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Justice and Injustice in a Society Ruled by Scoundrels

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Abstract

This paper concentrates on a close study of the long Persian tale "Divān-e-Balkh" (The Court of Balkh) having an artfully devised plot that satirizes a fake facade of justice. After an introduction which focuses on tale types ATU 890 and ATU 1534, a summary of tale is provided for those who have not read it. Then the main characters are studied. Further, a Persian old variant ("The Kazee of Emessa"), two English variants (a variant in the medieval poem, *Cursor Mundi* and a ballad, "Gernutus, the Jew of Venice"), and two German variants (Meistergesang, "Kaiser Karl's Recht" and the ballad, "Kaiser Lucius' Tochter") are briefly reviewed. References are made to other variants and the relations between the texts are studied. The "Fleischpfand" [Flesh-bond] story and its representation in the tales in question has also been reviewed narrowly. Furthermore, it is shown that nearly all features of Bakhtin's concept of carnivalesque-grotesque, as enumerated by Davidson (2008), are most skillfully displayed in "Divān-e Balkh". The study of "Divān-e-Balkh" illustrates that justice is meaningless when the society is ruled by a group of scoundrels. In this story, ideology and religious jurisprudence are satirized, and the paradoxical strength-weakness of the feminine body and the way it subverts masculine gaze against masculine power is clearly displayed. Accordingly, "Divān-e Balkh" narrated by Sobhi, deserves to be considered as an exceptional tale, not only in Persian literature but also in world literature.

***Keywords**:* ATU 1534, Series of Clever Unjust Decisions, ATU 890: A Pound of Flesh (Fleischpfand), Mikhail Bakhtin, Divān-e-Balkh (The Court of Balkh), Kaiser Karl's Recht, Kaiser Lucius' Tochter, Sobhi, *Sobhi's Tales*

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Introduction

"Divān-e-Balkh" (The Court of Balkh) is a long Persian tale whose major existing variant is retold by Sobhi. The tale is set in the historical city of Balkh, which was part of Persia before the 19th century and now is located in Afghanistan, while part of the ancient Balkh is in Uzbekistan. It is difficult to designate the historical period in which the story takes place accurately, yet, it can be some five or six centuries after the Arab conquest of Persia (644 AD). The established religion of the people in the story is Islam rather than Buddhism, which was common in Balkh in the pre-Islamic period; further, based on some references to Mahmud, the Ghaznavid king (Reign 998-1030 AD), in some variants of the tale, as a living king, it might be conjectured that the tale or its early non-existent variant(s) is/are at least a millennium old.

While Sobhi's variant published in the form of a single book is unique in its treatment of the story, there are some tales where some episodes are similar to Sobhi's version. Marzolph in his *Relief after Hardship* summarizes and comments on the story of "The Muslim, the Jew, and the Kadi of Ḥimṣ". (Cf. Note 1) In his comment he writes,

> The tale is a traditional combination of ATU 890: *A Pound of Flesh* (Hannjost Lixfeld, "Fleischpfand," in *Enzyklopädie des Märchens*, vol. 4, cols. 1256–1262) and ATU 1534: *Series of Clever Unjust Decisions* (Jurjen van der Kooi, "Schemjaka: Urteile des S.," in *Enzyklopädie des Märchens*, vol. 11, cols. 1356–1362). According to Lixfeld, the present version belongs to a particular redaction of the tale that was first documented in the German Meistergesang *Kaiser Karls Recht*, dated 1443 (correct 1493; quoting *Das Ambraser Liederbuch vom Jahr 1582*, ed. Joseph Bergmann [Stuttgart, 1845], pp. 167–171, no. 138). The tale is well documented from modern Persian (Marzolph, *Typologie*, no. 1534) and Turkish (Eberhard and Boratav, *Typen*, nos. 296, 297) oral tradition. (*Relief after Hardship* 111)

In Sobhi's variant three major tales are entangled in this novella-like tale. The story which starts the tale is related to tale type ATU 890: *A Pound of Flesh.* Then ATU 1534, "*Series of Clever Unjust Decisions* (The

Decisions of Shemjaka)" (Uther Part II: 264) follows. The story of Šahr-āšub[1] which is slightly related to the theme of the Chaste Wife and her three Lovers, makes the tale complete.

Hannijost Lixfeld in his article "Fleischpfand" [Flesh-bond] (*Enzyklopädie des Märchens*, vol. 4, columns 1256-1262) reviews the major studies on this tale type. Some sections of the article are seen below:

> **Fleischpfand** (AaTh 890). Die zentrale Episode Mot. J 1161. 2 tritt in Form einer eigenständigen Erzählung und — in Kombination mit weiteren Motiven — als Novellenmärchen mit mehreren Redaktionen auf, unter denen eine durch → Shakespeares Lustspielfassung *The Merchanr of Venice* (L. vor 1600) mit der Gestalt des unerbittlichen. grausamen → Juden Shylock literar. sehr bekannt ist.
>
> Nach den Unters.sergebnissen von E. Schamschula(1) handelt die zentrale Episode von einem Vertrag. der den Gläubiger (Jude, Kaufmann, Wucherer, Adliger etc.) einer ausgeliehenen Geldsumme dazu berechtigt, bei Überschreitung des Rückzahlungstermins dem Schuldner (christl. oder mohammedan. Kaufmann, Goldschmied, Jude, Adliger etc.) einen genau festgelegten Teil aus dessen Fleisch (auch Auge, Kopf, einzelne Gliedmaßen etc.) herauszuschneiden (→ Schuldner und Gläubiger). Der Schuldner versäumt die Rückzahlung und wird vor einen Richter (auch Papst Sixtus V., Karl der Große, Sultan Soliman, des Schuldners →Frau in Männerkleidung [Mot. K1825.2] etc.) gezogen. Manchmal Wird dem Kläger vor dem Urteilsspruch angeboten, sein Geld oder eine noch höhere Summe anzunehmen und auf die darüber hinausgehende Vertragserfüllung zu verzichten; er ist damit aber nicht zufrieden.
>
> Das Urteil gibt dem Gläubiger zwar formal recht, belegt ihn jedoch mit unerfüllbaren Auflagen: Er muß beim Abschneiden des Fleisches oder der Gliedmaßen die vertraglich vereinbarte Menge strikt einhalten oder

[1] Since Persian alphabet and writing system cannot be read by those unfamiliar with Persian, I have used the transliteration of the original Persian names, proverbs, etc. For transliterations, except for the names of some familiar writers, places, and editors, the Romanization system of *Encyclopedia Iranica* is used (http://www.iranicaonline.org/pages/guidelines, accessed on 20-02-2017)

darf kein(en Tropfen) Blut des Schuldners vergießen, andernfalls er selbst vertragsbrüchig wird oder eine harte Strafe zu erwarten hat. Der Gläubiger tritt daraufhin notgedrungen von seiner Forderung, den Schuldner zu verstümmeln, zurück und wird manchmal noch zusätzlich bestraft.

Schamschula ordnet die von ihr untersuchten Varianten nach hervorstechenden Motiven und Zügen in sechs Untergruppen ein. Bei diesen Redaktionen dominieren, abgesehen von der vierten, die literar., teils sehr früh belegten Fassungen, was jedoch auch im unzureichenden Forschungsstand begründet sein mag.

Die erste oder ‚Vertragsredaktion', deren ältester Nachweis das engl. Gedicht *Cursor mundi* (Anfang 14. Jh.) ist(2), besteht lediglich aus der F.-Episode selbst(3).

In der zweiten oder ‚Brautwerbungsredaktion' benötigt der Protagonist das im F.- Vertrag geliehene Geld für die Werbung um eine schöne Frau; er möchte sie oder ihren Vater durch seinen Reichtum günstig stimmen oder ein Geschäft für den Lebensunterhalt seiner späteren Frau und ihres Vaters gründen(4). Zu dieser Redaktion gehört Shakespeares *The Merchant of Venice*.

In der dritten oder ‚Freierprobenredaktion' wirbt der Held ebenfalls um eine begehrenswerte Frau. die sich demjenigen versprechen will, der eine Nacht mit ihr im Bett verbringt, im Falle seines Versagens aber seine Habe an sie abtreten muß. Der Liebhaber wird durch Zauberei oder Betäubungsmittel zum vorzeitigen Einschlafen gebracht, entdeckt bei einoder zweimaliger Wiederholung der → Freierprobe die Ursache seines Versagens, kommt ihr zuvor und heiratet die Frau. Bei der letzten Wiederholung nimmt er eine Geldsumme als Einsatz für die Probe auf und geht den F.-Vertrag ein. Die ältesten literar. Bearb.en des F.-Stoffes finden sich in dieser Redaktion, im *Dolopathos* des → Johannes de Alta Silva, einer um 1300 entstandenen Version der → *Sieben weisen Meister*(5), in Fassungen der → *Gesta Romanorum* (14. Jh.)(6) und im *Pecorone* des Ser Giovanni Fiorentino (um 1378)(7), von denen bestimmende Einflüsse auf Shakespeare ausgegangen sind(8).

In der vierten oder ‚Brautkaufredaktion' muß die erwünschte Ehefrau mit Silber oder Gold aufgewogen oder mit ähnlich phantastisch hohen Geldsummen gekauft werden, zu deren Aufnahme der Held den F.-Vertrag abschließt. Nach der Heirat ist der Mann einige Zeit auf Reisen, und die Frau führt andere Männer, die sie verführen wollen, hinters Licht und nimmt ihnen dabei ihr Geld ab. Oder aber der Ehemann prahlt vor anderen mit der Treue seiner Frau, worauf sie von diesen erfolglos in Versuchung gebracht wird. Dennoch als treulos verleumdet und von ihrem Mann verstoßen. findet die Ehefrau erst wieder nach der F.-Gerichtsverhandlung zu ihm zurück. Von allen Redaktionen kommt nur diese vierte dem von Christiansen, N. E. übernommenen Handlungsverlauf bei AaTh 890 nahe. Eine frühe engl. Bezeugung ist die Ballade *The Northern Lord and the Cruel Jew* aus dem 16. Jh.(9).

Nur mehr Teil der Rahmenhandlung und gleichzeitig des Gerichtsverfahrens ist die F.- Episode in der fünften oder ‚Unfallredaktion', in der ein Schuldner das entliehene Geld zu seinem Lebensunterhalt, zum Handel etc. braucht, es nicht rechtzeitig urückzahlt und auf dem Weg zum Richter in eine Serie von Unfällen verwickelt wird: Er schlägt einem Pferd/Maultier, nach dem er einen Stein wirft, ein Auge aus, reißt einem Esel/Maultier beim Versuch, das Tier aus einem Graben zu ziehen, den Schwanz aus, springt auf einen anderen Menschen und tötet ihn damit. bewirkt, daß eine schwangere Frau ihr Kind verliert. Die von ihm Geschädigten folgen ihm zum Gericht. Der Richter entscheidet alle Rechtsfälle (cf. AaTh 1534: *Die Urteile des → Schemjaka*), darunter den F.- Streit als ersten, zugunsten des Schuldners(10). Hierhin gehört der Meistergesang *Kaiser Karls Recht* von 1443, der die Rechtsprechung Karls des Großen rühmt(11).

In der relativ stark abweichenden sechsten oder ‚Wettredaktion' geht es nicht mehr um ein Darlehen, folglich treten statt Gläubiger und Schuldner nur Kläger und Beklagter auf. Das F. ist Einsatz bei einer Wette, Gewinn bei einem Verkauf, Strafe für ein Vergehen oder geht auf eine mißverstandene Forderung zuriick. Der F.-Vertrag wird wie üblich vor Gericht verhandelt(12). Zu den frühen literar. Fassungen

gehört Gregorio Letis *Vita di Sisto Quinto* von 1587 mit Papst Sixtus V. als Richter und einem Juden als Angeklagtem(13).
(Lixfeld, *Enzyklopädie des Märchens*, vol. 4, columns 1256-1259)

[**Fleischpfand** (AaTh 890). The central episode Mot. J 1161. 2 appears in the form of an independent narrative and in combination with other motifs as novella fairy tales with several redactions, among which the one in → Shakespeare's comedy *The Merchanr of Venice* (London before 1600) with the literary figure of the relentless cruel → Shylock, the Jew is very well known.
According to the sub-results of E. Schamschula's study(1), the central episode deals with a contract which entitles the creditor (Jew, merchant, usurer, nobleman, etc.) of a borrowed sum of money, to cut out a precisely defined part from the debtor's flesh (also eye, head, individual limbs, etc.) (→ debtors and creditors) if the repayment date is exceeded. The debtor (Christian or Mohammedan merchant, goldsmith, Jew, nobleman, etc.) fails to repay and is brought before a judge (including Pope Sixtus V, Charlemagne, Sultan Soliman, the debtor → woman in men's clothing [Mot. K1825.2][2] etc.). Sometimes the plaintiff is offered, before the verdict, to accept his money or an even higher sum and to waive the realization of the contract beyond that; but he is not satisfied with it.
Although the judgment gives the creditor formally right, but it proves him with unfulfillable conditions: he must strictly comply with the contractually agreed amount when cutting off the flesh or limbs or shed not any (even a single drop of) blood of the debtor, otherwise he himself is in breach of contract, or should expect a hard punishment. The creditor then inevitably resigns from his claim to mutilate the debtor, and is sometimes punished additionally.
Schamschula arranges the variants she examined in six subgroups according to their salient motifs and features. Apart from the fourth,

2 In *Motif-Index of Folk-literature,* "K1825.2 Woman masks as lawyer (judge) and frees her husband." (Thompson, vol. iv, 437)

these redactions are dominated by literary, partly very early versions, which, however, may also be due to the inadequate state of research.

The first or 'contract-redaction' whose oldest proof is the English Poem *Cursor mundi* (early 14th century)(2), consists only of the Flesh-bond episode(3).

In the second or 'courtship redaction' the protagonist needs money borrowed from the contract for courting a beautiful woman; he wants to favor her or her father by his wealth or to found a business for the livelihood of his future wife and father(4). Shakespeare's *The Merchant of Venice* belongs to this redaction.

In the third or 'suitor-trial redaction' the hero also courts a desirable woman who wants to promise herself to the one who spends a night with her in bed, but in case of his failure, he has to give up his possessions to her. The lover is made to fall asleep prematurely by magic or narcotics. He discovers the cause of his failure by repeating the → suitor-trial once or twice, anticipates it and marries the woman. At the last repetition he receives a sum of money as a stake for the trial and enters into the Flesh-bond contract. The oldest literary copies of the Flesh-bond material can be found in *Dolopathos* by → Johannes de Alta Silva, a version of → *Seven Wise Masters*(5) from around 1300, in versions of → *Gesta Romanorum* (14th century)(6) and in the *Pecorone* by Ser Giovanni Fiorentino (around 1378)(7), which had a decisive influence on Shakespeare(8).

In the fourth or 'bride-purchase redaction' the desired wife must be outweighed by silver or gold or bought with similarly fantastically high sums of money, for which the hero enters into the Flesh-bond contract. After marriage, the man travels for some time, and the woman deceives other men who want to seduce her, and takes their money. Or the husband boasts of his wife's loyalty before others, after which she is unsuccessfully tempted by them. Nevertheless, slandered as unfaithful and cast out by her husband, the wife does not return to him only after the Flesh-bond trial. Of all redactions, only this fourth variant does come close to the course of action adopted by Christiansen, in AaTh

890. An early English testimony is from the 16th century, the ballad *The Northern Lord and the Cruel Jew* (9).

Only part of the plot-frame, and at the same time of the legal proceedings, is the Flesh-bond episode in the fifth or 'Accident Redaction', in which a debtor needs the borrowed money for his living, for trade etc., and does not repay it in time and is involved in a series of accidents on his way to the judge: he makes the eye of a horse/mule blind by throwing a stone at it, tears the tail of a donkey/mule off while trying to pull the animal out of a ditch, jumps on another man and kills him, and causes a pregnant woman miscarry. Those aggrieved follow him to court. The judge decides all legal cases (cf. AaTh 1534: *Die Urteile des → Shemjaka* [*The judgments of → Shemjaka*]) in favor of the debtor(10), including the Flesh-bond dispute as the first one. The Meistergesang *Kaiser Karls Recht* [*Emperor Charles's Law*] from 1443, which praises the jurisdiction of Charlemagne(11), belongs here.

The relatively different sixth redaction or 'bet-redaction' is no longer about a loan, therefore, instead of creditors and debtors there only appear a plaintiff and a defendant. The Flesh-bond is stake in a bet, profit in a sale, penalty for an offense, or is due to a misunderstood claim. The Flesh-bond contract will be tried in court as usual(12). Early literary versions are Gregorio Leti's *Vita di Sisto Quinto* from 1587 with Pope Sixtus V as the judge and a Jew as the defendant(13).]

(Lixfeld, *Enzyklopädie des Märchens*, vol. 4, columns 1256-1259, my translation)[3]

ATU 1534 which develops the second part of Divān-e-Balkh and is related to Schamschula's sub-group five is described as follows:

A poor man (merchant, baker) causes a series of accidents:

He pulls off the tail of a (borrowed) horse (one of two oxen that he has borrowed dies). The owner sues him.

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[3] For Eleonore Schamschula's major study cf. Schamschula (1981). For her article on the subject, cf. Schamschula (1984). For folktale sources of the *Merchant of Venice* cf. Artese (2009) and for a Middle Eastern contribution to Shakespearean folklore cf. Nishio (1991).

The poor man flees into a house and frightens (hits) a pregnant woman so that she miscarries. Or a woman invites him in out of the rain, and he sits on her sofa and accidentally kills her child. Her husband (the woman) sues him as well.

Out of desperation, the poor man jumps from a high tower (bridge) and kills a passer-by [N320, N330], whose brother (other relative) sues him.

The injured parties bring the poor man before a judge. The judge decides as follows [J1173]:

The poor man should keep the borrowed horse until its tail grows back.

He should impregnate the mother with another child (and her husband should hit her again, to give her another miscarriage). Her husband rejects this settlement and withdraws his suit. (In some variants, he has to pay a fine to the poor man.)

The brother (other relative) of the killed man should jump from the tower upon the poor man to kill him. He also withdraws his suit. (In some variants he also has to pay a fine to the poor man.)

(The poor man leaves with the horse and his settlements.)

Some variants have a frame tale: the judge persuades a baker (merchant) to give him a goose (duck) that belongs to someone else. He promises to protect him if the owner of the goose accuses him of theft. Then as above (Uther Part II: 264).

Marzolph refers to the tale type as follows:

1534 *Kluge ungerechte Urteile*

Einem Armen passieren Mißgeschicke, die der Qāżi mit klugen ungerechten Urteilen zu seinen Gunsten entscheidet: (a) Er erschrickt einen Esel, so daß der Reiter abgeworfen wird und sich ein Bein bricht: Man soll das Gleiche mit ihm machen; (b) Er wirft einen Stein und macht dadurch ein Pferd auf einer Seite blind: der Besitzer soll das Pferd halbieren, die blinde Hälfte verkaufen; (c) Er tötet einen Kranken, indem er versehentlich auf ihn springt: Man soll ebenso mit ihm verfahren; (d) Er tötet das

ungeborene Kind einer Schwangeren: Man soll sie ihm überlassen, um ein neues Kind zu zeugen; (e) Er reißt einem Esel den Schwanz ab: Der Besitzer des Esels, der die vorherigen Urteile gesehen hat, verzichtet auf Klage. (Typologie 220)[4]

"Divān-e-Balkh" ("The Court of Balkh"), *Summary*

The story is about a society where a bunch of scoundrels who hold the central power and dominate the government are overthrown by the oppressed; Beside power relations at a social level, the tale involves the motifs of injustice, conspiracy, violence, and abuse.

In the beginning there is a good Qāżi who stands against other ruling administrators of the city, the sheriff (*Kalāntar*), the chief of night-guards (*Mir-e šab*) and governor of the city (*Sālār-e šahr*). They try to overthrow the Qāżi but this is not easy till the day the Qāżi falls sick, and they benefit from this opportunity. They collude with the physician of the city, make the Qāżi drunk and oust him. They "took Bol-Qasam Qalčeh to the court and appointed him as Qāżi al-Qozāt (the chief Qāżi, the judge of judges). He was a partner of the *Sālār-e šahr*, *Mir-e šab* and the *Kalāntar*. He was no less than them in wrong-doing and was appointed by them. He was not knowledgeable enough" (Sobhi 976).

On the other side of the story, a poor young man named Mehrak wastes all the money he inherited from his merchant father by having fun with a group of bad friends. His mother tells him to go to *Pir-e k̲āksār* (the old humble man who is a mystic) and ask for advice. The mystic advises him to borrow 500 dirhams from somebody and try to trade truthfully. He goes to a money-lending Jew called Simeon[5] and asks for the money. Simeon agrees

[4] 1534 Clever Unjust Judgments: A misfortune happens to a poor man, about which the Qāżi decides in his favor with clever unjust judgments: (a) He frightens a donkey; thus the rider is thrown off and breaks his leg: one should do the same with him; (b) He throws a stone and thereby blinds a horse on one side [eye]: the owner should halve the horse, and sell the blind half; (c) He kills a patient by accidentally jumping on him: one should also deal with him likewise; (d) He kills the unborn child of a pregnant woman: she is to be left to him to give birth to a new child; (e) He rips a donkey's tail off: The owner of the donkey, who has seen the previous judgments, waives his right to sue. (*Typologie* 220)

[5] In Persian transliteration: Šam'un

upon the condition that Mehrak repays him 650 dirhams, including the interest after one year or Simeon will cut 5 *seers*[6] of flesh from his thigh. After some time, Mehrak earns a good sum of money but his old friends make him waste all again.

After one year, Simeon appears and asks for his money or the flesh from Mehrak's thigh and since Mehrak cannot pay the debt, Simeon tries to bring him to the court. But on the way to the court some other plaintiffs join Simeon:

--- 1. The 1st plaintiff: Simeon

---2. The 2nd plaintiff: The man whose horse's eye is blinded by Mehrak. [A horse shied and its owner called for help. Mehrak thought, "I should help this man; then he might mediate to get rid of Simeon." He threw a stone but it blinded the horse in one eye.]

---3. The 3rd plaintiff: The man whose wife miscarried because of Mehrak. [Mehrak wanted to escape. He saw a door ajar and opened it very suddenly. A pregnant woman was behind the door and the door hit her. She had a miscarriage.][7]

---4. The 4th plaintiff: A son whose father was killed by Mehrak. [Mehrak wanted to escape again. He saw a short wall and jumped over

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6 Seer is a traditional unit of mass. There were two units for seer in Iran: "1. The metric seer was 74.22 g (2.618 oz) 2. The seer (*sihr*) was 160 g (5.64 oz)". Since the tale is an old one it seems that the second can be used and 5 seers will make 800 grams. In case of calculating with the metric seer, 5 seers will be almost 375 grams.

7 Marzolph in his *Arabia Ridens* (vol. 2, 103, no. 310) refers to other tales in Arabic literature with this episode:
413. Kluges ungerechtes Urteil. Der Mann, der ein Kind getötet hat, soll mit der Frau des Klägers ein neues Kind zeugen.
A (1) 940 ʿIqd 6/446/17 (Abū Ḍamḍam) = Ü Weisweiler, Kalifen 83 = Horovitz 31;
B (1) 16Jh Fāšūš = Casanova 473/-9 und Ü 485, 7 = Ü Decourdemanche 119, 6 (Qarāqūš);
E (1) Ü Histoires arabes 77;
(2) AaTh 1534: Die Urteile des Schemjaka (Mot. J 1173 [2]);
The references below are from Marzolph 1992. The citation style has not be interfered with:
Ibn ʿAbdrabbih, Aḥmad b. Muḥammad [gest. 328/940) → ʿIqd
* Fāšūš = al-Fāšūš fī ḥikam Qarāqūš → Casanova (Lit. 2)
Casanova, P.: Ḳaraḳoûch. In: Mémoires publiés par les membres de la mission Archéologique française au Caire 6. Paris 1897: 447-491

it but an old man was lying on the other side under the sun. Mehrak fell on his belly and killed him.]

---5. The 5th plaintiff: A man whose donkey's tail was ripped by Mehrak. [Mehrak saw that a donkey was stuck in mud. He tried to help him in search of a way to escape. Mehrak pulled the tail of the donkey and it was ripped.]

But Mehrak confronts astonishing events on the way to the court and in the court:

---1. An innocent man was going to be killed since the Qāżi had ordered so!

---2. A man was going to be buried alive since the Qāżi had ordered so!

---3. A mugger was using a metal stake[8] to attack people. Simeon and others gave some money to him and he left.

---4. A Muezzin recited, "As Moslems say: *Ashhado anna Muḥammadan Rasulollāh* [I bear witness that Muhammad is the Messenger of Allah]"![9]

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[8] In the text the metal stake is the one which is used for fixing the rope of an animal in the ground, like a tent stake. The Persian word is "*mik-e tavileh*" which literally means the "nail of the stable".

[9] Marzolph (ibid, 242-243, no. 1114) refers to other Arabic tales containing this episode:
1114. Ein Jude als gemieteter Gebetsrufer in der Stadt der Dummen: Es gibt keinen Gott außer Gott. Und die Leute sagen, daß Mohammed sein Prophet sei.
A (1) 1108 Muḥāḍarāt 4/443/13;
B (1) 15Jh Mustaṭraf 2/518/3 = Ü Rat 2/654/-18 = Ü Weiswweiler, Kalifen 170;
(2) 17Jh Nuzha 75 b/-2 = Ü Rosenöl 2/315, 195;
E (1) Ü Histoires arabes 158;
(2) Christensen, Sots 72, 47;
(3) Köhbach, hier 110;
The references below are from Marzolph 1992. The citation style has not be interfered with:
Mustaṭraf = al-Ibšīhī, Muḥammad b. Aḥmad al-[gest. ca. Mitte 9./15.Jh.]: al-Mustaṭraf fī kull fann mustaẓraf 1-2. ed. M.M. Qumayḥa. Beirut 1983 = al-Mostaṭraf. Recueil de morceaux choisis çá et là dans toutes les branches de connaissances réputées attrayantes […] 1-2. Übers. G. Rat. Paris-Toulon 1899.
Nuzha = [anonym; ca. 17.Jh.;] Nuzhat al-udabāʾ. Ms, Gotha orient A 2706.
Histoires arabes = Khati Cheghlou [Pseudonym]: Histoires arabes. Paris 1927

---5. A servant of a mosque poured wine in the stone water-trough of the mosque and cried, "Oh Muslims, the Qāżi said that for God's sake buy this wine."

---6. An Imam in a mosque uplifted one foot while saying prayers.

---7. A man who was branded as *Rāfeżi/Rafîdhi* and Qarmaṭi[10] was taken to prison but he was not afraid. A couple of people dressed in fines clothes said: "This evil man alongside his disciples should be killed and chopped! They are godless, they are not Muslims!" (989)

---8. When Mehrak entered the Qāżi's room in the court, he found him drinking wine, making love, and gambling with an adolescent lad.

A man who followed Mehrak and the group of plaintiffs went to him and said, "If you want to get rid of these people, you should get to the court sooner than them and deceive the Qāżi; promise him something or do something that he passes a sentence in favor of you" (990). Mehrak ran and opened the door of the *Divān-k̲āneh* (court) and saw that the Qāżi was making love with a lad. He closed the door and cried "Stop! The Qāżi is saying his prayers! Do not disturb him". The Qāżi told him softly, "... do not be afraid. I will pass any sentence in favor of you". To get ready for judgment, the Qāżi first preached and said a short prayer and then fainted! His servants, who knew the case and the game, ran to help him, and one of them said, "He is always so, as he hears the name of God he faints."

The Qāżi sends the plaintiffs away with his clever unjust decisions[11]:

Christensen, A.: Les sots dans la tradition populaire des Persans. In: Acta Orientalia 1 (1923) 43-75.

Köhbach, M.: Ein populäres Schwankmotiv in der geographischen Literatur des Vorderen Orients. In: Rocznik Orientalistyczny 44 (1985) 107·112.

[10] For Carmatians (Ar. Qarāmeṭa; sing. Qarmaṭi) cf. http://www.iranicaonline.org/articles/carmatians-ismailis (Accessed 08.09.2015)

[11] Marzolph et al. in *The Arabian Nights Encyclopedia* (108) refer to The Tale of the Astute Qâdî (108) in Mardrus's rendition of *The Nights*:

Astute Qâdî, 454 *The Tale of the* (Mardrus)

This story is included in the narrative collection entitled *The Diwan of Easy Jests and Laughing Wisdom.*

A *qâdî* in Cairo loses his job because of his dishonesty and is reduced to poverty. One day he sends out his slave to get some food, and the slave attempts to have a goose roasted

--- Simeon. The Qāżi told Simeon, "This agreement is not religiously correct. If you want to cut some meat of the thigh, you should not cut more or less than five seers of flesh, and no blood should run. Simeon said, "This is impossible" and the Qāżi answered, "Since it is not possible, you have no right here and should pay damages including the court's charges" (994). The Qāżi's men took 650 dirhams from Simeon by force.

--- The man whose horse's eye is blinded by Mehrak. The Qāżi told him to cut the horse in half and then give the half with the blind eye to Mehrak. The man said, "I waive my claim." The Qāżi did not accept this and wanted to make him pay some money but as he learned that the man is an acquaintance, he ordered to take the money from Simeon.

--- The man whose wife miscarried because of Mehrak. The Qāżi said, "This is quite easy. Mehrak should impregnate your wife" The man objected but the Qāżi said that this is a Godly judgment. The man also waived his claim to his child but the Qāżi did not accept and took 150 dirhams from him.

--- The son whose father was killed as Mehrak jumped on his belly. The Qāżi said that since the old man was 72 and Mehrak is 28, the son should take care of Mehrak for 44 years and then jump on his belly. The son also

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that actually belongs to somebody else. When the goose's owner returns they start to quarrel, and the ensuing fight soon spreads through the neighborhood. By accident, a pregnant woman is pushed over and loses her child, and a sleeping man is killed. As the parties are taken to the *qâdî,* he is asked to resolve the conflict.

The *qâdî* wonders whether God in his omnipotence could not make the roasted goose come to life again. Then he orders the woman to be given to the man who caused her abortion; he should get her pregnant again and deliver her back to her husband when she is again six months pregnant, as she was before. The brother of the man who was killed is invited to jump on the man who killed his brother from the top of a minaret. All plaintiffs have their cases withdrawn.

The sultan admires the *qâdî*'s clever decisions so much that he again installs him in office. This tale does not feature in any of the Arabic manuscripts of the *Arabian Nights.* According to Chauvin, Mardrus has appropriated it from Yacoub Artin Pacha's *Contes populaires de la vallée du Nil* (Paris 1895; see Nowak 1969: no. 398). The tale corresponds to the international tale-type AT 1534: *Series of Clever Unjust Decisions.* The second decision to make up for the killing of a child by making the plaintiff's wife pregnant is already mentioned in Ibn 'Abd Rabbih's (d. 413) *al-'Iqd al-farîd* (*Arabia ridens* 2: no. 413).

waived his claim to his father but the Qāżi ordered to get a lot of money from him as well.

--- The man whose donkey's tail has been ripped by Mehrak. When the man saw the way the cases were judged, he understood what the situation was and when they asked him about his case, he said, "Nothing, I just came to see what's going on." When Mehrak recounted what had happened, the man surprisingly said, "No, my donkey did not have a tail from the time it was a foal"[12] (997). The Qāżi asked for a witness but the man left not only the court but the city of Balkh.

Mehrak told the Qāżi that he would work for him if the Qāżi could justify the perplexing events he saw on his way and in the *Divān-k̲āneh*. The Qāżi's justifications were as follows:

--- The adolescent lad in the Qāżi room. His father died some years ago. At that time he was underage and his wealth was under the control of the Qāżi. Now the boy has come and asks for his wealth. The Qāżi wants to examine whether he is grown up or not. If the lad proves to be grown up, the Qāżi will give half of the wealth to him and keeps the rest for himself.

--- The Qāżi has sentenced an innocent man to be killed. The iron-smith of the city killed a wealthy man and since there was not any other iron-smith in the city, and it was not possible to ignore the blood of a rich man, the Qāżi ordered that a copper-smith should be killed instead because there were many copper-smiths in the city.[13]

--- A man is sentenced to be buried alive since the Qāżi has ordered so! A man wanted to go on pilgrimage to Mecca; as it was formerly a custom, he entrusted his wealth, his wife and daughter to the Qāżi as a religious person. But it was heard that he died on the journey. The Qāżi

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[12] In Persian transliteration: "k̲ar-e mā az korregi dom nadāšt"; this sentence has become a saying based on this tale and it is still used in Persian.

[13] This short episode is related to tale type 1534A in ATU: "Barber Substituted for Smith at Execution. A smith commits a crime and is condemned to death. The villagers complain to the judge (mayor) that they cannot manage without the smith. They ask him to execute a barber instead, because they have two of those [J2233.1.1]." (Uther Part II: 266).

made the man's wife marry his [the Qāżi's] brother. Now she is pregnant. Likewise, his daughter was married to the Qāżi's nephew, and the wealth was divided among the relatives of the Qāżi. After some time it was discovered that the man is alive. The Qāżi said, "He has absolutely no reason to be alive! Bury him alive." V

--- The mugger, named Rajabak, who attacked people by a stake. The Qāżi likes Rajabak because he gives half of the stolen things to him. The Qāżi asks those who have their properties stolen to provide a list of all the stolen objects. Then he asks the thieves for the list of the things they have stolen and checks the lists. The only list that corresponds properly is Rajabak's. One night Rajabak goes to rob a merchant's house but gets blind in one eye by a stake on the wall. In the morning, he goes to the Qāżi to lodge a complaint against the merchant. The story here takes the form of a short cumulative tale. The Qāżi asks the merchant why there was a stake on the wall. He says it is the mason's fault. When the mason is asked, he says that the carpenter who worked after him is at fault. The Qāżi then asks the carpenter. He says, "I heard the sound of music and singing and I forgot to pull the stake out." The Qāżi asks the musicians why they played and sang. They say because there was a wedding ceremony. He then asks the landlord, "Why did you hold a wedding ceremony in your home." He says because my son wanted to marry. The Qāżi asks the son, "Why did you want to marry." He answered because God and his prophet Mohammad (pbuh) have said so. Since the question reaches God and his prophet, the Qāżi has no more answer but he tells Rajabak to hold the stake and blind anyone's eye he desires. Rajabak says, "Then give me the permission to stick this stake in the eyes, ears and mouths of people whenever I want to." The Qāżi tells Mehrak that from then on, I told Rajabak to repent from stealing and just use his stake for mugging people and give me my share.

---The *Muezzin* while reciting *Azan*, says, "As Muslims say, *Ashhado anna Muḥammadan Rasulollāh* [I bear witness that Muhammad is the Messenger of Allah**]...**"! Since there is not a Muslim

with a melodious voice in the city, the Qāżi asks a Jew, a friend of his, to recite *Azan* and since he doesn't believe in the prophet of Muslims, as he recites any phrase from *Azan*, he says as Muslims say so.

--- Selling wine in the mosque. A wealthy person has endowed his vineyard to the mosque for charitable purposes. Some portion of grape production has been sold and the rest was used to make vinegar; but, wine was made in the jars instead. The Qāżi who liked the wine ordered that it be sold in the mosque in order not to waste the endowed property and also not to lose his share.

--- The *Imam* (the prayer leader of a mosque) who has uplifted his left foot. In Islam, before saying prayers you must make sure that your body and clothes and the place in which you are going to pray are all clean and free of impurities but here the Imam of the mosque has the bad habit of making his left foot filthy and impure. The Qāżi says, "That Imam is one of my relatives and I do not want him to be replaced by anyone else; people's religion should also be respected and cared about; that is why I told him to uplift his left foot when he is praying."

--- A man and his disciples are taken to prison. His name is Hojjat-e Qobādiyāni and he is a follower of Imam Ali. "Some of his remarks are not in agreement with our desires and if we do not stop him, we cannot live in this city the way we like. …. In order to shut their mouths we punish them and kill them, labeling them as *Rāfeżi* and Qarmaṭi but what's the use of it. They believe from the bottom of their heart and I'm afraid of the time nobody cares about our words; but, hopefully the people to whom they have devoted themselves are idiots and are like wax in our hands; they are the enemy of these righteous men. Anyway, we should enjoy our lives and should have nothing to do with people's pains and problems" (1009).

On the other side of the tale, there are two other characters, Šahr-āšub and her brother, the daughter and the son of Zeytun whose wife Mowludeh has left

him. They live in Simgarān district[14]. Zeytun goes on a pilgrimage to Mecca and leaves everything to his son. One day Teymur, the Kalāntar of Balkh, sees Šahr-āšub coming out of Hammam; her beauty lures him on. He asks her brother for her hand but the boy says that he should wait till their father comes back. Šahr-āšub also tells her brother to ignore Teymur. The Kalāntar asks Jāfur-e Šakān, one of the hooligans, to beat the son. Then he gives 500 dirhams to Jāfur and his group to imprison the son for ogling at the wives of other men. They want to imprison Šahr-āšub under the pretext of prostitution, but she manages to escape. However, in the course of escaping she finds herself in the Qāżi's home. Setting out to win the girl for himself, the Qāżi terrifies the Kalāntar that if he doesn't leave the girl alone, he would disgrace him in the whole city.[15] The Qāżi orders Teymur to free the boy and leave Šahr-āšub alone. Šahr-āšub also asks the Qāżi to leave her for some days to return home and put things in order.

The Qāżi also tells Mehrak to give a message to Jāfur that if he mistreats the girl and the son, he will give him hell. When Jāfur hears this, he is shocked and says, "Plague this life that for a morsel of bread, we should be the cudgel in the hands of the oppressors and beat poor fellows. And whenever, there appears to be someone more powerful than the other roughneck, instead of cutting the hand of the oppressor short, he hits us on our heads with the cudgel…" (1022). Then Jāfur and his fellow friends go to the *Tekyeh* (a Sufi monastery) of Pir-e kāksār to repent. Mehrak is almost shocked by their deed.

After some days the Qāżi sends a message to Šahr-āšub's brother that he has found a husband for his sister. But the boy still says that he will not allow her to marry till the father returns. The Qāżi asks Mehrak to tell the boy that Zeytun's son owes him [Mehrak] 2000 dirhams. The Qāżi imprisons the son with fake witnesses and with the help of Mehrak. Then he sends a message to Šahr-āšub to go to him. She answers that she will not leave home till her father

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[14] This district really did exist in old Balkh and in classic books there are some notes about it. The word *Simgarān* means an area where people who make things from silver (*Sim* in Persian) have shops and work there. *Simgar* is somebody who works on silver to make things from. We might literally translate it as silver-row like the name of the novel, *Cannery Row.*

[15] Teymur has killed his own brother to marry the brother's wife and has done many other dreadful things.

returns. Šahr-āšub advises Mehrak and this time it works. When the Qāżi learns about her refusal, he sends a message to Mir-e šab ordering him to arrest the girl and take her to his house by force. The Qāżi puts her in a small home and appoints Mehrak as her guardian. Mehrak tells the girl how to plan some tricks when the time is ripe. Šahr-āšub tells the Qāżi that she needs to go to Hammam. The Qāżi tells her that there is a Hammam in his house. When she is getting ready to wash herself, the Qāżi appears and she hits the Qāżi on the head so strongly that his head is broken. She shaves his beard and tells Mehrak what she has done and then leaves. For two or three months, the Qāżi lives in secret till his beard is back. Once more he asks Mehrak for Šahr-āšub. Mehrak warns him about his wrong doings. Then he [Mehrak] sells whatever he has and leaves the city with his mother and goes to Sanābād of Tus. He becomes a member of the circle of Kājeh Āzarakš, the head of one of the *Javānmard*[16] groups. The Qāżi becomes severely angry because of this matter.

The Qāżi wants to avenge himself on Šahr-āšub and gives a verdict that she is a prostitute and should be stoned to death. However, the people who know what the matter is, throw the stones in a way not to hit her. She remains alive and Pegāh-e Hamedāni (Pegāh of Hamedān) who is a *Javānmard* finds her and tells his mother to take care of her and makes a home ready for her. The caravan of Haj (people returning from Mecca pilgrimage) gets near the city. The Qāżi sends a letter to Zeytun, telling him that his son is guilty of theft and is imprisoned and his daughter had been stoned to death. When Zeytun arrives in the city, he gives 5000 dirhams to the officials and sets his son free; then he sells whatever he has and leaves Balkh for Bukhara.

Pegāh thinks about a plan. He hits the servant of Mir-e šab and is imprisoned. Šahr-āšub wears a lot of makeup in a way that she is not recognized and then goes to see Mir-e šab, telling him that she is the adopted sister of Pegāh; she asks him to set Pegāh free. Mir-e šab accepts provided that Šahr-āšub sleeps with him. She agrees to do it but in her home not his.

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[16] *Javānmardān* (the singular form in Persian is *Javānmard*) were some groups of people with a keen sense of *Javānmardi* (akin to chivalry) who protected people against the atrocities of the government or vicious people;
cf. http://www.iranicaonline.org/articles/javanmardi (Accessed 02.01.2016)

Then she goes to Kalāntar, Sālār-e šahr and finally to the Qāżi with the same trick. Pegāh is freed. Šahr-āšub makes Mir-e šab, Kalāntar, Sālār-e šahr and the Qāżi, respectively drunk and dresses them in the four acting costumes provided by Pegāh and then puts them in a big box.[17] The day after, Pegāh and his *Javānmard* friends disgrace the Qāżi and his accomplices and cast them out of the city. Afterwards, a group of *Javānmardān* is appointed to rule instead.

General Review

The tale begins like this,

> Once upon a time, there was a truly good and fearless Qāżi in Balkh. The people liked him because he sometimes stood against the outrageous people and did not allow them to do whatever they want. On the other side, there were Sālār-e šahr, Mir-e šab, Kalāntar, their relatives, friends and others who liked to do wrong things, and were against him and were always waiting for an opportunity to replace him with another Qāżi who befriended them, yet it was not easy to do so; that was why they were looking for an excuse to rise up a rebellion against him (Sobhi 973)

As it can be recognized in the first paragraph, from the officials of the city the only person who stands against the wrong-doers is the good Qāżi whose name is not known. It is not easy to replace him as the narrator reports; nevertheless,

[17] This section of the story of Šahr-āšub is like the theme of the "Chaste Wife and her Three Lovers" which appears in many tales in different forms. For instance, in "*The Seven Visirs* (related to the European *Seven Sages of Rome*) […] in the story of the Sixth Visir the plot is so modified as to constitute a warning against the wiles of women, in accordance with the general plan of all the Visirs' tales. So the heroine is represented as a vulgar trickster; she visits the public officials to intercede for an imprisoned lover, not an impoverished husband; she has a joiner prepare a press with four divisions in it for the four lovers (he is told to add a fifth when he also asks for a rendez-vous!); she contrives to have each lover interrupted by his successor, and departs with the favored one when all five are safely locked up. The landlord, hearing the voices, has the press carried before the Sultan, who is much amused when the five men emerge." (Schlauch 354-355)

while the Qāżi seems to be the most influential and potent figure and the situation appears to be stable, a potential chaos is lurking and the tale prepares the reader for a substantial alteration. The good Qāżi is propelled into the margin and the center of power is seized by the crooks and thieves who ravage the social justice and serenity. The intellectuals and those who could not withstand the situation retreat to the periphery and leave the scene to the scoundrels,

> Day after day, the atrocities of the Qāżi and his fellow men turned the situation worse and more terrible to the extent that in Balkh nobody was secured about his possessions. Sālār-e šahr, Mir-e šab, Kalāntar, Kad-kodā[18] and others were united in stealing and hurting people. Any one of them had a group of hooligans under his control and could touch the wealth, wife or life of any one they wanted under the pretext of naming them Qarmaṭi or Zandiq. It was so terrible that the intelligent people, the tradesmen, and all those who were not flatterers and did not want to accept the unreasonable demands of the Qāżi and his accomplices, had to leave Balkh and go to Kārazm, Rey and Deylam; There remained in Balkh a bunch of vicious men and hooligans and a bunch of poor, unfortunate people. (1013).

Through the tale we learn that there are other good people fighting against the evil characters but since the majority of the remaining people are ignorant and do not support the opponents they cannot succeed. It is mainly due to the brain drain of intellectuals and submission of the poor and the unfortunate that the new Qāżi and his accomplice hold a favorable position in the power hierarchy.

Main Characters

Mehrak

After the introduction of the tale the narrator introduces Mehrak, "Leave the Qāżi here and listen to the tale of an unfortunate man in the city" (981). Although Mehrak's father was a merchant and did not belong to the lower

[18] Governor of the village, here, of a district.

class, Mehrak loses all the fortune inherited from his father out of mindlessness and falls into utter misery; Mehrak, who is discarded by his unsavory friends, takes to his mother's advice and visits another person, Pir-e kāk-sār (the old humble man). The old man's instruction advances the tale and introduces Mehrak to Simeon, the Jew.

His character develops gradually throughout the tale as he rises from misery and finds a way into the source of power and in the end joins the opponents against the corrupted judicial system. He is a character with too much vacillation, "Mehrak remained there in the Qāżi's office and little by little ran all the affairs there and earned some money. The Qāżi did whatever he wanted through Mehrak, and this unlucky guy sometimes had a heart of stone and cared for nobody; sometimes his heart turned to be like wax and took pity on poor people and swore at himself" (1012). Being inwardly touched by Jāfur and his band's repentance, he gets aware of his own manner, "Mehrak was shocked by Jāfur's words and act and remained thoughtful about his own end" (1022) Šahr-āšub's advice is another shock to his conscience, "He said to himself: why have I turned to be so, what are these things I do, from morn till dusk I go here and there and give pain to people of God for the sake of the Qāżi to make him happy. Nor do I become aware, I didn't listen to the Pir-e kāksār who told me to follow the example of [Ali,] king of men" (1025). Mehrak changes in his second visit to the wise old man. After helping Šahr-āšub, he reproaches the Qāżi and before incurring his vengeance, leaves the city and diminishes the Qāżi's power. Yet, he is not of much help to Šahr-āšub and she gets stoned. Eventually, in this major variant, Mehrak leaves the stage and does not have much more influence while his joining to another group of *Javānmardān* creates a more positive atmosphere of goodness in the tale. As for his name, Mehrak means "little kindness" which fits his role; he is not of great help and kindness to the others, while the reader expects more from such a character. In one minor variant, after the evil Qāżi and his friends are driven out of the city, Mehrak returns and since he is familiar with the judicial system, he becomes a Qāżi himself.

Pir-e kāksār (The Humble Old Man)

Pīr-e Kāksār can be considered as a helper. He is secluded and has got a *Kāneqāh/Tekyeh* (a Sufi monastery) where people go to ask for advice and help. Practically, he resides in the margin but exerts his influence on the power structure in the tale. In C. G. Jung's vocabulary in *The Archetypes and the Collective Unconscious,* he is the Wise Old Man and nearly embraces all his attributes,

> The old man always appears when the hero is in a hopeless and desperate situation from which only profound reflection or a lucky idea – in other words, a spiritual function or an endopsychic automatism of some kind - can extricate him. But since, for internal and external reasons, the hero cannot accomplish this himself, the knowledge needed to compensate the deficiency comes in the form of a personified thought, i.e., in the shape of this sagacious and helpful old man.[…] The old man thus represents knowledge, reflection, insight, wisdom, cleverness, and intuition on the one hand, and on the other, moral qualities, such as goodwill and readiness to help, which make his 'spiritual' character sufficiently plain.[…] Apart from his cleverness, wisdom, and insight, the old man […] is also notable for his moral qualities; what is more, he even tests the moral qualities of others and makes gifts dependent on this test." (217-225)

Accordingly, Pir-e kāksār appears to be the "savior, redeemer, guru: personification of the spiritual principle" (Guerin et al. 188). In this tale, Pir-e kāksār does not appear in a dream or is not a fantastical being but is a real person in flesh and blood. In the beginning of the tale, when Mehrak is terribly miserable he visits the old man for some advice. In the end also, it is the old man who influences Mehrak strongly. His presence also affects Jāfur and his gang who are the physical power or "political pressure-power" of the Qāżi whose authority declines as they repent. Apart from this, the old man who stands for mysticism (*Erfān/Irfān*) opposes the Qāżi who represents jurisprudence (*Fiqh*). In a sense, mysticism is brought in opposition to the jurisprudential pattern of religious institutions.

Simeon

Through the character of Simeon who is a usurer, like many other literary Jews, the theme of anti-Judaism finds shape.[19] Sobhi, in his preface to the tale, refers to the relation between this tale and the *Merchant of Venice*, "Shakespeare who lived some centuries before, has got the interesting part of the *Merchant of Venice* from this tale" (972). The entrance of a Jew in flesh-bond tales goes back to the 14th century. Margaret Schlauch in her article "The Pound of Flesh Story in the North" writes,

> Giovanni Fiorentino,[20] writing in 1378, was the first to introduce two important innovations: he made the creditor a Jew, and transferred the bargain from the wooer himself to his wealthy godfather Ansaldo, who corresponds to Shakespeare's Antonio. Thus a third person is made to jeopardize himself for the hero's success in gaining the wily and mercenary heroine. This story is the one used by Shakespeare. (351)

In *Persian Moonshee*, Francis Gladwin relates a similar short tale (Story XIII) without mentioning that the prosecutor is a Jew,

> A person laid a wager with another, that if he did not win, the other might cut off a seer of flesh from his body. Having lost the wager, the pla[i]ntiff wanted to cut off a seer of his flesh; but, he not consenting, they went together before the Qazee. The Qazee recommended to the plaintiff to forgive him; but he would not agree to it. The Qazee being enraged at his refusal, said, 'cut it off; but if you shall exceed or fall short of the seer, in the smallest degree, I will inflict on you a punishment suitable to the offence.' The plaintiff seeing the

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[19] In a footnote, J. L. Cardozo refers to Vambéry's and Basset's articles in the journal *Keleti Szemle* [*Oriental Review*] (1901) and writes, "they prove the wide spread of the whole string of anecdotes (*with* and *without* a Jew) in Persian – Arabic literature, from at least the XIVth century onward. The title "L'Origine orientale de Shylock" seems, however, to imply too much" (247). For the earlier Ottoman Turkish version of the story of the Muslim, the Jew and the Kadi of Homṣ and its German translation, cf., Vámbéry (1901) and for "L'origine orientale de Shylock" cf., Basset (1901). For a thorough study of Ármin Vámbéry's work on the Ottoman Turkish *Ferec baʿd eş-şidde* (*Relief after Hardship*), cf. Marzolph 2017.

[20] "In his *Il Pecorone*, first *novella* of the fourth day." (Schlauch 351)

> impossibility of what was required of him, had no remedy, and therefore dropped the prosecution. (Gladwin 88)

Mojtaba Minovi (1367Š/1989) has also devoted a long chapter in *Pānzdah Goftār (Fifteen Essays)* to *Merchant of Venice* and the Eastern references in it.

Simeon's condition can lead to mutilation of Mehrak or even his death. Shylock's condition in *Merchant of Venice* deals more with seeking revenge from Antonio while Simeon in "Divān-e Balkh" provides the condition to force Mehrak to pay the debt. Simeon has financial claims on many others and that was why "Simeon liked to frighten his debtors by taking Mehrak to the bazar and city; and he did so" (985).

One of the wittiest parts through which the tale produces an ironic effect is where a Jew is calling Muslims to prayer by reciting *Azān*. A Jew's act of calling Muslims to prayer is by nature an absurd act which discredits the religiosity and originality of *Azān*.

It seems that anti-Judaism is not central to the theme of the tale; however, the Qāżi uses any means and occasion to empower himself. It is paradoxical that all the major elements of Islamic law (*Shariah*) are satirized where anti-Judaism is present as well. The Qāżi utters his anti-Judaistic remarks in different occasions whenever it profits him. For instance, when he considers Simeon's complaint, he takes sides with Mehrak and provides the conditions against the Jew,

> This trade is not religiously correct! He [Mehrak] cannot guarantee his payment by the meat of his thigh. This is not allowed in the religion of Muslims, but I am in agreement with you: I bring you a pair of scales; you can cut a piece of his thigh but you must be careful about two things; you must not cut even a mesqāl[21] more or less than five seers and since you have taken the meat as guarantee, there must not come out even one drop of blood! Here are the knife and the thigh of the debtor, if blood comes out or if you cut more, you will be killed so that you won't dare to disturb Muslims in future! (994)

[21] Mesqāl/Mesghal roughly equals 4.6 US grams.

When Simeon objects to the sentence, the Qāżi says, "Arrest this non-Muslim and imprison him" (994); by calling him a non-Muslim, the Qāżi again reveals his contempt for those who are not Muslims and in particular, for the Jews. Furthermore, when they want to fine the man whose horse has been blinded by Mehrak, upon learning that the man is a relative, the Qāżi orders to take the money from Simeon and once more, it is the Jew who loses out.

The Qāżi and his Friends

After the short description which introduces Bol-Qasam Qalčeh (as the corrupt Qāżi), the first lucid picture of the Qāżi is given when Mehrak opens the door of *Divān-k̲āneh* (court-room) and sees him busy with a boy in "that evil deed and gambling and drinking wine". What the Qāżi explains later on to justify his relation with the boy denotes his craving for sex, wealth and power. This scene of his debauchery (as he was making love to a boy), though sketchy, provides the most telling picture of the Qāżi whose power and control over the others exceeds the usual borders and allows him to gratify his whims by exploiting anyone he wishes. What eventually ruins the Qāżi and his friends is their lust for illicit pleasures.

What strengthens the Qāżi's position and justifies his inhumane judicial sentences in the eyes of people and his folowers is *Shariah* which is represented as the axis of social and political power in an Islamic jurisdiction. That is why he spares no effort to stay in the center of power. When the clash rises between Teymur (the *Kalāntar*) and the Qāżi over Šahr-āšub the Qāżi sends a message to Teymur, noting, "If you talk too much about this case, I will deface you in the city and teach you a lesson" (1020). The *Kalāntar* answers, "It is easy for us to topple you down, like a donkey we have put you on top and whenever we want we can bring you down" (1020) but the Qāżi knows that his position is strong enough and says, "Do not talk rubbish! This is true that you helped me to become the Qāżi but now I stand on my own strength and no one can oust me out even the Ghaznavid king" (1020).

The Qāżi also owes his power to his connections with the other officials of the government and the thieves. He confesses that, "Most of the thieves

know me" (1000). The Qāżi has no morals and is ready to do any kind of abominable crime for private gain. All the sentences passed by the Qāżi which astonish Mehrak on his way to the court (the innocent man being killed, burying a man alive, Rajabak's mugging, recitation of *Azān* by a Jew, selling wine in the mosque, an unclean Imam in the mosque, putting *Javānmardān* in the jail, and all the sentences which he pronounces in favor of Mehrak), as well as the Qāżi's illicit love affair with the boy, are totally paradoxical. Drinking, making and selling wine are *Harām* (forbidden) in Islam and even in former times when a Muslim king/governor drank wine and did not forbid it, usually the Christians were involved in the business, not the Muslims. Here, the Qāżi orders his men to sell wine in the mosque. This is one of the most astonishing, absurd, and paradoxical orders issued by the Qāżi. The entire Qāżi's actions as well as the sentences he imposes on his subjects represent a series of antithetical concepts of innocence and guilt, honesty and duplicity, justice and injustice. These contrasts examine the two sides of the binaries and help to bring forth judgment on the central ideas in the narrative. Thus, the basic structure of the tale seems to rest upon an amalgamation of antithesis, irony, and paradox used to satirize a legal system which is rotten to the core. Additionally, through exaggeration and reversal which represent events beyond the normal bounds or opposite the regular orders, the story reveals the faults of a justice system whose very foundation is linked to religious traditions. Jan Alber in his article "Unnatural Narrative" in *Living Handbook of Narratology*, identifies such extremities, distortions, and incongruities as major satirical devices:

> Numerous manifestations of satire also involve the unnatural because satirical exaggerations, distortions, or caricatures are frequently so extreme that they merge with the impossible. Stableford, for example, argues that "the artifice of satire," which proceeds by means of "incongruous exaggeration," was "crucial to the development of self-conscious fabulation [i.e. postmodernism, J. A.], beginning with the earliest fables" ([2005] 2009: 358). In the case of satire, represented impossibilities (such as the speaking objects in the circulation novels of the 18th century or the flying island of Laputa) typically serve a didactic

> purpose: they mock and critique certain psychological predispositions or states of affairs. (online[22])

What Mehrak faces on the way to Divān-kāneh and in there, are all against what the reader expects from justice and *Shariah* and this is where deconstruction is at work. The Qāżi seeks for legitimacy and survival of his authority through the use of injustice. As he authorizes his judgments by connecting them to religion and God's will, the people passively perceive injustice as justice and submit instead of opposing it. It is the effect of the controlling ideology which blurs the borderline between justice and injustice and brings about "legitimated domination" of the ruling group as well as the "legitimated subordination" of the subjects. Kenneth Boulding in his *Stable Peace* (78) considers "legitimated domination" and "legitimated subordination" as something of a dilemma which "is essential to any large-scale, hierarchical organization". This legitimization, in his view, plays a crucial role in the survival of the leading group in a social system.

Šahr-āšub

Sobhi has skilfully combines his retelling of tale type ATU 890, ATU 1534, with the story of Šahr-āšub. Margaret Schlauch in her article "The Pound of Flesh Story in the North" studies the flesh-bond story in relation to the story of the chaste wife and her three lovers in "a Danish *volksbuch* and two Icelandic sagas closely connected with it" (348). In the Danish story[23], apart from the flesh-bond theme, Isabella, like Šahr-āšub grants consecutive appointments to three merchants who are in love with her. "Each gallant is interrupted in turn by the entrance of the landlord, who scolds her for being a

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22 Cf., Alber, Jan.

23 "The Danish story purports to describe events which happened in the seventeenth century, and the hero was supposed to be 'en Person fra Hamborg Anno 1612.' The quaint title is worth translating in full: *The History of the dearly-bought Isabella, whose Beauty was inexpressible, whose Chastity was indescribable, whose Faithfulness towards her Husband was unalterable. The same History is in its Commencement very pleasurable, in its Course very sad, yet in its Conclusion very joyous*. The story presents a curious combination of the Pound of Flesh theme with another theme of mediaeval narrative, namely the Chaste Wife and her three Lovers." (Schlauch 348)

light woman; each in turn is hidden in a drawer of the same chest. Finally the landlord has the chest taken to the market, where he offers it for sale next morning" (Ibid, 349). According to Schlauch the "earliest extant version […] is contained in the *Kathāsaritsāgara* or the *Ocean of Story*, written by Somadeva of Kashmir between 1063 and 1081." (Ibid, 353).[24]

At first glance Šahr-āšub is a typical woman belonging to a highly traditional and patriarchal society of a millennium ago. She does not marry without her father's permission; even when she is not willing to marry, she still waits for her father's decision. She resists the male oppressors to the extent that she is stoned, though she remains alive.

Šahr-āšub is an active character reminding us of Sakineh-āvardi in "Sakineh-āvardi"/"Čehel dozd" ("Forty Thieves") in which a girl nearly single-handedly outdoes a gang of thieves. However, the major difference between the two tales is that in "Forty Thieves" it is the girl's thirst for excitement that creates the events and it is her ingenuity that makes her triumphant in deceiving the thieves time and again. While in "Forty Thieves" Sakineh-āvardi by entering the garden where the thieves stay, starts the action and controls the events, Šahr-āšub in "Divān-e Balkh" is not free to act and strives to save herself while encircled by the masculine sexual gaze which attacks her incessantly. She cannot defeat them till she goes to the verge of death when stoned and it is her emergence/rebirth as another character that strengthens her against the enemies. The relation between these two tales is not limited to the female characters; it also appears in the way feminine power stands against male power. Both Šahr-āšub and Sakineh-āvardi are aware of their sexual appeal and their feminine power in teasing men; woman's body,

[24] The Sanskrit tale, "… tells how the fair Upakośā, wife of Vararuchi, is wooed during her husband's absence by a king's minister, a priest, and a magistrate, as she is coming from her bath in the Ganges. She gives them appointments for the first, second, and third watches of the night, and prepares baths of perfumed lamp-black for them, to make them ridiculous. Each gallant is interrupted by his successor, and all are stowed in a chest. The last to arrive is a merchant in whose care Upakośā's husband has left money for her use, but he says he will not give it to her unless she grants him her love. The story ends with the humiliation of this man (who goes home pursued and bitten by dogs, just like the lovers in *Constant Duhamel*), as well as the other lovers, who are released from the chest in the presence of the king." (Schlauch 354)

in a sense, makes them subject to male oppression while it is used as their weapon against male power.

The government officials hold so much power that there remains nearly no room for the others to have a share of it. Šahr-āšub's biological brother who is either beaten or jailed can do nothing to help her. He can be considered as a foil for Pegāh, who thinks of himself as her adopted brother and is a great help to her. Her father also remains inactive. After his pilgrimage to Mecca, when he receives a letter from the Qāżi, he only pays some money to release his son from the prison and then leaves the city with the son. Šahr-āšub can have no influence till she reappears as a new person. The new Šahr-āšub even changes her name and removes all the traces of her former character.

All the plaintiffs are men and all receive the Qāżi's blows in one way or another, even Mir-e šab and Kalāntar who once helped him to capture the position, are now less powerful. The Qāżi, Mir-e šab and Kalāntar strive to have sexual relationship with Šahr-āšub. They all expect that power and money pave the way for them to achieve their purpose. The Qāżi is so powerful that even men succumb to his sexual desires. But Šahr-āšub acts very shrewdly in the end and settles her accounts with men. None of the male characters can defeat the Qāżi, even the group of *Javānmardān*. Šahr-āšub who is the most impotent character due to her being a female among a group of men who prey on her, proves to be the strongest one without whose help and beauty which is expressed in her original name "Šahr-āšub"[25] – rioter of the city - the revolution cannot come to fruition; this is the paradox inherent in her femininity which allows her to win in the end. That is why the Qāżi says in the end, "Oh girl, It is not for nothing you are called Šahr-āšub" (1040). By referring to her name, the Qāżi means the one who disturbs the system of power in the city.

What is notable here is the subversion of reader's expectation from a male-centered plot. The Qāżi and his accomplices have absolute power and presumably, they can meet their desires of every kind and fulfil their sexual

[25] "Šahr/Shahr" means city and "Āshub" means riot. In Persian Šahr-āšub means the girl who brings about riots in the city because of her beauty. It was formerly a name for very beautiful girls.

whims, however, Šahr-āšub who is not a passive recipient of male power shatters their expectations and causes their total failure.

English Variants - A Variant in *Cursor Mundi*

In the oldest existing variant in the English language, there is a legal case between a Jew usurer and a Christian goldsmith, leading to finding the true cross. The story is told in the medieval poem *Cursor Mundi* in couplets and the Jew is more violent that in other variants; "his eien first putt out I. Sal/ and his hende smite of wiþ-al; / tonge and neise wil I. noȝt saue, / til ate I al my couenande haue." [first I shall put out his eyes, and then smite off his hands, and lastly cut off his tongue and nose till I have my covenant" (Morris, *Cursor Mundi* from Fairfax Ms. 14, p. 1228, lines 21451-21454).[26] Marion Wynne-Davies refers to this episode in her article "Rubbing at Whitewash: Intolerance in *The Merchant of Venice*",

> In the section on St. Helena she is asked to adjudicate the case between a Christian goldsmith and a Jewish usurer. Since the Christian is unable to pay back his debt, the Jew demands that "he sulde yield of his awen flesse" and carries a "sharp grundin knife in hande" in order to exact the penalty. Of course, Helena points out that the Jew is allowed only "flesse" and informs him that if he takes "a drope of blode" the "wrange is [th]ine." When the Jew hears that his punishment will be to lose all his "catel" (goods) and to have his tongue cut out, he agrees to show St. Helena where the cross has been hidden. The continental St. Helena narrative of finding the true cross is thus linked in the *Cursor Mundi* with a common folk motif of the flesh-bond […]. In both sequences the idealized Christian woman defeats the Jew in order to uncover the

[26] For the online version cf.:
https://quod.lib.umich.edu/c/cme/AJT8128.0001.001/1:4.2.144?rgn=div3;view=fulltext (Accessed 19.08.2017)
URL for the table of contents:
http://name.umdl.umich.edu/AJT8128.0001.001 (Accessed 19.08.2017)
This section is called "HOW ÞE HALI CROS WAS FUNDIN. BE SEINT ELAINE**",** **[**Fairfax MS. 14, Bod. Lib. fol. 88 b, art. 63.], printed also in R. Morris (Legends 108-121). The quotation are lines 105-108 in this edition.

> symbol of spiritual truth, thereby ensuring the propagation and continuation of the true faith in God. (360)

The Jew appears in the variant of the flesh-bond story in *Cursor Mundi* (circa. 1300)–while earlier versions of the tale, as previously mentioned in for instance, *The Persian Munshi* do not include the Jew as a major character. It is not clear, of course, in which historical period the character of the Jew has entered the Persian variant and it is still a matter of more research to see why in "Divān-e Balkh" the Jew and the anti-Judaic theme appear.

English Variants - The Ballad, "Gernutus, the Jew of Venice"

Francis James Child prints a variant of "Gernutus, the Jew of Venice" "from an ancient black-letter copy in the Pepys collection" (vol. VIII, 46) in *English and Scottish Ballads*, but he notes that "No dated copy of the ballad of *Gernutus* is known" (ibid.). Child makes valuable references to early accounts of flesh-bond story and writes,

> In Douce's *Illustrations of Shakespeare* (i. 278) and Malone's *Shakespeare*, (v. 3, 154, ed. 1821) we are referred to a great many stories resembling that of the present ballad. Two or three of these are found in the Persian, and there can be no doubt that the original tale is of eastern invention. The oldest European forms of the story are in the *Gesta Romanorum*, (Wright's *Latin Stories*, Percy Soc. Viii. 114, Madden's *Old English Versions*, p. 130) the French romance of *Dolopathos* (v. 7096, *et seq*.), and the *Pecorone* of Ser Giovanni Fiorentino, written in 1378, but not printed till 1558.

The ballad "Gernutus, the Jew of Venice" is in two parts in the form of quatrains. Like Shakespeare's play the judicial case is between "a merchant of great fame" (Child, part one, line 34) and Gernutus.[27] From early lines a sense of anti-Judaism, if not anti-Semitism is conveyed, and the cruelty of the Jew is confirmed:

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[27] Shakespeare's main source for *The Merchant of Venice* was a tale in an Italian collection entitled *Il Pecorone* or *The Simpleton*, written in 1378 by Giovanni Fiorentino, and published in 1565. The tale is recorded as *Novel I* in the fourth day. For the first English translation of the story cf. Giovanni, 1897: 44-60.

In Venice towne not long agoe
A cruel Jew did dwell,
Which lived all on usurie,
As Italian writers tell.
Gernutus called was the Jew,
Which never thought to dye,
Nor ever yet did any good
To them in streets that lie. (ibid. lines 1-8)

The period for returning the money is twelve months and a day: "Desiring him to stand his friend / For twelvemonth and a day" (ibid. lines 37-38). In the end Gernutus unlike Shylock does not convert to Christianity but is told to cancel the agreement,

"Either take your pound of flesh," quoth he,
"Or cancel me your bond:"
"O cruell judge," then quoth the Jew,
"That doth against me stand!" (ibid. part two, lines 57-60).

German Variants - "Kaiser Karl's Recht" ("The Emperor Charles's Law")

Hermann Sinsheimer in *Shylock, The History of a Character* devotes one chapter to The Pound of Flesh theme and recounts a short history of the fable (cf. Sinsheimer 71-82 and also Cardozo 254-295). Sinsheimer writes that "[…] in 1443, a so-called *Meistergesang*, 'Kaiser Karl's Recht' (The Emperor Charles's Law) was published at Bamberg, Franconia" (ibid. 74, cf. 74-75). It is interesting that J. L. Cardozo in *The Contemporary Jew in the Elizabethan Drama* refers to the story of a merchant's son, his plaintiffs and the Emperor's judgments in "Bamberg Ballad", "The ballad in question was printed as a flying quarto leaf in Bamberg 1493. The substance, not the text of it, was communicated by B. J. Docen, in 1811" (245). Both refer to one text but the correct date as Mazolph remarks is 1493 (*Relief after Hardship* 110). Sinsheimer provides a summary of the ballad,

> A rich merchant leaves a great fortune to his son. The son wastes his heritage. He borrows a thousand florins from a Jew and goes abroad. If he should fail to pay the sum due by a given day, the Jew has the right to cut a pound of flesh from his body. He returns punctually as a wealthy man, but cannot pay his debt in time because the Jew is not at home. Nevertheless, the latter demands the fulfilment of the bond. Both appeal to the Emperor. On their way to the court, the debtor falls asleep on horseback and his horse tramples a child to death. The child's father, also intending to appeal to the Emperor for damages, follows the others. The debtor, again overcome by sleep, falls from the window of his inn and kills an old knight who had been sitting on a bench below…. The judgment of the Emperor Charles – probably Charlemagne – goes against the Jew for the same reasons as in all other versions of the fable. To the father of the dead child he says, "Lay him [that is, the defendant] to your wife that he begets another child by her." The plaintiff very understandably replies: "No, I will do without the child." In the case of the dead knight, the Emperor decides that the defendant should himself sit down on the bench and the knight's son should fall on him from the window. Thus the defendant leaves the court under no obligation either to pay his debt to the Jew or damages to the others. (74-75)

This German ballad, "Kaiser Karl's Recht" is a significant variant which has major similarity to the tale type No. 1534 "*Series of Clever Unjust Decisions*". Some episodes of the tale are much like the Persian variant; for instance, wasting the inheritance of the father, borrowing the money from a Jew and the flesh-bond, killing a child and an old man and the judgments of the judge.

German Variants - "Kaiser Lucius' Tochter" ("The Emperor Lucius's Daughter")

Klaus Grubmüller (94-137) edited the 623-line ballad, "Kaiser Lucius' Tochter" which was written down by Matthias von Günzburg (M. v. G.). Grubmüller dates the work to the middle of the 15th century (Ibid. 98) and calls the language "Frühneuhochdeutsch ostschwäbischer Färbung" (Ibid. 94,

footnote 2).[28] He also added a modern German translation of it on the opposing pages. The story begins with these lines,

> Zu Rom ain richer Kaiser saß,
> der Lucius gehaissen was.
> der hett ain tochter, schön und zart,
> wol geboren, von hocher art. (Ibid. 106, lines 1-4)
> [In Rom lebte ein mächtiger Kaiser,/Lucius mit Namen./Er hatte eine schöne und anmutige Tochter,/von hoher Geburt und edlem Wesen.] (Ibid. 107, lines 1-4)
> [In Rome lived a powerful emperor, / named Lucius. / He had a beautiful and graceful daughter, / of high birth and noble nature.] (Ibid. 107, lines 1-4, my translation).

A knight of Caesar Lucius loves the emperor's daughter and wants to sleep one night with her. She asks for a thousand florins and he provides it but as he enters the bed he falls asleep. The same thing happens a second time. For the third time he borrows a hundred florins from a rich man and signs the flesh-bond contract with his blood but before going to the girl he goes to a knowledgeable master and asks for help. He tells him that there is a letter between the ceiling and the sheet of the bed. If he throws that away he will not sleep. He finds the letter and sleeps with the girl and makes her a woman. The deadline passes and when he goes to the court the usual events as other variants happen and the girl appears as a young knight and enacts as his lawyer and saves him. When he returns to her, she discloses the fact that she was the knight by reappearing again as the young knight. In the end:

> Darnauch mit grosser wirdikait
> der kaiser gab die schene maid
> dem ritter klug zu eewib.
> er trütet iren werden lib
> mit frid ir leben nam ain end.

[28] Earlier than Grubmüller (1995), Michael Curschmann (1983) has introduced the text; cf. also Kerstin Losert (155-157). Losert refers to Curschmann's speculation about the text, "Curschmann spricht von einem „oberdeutsche[n] (ostschwäb.?) Märe aus Mitte oder 1. Hälfte des 15. Jahrhunderts" (155). [Curschmann speaks of an "Upper German (East Swabian?) story from the middle or the first half of the 15th century.]

Des helf uns der raine tegen,
das wir gottes frid pflegen
und wir sin gnad erwerben
und in sinem frid ersterben,
so wirt unser selen raut.
M.v.G. das geschriben haut. (136, lines 612-623).
[Danach gab mit festlichem Gepränge/der Kaiser das schöne Fräulein/dem klugen Ritter zur Frau./Er verwöhnte sie zärtlich/und verehrte sie treu und beständig./In Frieden lebten sie bis an ihr Ende./Dazu verhelfe uns der edle Held,/daß wir den Frieden Gottes bewahren/und seine Gnade erhalten/und in seinem Frieden sterben,/dann wird unsere Seele erlöst./M. V. G. hat das geschrieben.] (137, lines 612-623).

[Afterwards, with festive pomp, the Emperor gave the beautiful Miss / as wife to the wise knight./He spoiled her tenderly / and adored her faithfully and constantly. / In peace they lived to the end./The noble hero helps us /to preserve the peace of God / and receive his grace / and die in his peace, / then our soul is redeemed. / M. V. G. wrote this.] (137, lines 612-623, my translation).

There is no trace of a Jew in this ballad but the emperor's daughter employs a magical object (the letter) for the suitor-trial or test bed. This is a reminiscent of what we read in one of the stories of Ser Giovanni Fiorentino's *Il Pecorone* "… in which a man must pass a sexual test in order to marry a wealthy lady (Giovanni[29] 1.111-56; reprinted in Bullough[30] 1.463-76)" (Artese 326). What Charlotte Artese writes about this test is illuminating,

> This bed test is emasculating. The men are led to expect they will have sex with the woman and then rendered incapable of doing so. The test moreover is an inversion of marriage; in it, the woman takes control of the man's body and his wealth. The heroine's emasculation of those

[29] Cf. Giovanni (1898)
[30] Cf. Bullough (1957-75)

> who wish to marry her seems like a protest against or revenge for women's lot in marriage - See how you like it, the lady in effect says to her suitors. A similar protest occurs in a different set of the pound of flesh tales, those combined with another folktale, "The Wager on the Wife's Chastity" (Uther, ATU 882; Shakespeare later used this folktale in *Cymbeline*, and it might have been in the back of his mind when he wrote *Lucrece*). (Ibid, 326-327)

The usual object for putting a character like the knight to sleep is sleeping potion not a letter. The letter might be considered a plot device and a means of power for the girl to deceive the knight. Possibly in some earlier versions of the ballad/tale the content of the letter had been revealed to the reader. The girl appears as a cross-dressing female character who uses her doubled gender identity to save her lover as in *The Merchant of Venice* and the novella by Giovanni Fiorentino.

Bakhtin's Concept of Carnivalesque-grotesque in "Divān-e-Balkh"

In comparison with other tales studied in this study, it seems that "Divān-e Balkh" best exemplifies Bakhtin's concept of Carnivalesque-grotesque.[31] The second chapter of Davidson's monograph *Intricacy, Design, and Cunning in the Book of Judges* (95-103) is a close study of manifestations of Bakhtin's carnivalesque-grotesque in the *Book of Judges* in the *Bible*. What she writes about *Judges* also applies in varying degrees to the tales in this study, "*Judges* is filled with comic situations. Because the book contains horror and humor in about equal parts, the genre may be classified as 'comedy of the absurd,' 'black comedy,' 'noir,' and/or 'grotesque realism.' Being out of touch with the manners of those days, modern readers undoubtedly miss some aspects of the humor of *Judges*, but much of it is obvious and pleasurable" (Davidson 92). In this chapter Davidson has enumerated and explained 21 features for the carnivalesque-grotesque. Here the features are briefly introduced and then some references are made to the tales studied in this article:

[31] Some features are found in other variants as well.

1. Body parts. 2. Dismemberment. 3. Food, wine, and banquets. 4. Degradation. 5. Positive aspect of this degradation. 6. Weddings. 7. Topsy-turvy world. 8. Wrong use of common objects. 9. Suspension of normal rules of behavior. 10. Disguises and masks. 11. Exaggeration of numbers. 12. Heterogeneity. 13. Madness. 14. Parody, travesty, and burlesque. 15. Irony. 16. Satire. 17. Riddles, puzzles, and games. 18. Women as destructive of men or as foils. 19. Focus on the common people. 20. Accurate topography of the world. 21. Nomenclature. (Ibid. 95–103).

Nearly all features enumerated by Davidson can be recognized in this long tale possibly because it is like a novella and might fit in the category of the novel emphasized by Bakhtin. Frequent references to body parts, not only of people (thigh, hair, leg, beard, generally body, etc.) but also of animals (eye, tail) are referred to in the tale. A horse loses its eye, a donkey loses its tail, a man is buried alive, some are brutally tortured and so on. All these are indications of dismemberment and mutilation in one way or another. Food, wine, and banquets are imaginatively described either in the beginning when Mehrak sees the Qāżi making love with a lad or in the end when Šahr-āšub prepares a party in private for each official in the end. She is also degraded as a prostitute and goes to the brim of death and returns in a kind of rebirth which is the positive aspect of this degradation. Mehrak is also degraded in character and is reborn when he decides to leave the city and join the *Javānmardān*. Marriage is also frequently referred to. While it does not take place in "Divān-e Balkh", it concludes "Kaiser Lucius' Tochter". The world is best described as topsy-turvy in "Divān-e Balkh" where a Jew even recites Azān and wine is sold in the mosque; the Qāżi who is supposed to be the best and the most honest in the society, turns out to be the worst, etc. Objects are wrongly used like the stake. None of the officials who control the power in the city follows normal rules of behavior. Šahr-āšub disguising herself as someone else and Mehrak hiding the real identity and character of the Qāżi from the people in the first scene in Divan-khaneh can be taken as forms of disguises. The number of people who believe in the Qāżi is exaggerated as Pegāh refers to a

hundred thousand people who stand behind the Qāżi to say their prayers. In no other tale studied here different forms of heterogeneity are portrayed so extensively as in this tale. The extreme heterogeneity seen in the Qāżi's orders (the strange events Mehrak sees on his way) may appear as a form of madness. The narrator skillfully uses irony and satire to make a parody of the society run by jurisprudence. The cases the Qāżi handles are like riddles, puzzles, and games. Šahr-āšub, in a sense, destroys the officials of the city. The characters are not kings or princes/princesses and the focus is mainly on common people. By giving a real name to the city (Balkh) and even the district (Simgarān) the world of the tale is placed in the actual world. Quirky nomenclature can be also recognized in the names like Šahr-āšub (Rioter of the city), Mehrak (little kindness), Teymur (which is a variant of Demir in Turkish meaning iron), Pegāh (which means early morning, as a sign of hope).

Conclusion and overall Comparison

This descriptive-interpretive qualitative study attempted to analyse the Persian tale "Divān-e Balkh" and some related stories of tale types ATU 890 and ATU 1534 from three cultures: Persian, English and German. I benefited from close readings of individual texts to find the intertextual relations between them and to show when the "Fleischpfand" [Flesh-bond] story has entered the tales in question. In the end, Bakhtin's features of carnivalesque-grotesque as enumerated by Davidson (2008) shed some light on "Divān-e Balkh".

"Divān-e Balkh" does not quite fit into the tale type 1534 in ATU "*Series of Clever Unjust Decisions*"; this tale type only fits to one of the three major stories in the tale, that is, in the major variant in *Sobhi's Tales*, three stories are made into one: one tale is related to Mehrak and his plaintiffs. This tale as a separate one, with its own variants is known as "My donkey did not have a tail from the time it was a foal" ("kar-e mā az korregi dom nadāšt"). Seyyed Abolqasem Enjavi Shirazi, a well-known Persian folklorist, in his book *Tamṯil va Maṯal* (*Allegories and Proverbs*) reports seven more complete variants from the thirty-four variants he had received from his informants

(160). In this story the situation of justice, when it is manipulated by scoundrels, is described most diligently.

The German ballad "Kaiser Karl's Recht" falls in this category and there are significant resemblances between this ballad and the aforementioned part of "Divān-e Balkh".

There are different variants of this story mainly known as "Qāżi-e Balkh" (The Judge of Balkh) but the novella-like story appears in Sobhi's edition. Mojtaba Minovi, a very well-known textual critic of Persian classical texts, refers to one variant known as "Qāżi-e Ḥomṣ" or in English translation "Kazi of Emessa" (The Judge of Emessa)[32] in *Pānzdah Goftār* (*Fifteen Essays*) on European writers (187).[33] In this variant an affluent Jew and an indigent Mussulman sign a contract similar to other variants but the Jew "had long cast the eyes of affection on the Mussulman's wife, a woman of extraordinary beauty, but of strict chastity" ("Kazee of Emessa" 19). A series of misfortunes much like those in "Divān-e Balkh" happen to the Muslim and in the end the Qāżi helps him.

The second story incorporated within "Divān-e Balkh" is based on the weird events which Mehrak encounters on his way. There are also different variants of these events in Persian and Arabic tales. An example is seen in some anecdotes about rare judgments in the Arabic book the *Mustaṭraf fī kull fann mustaẓraf* ("A Quest for Attainment in Each Fine Art") (Al-Ibshīhī, vol. ii: 319-320) by Shahabuddin Mohammad ibn Ahmad Al-Ibshīhī (1388*c.* - 1446) with similarities among the incidents with those in "Divān-e Balkh".

The third story is based on Šahr-āšub's actions. It seems that no other variants of Šahr-āšub's story have remained in Persian and there is no available archive of the tales which Sobhi received from his informants. There

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[32] As it is pointed out in the story of "The Kazee of Emessa" printed in the *Asiatic Journal*, "Sir Thomas Munro had the merit of the discovery but the entire story has never yet, we believe, been given to the English reader. The following version of it was purchased at Calcutta, about thirty years ago, by the gentleman who has favoured us with it. The MS. from which it was taken once belonged to the celebrated Claude Martin. The original author is of course unknown: the property of such compositions as this is lost through age" (Kazee of Emessa 19).

[33] In this variant it is the judge who is screwed by a young slave in sharp contrast to Sobhi's variant where it is deducted that the judge screws the lad.

is only in the tale's last episode – Šahr-āšub deceiving the wrong-doers - a shade of "Qaṣṣab va Tājer va Qāżi" (The Butcher, the Merchant and the Qāżi), (Enjavi Shirazi, *Ganjineh* 47-58).[34]

"Divān-e Balkh" plays an exceptional game with the mind of the reader. The tale includes three stories and each one holds its own central theme. The story of Mehrak draws the reader's mind to justice and its manipulation. Yet, in a closer reading, the second story is the criticism of ideology/religion/*Shariah* as well as the close-mindedness and passivity of common people. Ideology defined as "shared ideas or beliefs which serve to justify the interests of dominant groups" (Giddens 583) is closely attached to the notion of power. The ruling classes associate their practices with religious beliefs and tradition so as to make people view the existing social arrangement as fair and legitimate. However, the beneficiaries of an ideological institution who try to attain their nefarious purposes in the name of religion defile their ideology by revealing its potential corruptive power; thereby, through the reversal of judgments and events the story seems to aim at deconstructing ideology which can be manipulated for the purpose of dominance.

The way the poor and the unaware support the structure of power should also be attended to. They help the oppression either through their silence, or through accepting it; for instance, the relatives of the one who is to be buried alive, join the procession and do not question it or when a Jew recites *Azān*, the Muslims gather to say prayer behind an unclean Imam; they even buy wine from the mosque. All these strange attitudes solidify the corrupt system of power.

In a closer examination, the section which puts an end to the tale is the story of Šahr-āšub. Mehrak is not powerful enough to end the tale, he sees

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[34] Enjavi Shirazi has edited two variants of this tale. In the second variant the Butcher is replaced with the Mulla. Here is a synopsis of the tale: A woman goes to a butcher/Mulla and tells that her husband is on a journey and that she needs 100 *tumāns*. He accepts to give her the money on the condition that if her husband does not return, she should not marry someone else. She also goes to the Qāżi (judge) and the merchant and they repeat the same condition. She gets the money from all of them and invites them to her home. They appear one by one from the water-way. She cuts the nose of the butcher/mulla, the ear of the merchant and the penis of the Qāżi.

some strange events on his way but this is the usual way things are run in the city. The major point which moves the tale forward and changes the structure of the tale and that of the society is how Šahr-āšub uses her power of beauty. She stands against a community of men in a highly patriarchal society and wins in the end with the help of some other men who were not able to suppress the wrong-doers before her. The movement of the tale, like many other tales is from relative order to chaos and then to a newly-made order.

The feministic aspect of the tale also deserves attention. Šahr-āšub and her adventures which form the last but not the least significant portion of the story provide a different illustration of a woman in a highly patriarchal and religious social system. Šahr-āšub who is the only female character in a male-centered plot drives the story toward a positive conclusion. Being slandered as an adulteress, she goes to the verge of death as she is stoned by the bigoted people who insist on following the misogynistic prescriptions of the dominant ideology/patriarchal culture while being aware of the viciousness and absurdity of their performance. Nevertheless, Šahr-āšub who is the victimized figure of such a society turns to be the one who causes the breakdown of the ruling system through her feminine power.

Nearly all features of Bakhtin's concept of carnivalesque-grotesque are most skillfully displayed in "Divān-e Balkh" and make this tale narrated by Sobhi an exceptional one not only in Persian literature but in world literature.

Notes

(1). Here is the summary of and the commentary related to the texts and translations of the story of "The Muslim, the Jew, and the Kadi of Ḥimṣ" as printed in Marzolph's *Relief after Hardship* (110-111):

> A Jew lends money to a Muslim on the condition that, should the borrower not be able to repay his debt, the creditor would be entitled to cut a clearly defined amount of flesh from his body. When the time has come and the Muslim is not able to repay his debt, the Jew asks him to fulfil the condition. The first two judges they consult decide that he is right, but the Muslim does not accept. Finally, they both agree to accept the judgement of the judge in the city of Ḥimṣ.

On the way, several accidents happen, the consequences of which the Muslim is asked to compensate for. He throws a stone in order to stop a horse that is running away and kicks out one of its eyes; he accidentally kills a man by jumping on his belly; he causes a woman to have a miscarriage; and he pulls a donkey's tail so hard that the tail comes off.

Then they reach the city of Ḥimṣ, they find the supervisor of the market totally drunk. As they enter the judge's house, they witness a young man screwing the judge, who is crawling on all fours. In the mosque, they see people gambling.

When the judge is ready to receive them, he passes his judgment. The Jew is to cut exactly the stipulated amount of flesh from the creditor's body. As the Jew is not able to do so, he is made to pay a fine so as to compensate for the illegal agreement he had made. The horse whose eye has been lost should be cut in half. The owner should keep one half, and the defendant should pay half of the horse's original value. As the horse's owner is not willing to accept the judgement, he is made to pay a fine, as are all of the following plaintiffs. The man whose brother has accidentally been killed should go to the roof of a high building and jump on the defendant's belly. The man whose wife had a miscarriage should deliver her to the defendant so that he can make her pregnant again. And the man whose donkey has lost its tail should pull off the tail of the judge's donkey.

After the judge has shared the received fines with the defendant, the man asks the judge about the strange scenes they witnessed when entering the city, and the judge explains. The supervisor of the market is responsible for supervising the taverns and needs to control the quality of the wine in person. The mosque is rented to the gamblers so that the revenue can be used for its maintenance. And the young man who had screwed the judge was a ward who had asked to be given his inheritance, so the judge needed definitive proof that he had come of age.

Texts and Translations

Ferec baʿd eş-şidde, fol. 234a-236a; German translation together with the Ottoman text by Vámbéry, "Der orientalische Ursprung von Shylock"; French translation of the text from both from both *Ferec baʿd eş-şidde* (probably from the Munich manuscript dated 914/1508) and *Jāmiʿ al-ḥikāyāt* (from an early seventeenth-century manuscript, probably in Paris) by Jean-Adolphe Decourdemanche, "Le marchand de Venise dans les contes orientaux," *Revue des traditions populaires* 19, no. 11 (1904): 449–460.

Jāmiʿ alḥikāyāt: C, no. 34; E1, no. 53 (added in a different hand); E_2, no. 53.

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Bibliography

Alber, Jan: "Unnatural Narrative". In: Hühn, Peter et al. (eds.). *The Living Handbook of Narratology*. Hamburg: Hamburg University.

URL = http://www.lhn.uni-hamburg.de/article/unnatural-narrative. (Accessed 16.03.2014)

Al-Ibshīhī, Shahabuddin Mohammad ibn Ahmad. *Mustaṭraf fī kull fann mustaẓraf* [*A Quest for Attainment in Each Fine Art*] vol II, Beirut: Al-hayat, 1992. [In Arabic]

Artese, Charlotte. "'You shall not know': Portia, Power and the Folktale Sources of *The Merchant of Venice*". *Shakespeare*, 5:4 (2009), 325-337.

Basset, René. "L'origine orientale de Shylock". *Keleti Szemle. Revue orientale pour les Études Ouralo-Altaïques*, v. 2, Budapest, 1901, 182-186.

Bullough, Geoffrey. (ed.) *Narrative and Dramatic Sources of Shakespeare*. 8 vols. New York: Columbia UP, 1957-75.

Cardozo, J. L. *The* Contemporary Jew in the Elizabethan Drama. Diss., Amsterdam. Amsterdam: Paris, 1925.

Child, Francis James. (ed.) *English and Scottish Ballads*. Vol. VIII, Boston: Little, Brown and Company, 1860.

Curschmann, Michael. "Kaiser Lucius' Tochter". In: *Die deutsche Literatur des Mittelalters*. Verfasserlexikon / Begründet von Wolfgang Stammler, fortgeführt von Karl Langosch, Berlin, New York: de Gruyter, Bd. 4, 1983, 947-949.

Davidson, E. T. A. *Intricacy, Design, and Cunning in the Book of Judges*. Philadelphia: Xlibris, 2008.

Enjavi Shirazi, Seyyed Abolqasem. *Tamṯil va Maṯal* [*Allegories and Proverbs*]. Tehran: Amir Kabir, 1357 Š/1979. [In Persian].

-----. "Qaṣṣab va Tājer va Qāżi" [The Butcher, the Merchant and the Qāżi], two variants. In: *Gol-e Bumādarān,*, vol. 3 of *Ganjineh-ye farhang-e mardom (A Treasury of Folklore), Qeṣṣehā-ye Irāni (Iranian Tales)*, vol. 3, Collected and edited by Seyyed Abolqasem Enjavi Shirazi, Research by Seyyed Ahmad Vakilian, Tehran: Amir Kabir, 1394 Š/2015: 47-58. [In Persian]

Giddens, Anthony. (ed.) *Sociology - Introductory Readings*. Cambridge: Polity Press, 1997.

Giovanni (Ser). *The Pecorone of Ser Giovanni*. Now first translated into English. Transl. W. G. Waters. Illustrated by E. R. Hughes. London: Lawrence and Bullen, Ltd., 1897.

-----. *The Pecorone of Ser Giovanni*. Transl. W. G. Waters. 3 vols. London: Society of Bibliophiles, 1898.

Grubmüller, Klaus. "Kaiser Lucius' Tochter. Zur Vorgeschichte von Shakespeare's *Kaufmann von Venedig*". In: Mölk, Ulrich. (ed.)

Literatur und Recht, Literarische Rechtsfälle von der Antike bis in die Gegenwart. Göttingen: Wallstein, 1995, 94-137.

Guerin, Wilfred L. et al. *A Handbook of Critical Approaches to Literature.* Oxford: Oxford University Press, 2005.

Jung, C. G. *The Archetypes and the Collective Unconscious*. Transl. R.F.C. Hull, 2nd ed. Princeton, NJ: Princeton University Press, 1968.

"Kazee of Emessa, The, Origin of the Story of Shylock". In: *The Asiatic journal and monthly register for British and Foreign India, China and Australasia.* New series, vol. XIV, May-August, London: Parbury, Allen, and Co., 1834, 19-22.

Lixfeld, Hannijost. "Fleischpfand". In: *Enzyklopädie des Märchens*, vol. 4, 1984, columns 1256-1262.

Losert, Kerstin. Überschreitung der Geschlechtergrenzen? Zum Motiv der Frau in Männerkleidern im Dolopathos des Johannes de Alta Silva und anderen literarischen Texten des Mittelalters. Series: Lateinische Sprache und Literatur des Mittelalters, Volume 43, Bern: Peter Lang AG, 2008.

Marzolph, Ulrich. *Relief after Hardship: The Ottoman Turkish Model for The Thousand and One Days*. Detroit: Wayne State University Press, 2017.

-----. Arabia ridens*: Die humoristische Kurzprosa derfruhen adab-Literatur im internationalen Traditionsgeflecht*. Vol. 2. Frankfurt: Klostermann, 1992.

-----. Typologie des persischen Volksmärchens, Beiruter Texte und Studeien 31. Beirut and Wiesbaden: Franz Steiner Verlag, 1984.

Marzolph, Ulrich, Richard van Leeuwen and Hassan Wassouf. (eds.) *The Arabian Nights Encyclopedia*, 2 volumes. California: ABC-CLIO, Inc., 2004.

Minovi, Mojtaba. *Pānzdah Goftār* [*Fifteen Essays*].Tehran: Tus, 1367Š/1989. [In Persian]

Morris, Richard. (ed.) *Cursor mundi (The cursur o the world). A Northumbrian poem of the XIVth century in four versions*. Vol. 4, pub. for the Early English Text Society, London: K. Paul, Trench, Trübner & co., 1874-1893.

https://quod.lib.umich.edu/c/cme/AJT8128.0001.001/1:4.2.144?rgn=div3;view=toc (Accessed 05.06.2016)

-----. (ed.). *Legends of the Holy Rood; Symbols of the Passion and Cross-Poems. In Old English of the eleventh, fourteenth, and fifteenth centuries*. Edited from Mss. in the British Museum and Bodleian Libraries; with introduction, translations, and glossarial index, London: N. Trübner, 1871.

http://quod.lib.umich.edu/c/cme/AHA2702.0001.001/1:4.6.1?rgn=div3;view=fulltext (Accessed 05.06.2014)

Nishio, Tetsuo. "A Shylock in Sinai : A Middle Eastern Contribution to Shakespearean Folklore." *Journal of Asian and African Studies*, no. 42, 1991, 143 -157.

Schamschula, Eleonore Antonie. "Das Fleischpfand. Mot. J1161.2 in Volkserzählung und Literatur". *Fabula*, Vol. 25, Issue 3-4 (1984), 277–295.

-----. *A Pound of Flesh: A Study of Motif J1161.2 in Folklore and Literature*. MA thesis, U California Berkeley, 1981.

Schlauch, Margaret. "The Pound of Flesh Story in the North". *The Journal of English and Germanic Philology*, Vol. 30, No. 3 (1931), 348-360.

Sinsheimer, *Herman*. Shylock*: The* History *of a* Character. *New York*: Benjamin Blom, Inc., 1963.

Sobhi (Fazlollah Mohtadi). "Divān-e-Balkh [The Court of Balkh]" (vol. 2, pp. 961-1046). In: *Qeṣṣehā-ye Sobhi* [*Sobhi's Tales*] edited by Lima Ṣaleh Ramsari, 2 vols. Tehran: Moin, 1387 Š/2008. [In Persian]

Thompson, Stith. *Motif-Index of Folk-Literature; a Classification of Narrative Elements in Folktales, Ballads, Myths, Fables, Mediaeval Romances, Exempla, Fabliaux, Jest-Books, and Local Legends*. Bloomington: Indiana University Press, 1955-58.

Uther, Hans-Jörg. *The Types of International Folktales: A Classification and Bibliography Based on the System of Antti Aarne and Stith Thompson*. 3 Parts. FF Communications, nos. 284-86. Helsinki: Suomalainen Tiedeakatemia, 2004.

Vámbéry, A. "Der Orientaliche Ursprung von Shylock". *Keleti Szemle. Revue orientale pour les Études Ouralo-Altaïques*, v. 2, Budapest, 1901, 18-29.

Wynne-Davies, M. "Rubbing at Whitewash: Intolerance in *The Merchant of Venice*". In: Dutton, Richard and Jean E. Howard. (eds.) *A Companion to Shakespeare's Works: The Comedies*. Oxford: Blackwell Publishing Ltd, 2007, 358-375.