

**USAMA IBN MUNQIDH'S ANECDOTE ABOUTH THE
(NON-)SANCTIONING OF ADULTERY IN THE LATIN
KINGDOM OF JERUSALEM: JUST A MOCKERY OF THE
FRANKS OR A RELEVANT LEGAL HISTORY SOURCE?**

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Abstract

Usama ibn Munqidh was an Arab nobleman, knight, diplomat, and memoirist whose life almost coincided with the duration of the First Latin Kingdom of Jerusalem. He knew the Franks best among all of his compatriots at the time. Usama's *The Book of Contemplation (Memoirs)* is a first-rate piece of Arabic literature, but it is also of a great importance for research into the social and legal history of the Latin Kingdom of Jerusalem in the 12th century. The subject of research in this paper is the anecdote about adultery among the Franks that Usama bequeathed to us in his *Book of Contemplation*, and a reexamination of the previous standpoint that it was merely an expression of the writer's mockery of Frankish customs and their moral code. Following this, the literary nature of *The Book of Contemplation* and the goals with which it was written are first pointed out, and then the dilemma of whether Usama understood the story of adultery correctly. By applying the legal-historical method and comparing this anecdote with the content of relevant legal norms on adultery in the Latin Kingdom of Jerusalem, it is concluded that Usama's account could be veritable.

Key words: Usama ibn Munqidh, The Book of Contemplation, adultery, The Council of Nablus, Assizes of Jerusalem.

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**АНЕГДОТА УСАМЕ ИБН МУНКИЗА
О (НЕ)САНКЦИОНИСАЊУ ПРЕЉУБЕ
У ЛАТИНСКОМ ЈЕРУСАЛИМСКОМ КРАЉЕВСТВУ:
ШАЛА НА РАЧУН ФРАНАКА ИЛИ РЕЛЕВАНТАН
ИСТОРИЈСКОПРАВНИ ИЗВОР?**

Апстракт

Усама ибн Мункиз био је арапски племић, витез, дипломата и мемоариста, чији се живот скоро подудара са трајањем Првог Јерусалимског краљевства, те је од свих својих сународника најбоље познавао Франке. Усамина Књига поуке је прворазредно дело арапске литературе, али има и важан значај за истраживање друштвене и правне историје Латинског Јерусалимског краљевства 12. века. Предмет истраживања у овом раду је анегдота о прељуби код Франака коју нам је Усама оставио у аманет у својој Књизи поуке и преиспитивање досадашњег схватања да је она представљала само израз пишчевог исмевања франачких обичаја и њиховог моралног кодекса. У том циљу, најпре се указује на књижевну природу Књиге поуке, циљеве са којима је писана и на дилему да ли је причу о прељуби Усама правилно разумео. Применом правноисторијског метода и упоређивањем садржине ове приче са релевантним правном нормама о прељуби у Латинском Јерусалимском краљевству, закључује се да је овај Усамин извештај могао одговарати истини.

Кључне речи: Усама ибн Мункиз, Књига поуке, прељуба, Концил у Наблусу, Јерусалимске Асизе.

*INTRODUCTION: USAMA IBN MUNQIDH
AND THE BOOK OF CONTEMPLATION*

Usama ibn Munqidh was an Arab nobleman, knight, diplomat, poet and memoirist. His life almost coincided with the duration of the First Latin Kingdom of Jerusalem, which began with the conquest of Jerusalem by the Crusaders in 1099 and ended with the fall of the Holy City into the hands of Saladin in 1187. Usama, a member of the Arab noble family of Munqidhites (Banu Munqidh), was born in 1095 in Shayzar, a city in northwestern Syria, whose fortress belonged to his family¹ and died in 1188, spending the last days of his life at Saladin's court in Damascus.²

¹ On the history and outstanding strategic location of the city of Shayzar (Senzar or Sezar of Pharaoh Thutmose III and Amenhotep II, Sidzara, as the ancient Greeks called it, Sezer of the Byzantines, i.e. Caesarea in Latin sources), and the way in which Usama's grandfather, Izz-al-Dawlah Sadid-al-Mulk, succeeded in wresting Shayzar from Byzantine hands, see: (Hitti, 1987, pp. 4-5);

² Usama's departure from Hisn-Kayfa and arrival at Saladin's court was apparently brokered by Murhaf, Usama's son and Saladin's 'comrade-at-arms.' The great warrior and conqueror of Jerusalem, appreciating his advisory abilities and admiring his poetry, rewarded Usama by making him governor of Beirut. However, Usama surrendered

He was an active partaker in political, diplomatic, and military events in the Middle East, in the era marked by constant conflicts and temporary alliances both between Christians and Muslims, and among the Muslims themselves - Sunnis and Shiites (Tanasković, 2008, p. VII; Irwin, 1998).

For this reason, Usama's memoirs, recorded in *The Book of Contemplation*, have the unique significance of being the testimony of a participant in numerous events that shed light on the social circumstances of this turbulent period. However, one should interpret them bearing in mind the nature of Usama's work, which was not created using scientific methodology, nor was it chronologically conceptualised. Usama dictated it in his old age, from memory and according to his associations, without a previous narrative plan. Most likely, it happened after 1174 at Saladin's court in Damascus and the work was dedicated to Saladin himself (Tanasković, 2008, pp. XV, XXV, XXXV, XLIX).³ But, in his youth, Usama received an excellent education from outstanding private tutors. He studied the Quran, calligraphy, rhetoric, grammar and in particular poetry, which most likely, helped him to develop an excellent memory and, even in his old age, master the details of his own past, which he recorded in his *Book of Contemplation* (Tanasković, 2008, pp. XXX, LII; Derenbourg, 1889, pp. 50-53).

Although Usama was not a historian, his *Book of Contemplation* is a first-rate historical source for a more comprehensive view of the Frankish presence in the Middle East throughout most of the 12th century. Truth be told, he did not testify much about political history as about everyday life and contacts with people of different religions, origins and cultures, but this is precisely the value of his work (Hitti, 1987, pp. 12, 14; Smarandache, 2017, pp. 60-61). Usama grew up in a close proximity to the Principality of Antioch and during his diplomatic career he maintained contacts with the Franks, including the Templars, he visited Haifa, Acre, Ascalon, Jerusalem and Nablus. His travels in Frankish Palestine began in 1138 and were particularly intense between 1140 and 1143. Although Usama did not state the nature of the diplomatic

the city to the Franks soon, without any resistance. His relationship with Saladin deteriorated shortly, for reasons which are impossible to pinpoint, but which probably relate even in part to the Beirut episode. But, these were not the only ties Saladin had with the Benu Munqidh family. In 1190, he sent Usama's nephew, Shams-al-Dawlah, as his ambassador extraordinary to the court of the Almohides in Morocco, in order to solicit the aid of their fleet to intercept the Frankish maritime communications. (Hitti, 1987, pp. 11-12, 13, 14);

³ Following (Rashid, p. 2), Usama's *Book of Contemplation* was written in 1183. Hitti (1987, pp. 14-15) emphasises that Usama created it when he was over 90 years old, that is, between 1185 and 1188, while Bishop (2013, pp. 54-55) dates its creation to the eighties of the 12th century. Note: The pagination in Rashid's paper is done by author for the sake of easier reference for the reader;

mission he had carried out, nor did he detail the negotiations with the Franks, he gained the opportunity to comprehend better their culture, mentality, habits, and lifestyle (Tanasković, 2008, pp. XXXI-XXXII; Derenbourg, 1889, pp. 173, 182, 473; Irwin, 1998; Smarandache, 2017, p. 59).⁴ Therefore, many consider Usama as one of the Arabs who knew the Franks best (Hadad, 2014; Smarandache, 2017, pp. 47, 60). Pointing to authentic persons, places and events in his *Book of Contemplation*, the Arab knight described certain Frankish legal institutions with a high degree of accuracy, such as judicial duel, an ordeal by water, or the functioning of the High Court. Hence, despite possible exaggerations, *The Book of Contemplation* can be considered a reliable source for studying at least some aspects of the legal history of the Latin Kingdom of Jerusalem (Bishop, 2013, pp. 64-65).

The Book of Contemplation is a first-rate literary source for the study of the legal history of the First Latin Kingdom of Jerusalem for another reason. With the exception of the *Livre au roi*, all the legal treatises that preserved the legislation of the Latin Kingdom of Jerusalem (*Livre de Philippe de Navarre*, *Livre de Jean d'IBelin*, *Livre de Jacques d'IBelin*, *Livre de Geoffroy Le Tort*, *La Clef des Assises de la Haute Cour du Royaume de Jérusalem et de Chypre*, *Livre des Lignages d'Outre-mer*, *Les Assises de la Cour de Bourgeois* *Le Livre du Plédéant* et *Le Livre du Plaidoyer*), which together constitute the Assizes applied by the High Court, originated in the 13th century. Famous jurists of the Latin Kingdom of Jerusalem attempted to reconstruct the Latin Kingdom of Jerusalem's law through these treatises, with the help of the oral traditions, customs and possibly available documents that had been preserved until then. Thus, apart from the canons of the Council of Nablus, the legislation of the Latin Kingdom of Jerusalem that was created and applied in the 12th century has not been directly preserved. This is mainly explained by the legend according to which the Letters of the Holy Sepulchre (*Lettres dou Sepulcre*), as a sum of the Crusader legal regulations of the First Latin Kingdom of Jerusalem, were lost forever

⁴ During this period, he was negotiating in Jerusalem a truce between King Fulk of Jerusalem and Unur, the lord of Damascus, requesting the aid of the Crusaders for the fight against his former protector Zengi. Usama's diplomatic struggle was facilitated by the fact that Queen Melisande, the wife of King Fulk, was the daughter of King Baldwin II, who had been a hostage of Usama's father in Shayzar, but who never forgot the chivalrous attitude and kindness of the Arab nobleman (Cobb, 2005, pp. 28-29). In the entire *Book of Contemplation*, Usama used the terms 'jihad' and 'mujahid' (a participant in the holy war) as a term derived from the term jihad only once and except in a few places, did not refer directly or indirectly to the Holy War. On the possible reasons for this, see: (Cobb, 2007). On the influences of Arabian poets from the 6th and 7th centuries on Usama's comprehension of the war against the Franks, see: (Irwin, 1998);

when Saladin conquered Jerusalem in 1187 (Stanković, 2020, pp. 31-47, 57-87). Therefore, Usama's descriptions of the Frankish legal institutions are of an invaluable importance, despite the fact that they are often criticised for being nothing more than his jokes about Frankish rudeness and their moral standpoints. However, a deeper analysis emphasises many similarities between the reports of the Arab nobleman and the content of the preserved legislation of the Latin Kingdom of Jerusalem. Therefore, when it comes to the individual aspects of Frankish law, Usama's *Book of Contemplation* must be taken with the utmost care (Bishop, 2013, pp. 53-55).

The subject of research in this paper is a case of adultery among the Franks, which Usama preserved from oblivion in his *Book of Contemplation*. It will be analysed if this anecdote corresponded to the truth, i.e. the legal sanctioning of adultery in the Latin Kingdom of Jerusalem, or whether it was just an Arab knight's mockery of the Crusaders. Usama ibn Munqidh described this event in the following way:

„Here is an illustration which I myself witnessed:

When I used to visit Nablus, I always took lodging with a man named Mu'izz, whose home was a lodging house for the Moslems. The house had windows which opened to the road, and there stood opposite to it on the other side of the road a house belonging to a Frank who sold wine for the merchants. He would take some wine in a bottle and go around announcing it by shouting, "So and so, the merchant, has just opened a cask full of this wine. He who wants to buy some of it will find it in such and such a place." The Frank's pay for the announcement made would be the wine in that bottle." One day this Frank went home and found a man with his wife in the same bed. He asked him, "What could have made thee enter into my wife's room?" The man replied, "I was tired, so I went in to rest." "But how", asked he, "didst thou get into my bed?" The other replied, "I found a bed that was spread, so I slept in it." "But," said he, "my wife was sleeping together with thee!" The other replied, "Well, the bed is hers. How could I therefore have prevented her from using her own bed?" "By the truth of my religion," said the husband, "if thou shouldst do it again, thou and I would have a quarrel". Such was for the Frank the entire expression of his disapproval and the limit of his jealousy", concludes Usama (Hitti, 1987, pp. 164-165).

In order to answer to the subject of research, two hypotheses will be examined. According to the first one, the Usama's testimonies in *The Book of Contemplation* should be believed both in general and in details. While testing the second hypothesis, the evidences that the facts of the event that Usama described can be correlated with the certain legal norms that regulated adultery in the Latin Kingdom of Jerusalem will be presented too.

*DID USAMA CONVEY THE TRUTH
IN THE BOOK OF CONTEMPLATION?*

Generally speaking, the testimonies contained in the Usama ibn Munqidh's *Book of Contemplation* must be given full credit. The reason is not only that this literary work is considered a classic of Arabic literature, but also because he "narrated extraordinary, and above all, ordinary, everyday events in which he personally participated, which he personally witnessed, or which were told to him by trustworthy interlocutors, conveying their own experiences or what someone, again trustworthy, had reliably communicated to them" (Tanasković, 2008, p. XLIX). Following Tanasković (2008, pp. XLIV-XLV, XLVIII, LX), regardless of whether *The Book of Contemplation* is defined as an autobiography or a memoirs, the way in which it is written, in the first person, was primarily intended to place its author in the role of "guarantor for the truthfulness of the transmitted data, which are the collective good of the community". It is not about "highlighting one's own contribution to events", but about "testifying, on the example of one's own destiny, to the course of the events determined by God, which is the central idea of the Usama's *Book of Contemplation*".⁵ It is possible that these lessons, derived from Allah's miracles and His own will, were primarily bequeathed by Usamah to his descendants (Irwin 1998; Rashid, p. 6; Smarandache, 2017, pp. 57, 60).

Without contesting the above arguments, Usama's *Book of Contemplation* could also be viewed through the prism of its similarity to the works of the so-called *adab*. This literary genre, to which Usama's work inclines as well, although based to a significant extent on truth, does not have as its primary goal a narrative on historical facts. *Adab* often takes the form of advisory letters, anecdotes, parables and poetry, just as *The Book of Contemplation* contains many anecdotes based on examples from the lives of people whom Usama personally knew or heard about. Since the task of the one who applies *adab* is to point out refined manners and eloquence, it is possible that Usama, using stereotypes about Frankish rudeness and their moral corruption, narrated the event of adultery as an example of an undesirable behaviour (Bishop, 2013, p. 55; Rashid, p. 9; Smarandache, 2017, pp. 57-58). In this regard, it is suggested that all anecdotes in which Usama ridiculed the lack of jealousy among the Franks "are far too humorous to be taken as actual historical events," so one should take them with a grain of salt (Rashid, pp. 2, 9).

⁵ "His rare insight into human nature, his keen powers of observation and analysis, his unflinching sense of humor, coupled with his sincerity, fairness and high standard of veracity make his book one of the great books of the Arabic language (Hitti, 1987, p. 15)." On the influence of stories from *One Thousand and One Nights*, the Quran, and pre-Islamic poetry on Usama's 'fatalism,' see: (Irwin, 1998);

With this in mind, one could hypothesise that Usama's work is in principle authentic and truthful, but that it is biased in relation to some events with the aim of achieving its ultimate goal – to leave a lesson for Muslims about the possible consequences of the longer-term survival of Frankish moral and cultural patterns in the Orient. In this regard, some argued that Usama's anecdote about adultery was actually a widespread joke at the time, which he heard from someone somewhere and just passed it on. If this was accepted as correct, it would be more likely that the credence Usama gave to this story was a consequence of his conservative cultural background, the prejudices he had formed about the Franks, or a reflection of the dominant view of his compatriots about Frankish morality, than the result of his invention (Hitti, 1987, p. 16). Otherwise, it would appear that that it was of great importance to him to point out Frankish moral depravity using the example of Frankish adultery, and that he therefore abandoned insistence on the reliability of his narration, which he supported otherwise by citing direct or indirect sources for the events he narrated, if he did not personally participate in them. (Tanasković, 2008, p. LIV).

In the Arab sources of the time, the Frankish attitude towards women is otherwise described as “careless in guarding the virtue of their womenfolk, and this demonstrated their essential barbarity.” In this context, *Nicholson* (2008, p. 15) interprets the episodes in which Usama ibn Munqidh recounted the behaviour of the Franks towards Christian women, and contrasted it with the courage and dignity of Muslim women. Similar to Usama, some other Arab chroniclers, such as Ibn al-Athir, Imad al-Din, and Baha al-Din, reported rather arbitrarily, if not entirely untruthfully, about the participation of Christian women on the battlefield in the Holy Land. For example, by doing so, Imad al-Din wanted to underline the foreign culture of European Christians and that they posed a threat to Muslim normality, according to which the female sphere was limited to the home (Nicholson, 2008, pp. 13-16).⁶ If Christian sources are to be believed, the truth was quite different regarding the participation of Christian women on the battlefield. Westerners believed that women should fulfill their primary function in giving birth and raising children, so the Crusader leaders limited the presence of women in the army, except in exceptional circumstances (Nicholson, 2008, pp. 19-20, 25; Schein, 2002; Maier, 2004, pp. 61-82; Porges, 1946, p. 14).⁷ Neverthe-

⁶ About Usama's view on the desirable qualities that should adorn women, see: (Cobb, 2005, pp. 81, 84);

⁷ Despite all of the above, the jurists of the Latin East of the time were describing women as a third group within the Crusaders army, responsible for the biological struggle of Western Christians in the East, alongside the knights who participated in military campaigns and the clergy who led the spiritual struggle (Brundage, 1991, p. 271).

less, Usama was disgusted with the sexual morality of the Franks, so he concluded that they treated their women with a lack of ‘shame and jealousy.’ He considered it as the key proof of the Frankish unculture, which he also noticed in other areas - from medicine to law. All of this was stressed in order to homogenise the Islamic community and to make it resistant to assimilation (Tanasković, 2008, pp. LII-LIII; Cobb, 2005, pp. 82-83; Hadad, 2014).⁸

Given all this, Usama’s willingness to present the Frankish attitude towards adultery in a way that was contrary to the truth could be clearer. He intended to show different cultural norms and patterns of behaviour to which Christians were inclined, and to present the Franks as people at a low level of civilisation, posing both a physical and moral danger to the Arabs. But would such an approach be in line with Usama’s noble background, upbringing, ethical code, and general narrative style in his *Book of Contemplation*? Did he not also express his astonishment at Frankish moral standards and corruption of their character elsewhere, so that he would have to resort to untruths when describing adultery?

Namely, Usama ibn Munqidh, in the section of *The Book of Contemplation* (“Franks lack jealousy in sex affairs”) and within the chapter “An Appreciation of the Frankish Character,” cites several more cases that led him to scandal:

The Franks are void of all zeal and jealousy. One of them may be walking along with his wife. He meets another man who takes the wife by the hand and steps aside to converse with her while the husband is standing on one side waiting for his wife to conclude the conversation. If she lingers too long for him, he leaves her alone with the conversant and goes away.

(Hitti, 1987, p. 164)

Usama did not stop at this event:

We had with us a bath-keeper named Salim, originally an inhabitant of al-Ma’arrāh, who had charge of the bath of my father (may Allah’s mercy rest upon his soul). This man related the following story.

I once opened a bath in al-Ma’arrāh in order to earn my living. To this bath there came a Frankish knight. The Franks disapprove of girding a cover around one’s waist while in the bath, So this Frank stretched out his arm and pulled off my cover from my waist and threw it away. He looked and saw that I had recently shaved off my pubes. So he shouted, ‘Salim!’ As I drew near him he stretched his hand over my pubes and said, ‘Salim, good! By the truth of my religion, do the same for me.’ Saying this, he lay on his back and I

⁸ Military skill and the courage they displayed in it was the only area in which Usama considered the Franks equal to his compatriots (Derenbourg, 1889, p. 471; Rashid, pp. 5, 7);

found that in that place the hair was like his beard. So I shaved it off. Then he passed his hand over the place and, finding it smooth, he said, 'Salim, by the truth of my religion, do the same to madame' (al-dâma in their language means the lady), referring to his wife. He then said to a servant of his, 'Tell madame to come here.' Accordingly the servant went and brought her and made her enter the bath. She also lay on her back. The knight repeated, 'Do what thou hast done to me.' So I shaved all that hair while her husband was sitting looking at me. At last he thanked me and handed me the pay for my service.

Consider now this great contradiction! They have neither jealousy nor zeal but they have great courage, although courage is nothing but the product of zeal and of ambition to be above ill repute.

(Hitti, 1987, pp. 165-166)⁹

Finally, Usama concluded the entire series of events with the following example:

Here is a story analogous to the one related above:

I entered the public bath in Sür [Tyre] and took my place in a secluded part. One of my servants thereupon said to me, 'There is with us in the bath a woman.' When I went out, I sat on one of the stone benches and behold! the woman who was in the bath had come out all dressed and was standing with her father just opposite me. But I could not be sure that she was a woman. So I said to one of my companions, 'By Allah, see if this is a woman,' by which I meant that he should ask about her. But he went, as I was looking at him, lifted the end of her robe and looked carefully at her. Thereupon her father turned toward me and said, 'This is my daughter. Her mother is dead and she has nobody to wash her hair. So I took her in with me to the bath and washed her head.' I replied, 'Thou hast well done! This is something for which thou shalt be rewarded [by Allah]!'

(Hitti, 1987, p. 166)¹⁰

The possible motivation that led Usama to untruthfully convey the anecdote about adultery is that by emphasising this example, he primarily wanted to leave a striking image of Frankish society, and not of their law. This is especially true in the context of his other mentioned stories about the Frankish understanding of morality and the descriptions of some of their legal institutions, particularly the judicial duel and the ordeal by water. It seems that Usama attempted to place these legal institutions in a broader context than the legal one, because while he was describing them

⁹ This Usama's anecdote is often taken as an example for the claim that certain passages of *The Book of Contemplation* cannot be trusted for being some kind of joke (Rashid, p. 2; Cobb, 2005, p. 83);

¹⁰ (Rashid, p. 9) also subjects this story to Usama's poetic freedom and disputes its authenticity, believing it to be a figment of the writer's imagination for the purpose of a more humorous presentation.

he did not take into account all the details that followed their implementation (Bishop, 2013, p. 63).

However, although he was unsympathetic to the Franks, one can not claim that Usama was one-sided while he was describing them. The sharpness of his criticism was much more directed towards Frankish behaviour and their apprehension of morality than towards their Christian faith, which he did not mock (Smarandache, 2017, p. 58). Moreover, Usama emphasised his friendship with the Templars, cited an incident when a Frank protected him from his compatriots and, in general, he explicitly distinguished Westerners who were established in the Holy Land and acquired certain manners while adopting Arab habits, from those who had not spent long time in the Middle East and who had not mastered the norms of behaviour that he would consider civilised (Hitti, 1987, pp. 161-170). Such nuances and a more balanced attitude towards the Franks than might seem at first glance are more of an argument for accepting *The Book of Contemplation* as a relevant legal history source (Cobb, 2015, p. 105).

Another possible explanation for Usama's anecdote about adultery being untrue is that he misunderstood this event, although he begins its description with the remark that he had witnessed it himself. Usama himself did not specify how he communicated with the Franks, especially not with the newcomers from the West (Rashid, p. 2). Hence the opinion that, except for perhaps a few words, Usama did not know the Crusaders' language, just as a few of them spoke the Arabic language (Haddad, 2014; Танасковић, 2008, p. LIV; Derenbourg, 1889, pp. 50, 468; Hitti, 1987, p. 19).

But what language did the Franks speak in the Holy Land then? Starting from their diverse origins, some authors have concluded that over a long period of time after the end of the First Crusade, a specific *lingua franca* emerged in the Latin East, as a mixture of dialects of the vernaculars of the French, Catalans, Italians, Normans, and Provençals, later simply referred to as 'French outremer language.' It is likely that the Arabs did not even distinguish the Germanic and Romance groups of some of the aforementioned languages. It is also certain that Usama, as a diplomat, primarily came into contact with the members of the ruling class of the Franks, who predominantly originated from areas where some of the dialects of the Old French language were spoken. Thus, in his *Book of Contemplation*, loanwords appear, i.e. the terms he chose to convey to certain social groups in the language of the Franks, without seeking their equivalents in Arabic. For this reason, and given his education and the diplomatic activity he carried out in the Latin Kingdom of Jerusalem, it is likely that Usama ibn Munqidh had at least some knowledge of one or more dialects of Old French, but also that the native Franks and their descendants in the Holy Land had spoken Arabic language. It is also possible that the encounter between Latins and Arabs in crusader states produced a kind of mixture of Western languages and Arabic, or at least a

corpus of terms understandable to both in everyday life and communication, especially in trade and diplomacy activities (Smarandache, 2017, pp. 49-50, 64, 66, 68, 74-75). Thus, it is reasonable to conclude that Usama could have adequately communicated at least with the Latins who were largely settled in the Holy Land.

Hence, Rashid's remark that Usama could not have reliably known the exact content of the conversation between the wine merchant and the man he found in bed with his wife (Rashid, p. 2), does not seem convincing. In his *Book of Contemplation* Usama made a precise distinction between events he witnessed and those he heard about from someone else. Namely, he began the entire story by testifying that he had witnessed it himself. It was quite possible, since the incident took place in the house opposite to the lodging house in which he was staying in Nablus, just on the other side of the road. Even if he did not convey the content of the conversation word by word, the essence and the legal consequences of this event are certainly more significant.

Finally, although *The Book of Contemplation* was made up in his later years, (Irwin, 1998) states that most of the text, including the anecdote about adultery, Usama wrote in the early 1260s. He honed his memory as a poet from his earliest days, so it is difficult to assert that this event, a very striking for his moral views, was not permanently etched in Usama's memory.

With all this in mind, if one cannot reliably establish that the Usama's anecdote of adultery is true, it cannot be argued that it was told only in jest. A more reliable answer about its accuracy will be obtained by analysing the legal norms which regulated the legal consequences of adultery in the Latin Kingdom of Jerusalem.

THE RELATIONSHIP OF THE ANECDOTE ABOUT ADULTERY WITH THE CONTENT OF THE LEGAL NORMS WHICH REGULATED ADULTERY IN THE LATIN KINGDOM OF JERUSALEM

The legal consequences of adultery in the Latin Kingdom of Jerusalem were regulated at the Council of Nablus in 1120, by the Assize of King Amaury issued between 1163 and 1174, by the Assizes applied by the High Court and in a letter sent by Pope Innocent IV to the Franciscan brotherhood on March 22th, 1245 (ASV, Reg. Vat. 21, f. 206r-v, no. 656). Starting from the aforementioned legal rules of which Usama was a contemporary and their relevance for the subject of this research, the upcoming analysis will be dedicated to the provisions of the canons adopted at the Council of Nablus and to the norms of the Assize of King Amaury.

On January 23th, 1120, in the city of Nablus in Samaria, the Patriarch of Jerusalem, Warmund, and the King of Jerusalem, Baldwin II, held an assembly of the highest secular and spiritual representatives of the Latin East, known as the “Council of Nablus,” where 25 canons were adopted (Nader, 2006, p. 44; Mayer, 1982, pp. 531-532). Although Kedar defined them as “the only extant body of Latin ecclesiastical legislation promulgated in the First Latin Kingdom of Jerusalem (1099-1187),” these canons also represent the earliest surviving laws applied for the entire Latin population of the entire territory of the Latin Kingdom of Jerusalem. The content of the canons, with the original introduction and the list of participants who attended the Council of Nablus is preserved thanks to a copy from the church of Sidon, which reached the papal library in Avignon in 1330 (Kedar, 2006, pp. 30, 310).

Adultery was regulated by canons 4-7 of the Council of Nablus. The cases in which Christians were accused of adultery were subject to the jurisdiction of ecclesiastical courts. The sanctions were very brutal - mutilation and exile (Nader, 2006, p. 182). Thus, the 4th canon of Nablus regulated: “If a husband fears that his wife maltreats him, he should, before witnesses, forbid the suspected man to enter his house or to speak with his wife. If the suspect does speak with her, he should be brought unharmed before ecclesiastical justice and undergo the ordeal of glowing iron. Likewise if something shameful occurred during the conversation.” Canon 5th of Nablus stipulated that if the adultery was proven “the adulterer should be castrated and expelled from the country, while the adulteress should suffer rhynotomy – unless her husband forgives her,” in which case “both should be expelled beyond the sea.” Canon 6 regulated the situation in which a man suspected his wife of committing adultery with a cleric, while in the 7th canon were applied the punishments identical to those in the 5th canon for a pimp or a prostitute from “corrupting a wife with words” (Kedar, 2006, pp. 313, 318-319, 333).

Usama’s story of adultery most closely matches the procedure described in the 4th canon of Nablus, which stipulated that a husband who suspected his wife of cheating him, could, before witnesses, forbid the suspected man from further entering his house or speaking with his wife. In Usama’s anecdote, a Frank found another Frank in his house, in his wedding bed, with his wife. The husband’s statement to the suspected that the two of them would quarrel if something similar happened again could be interpreted as a prohibition on suspected from entering his house and speaking with his wife, which stemmed from the 4th canon. But, in Usama’s story, the witnesses before whom this warning had to be pronounced in accordance with the 4th canon, were not mentioned. However, it is possible that the witness or one of them was Usama himself, who began the anecdote with the words that he had ‘witnessed himself’ this event.

Anyway, was Usama familiar with the canons of Nablus? It seems that he was. First of all, he has demonstrated elsewhere in his *Book of Contemplation* that he was familiar with some other Frankish legal institutes. Furthermore, the adultery he described refers to a Frank who lived in Nablus, and at the time when Usama was staying in this city (between 1140 and 1143), the canons of the Council of Nablus were largely in force. In this context, it seems legitimate to connect the event that Usama recounts to the rules prescribed in the 4th canon promulgated at the Council of Nablus. One could even argue that Usama, when recounting the adultery anecdote, was merely interpreting the relevant rules of the 4th canon. Such a conclusion would lead to a new evaluation of *The Book of Contemplation*. Namely, it is possible that he did not distort the truth in order to mock the Franks, but that he was simply citing concrete examples from their everyday life and their legal regulations, which were already a sufficient argument in support of what he wanted to warn his descendants about.

On the other hand, by the Assize of King Amaury, probably issued at the end of his reign (1163-1174), a husband was allowed to kill simultaneously and without punishment, both his wife and her lover, if he caught them in adultery. However, if the husband attempted to carry out this sanction, he was forbidden to kill only one of the adulterers, otherwise he would be hanged (Assises de la Cour des bourgeois, ch. CCLXXXVIII; Grandclaude, 1929, p. 339):

Regarded one who finds his wedded wife lying in bed with another man, and who kills both of them, that is to say his wife and her lover.

If it happens by some chance, or by some twist of fate, that a man who has his wedded wife considers her to be a good woman, but that she is not, and it so happens that on a certain day or night this upright person comes home as he is accustomed to do, and on entering his house he finds another man lying in bed with his wife, and this upright man places his hand on his knife and takes it out, or else some other weapon, and kills both of them at the same time, that is to say his wife and her lover, the law judges and decrees as follows, that he should be judged in such a manner. He should not lose anything nor suffer any damage to his person on account of having killed both of them at the same time, but should remain undisturbed in accordance with the law and the Assizes of King Amaury the kingdom of Jerusalem, may the Lord God forgive him.

Should it be the case, however, that the husband killed his wife but not her lover, or the lover but not the wife, the law judges and decrees that he should be judged in the following fashion. He must be hanged if he has killed his wife, as though he had killed some other stranger. Nor is it of any avail to him if he says that the lover shamed him before his wife, and that this is why he killed him. On

the contrary, let justice take its proper course in the manner described above, should he kill the one but not the other, for this is what is right and lawfull according to assizes.

(Coureas, 2002, pp. 210-211;
Assises de la Cour des bourgeois, ch. CCLXXXVIII).

The similarities in the contents of the Assize on adultery and Usama's anecdote are obvious. Although Usama was in Nablus when the canons of the Council of Nablus had already been promulgated, and King Amaury had not yet passed his Assize on adultery, there is a room for some further conclusions. Medieval legislators were not inclined to abstractions when formulating legal institutes. On the contrary, they mostly did it literally, almost banally. Thus, the description of adultery in King Amaury's Assize is done as an event that had already occurred or was being recounted as widely repeated in practice. In that sense, the first part of Usama's story and the description of the facts in Assize on adultery are identical. The husband returns home habitually and finds his wife in their wedding bed with another man. The legislator did not even mention any other possibility, such as that the adultery took place in the lover's house or that the adulteress was caught by someone else. The difference between Usama's anecdote and the description of adultery in Amaury's Assize concerns the epilogue. In the Arab knight's story, the husband *de facto* forgives the adultery or acts as if he is only suspicious of what happened and warns the suspected not to repeat it again. The Assize on adultery exculpates the husband if he kills both lovers, but not if he kills only one of them, in which case he is subject to death too. Implicitly, he was entitled to forgive them both, whereupon the epilogue of Usama's anecdote would equate to the possible absence of punishments based on the Amaury's Assize.

Given all this, it might be concluded that not only the story narrated by Usama was true, but that it was so widespread that it provoked ridicule of the Franks by the Arabs. If this became commonplace in public opinion and the cases of adultery had multiplied so much among the Latins that the sanctions prescribed by the canons of Nablus had become inadequate, did this motivate King Amaury to amend the legal provisions regarding adultery by his Assize? Of course, this does not mean that King Amaury learned of this story from Usama's *Book of Contemplation*, since it was written after the King had promulgated his Assize.

However, there is another possibility – that, in his *Book of Contemplation*, Usama ibn Munqidh recounted through a specific example the Frankish legislation on adultery, both canons of Nablus and Assize on adultery. Even if this hypothesis was correct, the question remains if Usama consciously selected only some of the possible legal consequences that stemmed from these legal norms, wishing not to deviate completely from the truth, while bequeathing at the same time to the Arabs a desired

image of the Latins, or he simply sublimated all these rules as he understood them, without the necessary nuances and contextualisation.

CONCLUSION

Usama ibn Munqidh was an Arab nobleman, knight, poet, and a participant in some of the most significant social and political events in the Latin Kingdom of Jerusalem during the 12th century. Many of them, including some Frankish legal institutes, he immortalised in his *Book of Contemplation*. However, the way in which he described Frankish law, and in particular, the case of adultery in Nablus, has raised doubts about Usama's bias. Previous authors have been almost unanimous that the goal he pursued was to warn his compatriots about the harmful consequences of the Frankish occupation on the moral of the Muslims. Thus, many of Usama's reports, including the one about adultery, were treated as if they were uttered with mockery of the low civilisational level of the Western conquerors.

However, the literary genre of Usama's *Book of Contemplation*, the overall trustworthiness of his accounts, the fact that he emphasised that he was an eyewitness to the event of adultery, the analysis of his ethical code shaped by the framework in which Arab nobles were raised, and his good knowledge of the Franks and most likely of their language, made clear that it was wrong to interpret Usama's account of adultery as *a priori* incorrect.

A comparative analysis of the contents of the canons adopted at the Council of Nablus and of the provisions of Assize on the adultery of King Amaury, on the one hand, and of the Usama's anecdote of adultery among the Franks, on the other hand, confirms the hypothesis of its truthfulness. It also provides room for the conclusion that Usama, citing an example of widespread practice among Franks, was only retelling these Frankish legal rules, which were shocking to the Arabs. Perhaps, the most that could be objected to Usama is that the way he described it, he possibly took the entire anecdote about adultery out of its broader context.

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**АНЕГДОТА УСАМЕ ИБН МУНКИЗА
О (НЕ)САНКЦИОНИСАЊУ ПРЕЉУБЕ
У ЛАТИНСКОМ ЈЕРУСАЛИМСКОМ КРАЉЕВСТВУ:
ШАЛА НА РАЧУН ФРАНАКА ИЛИ РЕЛЕВАНТАН
ИСТОРИЈСКОПРАВНИ ИЗВОР?**

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Резиме

Усама ибн Мункиз био је арапски племић, витез, песник и учесник неких од најзначајнијих друштвених и политичких догађаја у Латинском Јерусалимском краљевству током 12. века. Многе од њих, укључујући и поједине правне институте Франака, попут судског двобоја, Божјег суда воде, функционисања Високог суда и прељубе, овековечио је у својој Књизи поуке. Ипак, начин на који је описивао поједине франачке правне институте, а посебно случај прељубе међу Латинима, у науци је изазвао сумњу у Усамину пристрасност. Досадашња литература била је готово једнодушна да је циљ којим се он том приликом руководио био да упозори своје сународнике на штетне последице франачке окупације по морал муслимана. Тако су и многи Усамини извештаји, укључујући и онај о прељуби, третирали као да су изречени са подсмехом на низак цивилизацијски ниво и етичке скрупеле западних освајача.

Ипак, жанровско одређење Усамине Књиге поуке и свеукупно поуздање у његове извештаје, чињеница да је нагласио да је био очевидац прељубе о којој је писао, анализа његовог етичког кодекса уобличаваног у оквирима у којима су васпитавани арапски племићи и његово добро познавање Франака и највероватније њиховог језика, показали су да је погрешно тумачити Усамин извештај о прељуби као а priori нетачан. Ово посебно ако се има у виду да се прељуба коју је Усама описао догодила у Наблусу, у истом граду у коме су настала најстарија сачувана правна правила Латинског Јерусалимског краљевства, а у коме је и сам боравио.

Упоредна анализа садржине канона донетих на Концилу у Наблусу и одредаба касније озакоњене Асизе о прељуби јерусалимског краља Аморија са једне стране и Усамине анегдоте о прељуби код Франака, са друге стране, потврђују хипотезу о њеној истинитости и остављају простор за закључак да је Усама, наводећи пример раширене праксе, само препричао ова, за Арапе зачуђујућа франачка правна правила. Највише што би се можда могло приговорити Усами, јесте да је начином на који ју је описао, целу анегдоту о прељуби евентуално истргнуо из ширег контекста, односно да ју је, без неопходних нијансирања, пренео као комбинацију њему познатих франачких правних правила о прељуби.