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Marriage, Money and Divorce in Medieval Islamic Society

High rates of divorce, often taken to be a modern and western phenomenon, were also typical of medieval Islamic societies. By pitting these high rates of divorce against the Islamic ideal of marriage, Yossef Rapoport radically challenges the usual assumptions about the legal inferiority of Muslim women and their economic dependence on men. He argues that marriages in late medieval Cairo, Damascus and Jerusalem had little in common with the patriarchal models advocated by jurists and moralists. The transmission of dowries, women's access to waged labour, and the strict separation of property between spouses made divorce easy and normative, initiated by wives as often as by their husbands. This carefully researched work of social history is interwoven with intimate accounts of individual medieval lives, making for a truly compelling read. It will be of interest to scholars of all disciplines concerned with the history of women and gender in Islam.

YOSSEF RAPOPORT is an associated member of the Faculty of Oriental Studies, University of Oxford.

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To my parents, with love

Contents

<i>Acknowledgments</i>	<i>page</i> x
<i>Glossary</i>	xi
<i>List of abbreviations</i>	xii
Introduction	1
1 Marriage, divorce and the gender division of property	12
2 Working women, single women and the rise of the female <i>ribāʿ</i>	31
3 The monetization of marriage	51
4 Divorce, repudiation and settlement	69
5 Repudiation and public power	89
Conclusion	111
<i>Bibliography</i>	115
<i>Index</i>	133

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Glossary

<i>awlād al-nās</i> <i>faskh</i>	collective term for the children of the <i>mamlūk</i> military elite. judicial divorce, or annulment of marriage, by an Islamic court.
<i>fatwā</i> , pl. <i>fatāwā</i>	legal opinion issued by a <i>muftī</i> , often as a result of a petition or enquiry.
<i>ḥilf bi'l-ṭalāq</i> <i>iqṭāʿ</i> <i>jihāz</i>	oath on pain of repudiation; divorce oath. a right to land revenue held in return for military service. dowry or trousseau, the property brought by the bride into a marriage.
<i>khānqāh</i> <i>khulʿ</i>	a Sufi lodge, often associated with prayers for the dead. consensual separation, in which a husband grants a divorce in return for monetary compensation.
<i>mamlūk</i> <i>muftī</i>	a slave, member of the military elite. a juriconsult, a learned man who delivers legal responsa (<i>fatāwā</i>).
<i>muʿa</i>	compensation sometimes paid to a divorcée following unilateral repudiation.
<i>nuzūl</i>	the practice of handing down an office or position, usually from father to son.
<i>qāḍī</i> <i>qasāma</i>	a judge in an Islamic court. a sworn undertaking registered in court at the instigation of the authorities.
<i>ribāṭ</i> <i>ṣadāq</i>	a Sufi lodge, often reserved for female mystics. dower; the groom's marriage gift, usually divided into advance and deferred payments. Also called <i>mahr</i> .
<i>taḥlīl</i>	making permissible; marriage with the intention of permitting the bride to a husband from a previous marriage.
<i>ṭalāq</i>	divorce achieved through unilateral repudiation by the husband.
<i>taʿwīḍ</i>	compensation for a widow in lieu of a deferred marriage gift.
<i>zāwiya</i>	a Sufi lodge, often associated with male followers of a mystical order.

Abbreviations

<i>AI</i>	<i>Annales Islamologiques</i>
<i>BSOAS</i>	<i>Bulletin of the School of Oriental and African Studies</i>
<i>EI²</i>	<i>Encyclopedia of Islam</i> , 2nd edition (Leiden, 1960)
<i>IJMES</i>	<i>International Journal of Middle Eastern Studies</i>
<i>ILS</i>	<i>Islamic Law and Society</i>
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JESHO</i>	<i>Journal of the Economic and Social History of the Orient</i>
<i>MSR</i>	<i>Mamlūk Studies Review</i>
<i>SI</i>	<i>Studia Islamica</i>