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Musical Instruments in *Samāʿ* Literature: al-Udfuwī's *Kitāb al-Imtāʿ bi-aḥkām as-samāʿ*

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Abstract

Samāʿ literature reveals a tension in premodern Islamicate societies. While musical practices were ubiquitous and practiced in many contexts, Islamic legal tradition regarded them with suspicion. Musical instruments occupied a central place in these discussions, perhaps, because as physical objects associated with what is otherwise in the non-tangible domain of sound they were seen as the quintessential manifestation of music. Udfuwī's *Imtāʿ* is one of the most comprehensive works in the genre, and its chapter on instruments is unique in both the length and place it ascribes to percussion instruments. Udfuwī argues for their permissibility and stresses their social importance throughout history.

Keywords

samāʿ – musical instruments – *ṭarab* – *ʿūd* / oud – *daff* / *duff* – Islamic law

Samāʿ Literature

The term *samāʿ*, literally, "audition" or "listening", was associated in Islamic literature with listening to music in a mystical context. From the mid-3rd H./9th CE century onwards, the term began to refer to ritual events, in which music was used to nourish the souls of the participants, induce them to reach states of ecstasy (*waǧd*), and help them ascend spiritual states.[1] As a literary genre,

1 Jean During, "Musique et Rites: Le *Samāʿ*," in *Les Voies d'Allah: Les ordres mystiques dans l'islam des origines à aujourd'hui*, ed. by Alexandre Popovic and Gilles Veinstein (Paris: Fayard, 1996), 157–72.

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the term *samāʿ* came to denote a genre of legal Islamic literature dedicated to questions of permissibility of musical practices, whether music making or listening. Music has been a contested topic in Islamic legal literature, and scholars from all schools of law dedicated lengthy discussion to the topic, either in chapters within general works, or in treatises dedicated exclusively to *samāʿ*.

The legal opinions ranged from the disapproval of most musical practices, whether song music or instrumental, to the acceptance of some practices while rejecting others. These legal discussions echo many of the different contexts in which music played a part in premodern Islamicate societies, from celebrations and festivities to informal social gatherings. In some of these contexts, alcohol was consumed, and it seems that this fact led scholars to regard music with suspicion. But while legal scholars were usually in conformity with regard to music played in contexts of perceived dubious morality, they differed greatly when it came to music used at events of religious or more public nature. With the growth of Islamic mysticism, music started playing an important role in ceremonies of *ḏikr*, and for many Sufis, listening to music became an inseparable part of the mystical journey. Some, as the Šāfiʿī jurist and theologian al-Ġazālī (d. 505/1111), perceived music to have a positive and important role in helping the disciple who embarks on their mystical journey purify their hearts, and get closer to the Creator.[2]

The differentiation between the contexts in which music was played, in taverns or other situations in which alcohol was consumed vs. music played in religious events, allowed jurists to accept some musical practices as "allowed" (*mubāḥ*), while rejecting others as "reprehensible", or "strongly discouraged" (*makrūh*) and even "forbidden" (*ḥarām*).[3] The differentiation between music played in these different contexts could be seen also in the different terminologies for "music". Premodern Arabic uses different terms to refer to practices that today are grouped under the one category of "music". *Ġināʾ* was the term used not only for "song music", but also for "art music", and for "music played for enjoyment", while *samāʿ* was used to refer to music in the mystical context. In addition to debating the acceptance or rejection of musical practices in Islamic mysticism, *samāʿ* treatises discuss a vast range of musical practices beyond the Sufi context, from the music sang or played at the privacy of one's home, to that played in public, including in various social events and functions. In other

2 Yaron Klein, "Music, Rapture, and Pragmatics: Ghazālī on *Samāʿ* and *Wajd*," in *No Tapping around Philology: A Festschrift in Honor of Wheeler McIntosh Thackston Jr.'s 70th Birthday*, ed. by Alireza Korangy and Daniel J. Sheffield (Wiesbaden: Harrassowitz Verlag, 2014), 215–42.

3 For discussions of the centrality of context to the legal perception of different musical practices see, Lois Ibsen al Faruqi, "Music, Musicians and Muslim Law," *Asian Music* 17, no. 1 (1985): 3–36; Klein, "Music, Rapture, and Pragmatics," 215–42.

words, *samāʿ* literature discusses not only music in its restricted Sufi context, but also music in a more general sense, beyond that of the mystical *samāʿ*, the kind that is referred to in premodern Arabic under the term *ġinā'*.[4]

As for the legal debate, writers of *samāʿ* treatises often sided with one position in the controversy. However, most works present both sides of the debate, even if more persuasive arguments are provided for one position. This debate within Islamic literature was never resolved, and *samāʿ* treatises continue to be written and discussed, from the ninth century to the present.[5]

For those interested in learning about music and musical practices in the premodern Islamic world, *samāʿ* treatises are of great value. Their format allowed for discussions of music beyond what is found in theoretical musicological-philosophical literature, and even in literary, *adab*, works, thus providing the modern reader with rich insights into the place of music in Islamicate societies. The sheer number of these treatises, as well as the level of details in them, attest to the importance music had in everyday life in the Middle East over the centuries.

Udfuwī's *Imtāʿ*

While contributions to the debate by legal scholars such as as-Sarrāǧ (d. 378/988), al-Ġazālī, Ibn Taymiyya (d. 728/1328), and Ibn Qayyim al-Ǧawziyya (d. 751/1350) received scholarly attention, many works in the genre of *samāʿ* remain mostly unexplored, and at times, even unpublished in print. The following discussion will examine one of these overlooked gems, *al-Imtāʿ bi-aḥkām as-samāʿ* (*The Delight by the Rules of Musical Audition*), a treatise by a relatively obscure Egyptian jurist, Kamāl ad-Dīn Abū Faḍl al-Udfuwī (1286–1347). Though not written by a scholar of the caliber of the aforementioned writers, the *Imtāʿ* is a unique work in terms of its scope and content. Coming relatively late to the debate, Udfuwī provides a synopsis of the legal opinions before him, not only in his Šāfiʿī school of law, but also in other schools. The work also stands out among *samāʿ* works in the place it allocates to musical instruments, and especially to percussion instruments. The *Imtāʿ* is preserved in a number

4 In addition to *ġinā'* and *samāʿ*, we also encounter the term *mūsīqī*. The latter is the term used in premodern Arabic to refer to the science of music. It is derived from the Greek μουσική. Modern Arabic uses the term *mūsīqā*, following the Latin or Italian *musica*, in both pronunciation and meaning.

5 For an example of a modern discussion of the topic, see Yūsuf al-Qaraḍāwī, *Fiqh al-ġinā' wa-l-mūsīqā fī ḍaw' al-Qur'ān wa-s-sunna* (Beirut: Mu'assasat ar-risāla, 2007).

of manuscripts,[6] and was recently published in a scholarly printed edition.[7] The work seems to have been relatively popular in its time, attested by its three surviving epitomes.[8]

In the *Imtāʿ*, Udfuwī discusses the permissibility of music, quoting legal scholars from all Sunnī schools. The result being one of the most comprehensive presentations of the legal debate on *samāʿ*. In addition to quoting different opinions of jurists, Udfuwī also adds his own views, often bringing reasonings beyond textual analysis.

The work includes an introduction, two chapters, and a concluding section. The introduction discusses, among others, the permissibility of reciting the Qurʾān with melodies. The first chapter is dedicated to a discussion of *ġināʾ*, in which Udfuwī argues for the permissibility of song music. After establishing that music produced by the voice is not in and of itself forbidden by Islamic law, he proceeds in the second chapter to discuss instrumental music. The chapter, dedicated exclusively to instruments, is of great interest. It contains 10 sections, each dedicated to a different instrument or group of instruments: the *daff* (frame-drum), the *šabbāba* (end-blown flute), "other wind instruments", the *ʿūd*, *ṭubūl* (single and double-headed drums), *ṣaffāqatāni* (finger cymbals/castanets/clappers),[9] *ṣunūǧ* (cymbals),[10] the *qaḍīb* (wand), hand clapping, and singing to the accompaniment of instruments. The work concludes with a discussion of a few "branches", associated topics stemming from the discussion of instruments: the permissibility of dancing, of selling female slave musicians and of musical instruments, hiring musicians, teaching music and the acceptance of the oath from a musician.

The chapter on musical instruments in the *Imtāʿ* is perhaps what makes this work stand out among other contributions in the genre of *samāʿ*. While

6 For a list of MSS of the work, see Amnon Shiloah, *The Theory of Music in Arabic Writings (c. 900–1900): Descriptive Catalogue of Manuscripts in Libraries of Europe and the U.S.A.* (Munich: G. Henle Verlag, 1979), 50–52.

7 Ǧaʿfar b. Ṭaʿlab al-Udfuwī, *al-Imtāʿ bi-aḥkām as-samāʿ*, ed. by Ǧantī b. Wisām Duġūẓ (Beirut: Dār al-allobab, 2019).

8 Shiloah, *The Theory of Music*, 50–52.

9 Used by singers and dancers alike. See Henry George Farmer, *Islam* (Leipzig: Deutscher Verlag für Musik, 1966), 56–57. Lois Ibsen al Faruqi, *An Annotated Glossary of Arabic Musical Terms* (Westport, Conn.: Greenwood Press, 1981), 287.

10 The term *ṣanǧ* (pl. *ṣunūǧ*) was used to indicate different instruments in different times. Especially in pre-Islamic times, the word was used for an open stringed harp-like instrument. The term was also used as a generic name for different types of cymbals. Al Faruqi notes, that in the 13th century the term denoted a large cymbal, and this must be the instrument Udfuwī had in mind. See Lois Ibsen al Faruqi, *An Annotated Glossary of Arabic Musical Terms* (Westport, Conn.: Greenwood Press, 1981), 294–95.

discussions of musical instruments are prevalent in these works, the central place dedicated to them in the *Imtāʿ* is unusual. In addition to the extensiveness of this section, the selection of instruments and the order of their presentation is interesting. The first instrument discussed is a percussion instrument, the *daff*, and out of the nine sections on instruments, six are on percussion instruments or practices. The centrality of percussion in the discussion is especially interesting when compared to discussions of instruments in theoretical philosophical-musicological literature, in which we hardly find any references to or detailed descriptions of non-melodic instruments. In the theoretical musical literature, it is melodic instruments like the *ʿūd* that receive most of the attention. Thus, for example, the Iḫwān aṣ-Ṣafāʾ (fourth/tenth century), in their "Epistle on Music" present the *ʿūd* as "the perfect instrument that philosophers have constructed."[11] Udfuwī's discussion provides a different perspective. In addition to his discussion of percussion instruments, Udfuwī dedicates chapters to two central melodic instruments, the *ʿūd*, the Arab short necked lute, and the *šabbāba* flute.

Kamāl ad-Dīn Abū l-Faḍl al-Udfuwī

Not much is known about the author. Al-Udfuwī is named after Udfū,[12] a small village in the Ṣaʿīd region of southern Egypt, where he was born. He studied in Qūṣ, near Uswān [Aswān], which was an important center of learning at his time, and then moved to Cairo to continue his studies in the renowned Ṣāliḥiyya *madrasa*, where he subsequently taught until his death in 1347. Biographers present him as a Šāfiʿī scholar of Islamic jurisprudence (*fiqh*), an expert on prophetic traditions (*ḥadīṯ*), and a historian. Aṣ-Ṣafadī (d. 764/1363) notes in his *Wāfī bi-l-wafayāt* that Udfuwī was knowledgeable in many fields,

11 See Iḫwān aṣ-Ṣafāʾ, *ar-Risāla al-ḫāmisa fī l-mūsīqī*, ed. and transl. by Owen Wright under the title *On Music: An Arabic Critical Edition and English Translation of Epistle 5*, Epistles of the Brethren of Purity (Oxford: University Press, 2010), 64.

12 While a few modern scholars read the name Udfū as Adfu with a *fatḥa* over the *hamza*, and thus read Udfuwī's name as Adfuwī, I believe the correct reading should be with a *ḍamma*. This, based on vowel indications in relatively close contemporary sources; Yāqūt al-Ḥamawī (d. 626/1229), writes in his geographical dictionary *Muʿǧam al-buldān*, *Udfū bi-ḍammi l-hamzati wa-sukūni d-dāli wa-ḍammi l-fāʾi wa-sukūni l-wāwi smu qaryatin bi-ṣaʿīdi Miṣra l-aʿlā bayna Aswāna wa-Qūs*. See Yāqūt al-Ḥamawī, *Muʿǧam al-buldān* (Beirut: Dār Ṣādir, 1955), 1:126. Az-Zabīdī (d. 1205/1791) indicates the same vowelling in his *Tāǧ al-ʿArūs*: *Udfū bi-ḍammin fa-sukūni d-dāli wa-l-wāwi wa-l-fāʾ maḍmūma*. See Murtaḍā az-Zabīdī, *Tāǧ al-ʿarūs min ǧawāhir al-qāmūs*, ed. by ʿAbd al-Fattāḥ al-Ḥilū (Kuwait: Maṭbaʿat Ḥukūmat al-Kuwayt, 1986), 23:9.

including the theory of music. He recounts that he met Udfuwī several times in the book market in Cairo, where he heard him talk, and recite some of his poetry. It seems that Udfuwī remained connected to the Ṣaʿīd of Egypt, even after moving to Cairo. Aṣ-Ṣafadī notes that when the school year of the Ṣāliḥiyya was in recess, he would spend time in his hometown, Udfū, in an orchard he owned, then return to Cairo.[13] His interest in the Ṣaʿīd could be seen in some of his written works. In addition to his treatise on *samāʿ*, Udfuwī also wrote a biographical dictionary of the people of the Ṣaʿīd,[14] and a work of history of that region.[15] In addition to these, he also wrote an introductory book on Sufism.[16] Ibn Qāḍī Šuhba (d. 851/1448) notes in his *Ṭabaqāt aš-šāfiʿiyya*, that Udfuwī was interested in music, and would attend *samāʿ* ceremonies.[17] Ṣafadī reports that he died in the plague (*aṭ-ṭāʿūn*) of 748/1347.[18]

Udfuwī Discussing His Method

In his introduction, Udfuwī presents his general approach towards *samāʿ*, and the method he believes one should follow in discussing it. He does so in an elaborate stylistic section that begins with rhymed prose and ends with poetry verses of his own composition:

> The legal rules (*aḥkām*) of *samāʿ* have been a controversial topic among jurists throughout history. Some disliked it and regarded it with aversion (*karāhiyya*), others, extremists reached the point of repudiating and forbidding it. Yet others, extremists [from the other side], perceived it as that which leads to paradise in the next world. There are those who are in the middle, adhering to the position of permissibility (*ibāḥa*). The middle in everything is the correct way. [Another group] held [*samāʿ*] as permissible for some, while forbidden when used too frequent. [Last,] there are

13 Ḫalīl b. Aybak aṣ-Ṣafadī, *Kitāb al-Wāfī bi-l-wafayāt*, ed. by Aḥmad Arnāʾūṭ and Turkī Muṣṭafā (Beirut: Dār iḥyāʾ at-turāṭ al-ʿarabī, 2000), 11:77–78.

14 Ǧaʿfar b. Ṭaʿlab al-Udfuwī, *aṭ-Ṭāliʿas-saʿīd* (Egypt: ad-Dār al-miṣriyya li-t-taʾlīf wa-t-tarǧama, 1966).

15 Ǧaʿfar b. Ṭaʿlab al-Udfuwī, *al-Badr as-sāfir ʿan uns al-musāfir* (Rabat: Markaz ad-dirāsāt wa-l-abḥāṭ wa-iḥyāʾ at-turāṭ, 2015).

16 Ǧaʿfar b. Ṭaʿlab al-Udfuwī, *al-Mūfī bi-maʿrifat at-taṣawwuf wa-ṣ-ṣūfī*, ed. by Muḥammad ʿĪsā Ṣāliḥiyya (Kuwait: Maktabat dār al-ʿurūba, 1988).

17 Abū Bakr b. Qāḍī Šuhba, *Ṭabaqāt aš-šāfiʿiyya*, ed. by ʿAbd al-Ḥalīm Ḫān (Beirut: ʿĀlam al-kutub, 1987), 3:20–21.

18 aṣ-Ṣafadī, *al-Wāfī*, 11:78.

those who distinguished between men and female slaves (*mamlūkāt*), between young men (*murd*) and freeborn (*aḥrār*).

He then ends with a poem of his own composition, advising the reader regarding the method they should take when approaching legal matters:

tabāyana n-nāsu fī mā qad raʾaw wa-rawaw
wa-kulluhum yaddaʿūna l-fawza bi-ẓ-ẓafarī
fa-ḫuḏ bi-qawlin yakūnu n-naṣṣu yanṣuruhū
immā ʿani llāhi aw ʿan sayyidi l-bašarī
wa-kullu qawlin yakūnu an-naṣṣu yadfaʿuhu
fa-rfuḍhu rafḍan wa-kun minhu ʿalā ḥaḏarī

Men differ regarding what they see and transmit,
all claiming to be victorious and triumphant.
Choose the position advocated by the text/scripture,
either by God or by the Lord of Mankind.
And whatever position the text repudiates,
you should reject and be cautious of.[19]

In verse, Udfuwī presents his legal position: a preference for a purely textual approach over speculative analogy. Legal matters should be decisively ruled only when there is a clear indication in either the Qurʾān or the prophetic tradition (*ḥadīṯ*). Whenever there isn't clear textual evidence, one should be cautious, and avoid making speculative assertions that go beyond these texts. As we will see, this position allows him to be more acceptable of musical practices, and to refute some of the opposition to musical instruments.

The *daff*

Udfuwī begins his discussion of instruments with round frame drums. These include primarily the *daff*, also pronounced *duff* (pl. *dufūf*), a round opened-frame drum, and the *mazhar*, a round closed-framed drum. He begins by stressing the centrality of these instruments, quoting "the scholars of theoretical music" (*ʿulamāʾ al-mūsīqī*), who held that the *daff* is a complete or perfect instrument (*āla kāmila*) that governs the rest of the instruments. Musicians, says Udfuwī, rely on it, since it is only by the drum that rhythmic cycles become

19 Udfuwī, *al-Imtāʿ*, 4.

apparent.[20] Moreover, he continues, these music theorists noted that the *daff* is comprised of the four elements and the four qualities.[21] The part closest to the frame of the drum represents the element of fire, in which the soul resides. Inside the area adjacent to the frame, in a second circle, is the element of air, then that of water, and at the very middle – the circle of earth.

The placement of each of these elements on the *daff* is not arbitrary. Striking the area of the middle of a drum produces a low-pitched heavy sound (the "*dumm*" of modern practice), while striking close to the rim produces a higher lighter pitched sound (the "*takk*" of modern practice). Earth and water, considered in the Greco-Arab theory of humors "heavier" than air and fire, were placed towards the middle of the *daff*, while the "lighter" elements were placed on the outer part of the instrument.

The correspondence between musical elements, including parts of instruments and natural phenomena counted with the number 4 and its multiples, including the four elements, is well known from Pythagorean-influenced Arab music theorists, most notably al-Kindī (d. c. 256/870) and the Iḫwān aṣ-Ṣafāʾ.[22] However, the instrument that features in their discussions is usually the *ʿūd*, whose four strings and other proportions of construction were seen as especially lending themselves to this correspondence. The use of the *daff* for this correlation is unusual, and thus, intriguing.

Within Galenian medical theory, these correlations between sounds and elements have further implications for possible effects of music on the body and soul. Since different parts of the drum produce different kinds of sounds, in both pitch and timbre, and different parts of the *daff* correspond to different elements, and by extension, to the humors of the body, then, playing the *daff* could have been seen as able to change the mixture of the humors that comprises the human body, resulting in change of physical and mental health, of the kind described by theorists regarding the four strings of the *ʿūd*. The *daff*, writes Udfuwī, governs the rest of the instruments by establishing the rhythmic patterns, and any performance devoid of it is weak.[23]

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20 Udfuwī, *al-Imtāʿ*, 313.

21 *Al-ʾAnāṣir al-arbaʿ wa-l-fuṣūl al-arbaʿa*. The context suggests that Udfuwī meant here the four qualities and not "seasons." Udfuwī, *al-Imtāʿ*, 313.

22 See al-Kindī, "Risāla fī Aǧzāʾ ḫabariyya fī l-mūsīqī," in Abū Yūsuf Yaʿqūb al-Kindī, *Muʾallafāt al-Kindī al-mūsīqiyya*, ed. by Zakariyyā Yūsuf (Baghdad: Manšūrāt al-ǧamal, 2009), 121 ff. Al-Kindī, "Kitāb al-Muṣawwitāt al-watariyya," in al-Kindī, *Muʾallafāt*, 92 ff. Iḫwān aṣ-Ṣafāʾ, *ar-Risāla al-ḫāmisa*, 97–98.

23 Udfuwī, *al-Imtāʿ*, 314. While references to the theory of correspondences between sounds and humors are made in theoretical-philosophical literature, and appear anecdotally in other sources, such as in poetry, we do not have clear indications as to how precisely this theory affected practice, if at all. Did the sound-humors correspondence theory really

After presenting the *daff's* leading role and importance as claimed by the philosophers and the practitioners, Udfuwī moves to the legal discussion. The *daff*, as other percussion instruments, is subjected to a debate in legal literature, and Udfuwī presents a very nuanced discussion of the arguments for and against its usage. Much of the debate over the permissibility of musical instruments is based on prophetic traditions that report comments and actions made by the Prophet while coming in the presence of instruments. Instruments are therefore discussed within a context of praxis. We learn that the *daff* seems to have been in use, both at the time of the Prophet and in Udfuwī's own lifetime, in public celebrations. A number of prophetic traditions stress its importance in weddings, circumcision ceremonies, and at times, also in other special events. Following these traditions, jurists of different legal schools regarded the practice of playing the *daff* in weddings permissible (*mubāḥ*), if not recommended (*mustaḥabb*). Udfuwī explains the rationale behind this approval, arguing that:

> What is sought after in a wedding celebration is announcing the marriage in public, and the stronger this "public annunciation", the better. Since the purpose of marriage is to counter the states of fornication, which require by their nature hiding, the *daff* was [deemed] appropriate for it (the marriage), since the sounds of frame drums are stronger than the human voice.[24]

Udfuwī adduces an often-quoted prophetic tradition, told on the authority of ʿĀ'iša, who reported that the Prophet said:

> Announce marriage publicly, hold it in the mosques, and beat the *dufūf* [to announce it].[25]

Udfuwī also mentions that ʿUmar b. al-Ḫaṭṭāb, the Prophet's close companion and the second Righteous Caliph, is reported to have ordered, whenever heard

shaped or informed healing practices? Or was it just a romantic perception of the influence of music, echoing much earlier discussions in Greek sources? Udfuwī's reference does not settle this question, but indicates that the theory was at least known outside music theoreticians/philosophers' circles.

24 Udfuwī, *al-Imtāʿ*, 325.

25 Udfuwī, *al-Imtāʿ*, 323–24. The tradition appears in at-Tirmiḏī's *Sunan*, and in many later *ḥadīṯ* compilations. The imperative of public announcement of weddings appears in other prophetic traditions, without mentioning of drums. See for example, Ibn Ḥanbal, *Musnad* (Beirut: Mu'assasat ar-risāla, 2009), 26:53 (no. 16130).

a sound of the *daff*, to inquire into the circumstances of its playing. If it was found to be a wedding, he would allow it, but if it were an other circumstance, he would order [the players] flogged.[26]

Circumcision is another public celebration in which, according to many jurists, the *daff* could and even should be used. Once again, this is a public event that invites the community to take part. Ibn ʿAbbās, the Prophet's cousin and a trustworthy transmitter, is reported to have hired professional musicians to play in his son's circumcision celebration.[27] Udfuwī adds an interesting explanation for the rationale behind the practice:

> Circumcision is obligatory (*wāǧib*) for some [religious communities], and [merely] custom (*sunna*) for others. [Yet] other religious communities (*milal*) don't practice it [at all]. However, it is necessary to show and display it in public, since circumcision is part of the natural constitution of Islam (*fiṭrat al-Islām*), as the Prophet said, "There are five components to the *fiṭra*", and he listed among them circumcision.[28]

The Qur'anic term *fiṭra* is generally understood in light of a widely quoted prophetic tradition, according to which the Prophet said, "Every newborn is born into the *fiṭra*. Then, his parents make him Jewish or Christian."[29] The fact that children are by nature born into the true religion, which is Islam, reveals that Islam is the natural religion of Creation, not just the religion brought to mankind by the Prophet Muḥammad in the 6th century.[30] According to a number of traditions, the Prophet mentioned circumcision as one of the five components of the *fiṭra*. Therefore, argues Udfuwī, displaying the act of circumcision in public (*iẓhāruhū*) is displaying the natural *fiṭra*, which some of the People of the Book avoid.[31] Playing *dufūf* in circumcision celebrations is a public display of an element of the innate religion to which all mankind

26 Udfuwī, *al-Imtāʿ*, 325.

27 Udfuwī, *al-Imtāʿ*, 326. ʿAbdallāh b. Muḥammad Ibn Abī Šayba, *al-Muṣannaf*, ed. by Kamāl Yūsuf al-Ḥūt (Beirut: Dār at-tāǧ, 1989), 3:496.

28 Udfuwī, *al-Imtāʿ*, 327.

29 *Kullu mawlūdin yūladu ʿalā l-fiṭratin fa-abawāhu yuhawwidānihī aw yunaṣṣirānihī*. See for example, Ibn Ḥanbal, *Musnad*, 12:104 (no. 7181).

30 See Jon Hoover, "*Fiṭra*," in *Encyclopaedia of Islam*: THREE, ed. by Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, Everett Rowson (retrieved July 18, 2020, via http://dx.doi.org.ezproxy.carleton.edu/10.1163/1573-3912_ei3_COM_27155).

31 *Fa-iẓhāruhū fīhi iẓhārun li-hāḏihī l-fiṭrati llatī yaǧtanibuhā qawmun min ahli l-kitāb*. I prefer the version in the Forschungsbibliothek Gotha (formerly Herzogliche Bibliothek) MS, reading *yaǧtanibuhā*, to the version chosen by the editor of the printed edition, *yuḫfīhā*, which I find less plausible. See Udfuwī, *al-Imtāʿ*, 327.

are born into, but to which few, like the Muslims, adhere. Udfuwī mentions another important role of drums in circumcision celebrations, claiming that the sound of *dufūf* together with songs they accompany help the circumcised child, by distracting him and alleviating his pain.[32]

To sum up, it is interesting to see that many jurists, Udfuwī included, ascribe to frame drums a social function and importance beyond a tolerance to a popular practice. Social institutions such as marriage and circumcision are dependent on public display. These instruments become social tools, preserving and marking social order. In the case of circumcision, they display God's *fiṭra*, and at the same time display clearly, through the soundscape of the city, who are the true believers, distinguishing between Muslims and those among the *"People of the Book"* who do not adhere to the *fiṭra*.

Some jurists accept the use of *dufūf* in a few other contexts, such as when signing a will (*waṣiyya*), celebrating a religious holiday (*ʿīd*), and upon the return of a traveler who has been away (*al-ġā'ib*). However, most jurists regard playing *dufūf* in contexts other than weddings and circumcisions as "forbidden". In their prohibition, they rely on both prophetic traditions and reasoning. Udfuwī recounts a tradition on the authority of Šurayḥ [b. Hānīʾ], which he quotes from the *Muṣannaf* of Ibn Šayba. In the tradition, the Prophet is reported to have said upon hearing the sound of the *daff*, "Angels do not enter a house that contains a *daff*".[33] Other traditions report that angels also avoid houses that have in them images or dogs. In a tradition quoted by Muslim in his *Ṣaḥīḥ*, ʿĀ'iša recounts that the Prophet once expected the angel Ǧibrīl, but the latter did not come. The Prophet seemed upset, and told her that neither God nor His messengers ever break their promises. He then looked around, and found a young puppy under his bed. The puppy was taken out of the house, and immediately Ǧibrīl appeared, explaining to the Prophet that "We [the angels] do not enter a house that has a dog or an image [in it]."[34] The angels, then, avoid entering houses that contain grave impurity, brought about by the likes of images, dogs, and also frame drums.

The widespread nature of this tradition could be seen echoed in an anecdote found in ʿUways al-Ḥamawī's *Sukardān al-ʿušš̄āq*, a 15th century compendium on love (still in manuscript). In an amusing anecdote recorded in the work, a dying man, realizing that his end is near, orders to bring into his house a variety of musical instruments. His friends and family members reproach him

32 Udfuwī, *al-Imtāʿ*, 327.

33 Udfuwī, *al-Imtāʿ*, 326. Ibn Abī Šayba, *al-Muṣannaf*, 5:316 (n. 26463).

34 Abū l-Ḥusayn Muslim an-Nīsābūrī, *Ṣaḥīḥ Muslim*, ed. by Muḥammad Fu'ād ʿAbd al-Bāqī (Beirut: Dār al-kutub al-ʿilmiyya, 1991), 3:1664 (no. 2104).

for doing so, but he explains that, "angels do not enter a house in which musical instruments are present, and I have just repelled the angel of death from my house!"[35]

Those who prohibit playing or listening to the *daff* beyond the aforementioned contexts, or see it as an aversion, often claim that the *daff* is associated with *lahw*, idle pass time, which corrupts the individual and diverge them from a pious way of life. Udfuwī paraphrases the Šāfiʿī jurist and theologian al-Ḥalīmī (d. 403/1012–13), who maintained that the heart, when immersed in *lahw*, degenerates its bearer, who loses devotion, and no longer spends time worshiping. Whatever causes such devastation is forbidden. However, all of that is absent when playing in a wedding, since in that particular context, *lahw* is precisely what is sought.[36]

Udfuwī rejects al-Ḥalīmī's argument. *Lahw*, says Udfuwī, is not what is sought in playing the *daff*, at least not for all people and in all cases. Echoing Ġazālī, he argues that its effect depends on the individual and the context. At times, hearing the sounds of the *daff* brings about relaxation (*istirwāḥ*). The souls, he says, are often bored with whatever practices they are engaged in, and relax by listening to songs (*ġinā'*) and the sound of the *daff*. At other times, people who experience difficulty and distress are brought to tears by hearing them, and experience relaxation. At yet other times, people show kindness (*ta'annasa*)[37] after listening to them. Playing the *dufūf*, says Udfuwī, does not corrupt the heart, but often to the contrary; listening to singing along with a *daff* softens the heart to the point of tears.[38]

Yet other scholars, maintain that the use of the *daff* should be permissible unrestrictedly. They rely on a number of traditions, in which the Prophet approved playing frame drums in a variety of contexts. One of the most widely quoted traditions on this topic is commonly known as "the tradition on the woman who made a vow" (*ḥadīṯ al-mar'a allatī naḏarat*). The tradition recounts that after the Prophet returned from one of his military campaigns (*al-maġāzī*), a female slave approached him and told him that she had made a

35 *Wa-mariḍa raǧulun marratan fa-lammā štadda l-amru ʿalayhi amara bi-ǧamʿi l-ʿīdāni wa-ṭ-ṭanābīri wa-l-mazāmīri fī l-bayti llaḏī fīhi, fa-ankarū ḏālika ʿalayhi fa-qāla inna-mā faʿaltu ḏālika li-annī samiʿtu anna l-malā'ikata lā tadḫulu baytan fīhi šay'un mina l-malāhī wa-l-āna fa-inna malika l-mawti mina l-malā'ikati dafaʿtuhū ʿannī li-hāḏihī l-ašyā'*. Manuscript: ʿUways al-Ḥamawī, *Sukkardān al-ʿušš̄āq wa-manārat al-asmāʿ wa-l-āmāq* (New Haven, Beinecke Library, Landberg MSS 27a), fol. 29b.

36 Udfuwī, *al-Imtāʿ*, 329. Abū ʿAbdallāh, *al-Minhāǧ fī šuʿab al-īmān*, ed. by Muḥammad F. Ḥilmī (Beirut: Dār al-fikr, 1979).

37 See J. G. Hava, *Arabic-English Dictionary* (Beirut: Catholic Press, 1951), 14.

38 Udfuwī, *al-Imtāʿ*, 333.

vow that if he returns safely, she would sing and play the *daff* before him. The Prophet responded by telling her, "[go ahead,] fulfill your vow."[39]

Another angle in the discussion of the *daff* is what exactly is meant by "*daff*"? More specifically, whether by *daff* one means a frame drum with or without cymbals (*ǧalāǧil*), and whether or not frame drums with or without cymbals should be considered differently from a legal perspective. Many jurists maintained that cymbals make the sound of *dufūf* more enticing, add *iṭrāb*, and therefore should be forbidden (*ḥarām*) in all occasions.[40] In forming his own opinion in this matter, Udfuwī addresses two questions; The first is a historical one: did the *daff* at the time of the Prophet, towards which he seems to have been lenient, have cymbals or not? In other words, was the *daff* of the time of the Prophet the same as the one played at the time of the jurists' debates? If cymbals were added to frame drums after the time of the Prophet, and cymbals are what makes the *daff* forbidden, then the textual precedents in favor of the permissibility of the "*daff*" are irrelevant for the frame drums of later periods, which could therefore be considered as forbidden. The second question is whether or not cymbals indeed increase *ṭarab*, the extreme emotional state of either joy or sadness experienced while listening to music, and if so, does this fact really makes them *forbidden*?

As for the claim that the *daff* at the time of the Prophet did not have cymbals, Udfuwī says that this needs proof. Even if this would have been proven, it could not have been a valid argument (*ḥuǧǧa*) against the *daff*'s current usage. From a textual position, only if it would have been established that the *daff* at the time of the Prophet *had* cymbals, and that the Prophet explicitly forbade it, could it have been regarded as a valid argument against its usage. As for the second question, the claim that *dufūf* bring about and increase *ṭarab* and therefore need to be forbidden, Udfuwī argues that the *daff* in and of itself does not bring about *ṭarab*. The latter only occurs when the *daff* is combined with singing. In itself, the sound produced by the *daff* is nothing but a "loud sound" (*ṣawt fīhi šidda*), which is void of *ṭarab*, and therefore cannot be forbidden in and of itself. In addition, Udfuwī is strikingly saying that *ṭarab* or the increase thereof is not forbidden by law![41]

The last contested question he addresses vis-à-vis the *daff* concerns with the gender of the musicians playing it. If playing the *daff* is permissible in certain

39 The tradition is quoted in many *ḥadīṯ* compilations and legal works. The earliest compilation is probably Abū Dāwūd's *Sunan*. See Udfuwī, *al-Imtāʿ*, 329. Sulaymān Abū Dāwūd as-Siǧistānī, *Sunan Abī Dāwūd*, ed. by Muḥammad Muḥyī d-Dīn ʿAbd al-Ḥamīd (Beirut: al-Maktaba al-ʿaṣriyya, n.d.), 3:237–38 (n. 3312).

40 Udfuwī, *al-Imtāʿ*, 319.

41 *Wa-laysa ṭ-ṭarabu wa-lā z-ziyādatu fīhi mamnūʿan šarʿan*. Udfuwī, *al-Imtāʿ*, 333–34.

contexts, are there restrictions on who should be allowed to play it? Should it be restricted to female players? Or could men also be allowed to play it? There seems to be an agreement among many jurists across legal schools that men should not play the *daff*. Udfuwī mentions the Šāfiʿī al-Ḥalīmī, the Mālikī Ibn Mazīn (d. 259/873), and the Ḥanbalī Šams ad-Dīn al-Maqdisī (d. 380/990), all claim that playing the *daff* is an attribute or mark of women (*šiʿār an-nisāʾ*).[42] Udfuwī rejects this claim, arguing that observing what is around us (*al-mušāhad*) reveals that women actually learn playing percussion instruments from men. He also adds that male percussionists are even more common than female percussionists. If the claim that playing percussion should be restricted to women only was correct (*ʿilla muʿtabara*), then, also song music (*ġināʾ*) would have been restricted to women alone.[43]

Ṭubūl

In addition to frame drums, Udfuwī dedicates a section to another family of drums, the *ṭubūl* (sing. *ṭabl*), which includes both single and double-headed drums.[44] In his discussion, Udfuwī focusses primarily on the *kūba*, a type of *ṭabl* that is often mentioned in prophetic traditions and legal discussions. He defines the *kūba* as a "*ṭabl* narrow in the middle, wide in the sides, with animal skin attached at both edges."[45] Similar to the frame drum, legal scholars debated the legal status of this instrument, with some scholars regarding it as "permissible" (*mubāḥ*), while others as "abhorred" (*makrūh*) or even "forbidden" (*ḥarām*).

Although most Šāfiʿīs consider the *kūba* as "forbidden", Udfuwī quotes verbatim from the Šāfiʿī jurist and theologian al-Ǧuwaynī (d. 478/1085), who has a more lenient and nuanced opinion towards the *kūba*. Ǧuwaynī maintains that whatever brings about pleasing melodies that excite people, entice them to drink, and associate with those who drink, is forbidden. However, whatever doesn't delight and bring about *ṭarab* is no different than the *daff*. Only when the "excitement" factor exists should the *kūba* be forbidden.

The prohibition of the *kūba*, says Udfuwī, rests on textual evidence of prophetic traditions (*sunna*) and on analogy (*qiyās*). As for the textual evidence,

42 Udfuwī, *al-Imtāʿ*, 321.

43 Udfuwī, *al-Imtāʿ*, 333.

44 al-Ḫalīl b. Aḥmad al-Farāhīdī, *Kitāb al-ʿAyn*, ed. by Mahdī al-Maḫzūmī and Ibrāhīm as-Sāmrāʾī (Beirut: Dār wa-maktabat al-hilāl, n.d.), 7:430; Muḥammad Ibn Manẓūr, *Lisān al-ʿarab* (Beirut: Dār Ṣādir, 1990), 11:398.

45 Udfuwī, *al-Imtāʿ*, 376.

those forbidding it rely on two traditions. In the first – transmitted on the authority of ʿAbdallāh b. ʿUmar – the Prophet forbade "wine (*ḫamar*), divination (*maysar*), the *kūba*, and the *ġubayrā'* [plant] wine."[46] In a second tradition – transmitted on the authority of Ibn ʿAbbās through Sufyān through Ibn ʿAlī b. Baḏīma – the Prophet makes a similar prohibition, "God has forbidden the wine, *maysar*, and the *kūba*." In the transmission, Sufyān asks his teacher ʿAlī b. Baḏīma what is a "*kūba*", and the latter replies that it is the *ṭabl*. Both traditions, says Udfuwī, are rejected by those allowing the use of the *kūba*, who find faults in the chain of transmission in each of them. In addition, says Udfuwī, the term *kūba* seems to have been used in early sources to denote more than just the *ṭabl*. Lexicographers and other scholars mention other meanings for *kūba* apart from the drum, most notably, *nard* ("backgammon").[47]

The evidence from analogy is based on an interesting point of contest against the *kūba*: this drum is associated with the *muḫannaṯūn*, a group of "effeminate" men, depicted in sources on pre- and early Islamic societies both in al-Ḥiǧāz and in Baghdad. The *muḫannaṯūn* are reported to have been men who cross-dressed, plucked their beard, wore their hair long, often referred to each other in the feminine gender, and even imitated women in their speech. They lived by a strict and unique self-imposed etiquette, and among others, were known as entertainers and musicians.[48] The *ṭabl*, claim those opposing it, was the *muḫannaṯūn*'s "mark" (*šiʿār*). Therefore, by playing it, those who play this drum make themselves resemble the *muḫannaṯūn*, and resembling them is forbidden.[49]

Udfuwī rejects this argument saying, first, that he disagrees with the claim that the *kūba* is an emblem or mark of the *muḫannaṯūn*, even if at some point in time it was. In other words, it might have been true for Medina at the time of the Prophet, but not for Egypt of his own time. In addition, he says, not everything that the *muḫannaṯūn* engaged with is forbidden. If that was the case, then it would have been forbidden for men to wash clothes professionally, since most *muḫannaṯūn* were clothes' washers.[50] Udfuwī refers to the

46 An intoxicating beverage made from the *ġubayrā'* plant, which was made in Ethiopia. See Edward William Lane, *An Arabic-English Lexicon* (London: Williams and Norgate, 1863), 6:2279. For the tradition, see Abū Dāwūd, *Sunan*, 5:527 (no. 3685).

47 Udfuwī, *al-Imtāʿ*, 381.

48 Everett K. Rowson, "The Effeminates of Early Medina," *Journal of the American Oriental Society* 111, no. 4 (1991): 671–93; Everett K. Rowson, "The Categorization of Gender and Sexual Irregularity in Medieval Arabic Vice Lists," in *Body Guards: The Cultural Politics of Gender Ambiguity*, ed. by Julia Epstein and Kristina Straub (New York: Routledge, 1991), 50–79.

49 Udfuwī, *al-Imtāʿ*, 379.

50 Udfuwī, *al-Imtāʿ*, 381.

question of resemblance to the *muḥannaṯūn* also in the introduction to the *Imtāʿ*, when discussing *ġināʾ*. In that section he adds that he has never seen a *muḥannaṯ* in his life, since they no longer exist. Therefore, the argument that a practice would be forbidden because some groups of people have practiced it in the past cannot be a valid one.[51]

The claim that instruments bring about states of *lahw* and *laʿb* ("pastime" and "amusement"), diverting people's attention from God to futile worldly pursuits, was also made in regard to the *ṭabl*. Udfuwī rejects this claim once again, commenting that not all *lahw* and *laʿb* are abhorred (*makrūh*) by Islamic law, as could be seen in the Qurʾanic verse: "The life of this world is nothing but pastime (*laʿb*) and amusement (*lahw*)".[52] He also quotes the opinion that since there is no definite text (Qurʾān or *ḥadīṯ*) that explicitly forbids the *kūba*, it must be considered permissible.[53]

Udfuwī mentions a few specific types of *ṭubūl*; the "the *ṭabl* of war" (*ṭabl al-ḥarb*), and the *kabar*, the single membrane drum. Al-Ġazālī, as well as the followers of the Ẓāhirī school of law, permit the use of all *ṭubūl*, except the *kūba*. Other scholars, such as al-Māwardī (d. 450/1058) maintain that all *ṭubūl* should be forbidden, except for the "*ṭabl* of war". Al-Ḥalīmī forbids all *ṭubūl* except for the *ṭabl* of war, and the one played on holidays, as long as those who play them are men.[54] As for the *kabar*, it is a large *ṭabl*, perhaps the *ṭablḫāna*, a set of two drums. Last, he mentions the term *mizhar*. Here he makes a noteworthy lexicographical remark: legal works use the term *mazhar*/*mizhar* referring to a closed square frame drum. However, Udfuwī claims that he has not seen this endorsed by any lexicographers. The latter use the *mizhar* as a synonym of the *ʿūd*.

The *ʿūd*

While music theorists regarded the *ʿūd* as the most perfect instrument, an instrument that was originally invented by the philosophers to demonstrate the mathematical proportions of the universe, Islamic legal scholars often

51 Udfuwī, *al-Imtāʿ*, 267–68.

52 *Wa-mā l-ḥaywātu d-dunyā illā laʿban wa-lahwan*. Qurʾān, 6:32.

53 Udfuwī, *al-Imtāʿ*, 379.

54 Udfuwī, *al-Imtāʿ*, 383. Ḥalīmī also mentions playing the *ṭubūl* in pilgrimage processions and for weddings as contexts in which playing the drums is allowed. He explains that in these contexts the purpose is not *lahw*. He also states clearly that the *ṭabl* should be played by men as the *daff* be played by women. This, since there should be a distinction between men and women. See al-Ḥalīmī, *al-Minhāǧ*, 3:18–19.

viewed the *ʿūd* with great suspicion, associating it with drinking and other immoral behavior.

Discussing the quintessential string instrument, Udfuwī's section on the *ʿūd* is particularly interesting, as it demonstrates his full unapologetic defense of music, including instrumental, as a permissible practice. Udfuwī is of the opinion that there is no legal basis to regard the *ʿūd* as "forbidden". He discusses the reasonings of those wishing to forbid the instrument in great detail, and refutes or at least casts doubts on each of their arguments. In this section, Udfuwī displays his wide interests and knowledge not only in Islamic jurisprudence, but also in literature, lexicography, and history. He begins with the different terms used for the *ʿūd* in lexicographical sources, then explores anecdotes related to the history of the instrument found in literary and historical works.[55]

Lexicographers identify a number of terms for the *ʿūd*, used in early sources, among them are the *barbaṭ, mizhar, kirān, muʾaṯṯar, al-ʿarṭaba, al-kinnāra*, and *al-qinnīn.* Udfuwī also mentions instruments that are often confused with the *ʿūd*, such as the *ṭunbūr*, the longnecked lute. He recounts an amusing anecdote about a caliph who outlawed playing string instruments. An old man who was caught with an *ʿūd* was brought before the caliph, who ordered, "break his *ṭunbūr* and give him a beating." Upon hearing this, the old man began to cry. One of those present tried to comfort him, but the man turned towards him and said, "I don't cry over what [the caliph] ordered for me, but rather for the disregard of the Commander of the Faithful for the *ʿūd* by calling it a *ṭunbūr*!"[56]

Udfuwī also provides historical information on the instrument and its importance for Arabs throughout history. It seems that the purpose of this section is to stress that the *ʿūd* has always been a part of Arab culture, from pre-Islamic times. He quotes verses by poets from Imruʾ al-Qays to Labīd and al-Aʿšā. He also recounts an origin story that is often quoted in historical/literary sources, about the presumably originator of the instrument, Lāmak, son of Qābīl (Cain) son of Ādam (Adam). According to this graphic but moving story, Lāmak lived to an old age without having a son. When, eventually, a son was born to him, he died at the age of ten. The devastated father mourned over his son, and was unable to part with his body. He hung it on a tree, where its flesh dried and fell on the ground, until eventually only the bones remained. Lāmak took the bones of the shank and the foot, and used them as a mold for an instrument he made from wood (*ʿūd*). He made the sound chest in the shape of the thigh bone, the peg box in the shape of the foot, and the pegs in the shape

55 His discussion borrows heavily from al-Mufaḍḍal b. Salma's *Kitāb al-Malāhī*, as well as from Ibn ʿAbd Rabbihi's *al-ʿIqd al-farīd*, and al-Fākihī's *Taʾrīḫ Makka.*

56 Udfuwī, *al-Imtāʿ*, 354–55.

of the fingers. Then, he mounted strings, which resembled the arteries, and would play it, and cry.[57]

Including this story in a legal discussion on the permissibility of instruments is noteworthy. It seems that Udfuwī wanted to establish, first, that the *ʿūd* has been around from the dawn of history. Second, the story implies that the emotions that the *ʿūd* evokes in listeners should not be associated with frivolous and questionable moral behavior, but rather with the purest love of a father to his son.

Udfuwī also mentions that the "people of Hind" made this instrument corresponding to man's natural dispositions (*ṭabāʾiʿ al-insān*), and this is why, when the strings are in tune, it rejoices these dispositions, and brings about *ṭarab*.[58] The *ʿūd*, says Udfuwī, is perceived by the scholars of music (*ʿulamāʾ al-mūsīqī*) as a perfect instrument (*āla kāmila*), containing all of the notes, based on the movements of the soul. He notes that each of the strings (*zīr, maṯnā, maṯlaṯ*, and *bamm*) corresponds to the four humors (black bile, yellow bile, phlegm, and blood). Bringing up the correspondences between strings and nature, known from Greco-Arab medical theory, makes a hidden suggestions that the elation (*ṭarab*) experienced when listening to the *ʿūd* is natural to the human body, and not the result of any excitement caused by accidental factors in the performance.

Many jurists of all four schools of law, says Udfuwī, consider playing and listening to the *ʿūd* forbidden. However, there are others who regard it permissible. Udfuwī quotes from the *adab* compendium, *al-ʿIqd al-farīd*, reports on known companions of the Prophet who either explicitly referred to the *ʿūd* as permissible, or have been known to have listened to it. An especially interesting account is recorded on the *ḥadīṯ* transmitter ʿĀmir b. Šarāḥīl aš-Šaʿbī. It is reported that aš-Šaʿbī once entered the residence of Bišr b. Marwān, the governor of Iraq, while the latter was with a female slave, who was playing an *ʿūd*. Upon seeing his guest, Bišr ordered the slave to put down her *ʿūd*, but aš-Šaʿbī told him that it is unnecessary, and turned to the female slave, saying, "show me what you've got!" upon which, she picked up her *ʿūd* and started singing. Aš-Šaʿbī not only listened to her, but also had some technical comments on her playing.[59]

57 Udfuwī, *al-Imtāʿ*, 359–60. See also, Amnon Shiloah, "The *ʿūd* and the Origin of Music," in *Studia Orientalia Memoriae D. H. Baneth Dedicata*, ed. by Joshua Blau (Jerusalem: Magnes Press, 1979), 179–205.

58 Udfuwī, *al-Imtāʿ*, 360.

59 "Relax your right hand! And be stronger on your *zīr* string" (or "tune your *zīr* string higher"). Udfuwī, *al-Imtāʿ*, 363.

Those calling to forbid the *ʿūd*, says Udfuwī, often claim that string instruments are associated with drinking, and thus, by listening or playing them, one is induced to drink. He quotes al-Ġazālī who forbade the *ʿūd* based on two similar claims: first, playing the *ʿūd* "invites" wine drinking, the pleasure from the former is only completed by the latter. Second, the sound of the *ʿūd* reminds the listener of drinking gatherings, and plants in the listener longing for them. Udfuwī rejects al-Ġazālī's argument, saying that not all who play or listen to the *ʿūd* drink, therefore "drinking" is not part of the core (*aṣl*) of the *ʿūd*. It is no more than an incident or accident (*ʿāriḍ*) related to it. Therefore, forbidding the *ʿūd* based on an associated incident which is not in its core is wrong. He also refutes al-Ġazālī's second point, that listening to music leads to drinking, by quoting a known story about al-Fārābī,[60] who once played in front of a crowd, making them laugh, cry, and eventually, sleep. Udfuwī notes that none of the listeners in the anecdote were reported to have turned to drinking upon hearing him, implying that drinking is not a definite outcome of listening to the *ʿūd*. In addition, he rejects the idea that "playing string instruments is the *mark* of wine drinkers." As we have already seen, Udfuwī rejects the idea that everything that a transgressor does should be considered forbidden. He adds, that drinking cups used for wine are not forbidden in and of themselves, and so are grape vines, or basil leaves, which were prevalent in drinking sessions. Since these are not valid legal arguments, and there is no consensus (*iǧmāʿ*), or clear textual evidence for forbidding it, the *ʿūd* must be regarded within the "permissible" range (*ibāḥa*).[61]

Those who favor "permissibility" do so on account of textual and rational arguments. As for the former, first, there is no clear text forbidding the *ʿūd*, just as there is such textual evidence forbidding *ġinā'* in general. Second, a number of companions of the Prophet were reported to have listened to the *ʿūd*, and were not reprimanded by other companions. As for the rational arguments, they claim that anything that brings about rejuvenation by longing, softening of the heart, and arousing of humility, cannot be other than permissible. Furthermore, physicians are in agreement that listening to the *ʿūd* has benefits to the body, and even prescribe it for some illnesses. At times, says Udfuwī, after listening, a pulse could be felt in an individual for whom it could not have been felt before. There is no doubt, they say, that something that is in its core beneficial should be permissible. In and of itself, the *ʿūd* has a sound that brings about *ṭarab*, and the latter is permissible, just as *ġinā'*.[62]

60 Perhaps the philosopher, perhaps someone else with the same name.

61 Udfuwī, *al-Imtāʿ*, 371–72.

62 Udfuwī, *al-Imtāʿ*, 367–69.

The šabbāba

The *šabbāba*, an end-blown flute, is the wind instrument most often discussed in *samāʿ* literature. It was used in different contexts than the *ʿūd*; a folk instrument played by the likes of travelers and shepherds, and a key instrument in gathering of mystical nature. As in the case of other instruments, jurists were divided on the legal status of this instrument. Udfuwī discusses both the arguments of those who called for forbidding the *šabbāba*, and of those who made it permissible, reaching the conclusion that Islamic law does not present a case against playing the *šabbāba* or any other wind instrument, and from a legal perspective, they should all be considered "permissible".

The opposition to the *šabbāba* rests primarily on a number of prophetic traditions that report on the Prophet's allegedly disdain from listening to flutes in a number of occasions. In an often-quoted tradition, the companion Nāfiʿ recounts that while walking with Ibn ʿUmar, the latter heard a "flute" (*mizmār*). Ibn ʿUmar then plugged his ears and kept away from the road. Only after Nāfiʿ told him that he no longer hears its sound, did Ibn ʿUmar unplug his ears. He then explained to Nāfiʿ, that he once was with the Prophet when they heard a similar sound, and the Prophet acted as he did.[63] While jurists calling to forbid the *šabbāba* saw in this tradition support to their position, their opponents, including Udfuwī, disagreed. First, they argue that the Prophet in the report did not order Ibn ʿUmar to plug his ears, and never told him that what they heard was forbidden. If it were forbidden, he would have. As for the Prophet's plugging his ears, they argue that this could be explained in more than one way; perhaps he was in a contemplative state and the music distracted him. Or perhaps, he disliked listening to the music, just like he disliked other permissible practices.[64] As for the traditions themselves, they also find faults in the chains of transmission in each of them, which of course reduced their validity.

Those who call for the permissibility of the *šabbāba*, says Udfuwī, rely primarily on the fact that there is no clear text that forbids wind instruments (*mazāmīr*), just as there is none that forbids string instruments. Those calling for forbidding it are left with only weak arguments, such as that the *šabbāba* is the mark (*šiʿār*) of people of questionable morality. But the *šabbāba*, notes

63 Udfuwī, *al-Imtāʿ*, 338.

64 Udfuwī, *al-Imtāʿ*, 342. Udfuwī, paraphrasing a discussion by al-Ġazālī, quotes a prophetic tradition reporting an event in which the Prophet upon finishing praying, took off an embroidered garment that distracted him during his prayer, and sent it off to Abū Ǧahm, one of his companions. Following al-Ġazālī, Udfuwī explains that although the garment distracted him during his prayer, it is clear that by sending it to Abū Ǧahm, the Prophet did not intend to forbid [embroidered] garments.

Udfuwī, was clearly used in completely different contexts, as mentioned above; as a folk instrument, and in *samāʿ* sessions. As for the latter, Udfuwī notes that it is known that righteous and learned people attended *samāʿ* sessions in which the *šabbāba* is played. Some of them were known to have performed supernatural wonders (*karāmāt*).[65] If listening to the *šabbāba* would have been forbidden, then they would not have been able to perform them, for it is known that a transgressor (*fāsiq*) cannot perform *karāmāt*.[66] Responding to al-Māwardī, who argued that the *šabbāba* was abhorred (*makrūh*) in cities (*amṣār*), and permissible in rural areas, Udfuwī argues that behind Māwardī's argument is the recognition that it is the actions in the context of usage that determine if an instrument is permissible or not, and therefore, one has to look at the context of usage of the *šabbāba*. If it is obscene or foolish (*suḫf*), it should be considered "abhorred", but if not, it should be permissible.[67]

The *šabbāba*, say those calling for its permissibility, is a "*ṭarab* producing sound" (*ṣawt muṭrib*), which is permissible just as other forms of *ġinā'*. Whoever accepts *ġinā'* as permissible has no reason to reject the *šabbāba*, since *ġinā'* combines melodies, words (poetry), and poetic meters, while the *šabbāba* produces only sound.[68]

Conclusions

Discussions within the *samāʿ* controversy reveal a tension in premodern Islamicate societies. On the one hand, musical practices, including playing musical instruments, seem to have been ubiquitous, practiced by people of all parts of society and in a variety of contexts. On the other hand, Islamic legal tradition regarded musical practices with suspicion, and many jurists ruled against them. Musical instruments occupied a central place in the legal discussions of musical practices, perhaps, because as physical objects associated with what is otherwise the non-tangible domain of sound they were seen as the quintessential manifestation of music. Legal opinions ranged between a call to ban all musical instruments to accepting many of them as "permissible", provided that they are used in a context that is not morally questionable.

65 On *karāmāt* in Sufism see, Maribel Fierro, "The Polemic about the *Karāmāt al-Awliyā'* and the Development of Ṣūfism in al-Andalus," *Bulletin of the School of Oriental and African Studies* 55, no. 2 (1992): 236–49.

66 Udfuwī, *al-Imtāʿ*, 350.

67 Udfuwī, *al-Imtāʿ*, 337 and 350.

68 Udfuwī, *al-Imtāʿ*, 345.

Udfuwī's chapter on musical instruments in his *Imtāʿ* is one of the most extensive discussions of the topics in *samāʿ* literature. Though he presents different positions in the debate, he sides with those who claim that there is no legal basis for an overall banning of musical practices in general, and specific musical instruments in particular, and that they should be seen within the "permissible" (*mubāḥ*) domain. His arguments rest first and foremost on the fact that there is no explicit textual evidence, neither in the Qurʾān nor in the *ḥadīṯ*, to support such a ban. In his discussion, he follows al-Ġazālī by claiming that instruments are permissible in and of themselves, and only their context of usage can make a certain usage "abhorred" or "forbidden."

Udfuwī gives percussion instruments a central place in his *Imtāʿ*, preceding his discussion of the *daff* to melodic instruments such as the *ʿūd* or the *šabbāba*. The central place he ascribes to percussion instruments, the *daff* in particular, is similar to that which Arab music theorists ascribed to the *ʿūd*. While the *ʿūd*'s centrality in musicological-philosophical treatises could be understood on account of its ability to explain and demonstrate musical intervals, central to contemporary theorists' interest in "harmonics", and its ability to represent the Greco-Arabic theory of correspondences, percussion instruments were those most prevalent in the streets of premodern Islamicate societies, such as Udfuwī's Egypt in the 14th century. Udfuwī, associates to frame drums a social function and importance beyond a tolerance to a popular practice. Social institutions such as marriage and circumcision depend on public display. And drums are social tools that preserve and mark social order. In marriages, they not only help to spread the news, but act as a "sound act", *constituting* the marriage by making it "public". In the case of circumcision, they display God's *fiṭra*, and at the same time display clearly, through the soundscape of the city, who are the true believers, distinguishing between Muslims and those among the "People of the Book" who do not adhere to the *fiṭra*.

In both his discussion of percussion instruments and of melodic instruments such as the *ʿūd* and the *šabbāba*, Udfuwī addresses the question, pervasive in legal literature, of whether instruments should be banned because they evoke the state of *ṭarab* ("elation"). Udfuwī argues not only that not all instruments evoke *ṭarab*, but also that there is no legal basis to consider *ṭarab* as forbidden.

The *ʿūd*, an instrument associated by many jurists with wine culture and people of questionable moral behavior, is presented by Udfuwī as an important part of Arab heritage, from the dawn of history to the present. It soothed and delighted the hearts of notable people from Lāmak son of Cain to the Prophet's companions. Despite its use within wine culture, Udfuwī claims unapologetically that this usage is only an *incidental* usage of the instrument, not part of its

core *essence*. Therefore, while playing *the ʿūd* in a drinking session is forbidden, this sinful usage cannot be a reason for banning categorically this instrument.

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