History and Society during the Mamluk Period (1250-1517)

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On the Marital Regime in Damascus, 1480–1500 CE

Introduction

Shihāb al-Dīn Aḥmad b. Muḥammad Ibn Ṭawq (834–915/1430–1509) was born in the village Jarūd in the Ghūṭa, the countryside north of Damascus. As an adult he resided just outside the Damascus walls, although after Jumādā I 903/ January 1498, for unclear reasons, he moved to Maʿlūlā, a village located about 50 km northeast of the city, part of which inhabitants were Christians, and came to Damascus much less frequently. He was employed as a professional witness (shāhid) or, what one might loosely describe as a notary. In addition, he was for some time a Qurʾān reader at some institutions and he was also frequently given a variety of tasks to perform by his acquaintances among the scholarly elite. A scribe of a lower rank, his pride was being related through marriage (his second) to the daughter of Shaykh al-Īslām Muḥammad b. ʿAbdallāh Najm al-Dīn (d. 876/1471) of the distinguished Shāfiʿī Ibn Qāḍī ʿAjlūn family. He was especially on amiable terms with Taqī al-Dīn, another member of this family, also Shaykh al-Īslām, to whom he refers routinely as sīdī al-shaykh. Ibn Ṭawq wrote a diary to which he gave the title al-Taʿlīq, the recovered parts of which cover the years 885/1480–908/1502. Though limited in its coverage to only twenty odd years, this is the best local history of any Islamic town we have at least till the eighteenth century CE. There are a few aspects of the history of the late Mamluk era on which our notary sheds light otherwise unavailable. Among the unique items in his diary are reports about more than 150 marriages, almost half of which are quite detailed, and 50 or so cases of divorce. This is, undoubtedly, the best set of data one can hope for on this subject for such a relatively short time-span anywhere prior to the Ottoman era. These reports, in addition to Ibn Ṭawq’s unique information on female slaves and concubines, are the subject of what follows.

1 For a biography see al-Sakhāwī, vol. 4 pt. 8, 96–7; Haskafi, Mutʿat al-adhān, I, 139 n. 3.
2 For reviews see Conermann and Seidensticker, “Some Remarks”; Guo, “Al-Taʿliq.”
Divorce

I present an analysis of the divorce cases detailed by Ibn Ṭawq elsewhere, hence here I shall only briefly refer to some of my findings on this subject. Of major significance is, by and large, the rarity of “triple divorce” (ṭalāq) cases. Also, there are a few cases in which the act of irrevocable repudiation by thrice repeating the ṭalāq statement was not completed and the husbands involved declared it only once. This is in line with Yossef Rapoport’s argument, which is based on his study of al-Sakhawi’s material for the 15th century. However, what is significant about Ibn Ṭawq’s data is that, unlike al-Sakhawi’s biographical dictionary, which is focused on the elite and the bourgeoisie, the Damascene notary reports also about ordinary men and women.

Ibn Ṭawq’s data largely support Rapoport’s conclusion about the prevalence of consensual separation (khulʿ), in which wives gave up some, or all, of their financial rights in return for being freed of the marriage bond. Unlike the case of ṭalāq, where the husband may not remarry his divorcee before she marries another man, khulʿ allows remarriage after the so-called waiting period (ʿidda). It seems that the increase in cases of consensual divorce under the Mamluks anticipated a phenomenon that is documented in the early Ottoman Empire, Syria included. However, the data about Damascus do not support Rapoport’s main thesis as put in his book and goes as follows. Compared to medieval Europe, the most distinctive feature of the marital regime in urban Islam was the ubiquity of divorce and over long periods of time pre-modern Middle Eastern societies consistently had higher rates of divorce than they have today. Rapoport admits that “the evidence [for these conclusions] tends to be qualitative rather than quantitative,” and that it pertains to Muslims in North Africa and al-Andalus, and to Copts and Jews in Cairo. Alternatively, it is based on al-Sakhawi’s entries for nearly five hundred 15th-century Cairene married women, at least one third of whom, namely, somewhat over 150, married more than once, and many married three times or more.

What were the reasons for the alleged high divorce rate? Rapoport argues that Muslim women were not as dependent on their husbands as Islamic marital law would suggest. Although divorce was a uniquely patriarchal privilege, in practice it reflected the high degree of economic independence enjoyed by women. The latter was made possible by the expansion of the textile industry in the 13th century and the opportunities it offered to women. The changing economic

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situation increased the monetary value of marriage contracts and more cash was allocated to support women’s needs. By the 15th century, so Rapoport suggests, bridal gifts (ṣadāq) and other means of support increased the similarity between a marriage relationship and a business partnership.

Now, Rapoport’s conclusions may be questioned on several grounds, yet we do not need to go into these in the present context. Certainly as regards Damascus, it is impossible to maintain that divorce was pervasive. As already noted, our source has about 50 divorce cases for a period of twenty odd years and as I shall shortly explain, not all these cases actually prevented remarriage. As to women’s economic independence resulting from their increased participation in the textile industry, Rapoport’s hypothesis, which is crucial to his argument about divorce rates, is nowhere supported by concrete evidence. It would be indicative to point out that in industrial societies such development took place only toward the end of the nineteenth century.4

The hypothesis about high divorce rates serves Rapoport for questioning the strength of patriarchy in traditional Islamic society. He urges historians to rethink the nature of gender relations in that society and, in particular, the economic and legal dimensions that these relations involved. For pervasive divorce destabilized the patriarchal order and challenged the belief in marriage as a social haven. However, Ibn Ṭawq’s information about Damascus calls into question Rapoport’s attempt, tempting as it may be, of reading modernity into traditional Islamic society. Our notary relates more than a dozen cases (more than one fourth of his data) in which khulʿ was followed by remarriage. In most cases it was the desire of the divorcees to return (raddat) to their divorcing husbands, occasionally for only a slight increase in the immediate and deferred marriage gift. While our source tells us nothing about the reasons or the emotions that lay behind reunion, it is likely that economic hardship and the need to recover the right to a deferred ṣadāq forced a divorcee to return. It is noteworthy in this regard that Nelly Hanna found that in 17th century Cairo at least 30 per cent of the divorce cases resulted in remarriage.5 Although too small to draw a meaningful picture for a city populated at the time of his writing by an estimated 30,000 inhabitants, whichever way we speculate on the notary’s numbers, and even multiply them many times over, they can by no means support an argument about a rate of divorce that superseded modern rates. Divorce was a social phenomenon of certain measure but not in the proportion modernity has known. Thus, information on divorce from Damascus, of great merit in itself, can hardly suggest that there was any real challenge to the well-established patriarchy at the

4 One can refer, for example, to Kathleen Canning, “Gender and the Politics of Class Formation: Rethinking German Labor History,” American Historical Review 97 (1992), 736–69.
end of the Mamluk era. I would argue that, if anything, its structure, despite some changes in the divorce process, retained its stability.

Marriage

While from the legal point of view the basic customs associated with the contraction of marriage in Islam are largely known, how in practice marriage in pre-modern Islamic societies was contracted is much less known. This is especially so as regards the population in general, about whose marriage life we know significantly less than about the social elite. Among the hundreds of notarial documents included in Ibn Ṭawq’s Taʿliq are reports about 150 marriage contracts (ʿaqd), for almost half of which we have relatively rich information. What does it tell us?

First, and this should not come as a surprise, in cases where the couple can be identified, social equality can be demonstrated. To give a few examples, the prominent Shafiʿi Shaykh al-Islām, Taqī al-Dīn Ibn Qāḍī ʿAjlūn, at age sixty two, married — obviously, this was not his first marriage — Sāra, a widow, and the daughter of the kārim merchant Shihāb al-Dīn Ibn al-Muzallīq.7 The Shafiʿī qādi Bahāʾ al-Dīn, of the famous al-Baʿūni family (d. 910/1504), married at about age forty the daughter of kabīr al-ḥarāfish, the leader of an enigmatic social group in the city.8 Muḥammad Raḍī al-Dīn b. al-Ghazzī (d. 935/1528–9), the son of the Shaykh al-Islām, a Shafiʿī prolific scholar and a deputy qadi, married the daughter of the deceased Shaykh al-Islām Zayn al-Dīn al-Khaṭṭāb b. ʿUmar b. Muhna (?) al-Ghazāwī, who was his guardian after his father had died when he was barely two years old.9 Hasan b. al-Naḥḥās, apparently a wealthy man, married the daughter of Badr al-Dīn Ḍaḍḍaʿ, the son of the qadi of Adhriʿāt.10

6 See Heffening, “‘Urs.” For a discussion with specific reference to the Mamluk period, see Frenkel, “Mamluk ʿUlamāʾ.” On a special custom, the purpose of which was to demonstrate the bride’s virginity prior to marriage, see Ibn Ṭawq, Taʿliq, 638.
7 Ibid, 1586, 1587, 1599. For Sāra’s dubious relationship a couple of years earlier with a young merchant, see 1345–6. For kārim see Labīb, “Kārimī.”
8 Ibn Ṭawq, Taʿliq, 1197. For ḥarāfish, see Brinner, “Ḥarfūsh.”
10 Ibn Ṭawq, Taʿliq, 154. For Ḥasan, see Ibn Ṭūlūn, Mufākhat al-Khillān, I, 169. For Badr al-Dīn, see ibid, 21; ḨaṣCAFī, Mutʿat al-adhāhān, II, 748 n. There are many further examples of marriage based on social equality. For example, the son of ʿAlāʾ al-Dīn al-_BUSRAWI, the Shafiʿī deputy qadi, married a sister of the merchant Ibn al-Maʿārīkī. See Ibn Ṭawq, Taʿliq, 109–10. For al-_BUSRAWI, see ibid, 53, 72. The Scholar Badr al-Dīn b. al-YAṢŪFI married the divorcee of the merchant Ibn ṬAKRĪTĪ. See ibid, 114. For al-YAṢŪFI, see BUSRAWI, 237. The Son of Muhīb al-Dīn Muḥammad, probably a kāṭīb al-sirr, married Aṣīl, a granddaughter of the Adhriʿāt qadi.
Of the 150 marriages recorded in the notary’s diary, about a dozen are listed to widows.\textsuperscript{11} Here, the status of the widow, whether she had been married before to a qadi, for example, or was of some qadi’s family, could have helped toward a new marriage. We also find a two dozen cases of marriage between first degree cousins or more distant relatives,\textsuperscript{12} and about a dozen marriages to divorcees,\textsuperscript{13} in which case it had to be ascertained that three periods of menstruation were completed in order to be sure that there was no pregnancy.\textsuperscript{14} On occasion, the newly-wed divorcee was allowed to reside in her home. If she had young children from her previous husband, a nafaqa paid by the new husband could be demanded.\textsuperscript{15} Some men married manumitted slaves, a topic that will be taken up below.

The majority of marital relationships described by our source appear to be monogamous. Such conclusion tallies with Rapoport’s, which is based on a much smaller number of cases.\textsuperscript{16} This also conforms to Ottoman Damascus of ca. 1700 CE, where polygamy amounted to only about 10 per cent of the recorded marriages.\textsuperscript{17} Still, to follow the marital history of some polygamous Damascene men, Ibn al-Bānyāsī, married to the sister of qadi Burhān al-Dīn b. al-Mu‘tamid, married also the qadi’s widow.\textsuperscript{18} The prominent Shafi’ī Kamāl al-Dīn Ibn Ḥamza (sīdī al-sayyid, as Ibn Ṭawq refers to him throughout) had two wives who, incidentally, gave birth to daughters on the very same day.\textsuperscript{19} ‘Abd al-Qādir, the son of Ismā‘īl and Ilf bnt. Ibn al-Ḥimṣī, who occupied at some point the post of shaykh al-ṣāgha (Head of the Goldsmiths), married Zayn al-ʿAbīdīn, the daughter of his namesake, who was allowed to reside in her home.\textsuperscript{20} This provision, plus a note, referring to her mature son, both indicate that this was not her first marriage. Three years later she was divorced by talaq.\textsuperscript{21} However, she complained to the Mālikī qadi and demanded remarriage, and the latter put pressure on ‘Abd al-Qādir, which proved effective. The financial terms were now clearly to Zayn al-ʿAbīdīn’s disadvantage: she was promised only 1 Ashraftī (dinar) as compared to 19 plus an annual kiswa of 300 dirhams in her first

\textsuperscript{11} Ibn Ṭawq, Taʿlīq, 287. For Muḥibb al-Dīn, see Buṣrawī, 173. And so on and so forth. One could painstakingly map out the marriage connections that Ibn Ṭawq provides.

\textsuperscript{12} Ibid, 186, 503, 767, 1230, 1273, 1301, 1350, 1361 (or divorcee), 1545, 1591, 1678 (or divorcee), 1842. See also Ibn Ṭulūn, Muṣāḥhat al-khillān, I, 3, 12, 16, 21, 25, 29.

\textsuperscript{13} Ibid, 186, 503, 767, 1230, 1273, 1301, 1350, 1361 (or divorcee), 1545, 1591, 1678 (or divorcee), 1842. See also Ibn Ṭulūn, Muṣāḥhat al-khillān, I, 3, 12, 16, 21, 25, 29.

\textsuperscript{14} Ibid, 114, 626, 1114, 1192, 1436, 1452, 1653, 1662, 1672, 1678 (or widow), 1728.

\textsuperscript{15} Ibid, 1452.

\textsuperscript{16} For a somewhat impressionistic view, see Rapoport, “Women and Gender,” 30–31.

\textsuperscript{17} Establet and Pascuel, Familles, 55–57.

\textsuperscript{18} Ibn Ṭawq, Taʿlīq, 1546.

\textsuperscript{19} Ibid, 423.

\textsuperscript{20} Ibid, 1156.

\textsuperscript{21} Ibid, 1403.
marriage, and she forfeited another 500 dirhams.\textsuperscript{22} From a later note on their further remarriage one gathers that there had been another divorce.\textsuperscript{23} By now ʿAbd al-Qādir had a second wife, the young daughter of one al-Sharābī (the granddaughter of the aforementioned qadi Raḍī al-Dīn al-Ghażzī), although at some point there was some uncertainty about the validity of this marriage and a hearing in the presence of Ibn Ṭawq took place.\textsuperscript{24} We also learn that ʿAbd al-Qādir had another (third?) wife named Bnt. Karawrawā (?) or, he could have married her after one of his divorce acts from Zayn al-ʿĀbidīn. At some point he also divorced Bnt. Karawrawā while she was pregnant, yet, three months after giving birth he took her back.\textsuperscript{25}

Especially detailed in this regard is the case of Muḥammad b. Muḥammad, known as Abūʾl-Yumn, the son of Muḥibb al-Dīn Ibn Qāḍī ʿAjlūn and nephew of the aforementioned shaykh al-Islām Ṭaqī al-Dīn, but also a scholar in his own right.\textsuperscript{26} We first meet him marrying Sūryāy, his uncle’s (that is, Ṭaqī al-Dīn’s) white slave and the mother of his daughter, a few weeks after her manumission. Abūʾl-Yumm’s marriage gift to her was the nice sum of 25 Ashrafīs.\textsuperscript{27} Half a year after this marriage occurred the death of Umm Sitiyatiya, another of Abūʾl-Yumn’s wives.\textsuperscript{28} The widower did not wait too long, however, and two months later married Khadija Sitt al-ʿUlamāʾ, the daughter of the wealthy Zayn al-Dīn ʿAbd al-Łatīf al-Luʾluʾī.\textsuperscript{29} Also she died less than three years later, following birth complication that resulted in the death of the pre-maturely born son.\textsuperscript{30} Ten days later, the property of the deceased wife (tarika) was sold at their home in the presence of Abūʾl-Yumn, the mother of the deceased, and most of the merchants of the barrānī and juwwānī markets.\textsuperscript{31} Some items were bought by two men whose names are specified; our notary served as one of the witnesses.\textsuperscript{32} About three years later Abūʾl-Yumm married the granddaughter of the former official in charge of the citadel (nāʿīb al-qalʿa) – she was daughter of Shīḥāb al-Dīn, of the prestigious al-Ikhnāʾī family of judges.\textsuperscript{33}

\textsuperscript{22} Ibid, 1504. The assumption is that remarriage was possible after she was married to another man.
\textsuperscript{23} Ibid, 1725.
\textsuperscript{24} Ibid, 1317.
\textsuperscript{25} Ibid, 1673, 1700.
\textsuperscript{26} He died in 955/1548. See the entry in Ghażzī, Kawākib, II, 8.
\textsuperscript{27} Ibn Ṭawq, Taʾlīq, 549, 550.
\textsuperscript{28} Ibid, 638.
\textsuperscript{29} Ibid, 659. He was the Shaykh of Sūq al-Kutub (Book Market), a wealthy man, and died in 891/1486. See Ḥašḵaš, Muʿīt al-adḥāhān, I, 463–4.
\textsuperscript{30} Ibn Ṭawq, Taʾlīq, 816.
\textsuperscript{31} Possibly the “inner” and “outer” markets, namely, inside and outside the city wall. For a possible identification of the barrānī with the Bīmāristān Market, see Buṣrawī, 90.
\textsuperscript{32} Ibid, Taʾlīq, 819–20.
\textsuperscript{33} Ibid, 821, 831, and see further below.
severe plague of 8971492, leaving behind two daughters.34 At that time Abû’l-Yumn’s female slave also died.35 Barely four months elapsed before he married again, this time Sāra, the daughter of Sharaf al-Dīn Maḥmūd al-Shaybānī (unidentified).36 About five years later Abû’l-Yumn had one more marriage, this time to his cousin Amina, also known as Sitt al-‘Ulamā’, the daughter of his distinguished uncle Tāqī al-Dīn Ibn Qāḍī ‘Ajlin. Previously she had been married to another of her cousins but that marriage did not last long and her marriage to Abû’l-Yumn took place less than a year later.37 Also her marriage to Abû’l-Yumn did not last more than a couple of years, but produced a son.38 It appears that tension within the extended family was the reason for the divorce and it involved all sorts of insults. Abû’l-Yumn was not charged with any compensation (ṭalāqan majānan bi ghayr ‘iwad).39 All in all, he appears as extremely “active” in marital affairs: we know of six wives he had at different stages and at least part of the time he was polygamous. One of Abû’l-Yumn’s marriage contracts is the most detailed of its kind and is worthy of being translated in full:

On the blessed Saturday, the 14 Ṣafar 894 [18 January 1489] a marriage contract (ʿaqd) is being signed between Abū’l-Yumn and the virgin, of sexual puberty, who had not been engaged before, who is free of any legal constrains (khāliyya ‘an al-mawānī’ al-shar’-iyya), and who has no guardian and relative to represent her (khāliyya ‘an wali wa-ṣā bás), the daughter of Fātimah and of [the deceased] Bardabe al-Sayfī Sūdun al-Muḥammadī, the nā’ib al-qal’ā. Witnesses for the bride are Tāqī al-Dīn Abū Bakr b. al-Khayāṭa and her great uncle Bādr al-Dīn [b. al-Khayāṭa] and his son. Witnesses for the groom are Shīhāb al-Dīn the Shafī’ī...[other names are effaced]. The agreement takes place in the presence of the bride’s mother at her residence at the “little market” (suwayqa) Sarūjā, outside the city walls (ṣāḥīr Dimashq al-mahrūsa), near al-Sharaf al-A’lā al-Shāmī. Officiating (mutawalli) is the chief Shafī’ī qādi Muḥyī al-Dīn al-Ikhnāṭī. Representation (tawkil) for the groom in lieu of his uncle Tāqī al-Dīn Ibn Qāḍī ‘Ajlin is...[name effaced]. The marriage gift (ṣadāq) is 60 Ashrafīs, to be paid upon request (ḥāll), 40 of which are paid in advance (muqaddam). Bādr al-Dīn b. al-Khayāṭa, the witness for the bride, and the bride herself, as well as the groom’s mother, all testify that the bride received that sum from Bādr al-Dīn. In addition, an annual 500 dirhams of the Damascus currency are vouched for the bride’s various expenses (kiswa), to which the bride is entitled by law. She agrees to that.40

Anxiety concerning the possibility of a husband taking other wives or concubines would occasionally surface at the stage of contracting the marriage or at some

34 Ibid, 1122.
37 Ibid, 1436, 1532.
38 Ibid, 1757
40 Ibid, 821.
later point. In some cases husbands were made to promise their newly-wed wives not to remarry their divorcee, or marry another woman, or take a concubine,\(^{41}\) not to allow a concubine to reside in the neighborhood of a new bride,\(^ {42}\) or not to leave the wife for more than a year without a legally accepted reason.\(^ {43}\) Failure to stand by it could provide sufficient ground for divorce.\(^ {44}\) Shihāb al-Dīn al-Raqqāwī, at one point a waqf supervisor (mutakallim),\(^ {45}\) had a dispute (waqaʿ at badʿ [sic! apparently Ibn Ṭawq’s spelling error] umūr) with his wife ʿĀʾishah bnt. al-Ḥawrānī, who even left their home for two nights. He vowed (ḥalaṣa biʿl-ṭalāq) in the presence of our notary that he did not take a concubine (yatasarrāʿ alayhā bi-jāriya), “neither white nor black,” during his recent journey to Cairo, furthermore, that he had never taken any other in the past, nor had sexual relations with any concubine except for the one residing at his home. Only then did Bnt. al-Ḥawrānī return home.\(^ {46}\) About two years later, towards the end of 889/1484, Ibn Ṭawq, in his capacity as a witness, was called by Shihāb al-Dīn to certify the couple’s mutual financial debts, the wife’s 130 Ashrafīs, which she took as a loan, and the husband’s deferred ṣadāq. Al-Raqqāwī vowed that any other wife he married would provide a ground for taʿlāq, and ʿĀʾishah could free herself of the marriage after one divorce pronouncement (ṭalqa), forfeiting as little as 1 Ashrafī of her deferred dower.\(^ {47}\)

Then there were other women’s rights that occasionally had to be declared. Shams al-Dīn b. al-Dārmānī (unidentified) announced that his wife, a concubine whom Shihāb al-Dīn al-Mustawfī (unidentified as well) had manumitted, was entitled to his share in a house that belonged to her former husband, and which he received through her daughter. At the same time, however, he made sure that both she and her daughter had no claims against him.\(^ {48}\) ʿAlāʾ al-Dīn al-Ḥalabī (unidentified), upon marrying Sitiyāṭa, agreed to the stipulation that in case he beat her, or forced her to move out of Eastern ʿAnāba,\(^ {49}\) she would be entitled, upon forfeiting her deferred ṣadāq, to walk out of the marriage after only one taʿlāq.\(^ {50}\)

As regards financial terms, it is noteworthy that although the dowry (trousseau) was a major factor determining the degree of economic independence of a

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41 Ibid, 121, 402, 1051, 1187–8, 1276–7, 1488, 1653.
42 Ibid, 121.
43 Ibid, 1653.
44 For an interesting case see Powers, “Four Cases.”
45 Ibn Ṭūlūn, Mufākahat al-khillān, I, 8.
47 Ibn Ṭawq, Taʿlīq, 402.
48 Ibid, 1023.
49 Possibly situated below the Samaritans’ Quarter. See Ibn Ṭūlūn, Mufākahat al-khillān, II, 122.
50 Ibn Ṭawq, Taʿlīq, 911–12.
wife,\textsuperscript{51} and an upper-class groom in late 13th-century Damascus expected his bride to bring a dowry worth about 2,500 dinars;\textsuperscript{52} only two dowries are mentioned by our source, one of which even lacks details.\textsuperscript{53} One wonders why. As to the marriage gift promised by the groom, about fifty different quotations, ranging between 12 and 300 \textit{Ashrafī}, with the majority being less than 100, are given by Ibn Ṭawq. Obviously, the lowest sums were quoted for marriages to manumitted concubines or to widows. In two exceptional cases, one of which is a marriage to a concubine, the quotations are not in \textit{Ashrafī} but in silver currency.\textsuperscript{54}

As one may expect, the highest sums were vouched by grooms coming from families of merchants or qadis. Part of the \textit{ṣadāq}, varying from one case to another, was designated as a due debt, “payable upon demand.”\textsuperscript{55} For his aforementioned marriage with Sāra, the daughter of Ibn al-Muzalliq the merchant, Taqī al-Dīn Ibn Qāḍī Ājlūn took upon himself to pay 200 \textit{Ashrafī}, 150 of which immediately (Sāra was entitled to \textit{count} the coins).\textsuperscript{56} Ibn Ṭawq’s own son, upon his first marriage, vouched for 69, of which he paid 50. It so happened that his wife died exactly two years later in the plague. About sixteen months later he married again and this time promised 60 \textit{Ashrafī}, “paid upon demand,” of which he paid 40 at the time of concluding the contract.\textsuperscript{57} Incidentally, the father-in-law complains in his diary that at one point the bride had harsh words to say about her husband and in–laws and he criticizes her behavior. We are informed that she locked herself in her private space, refusing even to eat, then spent the night at the neighbors till her uncle had to come and work out a reconciliation.\textsuperscript{58} To linger some more on the marital life of the young couple and on the relationship of Ibn Ṭawq’s son to his parents, interesting is what our notary relates about his borrowing (!) from his wife one \textit{Ashrafī}, then giving it to his son. The reason for that was the son’s “oath of divorce,” namely, that he would divorce his wife in case he did not return within three months the sum of money he owed. Apparently, the father was worried that the lad would not be able to make it, and therefore arranged for him the money. However, his friend, the \textit{shaykh al-Islām} Taqī al-

\begin{footnotes}
\footnotetext{51}{Rapoport., \textit{Marriage}, 84–5. For trousseaus in the Mamluk period, see Wakil, \textit{al-Shiwrār}.}
\footnotetext{52}{Rapoport, \textit{Marriage}, 112. See the exceptional, or rather no less than fantastic, case he cites from al-Ṭarsūsī.}
\footnotetext{53}{Ibn Ṭawq, \textit{Ta Ṭiq}, 439–40, 1474.}
\footnotetext{54}{Ibid, 92, 1452. For the hypothesis that, in general, \textit{ṣadāq}, although designated in dinars was actually paid in silver, see Rapoport, \textit{Marriage}, 54–5 and nn.}
\footnotetext{55}{See also ibid, 53 and reference to legal manuals; 56 and n. 33. For al-Ṭarsūsī’s discussion of it in the first half of the 14\textsuperscript{th} century, see ibid, 57.}
\footnotetext{56}{Ibn Ṭawq, \textit{Ta Ṭiq}, 1589.}
\footnotetext{57}{Ibid, 1415, 1604, 1736, 1855, 1856, 1858.}
\footnotetext{58}{Ibid, 1907–8.}
\end{footnotes}
Din, relieved our notary of his anxiety anyway, stating that the short period of three months was not actually binding in this case.  

Ibn Ṭawq’s figures generally confirm Rapoport’s conclusion, based on a much smaller data base, that top government officials and other members of the elite promised šadāq in sums that rarely were more than several hundred dinars, while middle-class grooms paid less. However, the sums that are cited for Damascus differ from the average sums in the so-called Ḥaram documents, which range between 5 and 20 Ashrafis only. This, if not accidental, could very well indicate, by and large, a better economic situation obtaining in late 15th-century Damascus than in 14th-century Jerusalem.

Now, Ibn Ṭawq tells us that the implementation of the financial terms specified in marriage contracts could on occasion be subject to dispute between couples. Thus, Ḥalima Bnt. al-Turkmānī had financial claims against her husband al-Bustānī. Another woman, a widow from al-Mizza, claimed that her second husband failed to pay the sums due her orphaned son. Muḥyī al-Dīn Yaḥyā, the son of Shihāb al-Dīn al-‘Anbarī, the educator of the sons of Taqī al-Dīn Ibn Qāḍī ʿAjlūn, and his wife, the daughter of the deputy Shafīʿī qadi Shihāb al-Dīn Aḥmad al-Ḥimṣī, disputed about the kiswa due her for their first year of marriage. In such cases, a representative (sāʿ) would speak for the wife and an agreement between the two parties would result in a barāʿa sharʿiyya. Exceptionally detailed is the case of the two representatives, ʿImād al-Dīn, the khaṭīb of the Saqīfa Mosque, and ʿAbd al-Bāṣīṭ al-Bazrāwī (or al-Barzāwī, after Barza?). As a result of negotiation and a compromise (muṣālaḥa) they reached, ʿImād al-Dīn agreed to pay to his daughter-in-law, who was ʿAbd al-Bāṣīṭ’s sister, 800 (dirhams) as šadāq. According to the agreement, she was expected to receive 600, while the rest was deferred to four months later, in between receiving a monthly payment of 30 (which would practically mean a deferment for seven months!) plus kiswa. ʿAbd al-Bāṣīṭ objected to that and demanded 45 per month, forfeiting the kiswa in return, which would fall on the wife’s own family.

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60 Rapoport, Marriage, 14, and eight cases for the latter in n. 15.
61 In a Geniza marriage contract from the latter half of the 13th century, the groom’s marriage gift is 50 dinars, and in a contract dated 1301 it is 30 dinars. See ibid, 17. For Rapoport’s argument about the tendency to inflate sums for the sake of maintaining social prestige, see ibid, 54 and nn. 14–15.
63 Ibn Ṭawq, Taʿlīq, 531, 1272–3.
64 Ibid, 338. For their marriage, see 213. For al-ʿAnbarī, see 25. For al-Ḥimṣī, see Ibn Ṭūlūn, Mufākahat al-khillān, I, 49.
65 Ibid, Taʿlīq, 802.
66 Ibid, 1239.
Finally, I should like to point out that the “payable upon demand” clause, which appears in virtually all contracts as regards ṣadāq, is open to more than one interpretation as regards its socio-economic implication. It should come as little surprise that such a leading scholar as Ibn Qayyim al-Jawziya, who was dissatisfied with it, was surely pleased when claiming that the clause was not put into practice except when there was discord.67 He had a clear interest in preserving the notion of harmony at all costs, especially as these costs usually fell on women’s shoulders. Perhaps to Ibn Qayyim’s chagrin, some wives did bring their husbands to court and even caused their imprisonment.68 At the other extreme, Rapoport, in the framework of his thesis about the weakening patriarchy, thinks that the clause undermined the notion of marriage as a harmonious and non-monetized relationship. My position is somewhere in between. One could persuasively make a case for the “payable upon demand” clause not as a symbol of disharmonious marriage but as an indication to an improvement in women’s situation in marriages. It enabled the bride and her family to back down on the ʿaqd because of disagreement on the deferred ṣadāq,69 or, alternatively, gain better conditions.70

Female Slaves and Concubines

In a fine overview of the sources and research available for the study of women and gender in Mamluk society, Rapoport brings half a dozen or so examples of 15th-century men, with one exception all Egyptian, some of whom of modest background, who kept concubines as a substitute for a wife, most likely an indication of their poor economic situation.71 To these I would add the interesting case of Khalil b. Shāhīn, the father of the historian ʿAbd al-Bāsiṭ, who had at least two concubines who bore him sons. In a collection of biographies he compiled, ʿAbd al-Bāsiṭ speaks of his foster brother Yūsuf, who was born to an ʿumm walad named Sūrāb (Sūrāy?), who bore at least two sons to his father and nursed at

67 Rapoport, Marriage, 57.
69 See, for example, Ibn ʿAqlī, Taʿlīq, 1303.
70 For examples, see Rapoport, Marriage, 58.
71 In addition, Rapoport relates about Jamāl al-Dīn Abūʾl-Maḥāsin Yūsuf b. ʿAbd al-Hādi, also known as Ibn al-Mibrad, the Ḥanbali Damascene scholar (For his biography see editor’s introduction to Sayr al-ḥathth ilaʿ ilm al-talāq al-thalāth (Beirut, 1997), 9–14), who, according to Rapoport, had a slave named Bulbul, with whom he lived ten years till her death in the plague of 883/1479 and from whom he had a boy and a girl. See Rapoport, “Women and Gender,” 13–16. However, nowhere in the source that Rapoport relies on, as well as in Safwat ʿAbd al-Hādi, al-Imām Yūsuf ʿAbd al-Hādi (Damascus, 2007), 215–16, is Bulbul identified as a slave.
the same time both Yūsuf and the future historian.ʿAbd al-Bāsīṭ notes that at the

time of writing his book, that is, at the end of the 15th century, she was close to

ninety and most of the time lived in his home. This was natural, a result of his and

his mother’s affection for her, and her being like a mother to him. Another foster

brother, nineteen years younger than the historian, was the son of another

concubine, named Bulbul, of Turkish origin, who mothered a few sons.72 Quite

exceptional appears the following information that is to be found in a biograp-

hical entry of Aḥmad b. Rājiḥ of the Rifaʿiyya order in Cairo. His father, also

a Sufi Shaykh of a zāwiya, disappeared one day, leaving his wife, a manumitted

slave, in the house of the Taghri Birdi family, pregnant, without his knowledge (so

it is argued). Be that as it may, under these circumstances Taghri Birdi’s wife tried

to abort the fetus by pressing the woman’s belly with some heavy staff and other

measures. All this did not work and the son of the deserting shaykh saw the light

of the day and was adopted by one of his father’s friends.73

In the same review Rapoport also points out the decline of the number of

white concubines and slave girls in Mamluk households and elsewhere in the 15th

century, at least partly due to dwindling supply caused by wars with the Ottomans

and high mortality rates resulting from recurrent epidemics. He refers to some

indications about shortage, including price figures, albeit, in his own admission,
inconclusive.74 While the sparse data he has do not enable us to say something

meaningful about the situation in general, it is by far Ibn Ṭawq who provides the

most detailed information on female slaves and concubines in any Mamluk

context. What is significant about his material is not only its relative abun-
dance for a period of about twenty years – he mentions several dozens of slaves and

concubines – but also that his information pertains to middle- and law-class

men. It appears to me that his data, limited as they are, open up a wider angle on

the phenomenon of slaves and concubines and on their essential role in late

Mamluk society.

Here one has to begin with clarifying two terms used by Ibn Ṭawq that cor-

respond to two different categories established by the Shariʿa: a female slave

(jāriyya) and a concubine (surriyya).75 The former was purchased primarily for

doing housework; the latter was mainly for sexual relationship and in many cases

would bear children to her master. In practice, as we shall see, this legal dis-
tinction was not always practiced, and – if Ibn Ṭawq used the two terms with

precision – it appears that female slaves, like concubines, often bore children.

72 ʿAbd al-Bāsīṭ, Majmaʿ, I, 174.
74 See note 16.
75 For this distinction see Brunschvig, “ʿAbd,” 24b and 28a respectively. See however, an ex-
ception in Ibn Ṭawq, Taʾlīq, 198 where he uses the verb yatasarrā for a jāriyya.
Ibn Ṭawq tells a great deal about both black and white female slaves. To begin with, he relates about a number of his own, some of them white. However, he had no concubines and we don’t hear of any children he had other than from his wife. The first of his slaves he mentions was white and named Shahdiya, whom he sold to the “dark-colored” educator (faqīḥ al-awlād), posted at the Zayn al-Dīn al-Khaftāb Mosque. Now, as our notary relates, Shahdiya was reluctant to go with her new master and was screaming and crying to the point that Ibn Ṭawq’s relative, who was present at the transaction, had to apply physical force and drag her. Apparently it did not help, for on the same day the new master showed up with the woman, reporting that she refused eating and threatened to take her own life. He asked Ibn Ṭawq to annul the transaction and our notary agreed and had to return the money received. However, a couple of months later Ibn Ṭawq sold Shahdiya to a lady named Asmā, who actually bought her for her grandchild. This time the transaction appears to have been carried out without difficulties. Less than two years later there occurred the death of Mubāraka, another of Ibn Ṭawq’s slaves. It appears that at that time the notary had another (black) jāriya, named Nawfara. Due to her faults (min sāʿir al-ʿuyūb) and his wife’s demand (bi sharṭ al-maʿrā), he sold her two years later at the slave market (fiʿl-raqīq). A day later he purchased a white slave who had been at the household of Abū Bakr Manjak (unidentified). A week later, in his absence, his wife purchased from Shādī Bek al-Jalabānī, the chief of the music band (? miḥtār), a slave named also Mubāraka. Four months later Ibn Ṭawq reports of the purchase of Jawhara, from one Ibn al-Qassār al-Maghribī (“son of the bleacher”). This appears to be an unfortunate purchase, since less than a year later Ibn Ṭawq reveals that he hit his female slave – most likely referring to Jawhara – with a stick, because of her “lack of manners;” he admits to have regretted it. However, a couple of days later, after employing her for about a year, Ibn Ṭawq put Jawhara on sale (liʿl-ʿard). About a year later he sold a slave whose name he does not specify to Jalāl al-Dīn b. ʿAlāʿ al-Dīn al-.Busrawī, the son of the Damascene historian. According to our notary, he did not hide from Jalāl al-Dīn

76 See also Wollina, “Ego Document,” 355 and n. 106. Contrast it with his Zwanzig Jahre Alltag, 57. Actually, Ibn Ṭawq occasionally refers to his wife as zawjat ʿum awlādī. See e.g., Taʿliq, 1032.
77 On Zayn al-Dīn, see ibid, 27, 173, 1350.
78 Ibid, 96, 97.
79 Ibid, 118.
80 Ibid, 277. Here he uses exceptionally the term mawlāt.
81 Ibid, 288. For her black color, see 290.
82 Ibid, 288.
83 Ibid, 290.
84 Ibid, 334.
85 Ibid, 411.

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her faults, among which was her lack of piety – “she did not say the prayers” – the mess she created, her bad manners and also some physical problems such as weak eyesight and being prone to easily catch a cold. Apparently all that did not affect her price of 1230 dirhams, which is quite similar to other figures we have.86 Whether at that point Ibn Ṭawq still owned the aforementioned Shahdiya, who, as we recall, refused to leave his household, is unclear. In any case, a month after selling Mubāraka, Ibn Ṭawq bought Ghazāl, a black jariya, from a silk merchant (ḥarīrī), perhaps originally of Ḥims, who dwelt in the town section known as the “black stone mortar” (al-jurn al-aswad). The merchant authorized the female dealer Ḥujayja to conclude the transaction and receive the payment on his behalf.87 A couple of months later Ibn Ṭawq sold either this slave or perhaps another he had and he later mentions another white slave of his.88 Altogether the number of his female slaves was at least seven or eight.

In addition to his own, our source has a great deal to report about Taqī al-Dīn Ibn Qāḍī ‘Ajlūn’s female slaves. In the course of the twenty years that the diary covers the Shaykh owned no less than nine female slaves, three of whom bore him children. One jariya died while suckling (murdi’a), another named Sūrāy, who bore him a daughter, he eventually manumitted. Also his Ethiopian Jawhara bore him a daughter. Another Ethiopian named Jalāb died in the terrible plague of 897/1492 and a day later he lost Nawfara (as well as his granddaughter). Some months later he purchased from a merchant the single, non-virgin (thayib) Ethiopian Nur al-Šabāḥ. She died a couple of years later and was buried near the aforementioned Jalāb. Another female slave he owned died at age sixty and a couple of years later also the black Sanīn died. In 902/1497, when he was about sixty of age, an Ethiopian slave bore him a daughter. Both she and the daughter died of the plague a year later. At that time the Shaykh also owned a white slave.89 Like Ibn Qāḍī ‘Ajlūn’s, more than a dozen female slaves, half of them black, are reported to have mothered children to their masters.90

Other female slaves and their owners are reported by Ibn Ṭawq either in his capacity as witness (shāhid) to transactions concluded or through information that reached him. For example, the Shafi‘ī scholar Kamāl al-Dīn Ibn Ḥamza purchased a breast-feeding jariya together with her suckling daughter, as the

86 Ibid, 594. For figures, see below. Jalāl al-Dīn al-Busrāwī married some years later the granddaughter of the khatib of the Saqīfa Mosque. See ibid, 1185. Still later he married the daughter of the leading Shafi‘ī Kamāl al-Dīn b. Ḥamza, but had to be separated from her because some obscenity ascribed to him. See Ibn Ṭīlūn, Mufakhṭat al-khillān, I, 356, 358. He resided at the Tawrīziyya Quarter. See Ibn Ṭawq, Ta‘īq, 1485. He is later referred to as a qādī. See ibid, 1516.
87 Ibid, 604. See also Ibn Ṭīlūn, Mufakhṭat al-khillān, I, 68, without specified location.
88 Ibn Ṭawq, Ta‘īq, 619, 1511.
89 Ibid, 196, 521, 538, 838, 896, 929, 1119, 1120, 1148, 1240, 1251, 1479, 1578, 1646.
Sharīʿa requires. For the law that a child below seven years of age cannot be separated from his mother when sold as slave, see Brunschvig, “ʿAbd.”

Abūʾl-Yumn, whom we met earlier in connection with polygamy, owned also a slave and got into trouble with one of his wives, the daughter of Taqī al-Dīn b. Qāḍī Ajlūn, for accommodating the slave at her residence. When the slave of one Ibn al-Ḥamās was manumitted, it was Ibn Ṭawq who handed to her the certificate. Also other slave owners, such as Muḥammad b. al-ʿArif, manumitted their slaves at some point.

All in all, Ibn Ṭawq reports on many dozens men and women owning white and black female slaves. About some he adds interesting notes. Thus, when one Ibn al-Saqat bought a slave, his wife, like in Ibn Ṭawq’s case, was involved by making her stipulation (bi sharʿ al-marʿa al-sharʿiyya). The old merchant Shihāb al-Dīn Aḥmad al-Qūnaṣī owned a slave who was murdered with him and his wife by criminals. Muhīb al-Dīn b. Shuʿayb had a slave with whom he “gugled” (tābaqbaqa) and she appointed him as her agent (wakkalat). When one Ibn al-Zaytūnī bought a slave and sold her to a slave dealer from Ḥamāh, who was ill-reputed for supplying female slaves to brothels, he was fined for that by the chamberlain (ḥājib), and so was also the original seller, although he was innocent of any wrongdoing.

Then we have some interesting cases of escape by female slaves or attempt at that. Ibn Ṭawq witnessed the purchase made by his relative, the lady Bnt. al-Khāṭūn, of Fāʿīda, “the Egyptian” (black) yet “of obscure origin” (al-majhūla al-jins) jāriya, previously owned by Shaykh Abūʾl-Faḍl, together with her daughter, apparently still young and therefore attached to the mother. Two years later Fāʿīda ran away. It appears that she returned to her former owner and the transaction was annulled, for Ibn Ṭawq witnessed for and wrote the draft of the sale contract (musawwada) for a transaction carried out by three partners now purchasing Fāʿīda in equal shares from Abūʾl Faḍl: two were from the nearby villages Arzūnā and Harastā, and the third is identified as Ibrāhīm b. Mūsā “the translator” (tarjumān). Ironically, a short while later, two of Abūʾl-Faḍl’s fe-

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91 For the law that a child below seven years of age cannot be separated from his mother when sold as slave, see Brunschvig, “ʿAbd.”
92 Ibn Ṭawq, Taʿliq, 1709.
93 Ibid, 363.
94 Ibid, 1004, 1030.
95 Ibid, e.g., 258, 292, 662, 799, 1119, 1121, 1124, 1125, 1127, 1128, 1134, 1237, 1363, 1454, 1500, 1501, 1503, 1504, 1505, 1512, 1516, 1530, 1538, 1557, 1595, 1607, 1608, 1621.
96 Ibid, 730.
97 Ibid, 450.
98 Ibid, 648.
99 Ibid, 1051.
100 He probably was a notary who worked closely with Ibn Ṭawq. See, for example, ibid, 245.
101 Ibid, 627.
102 For these villages see Yaqūt, Muʿjam al-buldān.
103 Ibn Ṭawq, Taʿliq, 655.
male slaves, one of whom had a child, ran away.\footnote{Ibid, 654. Perhaps one of them was black and known as “the Ḥijāzī,” for whom see, ibid, 868. Possibly she is the black slave reported to have died in 903/1498. See ibid, 1582.} Also Surūr, owned by Taqī al-Dīn Ibn Qādī ʿAjlūn, was able to drill a hole in the wall of her residence at the so-called Western Dome (al-qubba al-gharbiyya) and escape to the house of one of the Shaykh’s former female slaves who was now living with her husband. Ibn Ṭawq relates Surūr’s praise, thus putting the blame for her escape on Taqī al-Dīn’s wife, known as “the Egyptian,” to whom he was averse. In any case, that husband betrayed Surūr and reported about her whereabouts in return for the negligible sum of 10 dirhams. The failure did not deter her from another act of escape about four months later, this time to a different shelter.\footnote{Ibid, 419, 466.} Apparently also this escape did not bring an end to her employment problems, for we read that a third attempt occurred about a year and a half following the second, yet at this point it appears that Surūr had already been sold to one Muḥammad b. al-ʿAjlūniyya “the architect” (al-miʿmār), who had some contact with the Shaykh.\footnote{Ibid, 662. For this contact, see 916.} So perhaps more than having problems with one specific household, Surūr was sort of a rebel slave who had difficulties accepting her unfortunate status? In one further case, the white concubines of the qadi Ibn al-Muzalliq, the son of the leading kārim merchant,\footnote{For his father, see above and n. 7.} escaped to the house of his neighbor, who happened to be a Christian clergyman of the European community (al-faranj). The house was searched and as a byproduct of discovering the escapees, also several thousand of gold coins were confiscated. This was used as a pretext to raid also the houses of other Europeans residing in the Jubba, and these were sealed.\footnote{Ibid, 1136.} Ibn Ṭawq provides a few interesting reports about the sexual harassment of and scandals related to female slaves and the reaction of the authorities to that. In one case Ismāʿīl, known as “the Ḥanafi,” raped a white slave and she became pregnant. The case came before no other than the sultan in Cairo, who decided to castrate the man. Had this harsh decision to do with the fact that the rape took place in the month of Ramadan?\footnote{Ibid, 667. For the connection of Ismāʿīl with Ibn al-Ḥisbānī, see also 974. For Zayn al-Dīn al-Ḥisbānī as a Ḥanafi qādi, see 1042.} In another case, a female slave of Ibn Qādī ʿAjlūn, who was in her fourth month of pregnancy, was interrogated about the man responsible and blamed one Ibrāhīm al-Ḥawrānī. He later agreed to marry her, but it appears that there was no marriage after all. Another jāriya accused both her neighbor and his (black?) male slave (ʿabd) for her pregnancy. The issue came before the ḥājjib al-hujjāb who arrested the latter (it is unclear for how long). Although in this case any sanction against his master is not reported,
animosity was generated between the owner of the jāriya and the neighbor.\textsuperscript{110} Another man was responsible for two pregnancies (both resulted in miscarriage) of his daughter’s female slave. In the complications caused during the second miscarriage she died and the man was charged with the sum of 50 Ashrafis.\textsuperscript{111} When a young man and the female slave of a shaykh’s spouse were found somewhere in a mosque complex performing abomination (makrūh), the slave was punitively given a strike by a sword.\textsuperscript{112}

The dozen or so price quotations provided by Ibn Ṭawq for the sale of female slaves are mostly around 1100 to 1200 dirhams, sometime referred to as “old currency” (fiţdā `utuq), that is, the dirhams before the reform that led eventually to the introduction of new silver coins.\textsuperscript{113} Given a rate of exchange of 1:52 for the Ashraf (dinar) that obtained in these transactions,\textsuperscript{114} the average price in gold terms, including a dealer’s commission (dallāl) and the fee for the notaries rectifying the transaction, would be 21 to 23 Ashrafis.\textsuperscript{115} When unspecified otherwise, prices seem to apply to black slaves, and hence we may conclude that the price for a white slave was higher.\textsuperscript{116} The notary Muḥibb al-Dīn b. ‘Abd al-Bāṣīṭ, who specialized in the sale and purchase of slaves (bayā` al-raqiţ), bought a black jāriya named Nawfara from one Najm al-Dīn Muhammad despite the fact that she was weak and suffered from stomach aches (mabṭūna). The relatively low price in this case, 450 dirhams, less than half the normal price, the payment of which was deferred to a month later, had probably to do with the woman’s medical condition.\textsuperscript{117}

By and large, the prices for female slaves are similar to what we find in the Haram documents as the highest prices paid for black slaves in Jerusalem at the end of the 14th century.\textsuperscript{118} In other words, the price for black slaves had not undergone a significant change in the course of the 15th century if Jerusalem and Damascus are compared. However, an exception is the case of Shahdiya, Ibn

\textsuperscript{110} Ibid, 454, 462, 466, 467. The involvement of the hājib in these affairs confirms Robert Irwin’s argument about the growing involvement of hājibs in the later Mamluk period in judicial affairs, as expressed in his “Privatization.”

\textsuperscript{111} Ibn Ṭawq, Taʿlīq, 1789, 1794.

\textsuperscript{112} Ibid, 61, and see related cases in 650, 1051.

\textsuperscript{113} I intend to elaborate on it in a future study.

\textsuperscript{114} See, for example, ibid, 96, 120, 604.

\textsuperscript{115} Prices are as follows: 2000 (white)- ibid, 118; 1482- ibid, 120; 1120 (black)- ibid, 288; 1130 – ibid, 290; 1070 -ibid, 308–9; 1160- ibid, 334;16 Ashrafis in cash upon demand (ḥāll) –ibid, 411; 1230 -ibid, 594; 1300 (black)- ibid, 604; 22 Ashrafis (=1144 dirham) (black)- ibid, 655; 1170- ibid, 730; 42 Ashrafis (=2310 dirham) paid by Ibn Qādī‘ Ajlūn for a black slave-ibid, 1148.

\textsuperscript{116} It is worth noting that one price quotation that Ibn Ṭawq provides for a black male slave is also 24 Ashrafis. See Ibid, 1758.

\textsuperscript{117} Ibid, 926.

\textsuperscript{118} Rapoport, “Women and Gender,” 14 and n. 57, relying on Donald Little.
Tawq’s aforementioned white slave, who was priced at 2000 dirhams, about 38 in Ashrafī terms and thus a price significantly higher than the average. It compares with the highest range of prices current at the same time in Egypt for white female slaves, which was 30 ducats, as reported by the European traveler von Harf, or almost 40 dinars, as mentioned in a question put to a jurist.

Payment was sometime made in a mixture of gold and silver currency, the latter being on occasion in both “old” (ʻutuq) and “new” (judud) dirhams. Oftentimes the “paid upon demand” (hāll) involved a down payment only, the rest deferred, sometime to a fixed date. The seller would be expected to guarantee that the slave was not pregnant, that she was in good physical condition and did not suffer from mental problems. We already saw that Ibn Tawq, when selling his jāriya, informed, among other, about her physical problems. When there were a few partners who bought together in partnership a slave, they bore liability for each other.

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In addition to female slaves, Ibn Tawq reports of a few dozen concubines, both white and black, most of whom mothered children to their masters, thus becoming umm walad (for bearing a son), umm sitt (a girl) or else umm awlād (that is, of boys and girls or boys only). Especially moving is a report on the qadi Muḥibb al-Dīn Ismāʿīl who mourned the death of his concubine and buried her beside his parents’ grave. About a year later he also lost his suckling toddler (raḍīʿ), most likely the son of the deceased concubine. It appears that later he took another concubine, named ʿAyn al-Ḥayāt, who bore him a son named Tāj al-Dīn. Eventually, he manumitted her and she got married and gave birth to a daughter. Sadly, the daughter died aged two months and her mother also died a few years later, most likely plague stricken. Another Muḥibb al-Dīn, known also as Kalibhār, had a concubine who gave birth to a daughter shortly after his

119 Ibn Tawq, Taʿliq, 96, 97.
120 Rapoport, “Women and Gender,” 15. For the comparable value of the ducat and the Ashrafī, see Bacharach, “Dinar,” esp. 89–90.
121 Ibn Tawq, Taʿliq, 96, 604, 655, 1148.
122 Ibid, 411, 594, 730.
123 Ibid, 96, 97, 655, 730.
124 Ibid, e.g., 106, 1120, 1123, 1504, 1557.
125 See Brunschvig, “ʿAbd,” 28a.
126 Ibn Tawq, Taʿliq, 82. I am unable to identify this qadi.
127 Ibid, 175.
128 Ibid, 873, 889, 1501.
death.\(^{129}\) One should note that in some cases concubines were of a very young age and therefore of questionable puberty. Thus, Ibrāhīm al-Nājī, who served in the city’s administration, purchased an eleven-year old white concubine.\(^{130}\) If surprised at her age, one can be reminded that the historian al-Sakhāwī married also an eleven-year old girl and that al-Maqrīzī’s mother had her first marriage when she was twelve.\(^{131}\)

A manumitted concubine, especially one who had served a prominent person, could on occasion attract a good match. This was the case of Ibn Qāḍī ‘Ajlūn’s manumitted concubines. Mubāraka, who was of Christian origin (or perhaps Anatolian, rūmiyya), and mother of his son Muḥammad, got married to Abū Bakr Muḥammad b. ‘Abdallāh al-Fāmī, the muʿadhdhin, and authorized the deputy Shafīʿi qadi, Muḥyī al-Dīn al-Ikhnāʾi, to represent her. The marriage gift she received was 300 silver coins, 100 of which were paid immediately, a sum equaling about 6 Ashrafīs and thus, as shown earlier, significantly lower than the usual ṣādaq paid by middle-class men to free-born brides. Mubāraka, now as legal wife, bore al-Fāmī a son yet, about two years later, appears to have been already married to another man named Abū Daqīn.\(^{132}\) Sūryāy, another of the shaykh al-Islām’s manumitted concubines, was married, as already mentioned, to Abū’l-Yumn, the Shaykh’s nephew, from whom she received a nice marriage gift of 25 Ashrafīs, which comes close to sums paid to free-born brides.\(^{133}\) Was the high sum due to the fact that marriage took place within the extended family? Almost twelve years later we find another of the Shaykh’s manumitted concubines, also named Sūryāy, entering marriage with one Muḥammad b. al-‘Ajlūniyya al-Ṣaḥrāwī, this time for the considerably lesser sum of 5 Ashrafīs.\(^{134}\) The Ethiopian Jawhara, who bore the Shaykh Taqī al-Dīn a daughter named Āṣyā, married after manumission Shaykh Muḥammad al-Buṣrawī (while still having the daughter suckling) for a marriage gift of 700 dirhams, equaling about 13 Ashrafīs, only 135 dirhams of which, that is, less than a fifth, she received at the time of the marriage.\(^{135}\)

Can we draw some general conclusions from Ibn Ṭawq’s data? I think we can despite the small sample, provided that, as with divorce and marriage cases, we keep these within limits. For Ibn Ṭawq provides for a period of about twenty years

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\(^{129}\) Ibid, 635. For further cases of concubines who bore children, see 45, 245, 492, 735, 768, 779, 842 845, 846, 1006, 1030, 1125, 1127, 1131, 1384, 1396, 1500, 1510, 1878.

\(^{130}\) Ibid, 175: liʿl-tasarri.

\(^{131}\) Rapoport, Marriage, 39.

\(^{132}\) Ibn Ṭawq, Taʿliq, 192, 417.

\(^{133}\) Ibid, 549, 550.

\(^{134}\) Ibid, 1464.

\(^{135}\) Ibid, 1036–7. For her manumission, see 1030. For further cases, see 59, 406, 429, 804, 858, 863, 943, 964, 1023, 1039, 1049, 1195, 1206, 1240, 1254, 1315, 1360, 1412, 1422, 1683.