet cannot be protected against”4 deftly challenges the noblemen protectors of pre-Islamic poetry, undercutting the vaunting assertions of their protection’s effectiveness by emphatically subordinating them all to God.

3. Muslim-era jurists commented upon the Quranic concept of protection, and developed a wide range of protection sub-categories for different contexts. The Qurʾān’s express engagement with poetry’s protection terminology offers further insight into the Qurʾān’s interaction with an Arabian context,5 and the interest of Muslim fiqh in legislating acts of protection uncovers continuities between pre-Islamic customs and the laws of the early Caliphate. But changes did occur too. For example, the meaning of ʾiǧwār shifted: in poetry it connoted the individual act of making a protection guarantee, whereas Muslim legal texts predominantly came to use the term to connotate the underlying rights and obligations automatically due between neighbours.6 Acts of protection received new terminology in Islamic law: hudna (truces in wars against non-Muslims), ʾimma (the protection of non-Muslims under Muslim rule),7 and amān which was a widespread term in treaties during the conquests, and later became the jurists’ preferred term for the kinds of ad hoc protection guarantees which poetry had formerly called ʾiǧwār/ʾiǧāra.8 The more complex administrative concerns of the Caliphate evidently compelled jurists to go beyond pre-Islamic customs, and urban and agricultural living meant that everyday legal issues of respecting one’s neighbours (g`ār) became more salient than express acts of offering protection.

Notwithstanding the evolution of protection concepts in Islamic law, Muslim-era fiqh did retain the pre-Islamic connection between protection and power. As the poets
associated protection with warrior leaders, the jurists likewise considered protection within the realm of war: juridical discussions of protection contracts are contained in their books on the law of Jihad, and as a practical matter, therefore, their reasoning speaks to a world of military men: governors, commanders of jihad and warriors on the frontiers of the Caliphate.

Given the overlapping connotations, we should like to probe the relationships between pre-Islamic customs and Islamic-law provisions by comparing literature’s testimony about the customs with the fiqh texts’ elaboration of blackletter law. The possibilities of holistic-minded research are vast, and this paper will engage one niche aspect: protection guarantees offered by women. Given that protection was so pervasively articulated as a quintessence of masculine power, it bears questioning whether women could also assert their status by extending protection and enjoining their kin to defend those to whom the women chose to grant asylum. To develop the analysis, I examine how cultural producers—poets, historians and jurists—conceptualised cases where women were the protectors. I stress ‘cultural producers’ in the broad sense, since the jurists drew upon the history of early Islam for precedents, and from the Arabic literary heritage for terminology. A holistic approach analysing jurisprudence, poetry and history enables us to grasp the knowledge available to the learned circles of pre-modern Islam, and discern whether different realms of textual production engaged different attitudes towards legal practice and ethics of gender.

Protection Granted by Women: The Law

The majority of juridical texts, Sunni and Shi‘i alike, reason that women’s promises of protection have binding force. They begin from a Prophetic hadith: “protection offered by the lowest-ranking of Muslims is binding upon all Muslims”, and via either a second hadith ascribed to the Caliph ʿUmar Ibn al-Ḥaṭṭāb, or some steps of analytical reasoning, they conclude that a slave could validly offer protection, and hence women naturally are capable, given they rank higher in the social order.

The Prophetic hadith’s significance looms larger when read in the light of the Arabian poetry which so closely associated protection with warrior leaders. By stating that the Muslim community must uphold the protection guarantee of any Muslim, and by explicitly including the low-status amongst them, the hadith undermines the noblemen’s prerogative to grant protection and radically deconstructs the customs of social power, framing protection as a communal act, and not an act reliant upon the decision of powerful men. On its face, therefore, the hadith expresses another example of an egalitarian ethic in Islam that challenged local power, but from reading the fiqh manuals, it is evident that jurists did not rest their case on the hadith’s principle alone: they sought instead to ground their sanction of women’s capacity to offer protection on actual examples from the past. The fiqh manuals thus elaborate by citing a statement of the Prophet’s wife ʿĀʾishah which expressly states that women can grant asylum, and two cases of historical precedent involving protection granted by the Prophet’s cousin, Umm Hāni’, and daughter, Zaynab (the stories are examined in the next sections).

Given the clear egalitarian principle of the hadith and the precedents, the validity of women’s grants of protection seem an open and shut case, however, there was an opposing voice. Several jurists of Mālikī persuasion dissented, opining that women could not grant protection, given that a capable grantor (al-muʾammīn) needed to be: 1. male; 2. free; 3. over the age of puberty; 4. of sound mind; and 5. a Muslim. Some Mālikī jurists relaxed the restriction by arguing that the leader of the jihad (al-imām) could ratify a woman’s grant of protection and thus make it binding, and while Mālikī manuals eventually align with the other schools of law in agreeing that women have the power to grant protection, the dissenting views of foundational Mālikī scholars, such as Ibn al-Māʿīn (d. 212/827 or 214/289) and Saḥīnūn (d. 240/854) continued to be repeated. Those Mālikī scholars were aware of the historical examples of women
Why were early Mālikīs less willing to accept that women could validly grant protection to others? Perhaps the context is relevant: the early Mālikīs were the most Arabian of all Sunni jurists: Mālikīs originated from Medina and based their laws on the practice of the Medinans. When contrasted with the Iraqi jurists’ readiness to condone women’s grants of protection as a matter of theory, therefore, the Mālikī disquiet raises the possibility that Medinan practice was more restrictive, and we thus ought to probe the local context of women and the exercise of power associated with granting protection for clues about the background to the Mālikī disapproval.

To reconstruct the local Medinan views on women’s grants of protection beyond the law books, we possess three episodes connected with the history of the Prophet (two of which were cited as legal precedents in fiqh manuals), and further stories in narratives about other Arabian warriors around the time of Muḥammad. Though these stories are today sequestered into two separate genres of ‘Muslim history’ and ‘Arabic literature’, they actually share intriguing narrative commonalities which make the question of women’s acts of protection much less clear-cut than the non-Arabian fiqh manuals would have us believe. Read together, these stories, a number of which originated from Medinan- and Meccan-domiciled narrators, shine light upon underlying cultural values which perhaps explain why Medinan-trained Mālikīs doubted women’s capacity to offer protection.

Precedent 1: Fāṭima

The Medinan scholar al-Wāqīdī’s (d. 207/822) history of Muḥammad’s military campaigns reports that around the time of the Muslim conquest of Mecca, the leader of the pagan Meccans, Abū Sufyān, in distress over Muḥammad’s impending victory, sought protection, and, according to the story, he first approached a woman:

Abū Sufyān presented himself to Fāṭima, daughter of the Prophet, and spoke with her: “Grant me asylum!” But she replied: “But I’m just a woman.” He said: “Your protection is valid, since your sister granted asylum to Abū al-ʿĀṣ ibn al-Rabīʿ, and Muḥammad condoned it.” Fāṭima demurred: “This is a matter for the Prophet.” And she refused to offer him asylum, whereby he asked her: “Ask one of your sons to grant me protection!” But she replied: “They are but children, the likes of them cannot offer protection.” And she refused.

The anecdote covers the main grounds of contention debated by Mālikī jurists contemporary with al-Wāqīdī, i.e. the capacity of a woman or a child to grant protection, and the anecdote is unambiguous that protection is rightly a grown man’s prerogative. This likely explains why the Sunni jurists of Iraq make no mention of the story in their fiqh manuals, whereas it manifestly speaks to the stance of Mālikī scholars. To this end, the story contains marks of contrivance, since Abū Sufyān’s familiarity with the putative precedent of Zaynab’s protection of Abū al-ʿĀṣ is suggestive that the anecdote was actively shaped by a narrator familiar with the legal debates in Medina contemporary with Mālik and his generation of jurists, and placed them into the mouth of Abū Sufyān to prove a point.

A different version of the anecdote appears in the later Iraqi scholar al-Ṭabarī’s (d. 310/923) Tārīḵ where Abū Sufyān is not presented as soliciting protection from Fāṭima, but does ask her to arrange protection via her son, al-Ḥasan, who would have been about five years’ old at the time. Al-Ṭabarī’s omission of Abū Sufyān’s request to Fāṭima for protection perhaps reflects al-Ṭabarī’s own context: he was a jurist himself, and Iraqi jurists had already established that women could grant asylum, hence Abū Sufyān’s statement as worded in the Medinan version narrated by al-Wāqīdī contradicted al-Ṭabarī’s take on fiqh, and the anecdote was accordingly amended to better reflect the Iraqi context.
Precedent 2: Zaynab

Early sources, both Medinan and Iraqi, report an episode involving another of the Prophet’s daughters, Zaynab, in which she reportedly granted protection to Abū al-ʿĀṣ ibn Rabīʿa (or al-Rabīʿ), a wealthy pagan Meccan merchant who had been her husband before she converted to Islam, and whom the Muslims captured along with his caravan on the road from Syria to Mecca. Al-Wāqidī’s version is as follows:

Abū al-ʿĀṣ ibn Rabīʿa went straight to Medina and as the night was ending he presented himself to Zaynab, the Prophet’s daughter who had been his wife. He asked her for asylum and she granted it. When the Prophet prayed the morning prayer, Zaynab went to her door and shouted as loud as she could: “I have granted asylum to Abū al-ʿĀṣ!” The Prophet asked the community: “People! Did you hear what I just heard?” “Yes!” they replied. The Prophet then said: “By He who holds my soul in His hand, I knew nothing about this until I heard what you just heard! But Muslims are united together against their foe, and we respect the asylum granted by the lowest of our low. I shall protect those whom she protected!”

The theatrical-seeming surprise which the anecdote voices the Prophet’s initial reaction, and the focus on the technical question of the binding-nature of Zaynab’s act suggest an underlying didactic purpose. The story does seem structured around revealing a point of law, and accordingly harkens the scholarly opinion that some Maḡāži stories about the Prophet’s biography originated as elaborations to illustrate juridical principles, i.e. narratives were invented to supply precedents for jurists. According to that hypothesis, the Zaynab episode may have originated as a juridically-inspired effort to find a clear-cut example of a woman granting protection in order to prove the general principle of women’s legal capacity to protect.

More recent scholarship cautions against assuming widescale fabrication prima facie, since it is now clear that certainly not all, and likely not even very much of Prophetic history was invented by Muslim-era jurists to create legal precedents. Nonetheless, some anecdotes within the Maḡāži do bear signs of reshaping to suit juridical needs, and individual stories need evaluation on a case-by-case basis. In the case of our Zaynab story, there are two grounds to question its historicity, and suggest that the story was reshaped into a form convenient for juridical arguments, or at least that jurists alighted on a spurious story and overlooked its historical problems since it suited their jurisprudential purposes.

The first issue emerges from examining the Prophet’s legal statement recorded at the end of the Zaynab anecdote: “we respect the asylum granted by the lowest of our low.” On its face, the statement makes no reference to gender, and it is only the preceding prose story which illustrates that the legal statement was uttered to ratify a woman’s act...
of granting protection. The gendered preamble, however, is a unicum: the exact same legal statement about asylum appears in several guises in hadith collections, yet none allude to Zaynab. Instead, the statement, as preserved by hadith collectors, is part of a longer hadith containing a string of statements that affirm equality between Muslims, beginning with the words tatakāfa’u dimā`uhum: “[each Muslim’s] blood-value is equal.” Blood money vengeance is a custom within the preserve of men, and the fact that the hadith does not refer to women might be because this was not a matter intended to intersect with them.

Moreover, the versions of the statement preserved in the hadith collections state that it was uttered by Muhammad during sermon delivered in Mecca following its conquest, or as part of Muhammad’s sayings which ‘Alī possessed in written form aṣḥāfa and which he revealed in a sermon of his own. In no cases do the versions of this hadith in the hadith collections allude to Fāṭima’s involvement.

Given the frequent citation of the hadith, it is clear that the right of low-class Muslims to make protection was widely-held in early Islam, but all of these accounts, on their face, only reference men. Logically of course, the egalitarian-minded hadith can be extended to condone protection offered by women, but this is never express in the hadith itself, and should a jurist wish to prove that the ruling certainly applies to women, he would need an example. The possibility arises, therefore, that the Zaynab story was superimposed upon the hadith as an express gloss about gender to enable jurists to elaborate upon the full ramifications of the basic egalitarian principle. The fact that the explicitly-gendered Zaynab episode was never included in the specialist hadith collections abets the hunch of ex post facto elaboration, especially because hadith collectors evidently did not accept its authenticity, given that they only included the non-gendered versions in their collections.

The second factual issue emerges from probing other accounts of Zaynab’s reconciliation with Abū al-ʿĀṣ in aḥbār collections of the Prophet’s biography. Al-Balāḏūrī’s (d. 279/892) Ansāb al-ašrāf preserves multiple versions of Abū al-ʿĀṣ’s return to Zaynab: some omit Abū al-ʿĀṣ’s act of soliciting protection from Zaynab altogether, another states that the Prophet received Abū al-ʿĀṣ first and then directed him to Zaynab, a third reports the same story of al-Wāqidī, whilst a further narrative reports that Abū al-ʿĀṣ was not captured in a caravan, but instead stole into Medina himself to be reconciled with Zaynab, whence he requested her protection, converted to Islam and then was remarried to her. Al-Balāḏūrī also relates stories of Abū al-ʿĀṣ pleading for forgiveness when he was captured at the Battle of Badr, whereupon the Prophet took pity on him for Zaynab’s sake. It is accordingly hasty to presume that the specific act of Zaynab’s protection reported by al-Wāqidī above definitely occurred: the historiographical sources are far from unanimous, and it appears that the Abū al-ʿĀṣ/Zaynab relationship constituted a plastic kit of narratives on the theme of believer/non-believer marriage. Since most narratives indicate that the Prophet’s clemency derives from Abū al-ʿĀṣ’s relationship with his daughter, the value of al-Wāqidī’s story as a precedent for women’s offers of protection as a general principle is questionable—as the dissenting Mālikī scholars observed.

By citing only al-Wāqidī’s account without discussion of the alternative contexts of the hadith, the fiqh manuals make a selective use of history. From amongst the many narratives, they plucked the one most useful for their purposes of demonstrating a woman’s act of protection during the Prophet’s lifetime, even though it is not reported in the hadith collections. Herein, jurists used ‘history’ instrumentally to extrapolate a positive ruling on women’s protection from the Prophet’s gender-neutral egalitarian statement, but the underlying historical uncertainty leaves a question as to whether the Prophet actually had women in mind when making his statement.
The historical precedent which jurists most cite is a story involving the Prophet’s cousin, Umm Hāniʾ. A well-attested hadith reports that Umm Hāniʾ addressed Muḥammad during the Conquest of Mecca:

“My cousin [i.e. ʿAlī Ibn Abī Ṭālib] claims that he plans to kill a man, So-and-so son of Hubayra [Fulān ibn Hubayra], to whom I have granted asylum.” To this the Prophet replied: “We shall protect those to whom you have granted protection, Umm Hāniʾ.”

In addition to its narration in fiqh manuals, the episode is also cited today as an example of the “active role of women” in the Prophet’s lifetime, but several issues question this story’s historicity too.

Firstly, the exchange is reported at the end of a hadith in which Umm Hāniʾ describes the Prophet’s preparation for morning prayer. The hadith first describes his ablutions and clothes, and the issue of asylum is appended at the end. As such, the hadith is most commonly recorded in chapters on prayer in the thematic hadith collections where the thrust is about how one should pray. Umm Hāniʾ is cited as an eyewitness for a particular wrinkle in pre-prayer ritual, and the nature of the hadith’s citation appears to emphasise prayer over the question of asylum. For example, Ibn Ḥanbal’s compendious al-Musnad records twenty variants of this hadith, and thirteen make no mention of asylum being granted. Six versions contain reference to prayer and asylum, and only one hadith mentions asylum without the details of prayer. The genesis of the hadith is thus unclear, and the two separate juridical issues of ablution and asylum may have been merged into one hadith over the course of time. The weight of numbers suggest that the ablution details were the original and asylum was transplanted into that narrative. Since the context of Umm Hāniʾ’s observation of Muḥammad’s prayer is consistently placed just after the Conquest of Mecca, it presents a logical moment where a protection request could be introduced, and narrators seeking proof about women granting asylum may have sensed the opportunity to make their claim by inserting a protection story here.

From the hadith alone, it is difficult to judge whether or not the asylum details were fabricated, but uncertainties regarding the recipient of Umm Hāniʾ’s asylum are more revealing, as there are ten distinct options. Ibn Ḥaǧar’s Fath al-Bārī gathers nine, and we can see that there was broad disagreement as to who (and even how many men) requested Umm Hāniʾ’s protection:

i. one man: So-and-so (Fulān) son of Hubayra; the identity is thus unknown; Hubayra was the name of Umm Hāniʾ’s non-Muslim husband;

ii. one man: Gʿa da ibn Hubayra; Ibn Ḥaǧar considers this unlikely as Gʿa da was too young at the time to have realistically been someone whom ʿAlī would have considered a threat and/or threatened to kill;

iii. one man: a different son of Hubayra; though no son other than Gʿa da is known, according to Ibn Ḥaǧar;

iv. two men: Gʿa da ibn Hubayra and one unnamed man from the Banū Maḥzūm;

v. two men: al-Ḥārīṯ ibn Hišām and Zuhayr ibn Abī Umayya, both of the Banū Maḥzūm;

vi. two men: al-Ḥārīṯ ibn Hišām and ʿAbd Allāh ibn Abī Rabīʿa;

vii. two men: al-Ḥārīṯ ibn Hišām and Hubayra ibn Abī Wahb; Ibn Ḥaǧar considers this highly unlikely since historical sources state that Hubayra fled Mecca during the Conquest and died a non-Muslim in Naǧrān;

viii. one man: the “son of an uncle of Ibn Hubayra”; this could be al-Ḥārīṯ ibn Hišām; Ibn Ḥaǧar considers the hadith’s narrators accidently elided the word “uncle” (ʿamm) from the hadith;

ix. one man: the “son of a relative of Ibn Hubayra”; Ibn Ḥaǧar proposes this possibility on the basis that narrators may have accidently elided the word “relative” (qarīb) from the hadith; or

x. two men: stated as “two of my in-laws” (raǧulayn min aḥmāʾī); this open-ended phrase is reported in Ibn Ḥanbal, al-Musnad, 26906 (XLIV, p. 476).
In contrast to the hadith’s variants, historical sources such as al-Wāqidī’s *al-Majāzī* and Ibn Sa’d’s *al-Ṭabaqât* display greater confidence: they betray no uncertainty and narrate option (vi). The *fiqh* manuals are similarly certain: in the same manner in which they cited only one version of the Zaynab hadith, they also focus on option (vi) of the Umm Hāniʾ variants, without engaging with the uncertainties over the identities of the protected men.

Probing further into Arabic historiography uncovers more uncertainties. Al-Balāḏurī’s section on the Conquest of Mecca in his Prophetic biography makes no mention of Umm Hāniʾ’s protection—this is noteworthy since al-Balāḏurī does enumerate the Meccan notables who fled the conquering Muslims and/or to whom Muḥammad offered protection prior to their conversion, and it is accordingly odd that Umm Hāniʾ’s act is absent. Furthermore, the early biographical compendium of Muḥammad’s contemporaries, Ibn ‘Abd al-Barr’s *al-Istīʿāb*, notes disagreement concerning al-Ḥāriṯ ibn Hišām’s actions following the Conquest, and questions whether Umm Hāniʾ was his protector. The fact that Ibn ‘Abd al-Barr was a prominent Mālikī jurist may be significant in this respect, too. As for ‘Abd Allāh ibn Abī Rabīʿa, Ibn ‘Abd al-Barr reports that “one historian (or some historians) [baʾdu ahli al-ʿilmi bi-l-ḥabari wa-l-nasab]” report(s) that he took refuge with Umm Hāniʾ, suggestive that this was not a majority opinion.

In overview, it is striking that the historical precedents which the jurists cited to prove the validity of women’s grants of protection only involve women of the Prophet’s household, and each episode is of questionable historicity. Nonetheless, most jurists cite them as fact in the *fiqh* manuals, and the legal sanction of women’s protection was established.

What does seem a well-established memory from nascent Islam is the statement upon which the whole protection discourse is constructed: “We respect the asylum granted by the lowest of our low.” The frequency of the statement’s citation in hadith collections and historical anecdotes, and its embedded egalitarian principle suits the ethos of the many other preserved messages of equality between Muslims, and constitutes a potent challenge to the Arabian social order at the dawn of Islam. Given the so ample evidence in pre-Islamic poetry that axiomatically connects nobility with upholding protection promises, the hadith actively advocates a serious reorientation of the political order. Reversing the nexus between protection and personal assertions of power, the Prophet’s words render power a property of his community, a community organised on principles of equality.

Whilst the sentiment of equality logically invites inclusion of women, three important issues emerge from the material cited by the jurists: 1. the hadith from which the principle derives make no express reference to gender; 2. the contexts of the usual citation of the hadith (cases of blood revenge) are matters concerning ethics of masculinity; and 3. the examples cited that involve women protectors are numerically limited and factually problematic. Altogether, the Mālikī scholars’ disquiet becomes clearer: perhaps women were not in the habit of granting protection in early Muslim-era Medina, and that the statement “we respect the asylum granted by the lowest of our low” did not originally countenance cases of women’s asylum.

Evaluating our findings so far, there is evident disparity between the myriad examples of men’s protection in pre-Islamic poetry and associated stories and the examples involving women. If we consider the substance of the male protector stories, we behold their connection with men’s power and honour (ʿirād), and men’s protection of women constitutes a cornerstone of manhood. Fundamentally, therefore, a man’s appeal to a woman’s protection is perverse to the usual workings of the manhood ideal embedded across much pre-Islamic poetry, and the essential manliness of the act of
Women’s protection in Arabian history

34 In the *Mağāzī* itself, we noted above how the Fāṭima/Abū Sufyān protection episode engaged clear humour and irony, inasmuch as Abū Sufyān, the leader of the pagans, petitions asylum from woman and a small child: it makes a fool of the pagan’s leader, an obviously suitable narrative for the Prophetic biography. The elaborated *aḥbār* of Umm Ḥāniʾ’s episode in the *Mağāzī* likewise contain narrative expansion enhancing the absurdity the situation. In contrast to the laconic recension of the episode in the hadith where Umm Hāniʾ succinctly describes the act of protection to Muḥammad, the *Mağāzī* narrators bring us to the scene of the protection episode itself with dramatic embellishment, such as the description of ‘ʿAlī’s arrival with the intent to kill the two protected men:

[Umm Ḥāniʾ tells:] In came a horseman clad in armour and bristling with weapons: I did not recognise him... but lo and behold it was ‘ʿAlī!35

The act of protection, too, is made explicit: “I threw a robe [ṯawb] over them, stood between them and ‘ʿAlī, and said: ‘By God! You’ll have to kill me first!’” The image of two cowering pagans, hiding under a cloak while a woman actively defends them against one of the heroes of Islamic history is hardly flattering, and indeed humorous. The historians’ relish of the details of a woman’s act of protection does not so much praise Umm Ḥāniʾ as much as it belittles those protected pagans: the engaging of women’s protection emasculates the pagans at the point of Mecca’s Conquest, adding a narrative avenue to underline the certainty of the end of their era.

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Protection Between pre-Islam and Islam: Conversion from Women to Men?

During the Prophet’s lifetime, the Meccan warrior-poet Dirār Ibn al-Ḥaṭṭāb al-Fihri was reportedly entangled in a blood feud between his tribe the Quraysh and the mountain folk of al-Azd. Al-Balāḏurī’s Ansāb al-ašrāf tells the tale:

When Dirār once travelled into the Sarāt Mountains—the land of the Daws and al-Azd above al-Tā’if—the Daws attacked him. Because he was from the Quraysh, they intended to kill him in retaliation for the murder of Abū Uzayhir, since the al-Azd used to kill any member of the Quraysh whom they could lay their hands on after Hišām Ibn al-Walid Ibn al-Muḡīra [of the Quraysh] had murdered Abū Uzayhir. Dirār Ibn al-Ḥaṭṭāb sought refuge with an Azdī woman named Umm Ġaylān, and she granted him asylum. Umm Ġaylān supposed that Dirār was the brother of ‘Umar Ibn al-Ḥaṭṭāb,36 and when ‘Umar became Caliph, she presented herself in Medina. ‘Umar recognised her story and said: “I am only Dirār’s brother in Islam—he is on campaign, but I know the great favour you did for him.” And ‘Umar granted her a stipend at the Wayfarer level.

Al-Wāqidī says that her name was “Umm Ġaylān”, another narrator names her “Umm Ġamīl”; she had a son named Ġaylān, as this is mentioned in a poem by Dirār:

God grant wholesome recompense to Umm Ġaylan
And her women who burst forth, unadorned, hair in disarray.
They diverted Death as it was drawing close,
When blood-avengers appeared at the killing plains.
She cried out to the Daws:37 their valleys poured forth
With mighty braves who have yet to forsake.
I unsheathed my sword and pointed its blade:
Whom would I defend, if not my own life?38

The confusion over the protectress’ name evidently stems from the poem: Dirār’s poem praises “Umm Ġaylān,” but at some point in the transmission, the prose story rendered the woman “Umm G’amil,” and this is this name which informed a proverb: “More trustworthy than Umm G’amil” (Awfā min Umm G’amīl) which referenced the event in other sources.39

The “More trustworthy than Umm G’amīl” aphorism evidently did not spread very widely, however. It is absent in the early collections of proverbs, but does appear in some later works,40 and, intriguingly, the associated poetry underwent a change too. A later account of Dirār’s poem included a new line in which Dirār also praised ‘Awf, seemingly the child of Umm Ġaylān,41 and the gender of the verb “to cry out” in the following line was also changed from feminine in the early recension to masculine, thereby asserting that it was ‘Awf who called the Daws to defend Dirār, not Umm Ġaylān.42 In essence, the poem’s later version switches gender from an originally expressed female act of protection to a joint female/male, in which the male takes the decisive action.

An analogous gender shift transpires in the intriguing pre-Islamic story of Ḫumā’a bint ‘Awf al-Ṣaybānī, the earliest extant account of which is told by Abū ‘Ubayda (d. 209/824–825) in his al-Dībāḡ :
On the story’s face, Ḫūmāʾa grants protection to Marwān, but the story intimates that ʿAmr ibn Ḥind finds this an unusual situation, and moreover Ḫūmāʾa takes no direct action of defence herself, as it is the quick-thinking of her father, ʿAwf, which settled the matter. Tracing the story’s narration in subsequent Arabic literature also reveals that the majority of later narrations pay less attention to Ḫūmāʾa, in favour of ʿAwf. For example, whilst Abū ʿUbayda places the story amongst a trio of “Faithful Women” from pre-Islamic Arabia, the story’s more expanded versions told in the subsequent century, which better explain the context in which Marwān was cornered, do not focus on Ḫūmāʾa and relate that the one whose faithfulness was praised is the father, ʿAwf, not Ḫūmāʾa. Furthermore, Ḫūmāʾa is not reported as participating in active defence in the face of Marwān’s pursuers, and some later versions of the story even forget al-Ḥūmāʾa altogether, and relate that Marwān sought refuge with ʿAwf directly. The anecdote became the basis for a proverbial expression about trustworthiness, but the later collections of proverbs remember it as “More trustworthy than ʿAwf”— Ḫūmāʾa is elided and the father’s protection became proverbial.

The sources which do retain a role for Ḫūmāʾa in the story explained that Marwān sought Ḫūmāʾa’s protection because once, when she had been captured at a time prior to this event, Marwān had seen to her safe return without disgracing her honour, and hence Marwān’s later petition of asylum emerges less an act of seeking a powerful women’s protection, and more of a calling in of a debt owed by Ḫūmāʾa and her grateful father. The narrative effect is quite significant, since Marwān switches from a camel-thief seeking asylum in Abū ʿUbayda’s account to a protector of women himself, who, in his time of need, is repaid by the woman’s father.

The shifts in narration that reduce the footprint of women’s protection in the above stories are intriguing. Coupled with the abiding paucity of recollections about pre-Islamic women offering asylum in Arabic literature, are we to understand that some pre-Islamic Arabian groups did recognise the power of women to grant protection, but that institution ran counter to Muslim-era social norms and hence analogous stories were forgotten and the two remaining tales became lost in a vast sea of male protection stories which are ubiquitous in the literature, effectively obliterating memory of actual pre-Islamic practices? It is an attractive proposition, inasmuch as there is evidence that some pre-Islamic Arabian societies were matrilineal, and that Arabian genealogical models from pre-Islam and early Islam display striking matrilineal attributes, which were erased during the reworking of Arabian lineages by Muslim genealogists. Nabia Abbott’s survey of evidence about the power of queens in ancient pre-Islamic Arabian contexts similarly encountered a patchy textual recollection of these figures in Arabic literature, and her material reflects our present investigation of women and acts of protection: in both cases, we find suggestions of Arabian women exercising power to protect, but these narrative lost salience over the process of Muslim-era textual transmission. Barlas and Wadud elaborate on similar processes, and speak of “textualizing misogamy”, whereby layers of Muslim-era literature reduced the prominence of women as active agents in the public sphere. The cultural norms associated with women’s grants of protection add weight to these enquiries.
Women’s Protection and Anti-Heroes

The first story is set before Islam with an act of protection granted by Fukayha to al-Sulayk ibn al-Sulaka (the full account is translated in Van Gelder’s contribution in this issue). The second story is situated in the Umayyad era: a male warrior al-Qattāl al-Kilābī requests help from his niece to save him from pursuers (also noted in Van Gelder’s paper). The fullest extant version of al-Qattāl’s tale is in al-Aṣbahānī’s (d. 356/967) al-Ağānī:

Al-Qattāl fled, while the companions of the man he murdered were in pursuit. Al-Qattāl passed by one of his nieces called Zaynab whose camp was off near some water. He entered and she cried out: “Woe unto you, what’s befallen you now?” He replied: “Throw your robes over me!” And she dressed him in her cloak and her burqa. She was handling henna, and he grabbed some and daubed his hand in it too, and she withdrew to the side. When the search party passed by the tent, they thought they were speaking to Zaynab and asked her: “Where is that scumbag?” He replied to them: “He went that away” and pointed in the opposite direction to where he was intending to go. Once he reasoned they had travelled far down that path, he took the opposite way and reached ‘Amāya, a mountain where he concealed himself.

The casting of a woman’s robes over the pursued al-Qattāl is redolent of the elaborated version of Umm Hāniʾ’s protection act narrated in the Maġāzī; unlike the Meccan pagan(s) whom Umm Hāniʾ defended, al-Qattāl does not request formal
protection from Zaynab, rather he affects his escape disguised as her, but the female role in enabling safety is clear.

The Fukayha/al-Sulayk and Zaynab/al-Qattāl tales share important commonalities which contrast them with the Umm G’amil/Γaylān and Ḥumā’a episodes above. Whereas Umm G’amil/Γaylān and Ḥumā’a were assigned passive roles in the narratives, Fukayha and Zaynab’s active roles are specifically emphasised—Fukayha takes up weapons, and Zaynab hands over her robes. Both al-Sulayk and al-Qattāl physically end up underneath women’s garments: not only do they request women’s aid to escape trouble, but the narratives have them ostensibly transforming into women as part of that escape. And there is evident slapstick humour in both al-Sulayk and al-Qattāl’s stories, whereas the Dirār and Marwān ibn Zinbā’ episodes are narrated with a serious tenor and no women’s clothing is mentioned. In all three respects, al-Sulayk and al-Qattāl’s tales resemble the Umm Hāni’ protection story from the Maǧāzī, and taken together, via closer consideration of the identities of the men who received women’s protection, the workings of women granting protection as a trope in Arabic literature becomes clearer.

A key commonality that links both al-Sulayk and al-Qattāl is their literary identity as outlaw figures. Al-Sulayk is perhaps Arabic literature’s most unambiguous outlaw of pre-Islam, as he is identified across the sources as a liṣṣ (thief) and/or suṭūk (desperado),51 and al-Qattāl is literature’s quintessential desert criminal of the Umayyad-era, usually labelled as a fāṭik or mutamarrid.52 Literary outlaw characters such as these present storytellers with particular challenges since the outlaw character is necessarily ambivalent. On the one hand, outlaws’ lives are resplendent with action and repeated victories against their victims, and so outlaws often behave much like other heroic warrior braves whose biographies similarly revolve around martial triumphs. But on the other hand, outlaws are lawbreakers: they also embody transgression, disorder and anti-sociability, and hence they clash with mainstream ideals of the tribal warrior hero. Heroes exemplify positive social norms, whereas outlaws break those norms and use their positive heroic characteristics of strength, bravery etc., to turn society upside-down and pervert the normal course of order. In order for the dichotomy to be communicated, outlaws in world literary traditions become the objects of narrative manipulation: storytellers deliberately reshape outlaw stories in ways that denigrate them as not full-fledged heroes per the normative expectations of tradition, and thereby enable differentiation between outlaws and heroes.

The impulse towards denigration produces anti-hero personae: ambivalent figures whose attributes attract admiration like heroes, but equally contain elements that audiences reject as anti-social and negative,53 and storytellers enable the ambivalence by adding into outlaw stories episodes of role-reversals and about-faces in the expected norms of heroic mythopoesis.54 Al-Sulayk and al-Qattāl reflect this ambivalence: they are usually depicted as fighting the good fight, they usually possess skills far superior to their foes, but, unlike unambiguous heroes, narrators ascribe them character slips that bring them back to earth. Given the stark acts of protection by women in both in al-Sulayk and al-Qattāl’s biographies, it is tempting to read the narratives of women offering protection as a trope which had sufficiently anti-heroic resonance to enable narrators to spin role-reversals for disreputable character portrayals.

In the case of al-Sulayk, his biography is replete with accounts of warrior spirit, and he is endowed with wondrous traits of running speed and endurance, all praiseworthy attributes of other Arabian heroes. Specifically, al-Sulayk is said to have been able to outrun gazelles55 and survive on small portions of water buried in the ostrich eggs in the desert,56 yet in the anecdote of Fukayha, al-Sulayk’s positive characteristics dissolve. We are to suspend our memory that al-Sulayk usually sprints out of all difficulties, and we are to forget that he was reported as surviving on the most meagre supplies of water, and instead we are now told that al-Sulayk’s pursuers deliberately let him go to drink at a well, for they reportedly knew that he would drink lustily to the point of bloating, and hence would be unable to run away.57 The narrative accordingly
transforms al-Sulayk into an imbecile, incapable of running or even fighting, and at this moment, we find him seeking protection under the dress of a woman.

Likewise, al-Qattāl’s narrative is constructed in an interesting pattern of liminality. He commits a murder and is pursued out of society: his first stop is a transformation into a woman by donning his niece’s clothes, and his next destination is ‘Amāya, a rugged mountainous region where, as the story tells us, al-Qattāl hid amidst the wild animals and befriended a panther with which he shared his food. The narrative accordingly is a linear track into liminality as al-Qattāl leaves the world of men via his crime, enters that of women via his disguise, and then continues, becoming one with wild animals. Al-Qattāl’s adventure has the additional element of subterfuge: instead of fighting his way out of trouble as a mainstream hero would do, the crux of al-Qattāl’s escape is disguise via the intervention of a woman—such tropes are hallmarks of the trickster figure whose crossovers with literary outlaw characterisation are also noted in comparative literary studies.

Both al-Sulayk and al-Qattāl’s cases of women granting protection present us with a fictional un-sexing of men with humour added into the role-reversal story for good measure. And the thrust of both stories starkly contrasts Arabic literature’s depictions of pre-Islamic and early Muslim-era Arabian heroes such as Antara, ‘Amr ibn Ma’dī Karib, ‘Ali, Ḥālid Ibn al-Walīd, Qutayba ibn Muslim, et al., the tales of whose escapes from trouble are narrated as being achieved by the heroes’ own merits. Such unambiguous hero figures in Arabic literature never find themselves seeking refuge with women.

The anti-heroism of al-Sulayk and al-Qattāl’s asylums stands in further relief when compared with literature’s treatment of Dirār ibn al-Ḥaṣṭāb and Marwān ibn Zīnā’s stories. Both Dirār and Marwān are accorded positive biographies: Marwān was a raider, but was depicted as a leader of a tribal war band and the story of his fidelity and his ability to provide protection were also proverbial, and Dirār was memorialised as a warrior of the Muslim conquests. As they are characters on the ‘inside’ of the warrior/hero ideal, it is telling that the memories connecting them to acts of women’s protection lack the narrative flourish of the active roles ascribed to al-Sulayk’s and al-Qattāl’s female protectors, and neither Marwān nor Dirār assume woman’s dress. Herein Arabic literature’s processes of conforming the pre-Islamic men into Muslim-era expectations of the pre-Islamic Arab warrior wrote out the role of protector women, whereas the narrators conversely elaborated the active protection in the cases where outlaws were involved.

It is also material that the examples of women’s protection do not result in historiographical interest in the women’s characters. Though Ḥumā’a, Fukayha and the others are the grantors of protection, they are unknown outside of their individual acts, and their stories are narrated within the biographies of the men they protected. The act of women’s protection is thus projected as a means to depict the character of the man, rather than the woman: in our cases, the protectress is effectively a stock character, and where her role is elaborated, it is to facilitate a humorous story about the outlaw. This is moreover another contrast to the stories of men’s protection, where the ability of a man to fulfil his protection promise is the normative expectation. The nature of the women’s protection narratives thereby reveals that Arabic literature ascribes no particular honour to the woman protectress or her kin, the narratives intend the opposite: they operate to affix dishonour into the biography of the man protected.

Conclusions: Women, Anti-Heroes and a Window into Fiction

The scattered array of references to women’s protection in Arabic writing present a variegated background at the dawn of Islam which was eventually regularised over several centuries of narration. The stories of Dirār and Marwān ibn Zīnā perhaps give
When, during one of his invasions, Qutayba beheld a man from the al-Azd who carried a hole-riddled shield of camel leather, he called out: “The shield of ʿUmar ibn Abī Rabīʿa is better than that of our Azdī friend!” (Qutayba intended ʿUmar’s verse in which he described his furtive escape from the tent of his lover: My shield, behind which I sheltered from those I feared, was made of three: two comely lasses and one just pubescent)

The Adżī man replied: “My lord, this shield is trustier than that one!”

The fact that so few of these stories survive suggests that the practice was not very common throughout Arabia as a whole, and hence when the Prophet uttered his egalitarian statement about protection, he may not have had women in mind. The factual issues surrounding the stories purporting to be precedent from the Prophet’s lifetime suggest that women’s acts of protection were not regularly-sanctioned by the Medinans, which is further supported given the absence of women stepping forward as protectors in early Islam, despite the considerable conflicts and intrigues which could be expected to generate more stories if the practice was prevalent. Interestingly, the main advocates of women’s capacity to protect were jurists who sincerely embraced a notion of Islam’s egalitarianism and, as a matter of theory, ensured that their juridical manuals sanctioned gender equality in the realm of asylum grants.

From the evidence of the Arabic literature, however, the jurists’ theory was separate from practice and the logic of gender norms in Arabic literature about pre-Islam. Heroic figures are so axiomatically not involved with women’s protection, that effectively all literary references to the concept serve as devices to portray villains and anti-heroes. We have Abī Sufyān pleading with Fājīma, the pagans hiding under ʿUmm Hāni’s robes at the conquest of Mecca, and two outlaws. The former pair are natural villains: Meccans who, even on the day of Mecca’s conquest by the Muslims, did not convert, and as punishment in posterity, literature memorialised them as seeking women’s protection, casting further humiliation upon their memory via the narratives’ humour. The active role of the outlaws’ protector women also seems targeted to accentuate the men’s anti-heroic nature, especially in light of the observation that the women who protected Ḍirār and Marwān had their roles downplayed, and the vast majority of Arabic literary heroes absolutely never find themselves seeking the asylum of women.

58 Given the foregoing, the legal texts speak within a jurisprudential world of theory, and their normative concepts apparently did not influence the perceptions of gender and protection in Arabic literature. As a practical matter, women in medieval Islam may have taken more active roles in formally protecting men, but Arabic literature about pre-Islam speaks within a world of heroes whose gendered expectations are more clear cut. Literary and poetic references to men seeking women’s protection call for interpretation as deliberate efforts to resist heroic ideals and engage with deliberate anti-hero mythopoesis.

59 A famous example is the lover poet ʿUmar ibn Abī Rabīʿa, whose poetry detailing the protection afforded him by women is also discussed in Van Gelder’s contribution to this issue. The fact that ʿUmar boasts about his lady protectors would appear yet another avenue by which ʿUmar endeavoured to flip heroic norms. His poetry is replete with the imagery and vocabulary of heroic verse, but he turns them on their head, as his quests invariably lead to women, and oppose the poetry of earlier heroes whose ability to leave lovers was the very essence of the nasīb and rahil opening sections of the classic qaṣīda poem. ʿUmar likewise inverted cultural icons for parody (e.g. the Haǧǧ, which he expressly revered because it annually gathered women for him to woo), and the fact that ʿUmar included women’s asylum as a salient theme of his adventures again reinforces the notion that early Muslim society did not consider women’s protection compatible with their heroic ideal. This is evidenced by a comment ascribed to Qutayba ibn Muslim, the commander of the Caliphate’s conquest armies in Eastern Iran:

When, during one of his invasions, Qutayba beheld a man from the al-Azd who carried a hole-riddled shield of camel leather, he called out: “The shield of ʿUmar ibn Abī Rabīʿa is better than that of our Azdī friend!” (Qutayba intended ʿUmar’s verse in which he described his furtive escape from the tent of his lover: My shield, behind which I sheltered from those I feared, was made of three: two comely lasses and one just pubescent)

The Adżī man replied: “My lord, this shield is trustier than that one!”

60 Faint inklings that women had the power to act as protectors amongst some Arabian groups, and that the woman’s kin were expected to defend the men to whom she granted protection. The fact that so few of these stories survive suggests that the practice was not very common throughout Arabia as a whole, and hence when the Prophet uttered his egalitarian statement about protection, he may not have had women in mind. The factual issues surrounding the stories purporting to be precedent from the Prophet’s lifetime suggest that women’s acts of protection were not regularly-sanctioned by the Medinans, which is further supported given the absence of women stepping forward as protectors in early Islam, despite the considerable conflicts and intrigues which could be expected to generate more stories if the practice was prevalent. Interestingly, the main advocates of women’s capacity to protect were jurists who sincerely embraced a notion of Islam’s egalitarianism and, as a matter of theory, ensured that their juridical manuals sanctioned gender equality in the realm of asylum grants.

From the evidence of the Arabic literature, however, the jurists’ theory was separate from practice and the logic of gender norms in Arabic literature about pre-Islam. Heroic figures are so axiomatically not involved with women’s protection, that effectively all literary references to the concept serve as devices to portray villains and anti-heroes. We have Abī Sufyān pleading with Fājīma, the pagans hiding under ʿUmm Hāni’s robes at the conquest of Mecca, and two outlaws. The former pair are natural villains: Meccans who, even on the day of Mecca’s conquest by the Muslims, did not convert, and as punishment in posterity, literature memorialised them as seeking women’s protection, casting further humiliation upon their memory via the narratives’ humour. The active role of the outlaws’ protector women also seems targeted to accentuate the men’s anti-heroic nature, especially in light of the observation that the women who protected Drār and Marwān(392,550),(552,709) had their roles downplayed, and the vast majority of Arabic literary heroes absolutely never find themselves seeking the asylum of women.

59 Given the foregoing, the legal texts speak within a jurisprudential world of theory, and their normative concepts apparently did not influence the perceptions of gender and protection in Arabic literature. As a practical matter, women in medieval Islam may have taken more active roles in formally protecting men, but Arabic literature about pre-Islam speaks within a world of heroes whose gendered expectations are more clear cut. Literary and poetic references to men seeking women’s protection call for interpretation as deliberate efforts to resist heroic ideals and engage with deliberate anti-hero mythopoesis.

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Whether or not Qutayba himself made the quip is of little concern: the story speaks to the reception of 'Umar's poetry, whereby his verse was quoted in literature as an example of the opposite of the true military ideal of early Islam's heroes.

Our survey of references to women's grants of protection thereby ends by depositing us before important concerns regarding the interpretation of Arabic literary memories of pre- and nascent Islam. Arabic literature presents the stories as historical accounts, rarely giving indication that they are producing fiction, but the protection stories involving female protectors seem prime examples of fictionalization: windows into the obscured operation of storytelling which created literary worlds of pre-Islamic al-G̣âhiliyya and early Arabian Islam to suit third/ninth and fourth/tenth century audiences. Notwithstanding the isnāds and the hallmarks of factual narration, there were outlets of embellishment, humour and (anti)hero mythopoiesis, where value-laden concepts such as gender and protection could be marshalled into literary tropes to create anti-hero character types. Via this device and manifold others yet to be studied, the Muslim-era storytellers filled the tableau of the past with characters and characteristics of their own making that communicated normative discourses of their audiences.

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and Arabising the Graeco-Roman terminology—the course of the conquests as their way of continuing Graeco-
early Muslim-era surrender agreements: she argues that the term was coined by Muslims during a novel appearance during the Muslim conquests. Levy-Rubin likewise notes a related word

Almost every collection of pre-Islamic poetry will contain some reference to a hero vaunting his own nobility by boasting about the efficacy of his protection promises, or praise poetry addressed to noblemen in which their ability to protect is cited as one of their key characteristics. For examples, see Ibn Nubāta’s helpful compendium of pre-Islamic biographies, Sarh al-uyūn, pp. 88, 90–91, 92–93, 103, 133–134, 161, 163.

For protection contracts in fiqh books, see al-Šāfi’ī, al-Umm, IX, pp. 231–242; Ibn Qudāma al-Maqdīsī, al-Muqni’, X, pp. 432–441; Ibn Qudāma, al-Šarh, X, pp. 555–589. The use of ḍimma to connote ‘protection’ is not common in pre-Islamic poetry; the Hejazi poet of the Ḥudayl, Usāma ibn al-Ḥārīr who lived at the dawn of Islam refers to ḍimmi as a ‘protected person’: al-kafil al-ma’āhad (al-Sukkari, Sarh, III, p. 1297), the term ḍimma also appears in tandem with the verb wa’aṭf to connote the ‘upholding of protection’ in a few well-attested verses (Kurayyim, 2010, p. 568) and Mutammim ibn Nuwayra also cited the word ḍimma, though the particular line is of perhaps less easily-established authenticity, as it is intertwined with political issues of the early Caliphate (Ṣaffār, Maʿālik wa-Mutammim, p. 91). By the Umayyad-era, ḍimma features in numerous poems: e.g. al-ʿAṣīr (d.c. 92/710) the Umayyad-era Christian poet cites it in four verses, sometimes in reference to his own protected status (Ṣīr, p. 32, 54, 242, 373), and he also uses a related word ḍamāma (or ḍamāma) to mean something inviolable (Ṣīr, p. 415).

Schacht, 1956, p. 441–442. ElP notes the absence of the term ṣamā’n in the Qurʾān, and its novel appearance during the Muslim conquests. Levy-Rubin likewise notes ṣamā’n’s absence in early Muslim-era surrender agreements: she argues that the term was coined by Muslims during the course of the conquests as their way of continuing Graeco-Roman international law practice and Arabising the Graeco-Roman terminology pistis and fides (Levy-Rubin, 2021, pp. 197–202, 2010).
Conquest, but remained of questionable faith (variants can be found in the modern edition of Ibn Ḥanbal: 993 (II, p. 286), 1037 (II, p. 304), 1298 (II, p. 428)). Gʿiwar was by far poetry's preferred term for protection in the Unayyad-period as well, which tallies with Levy-Rubin’s findings from prose sources where gʿiwar remained a term for protection amongst Muslims in early Islamic-era prose records, but not in protection treaties with non-Muslims where amān was the most common term, Levy-Rubin, 2021, p. 202. Note that Gʿarir does cite amān once in the context of intra-Muslim protection (Diwān, II, p. 1010).

9 Approval of women’s capacity to grant protection is endorsed by all Sunni schools. For the Šafiʿi school: al-Šafiʿi, al-Umm, IX, pp. 251–232, 454; Ibn Ḥaḍar, Fath al-Bārī, XVII, pp. 463–464; Ḥanbali: Ibn Qudāma, al-Šarḥ, X, p. 556; Mālikī: Saḥnūn, al-Mudawwana, II, p. 618; al-Bāqʿi, al-Muntasāq, IV, p. 346; Ḥanafi: al-Saraḥī, al-Mabsūṭ, X, p. 78. For the Shiʿi, see al-Hilli, Taṣkīrat al-fuqahāʾ, IX, pp. 87–90: his reasoning resembles the Sunni scholars, differing only in al-Hilli’s suggestion that the Imām is needed for large-scale treaties, whereas al-Ṭjullī rules that smaller grants of protection can be made by any Muslim, male or female alike.

10 There are many variations of this wording in hadith collections. For the phrase: dimmatu al-Muslimima waḥdātun yas allāh bi-hā adnāhām: see al-Ṭabarī, Saḥīḥ, 3712 (al-Gʿiwa: 10), 6755 (al-Farrāʾ ud: 21); Muslim, Saḥīḥ, 3328, 3331 (al-Ḥaḍar gʿ: 467, 470). See also the sources in notes 22–24, below.


13 i.e. a woman’s protection contract does not have to be entered anew, though it only takes binding effect when approved by the Imām. See Ibn ʿAbd al-Barr, al-Tamhīd, XXI, p. 188.


17 Al-Ṭabarī, Tārīḫ, III, p. 46.

18 Sources concur that when Zaynab converted to Islam, she left her pagan husband. They were remarried when he converted to Islam.


20 This sceptical view on the historicity of Maǧāzī anecdotes was thesis of Lammens (1910), and has been frequently reiterated afterwards.


22 See, for examples, Ibn ʿAbd al-Barr, al-Musnad, 9173 (XV, pp. 91–92); Abū Dāwūd al-Siğʿi: ʿIstānī, Sunan Abī Dāwūd, 2751 (al-Gʿiwa: 147); Ibn Māğah ar, Sunan, 2683–2685 (al-Diyār: 31).


25 Al-Balāḏurī, Ansāb al-asrāf, I, 2, pp. 999–1006; see also I, 2, p. 945.

26 Mālik, al-Muwājaṭa, 535 (p. 125); Ibn ʿAbd al-Barr, al-Musnad, 27379 (XLV, p. 378); al-Ṭabarī, Saḥīḥ, 357 (al-Salāt: 4).

27 Modern feminist-inspired readings of Islamic history also find the story sufficient as evidence for the “active role of women” in Muḥammad’s society, see al-ʿAbbār al-Yaʿūm, Sunday 1 September 2019: Daʿw ar-maʿa fī bīnā al-mug ʿama al-islāmī. 1928 For the hadith, see Ibn ʿAbd al-Barr, al-Musnad, XLIV, pp. 455–480; XLV, pp. 378–388.

29 Ibn Ḥaḍar ar, Fath al-Bārī, II, pp. 68–69. His findings appear to be accurate, as similar variants can be found in the modern edition of Ibn Ḥanbal’s Musnad: hadith 26892, 26896, 26906, 26907, 27379, 27380, 27388, though from Ibn Ḥanbal’s material yet a further option emerges, detailed at (x).

30 Al-Wāqīḍi, al-Maǧāzī, II, pp. 829–830; Ibn Saʿd, al-Ṭabaqāt, II, pp. 144–145. Ibn Hīšām (al-Sīra, II, p. 411) does not specify names, and states the protected were her “two in-laws from the Maḫāzīm”.

31 Al-Balāḏurī, Ansāb, I, 2, pp. 888–910. Al-Balāḏurī does name al-Ḥārīt ibn Hīšām (Ansāb, I, 2, p. 906), but not in connection with protection: he is said to have converted upon the Conquest, but remained of questionable faith (maḏmūs ʿalaḥyfi fi islāmīhi).
34 For examples, consider the stories listed in note 1, above.
36 Both ‘Umar and Dirār’s fathers were named al-Ḥaṭṭāb, but there was no relation.
37 The Daws were a sub-lineage of al-Azd.
40 It is absent in the early layers of proverb collections by al-Ḍabbī (d. between 164–170/781–787), al-Sadūsī (d. 195/810–811) and even al-Bakrī’s more compendious Faṣl al-Maqāl. For the expression in the later collections, see al-Askarī, G’umhara, II, pp. 347–348; al-Maydānī, Maq ’ma’, III, p. 378.
41 See the discussion in Dirār, Diwān, p. 80, n. 3.
42 For discussion of the versions of the poem, see Dirār, Diwān, pp. 106–107.
44 See al-Bayhaqī, al-Maḥāsīn, I, pp. 175–176; pseudo-al-Gāhīz, al-Maḥāsīn, p. 41. Al-Bakrī (Faṣl al-Maqāl, p. 130) likewise treats ‘Awf as the protagonist, but does narrate that the protection was initially granted by Ḥumā’a.
46 Al-‘Askarī, G’amhara, II, p. 346.
48 See Webb (2016, pp. 197–205) for the genealogical evidences, and the references therein for earlier comments on women’s political power in pre-Islamic Arabia.
50 Al-Asbahānī, al-Aġānī, XXIV, p. 141.
51 For representative examples, see al-Sīg’istānī, Fuḥūlat, p. 121; al-Asbahānī, al-Aġānī, XX, p. 389.
52 Al-Asbahānī, al-Aġānī, XXIV, p. 139.
53 For the essential ambivalence of outlaw portrayal in literature, see Seal, 2011, pp. 3–12; for a collection on medieval European anti-heroes, see Cartlidge, 2012.
55 A signature of most al-Sulayk stories ascribe him superhuman feats of running speed and endurance: e.g. al-Asbahānī, al-Aġānī, XX, pp. 389–390, 394, 396, 398. For al-Sulayk’s identity as a quintessential ‘runner’, see Webb, 2019, pp. 41–43.
57 Al-Asbahānī, al-Aġānī, XX, p. 397; al-Askarī, G’amhara, II, p. 347. More abridged versions in historical text such as al-Balāḏūrī’s Ansāb al-Aṣḥāf (VII, 1, p. 152) do not contain this expansion.
60 Dirār was the son of one of the Quraysh clan’s leaders (Ibn ‘Abd al-Barr, al-‘ Isti‘āb, II, p. 478) and acquitted himself well in the conquests of Iraq (see al-Ṭabarī, Ta‘rīh, III, pp. 561, 563; IV, pp. 8, 37); Marwān ibn Zīnib‘ was associated with a proverbial expression referencing his ability to protect land and to be faithful to his promises (al-Askarī, G’amhara, II, p. 65; al-Bakrī, Faṣl al-Maqāl, pp. 330, 336), and his son became a tribal leader (al-Balāḏūrī, Ansāb, VII, 2, p. 63).
61 This is perhaps the case too of al-Sulayk and Fukayha, before narrators worked humour into his story, while playing down the role of female protectors in the other cases.
62 An example from the Mamluk-era of a man seeking a protection from a woman occurs during Qarā Sunqur’s flight from the Sultan al-Nāṣir Muhammad ibn Qalāwūn (r. 709–741/1310–1341), during which Qarā Sunqur sought g’ira-protection from Kāmilā Umm Aḥmad; Kāmilā’s husband agreed to uphold her promise, al-Ṣafādī, Tamām, pp. 213–214.
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