
Yossef Rapoport’s monograph Marriage, Money, and Divorce in Medieval Islamic Society is an astute work that challenges prevailing notions of marriage in late Islamic society and argues for a more complex vision of how men and women negotiated marriage contracts and their dissolutions. The scope of Rapoport’s study is discrete, yet broad. By studying Cairo, Damascus, and Jerusalem during the Mamluk period (1250-1517 C.E.), Rapoport is able to give readers a glimpse of the actual pattern of marriage-making and breaking. His focus on various groups of women allows the reader to understand that marriage practices were not monolithic; as a result, Rapoport sheds light on the many transactions that made up marriage and thus constituted family life in medieval Islamic society.

Rapoport’s conceptualization is one of the successes of the book. Initially, he challenges the notion of a traditional society where marriages are perceived as being stable. This traditional paradigm, espoused by Muslim jurists and moralists, accepts that Islamic marriages are contracts, but determines that husbands should dominate family life. The sense of patriarchy and static family life is reinforced by more contemporary perceptions that traditional societies have stable marriages, whereas contemporary societies are marked by broken marriages and fragmented families. Within the first few pages, Rapoport dismisses these assumptions and instead suggests that the rate of divorce in medieval Islamic society was even higher than it is today. The implication is that the golden image of family life in Islamic society is not valid. Building on this premise, Rapoport seeks to investigate further the nature of divorce and, by extension, the nature of gendered marital relations in Islamic society.

In the first chapter, Rapoport addresses the question of dowries that women bring to their marriages. In Islamic law, dowries are not obligatory; in fact, it is the mahr or bride price that is stressed within law manuals. Through an examination of Mamluk sources, however, he finds that the dowry—at least in the case of elite families—far exceeds the bride price. (12-13) One dramatic example is a groom Anuk providing a marriage gift of twelve thousand dinars, of which only ten
thousand was to be paid at the time of marriage. (12) By comparison, the bride, an amir’s daughter, brought a trousseau that took eight hundred porters and one hundred mules to transport. It included pillows, cushions, stools, chairs, silver and copper utensils, trays, bowls, rugs, earthenware pots, blankets, mattresses, hundreds of chests of clothing and jewelry. The value of the trousseau may have been as high as one million dinars. (12) While Rapoport notes the extravagant nature of the example, he also demonstrates that the trousseau was the mechanism by which a daughter received her inheritance from her family. (20-21) By contrast, males of the family gained property such as land. In this sense, marriage acted as a pre-mortem inheritance for girls from elite families, and the dowry acted as a transfer of wealth from generation to generation, which Rapoport identifies as the devolutionist model. (18-19) These dowries were exclusively the wife’s property and so also gave her a measure of financial security.

Yet, Rapoport also mines the question of financial security for women who were not from elite families. In this second chapter, he focuses on working women within the textile industry. As he notes, every stratum of Mamluk society from rich to poor wore clothing, and that clothing was spun, sewed, and embroidered by women. (32) The opportunities to work provided women economic independence, and the incidence of women in the textile industry rebuts the notion of female dependency on male providers. Rapoport links the significance of this economic sufficiency with the rise of female ribats, religious houses where unmarried women could reside away from their natal homes. (48)

In the third chapter, we get a better sense of how marriage operated within Mamluk society. Rapoport argues that marriage became more formalized and monetized. (68) Instead of the Mamluk legal injunction of the husband providing for his wife in terms of food and clothing (but no monetary allowance), marriage operated as an economic exchange where the husband gave his wife money for her upkeep. The implication of these financial transactions is that, counter to prevailing opinion, “marriage did not constitute a single unified economic household with the husband” as the head. (68) Instead, Rapoport compellingly shows how marriage was “a complex business partnership, quite often leading to court litigation and with good chance of ending in divorce.” (68) What made the transaction complex was the husband’s obligation to pay the marriage gift (sadaq) in cash. More often, however, the marriage gift could be paid in installments, deferred in advance gifts or yearly installments, or paid upon demand. (53)
Yet, there may have been a gap between written record and practice. In the striking example of Zumurrud, Rapoport shows how a manumitted slave-girl negotiated three marriages and subsequent divorces. (64-68) What we learn through Zumurrud’s history is that traditional rules of marriage (such as waiting three menstrual periods before divorce) were not always followed, marriage contracts necessitated negotiation, and wives did not always receive the amounts initially promised by their husbands. (67) What is also striking was the temporary nature of marriage: For Zumurrud, marriage was a series of financial transactions.

It is in the fourth chapter that the author addresses the inequity of divorce in Islamic law. It is understood that a man can pronounce divorce three times and be irrevocably separated from his wife. Yet, Rapoport shows how unilateral repudiation often operated. In this form of divorce, husbands had to fulfill their financial obligations by paying any remaining bride price and perhaps other compensation. (70) These financial burdens may have acted as a deterrent; however, they did not stop husbands from using the threat of repudiation, which is also called a divorce oath in Sunni law, in an effort to exercise full authority over wives with wills of their own. By contrast, most divorces were consensual (khul'). (69) In consensual divorces, women forfeited their financial obligations, and most domestic problems were solved by informal negotiation and mediation. (72) What Rapoport suggests is that even though men held the power of unilateral repudiation, women initiated divorce as much as men through mechanisms such as military courts.

The unilateral repudiation had a second purpose, as Rapoport discusses in the fifth chapter. One of the most fascinating aspects of Rapoport’s study is how he shows that the threat of repudiation was used by the state as a mechanism for swearing oaths. In this scheme, the husband was asked to swear on the pain of divorce. (89) Violating the oath would not only disrupt family life, but it would also be a humiliating trial for husband and wife because by the terms of Islamic law once a divorce is procured by triple repudiation, the only way the couple can reconcile is after the wife contracts, consummates, and then ends a marriage with another man, otherwise known as a tahlil marriage. (90) As Rapoport argues, the Mamluk state asserted its own patrimony through reinforcing a patrimony in the family based on the right or (in the case of oaths) the obligation of a man to instantly divorce his wife. (91-93) Rapoport uses the trial of Ibn Taymiyya as evidence of the state’s investment in the oath by pain of divorce. In his fatwas, Ibn
Taymiyya contradicted doctrine by arguing that divorce should have a conditional nature and that triple repudiation was invalid. (96-98) He suggested that just as broken oaths to God required atonement, broken oaths for divorce should also require atonement, not the procedure of *tahlil* marriages. (96) At the time of his trial in 1320 C.E., Ibn Taymiyya’s most significant accusation was promoting political insubordination. (104) As Rapoport argues, Ibn Taymiyya’s proposal threatened the state’s strength by weakening the terms of the oath on the pain of marriage. (104-105)

By showing the different ways divorces could be brokered, Rapoport’s study lends insight into a great many topics. It uncovers the financial transactions that underlay family life in medieval Islamic society. It investigates the different positions as well as strategies for men and women in making and breaking their marriages. And it demonstrates how marriage and the threat of its dissolution were used as a political tool for the state to enforce its own authority. In these ways, Rapoport’s carefully focused, yet imaginative, study allows us to understand the greater implications of divorce in medieval Islamic society.

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