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Discourses on Marital Relationships in Mamlūk Society: Changing Contexts and Evolving Social Realities

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# Discourses on Marital Relationships in Mamlūk Society

## Changing Contexts and Evolving Social Realities

### ♦ ABSTRACT

In this paper I intend to examine the *fiqh* rulings concerning women and the marital relations in the Mamlūk age (1250–1517 AD). However, *fiqh* manuals cannot adequately portray the reality of women and the marital relationship. They are complex, multifaceted and contextual; they were in a constant state of negotiation with social, political, and economic factors. To contest the authoritativeness of these legal texts, I will juxtapose the legal sources with non-legal texts. I will consult historical and literary texts, biographical dictionaries, *adab* literature and poetry, assessing them in comparison to the legal manuals. Looking into the various genres and sources one will clearly realize that there were different pertinent discourses that were all standing side by side, and none of them may claim exclusive validity. It is not possible to resolve the contradiction and ambiguity in the sources regarding the perplexing marital relations. However, I hope that through a combination of historical-critical research, literary and textual analysis as well as an understanding of the methods and goals of the producers of texts, one can reach a better understanding of the marital relations in the Mamlūk Age.

**Keywords:** Mamlūks, marital relations, marital discourses, *fiqh* manuals, *adab* literature, biographical dictionaries

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## ♦ RÉSUMÉ

Discours sur les relations conjugales dans la société mamelouke.  
Contextes changeants et réalités sociales en évolution

Dans cet article, nous examinerons les dispositions du *fiqh* concernant les femmes et les relations matrimoniales à l'époque mamelouke (1250-1517). Cependant, les manuels de *fiqh* ne peuvent décrire de façon appropriée la réalité des femmes et des rapports conjugaux. Complexes, multiformes et contextuels, ils étaient en constante négociation en fonction des facteurs sociaux, politiques et économiques. Pour contester l'autorité de ces textes juridiques, nous juxtaposerons ces sources juridiques à des textes non juridiques. Nous nous référerons à des textes historiques et littéraires, des dictionnaires biographiques, de la littérature *adab* et de la poésie, et les évaluerons en les comparant avec des manuels juridiques. En analysant les différents genres et sources, il devient clair qu'il existait différents discours pertinents connexes sans qu'aucun ne puisse prétendre à une validité exclusive. Il est impossible de déterminer les contradictions et les ambiguïtés des sources sur les relations conjugales déroutantes. Cependant, en combinant la recherche historico-critique, l'analyse littéraire et textuelle ainsi qu'une compréhension des méthodes et des objectifs des producteurs de textes, nous espérons parvenir à une meilleure compréhension des relations conjugales à l'époque mamelouke.

**Mots-clés :** Mamelouks, relations conjugales, discours conjugaux, manuels de *fiqh*, littérature *adab*, dictionnaires biographiques

## ♦ ملخص

## خطابات عن العلاقات الزوجية في المجتمع المملوكي. سياقات متغيرة وواقع اجتماعي في تطور

في هذه الورقة أرمي إلى دراسة أحكام الفقه المتعلقة بالنساء والعلاقات الزوجية في العصر المملوكي (١٢٥٠-١٥١٧م). بيد أن كتب الفقه وحدها غير قادرة على إعطاء صورة وافية عن واقع النساء والعلاقة الزوجية في تلك الحقبة. إذ تتسم هذه بالتعدد وتعدد الأوجه والسياقية؛ كما كانت باستمرار موضع تفاوض مع عوامل اجتماعية وسياسية واقتصادية. واعتراضاً على سلطوية النصوص القانونية، سأقوم بمقاربة المصادر القانونية مع النصوص غير القانونية. وسأرجع إلى النصوص التاريخية والأدبية، وقواميس الأعلام والتراجم، والأدب والشعر، وتقييمها عبر مقارنتها بكتب القانون. وبالنظر في الأنواع والمصادر المختلف يتبين وجود خطابات مختلفة ذات صلة كانت كلها تقوم جنباً إلى جنب، من دون أن يدعي أحدها امتلاكه لصلاحيّة حصرية. من غير الممكن إيجاد حل للتناقض والغموض الذي يكتنف المصادر فيما يخص الموضوع المعقد الذي تمثله العلاقات الزوجية. ومع ذلك، أتمنى أن يتيح المزج بين البحث التاريخي-النقدي، والتحليل الأدبي والنصي مع فهم مناهج منتجي النصوص وأهدافهم، إدراكاً أفضل للعلاقات الزوجية في العصر المملوكي.

كلمات مفتاحية: ممالك، علاقات زوجية، خطابات زوجية، كتب الفقه، أدب، قواميس التراجم

It is not easy to derive facts about marital relations in Egypt during the Mamlūk period (1250–1517 AD). As recorded in the legal manuals, *fiqh* rules reinforced the hierarchy in marital relations and emphasized the subordination of the wives and the limited role and confinement in the household. However, *fiqh* manuals cannot adequately portray the reality of women and the marital relationship. They are complex, multifaceted, and contextual; they were in a constant state of negotiation with social, political, and economic factors. Such sources should be contextualized and analyzed themselves and should not be used in isolation from other complementary sources. Historical, literary, and artistic sources must be consulted for better understanding of the dynamics of the marital relationship. In this paper I intend to examine the *fiqh* rulings concerning women and the marital relation in the Mamlūk age. To contest the authoritativeness of these legal texts, I will juxtapose the legal sources with non-legal texts. I will consult historical and literary texts, biographical dictionaries, *adab* literature and poetry, assessing them in comparison to the legal manuals. Looking into the various genres and sources one will clearly realize that there were different pertinent discourses that were all standing side by side, and none of them may claim exclusive validity. It is not possible to resolve the contradiction and ambiguity in the sources regarding the perplexing marital relations. However, I hope that through a combination of historical-critical research, literary and textual analysis as well as an understanding of the methods and goals of the producers of texts, one can reach a better understanding of the marital relations in the Mamlūk age.

The chapter has three parts. The first focuses on the methodological framework and the sources used in this study. It illustrates the different methods/techniques that I use to understand the complexity of the sources for the period under study, highlighting the importance of juxtaposing legal and non-legal sources to better understand the dynamics of Mamlūk society. It evaluates the sources by discussing their benefits and limitations.

The second part focuses on *fiqh* rules concerning marital relations. It shows that *fiqh* was complex, multifaceted and contextual: it was in a constant state of negotiation with social, political, and economic factors. In formulating the legal rulings, the jurists were influenced by their political and social context as well as by their social norms and customs. This part provides the reader with a sample of *fiqh* manuals that reinforced the hierarchy in the marital relations and emphasized the subordination of the wives and the limited role and confinement in the household.

The third part juxtaposes legal and non-legal literature to better understand the dynamics of medieval Mamlūk societies. We cannot understand the marital and gender relations in these medieval societies on the basis of the legal manuals alone. Non-legal literature, historiography, and literary sources (*adab* encyclopedia and poetry) have to be examined as well. This part tries to find out if the historical and literary sources contributed to perpetuating the misogynous tradition that was advocated by the legal literature or if they had a different, opposite discourse. In the attempt to investigate the nonlegal sources, this part tends to examine the diverse complex multi-faceted nature of the sources, the context in which they were written, the intended audience and the purpose in writing them.

All three parts together illustrate different factors at work in regulating the relationship between husbands and wives in Mamlūk society, as well as the dynamics of subversion and change in this period of history and highlight the diversity and multifaceted nature of the sources.

## I. Methodology

I employ a combination of historical-critical research and of literary and textual analysis. I undertake a gender sensitive reading of Islamic textual traditions. My focus is not on just events, hard facts, and historical figures as such, but also on historical sources as social and cultural discourses on marriage and marital relations. In what follows, I describe my methodology and its key elements:

### I.1. Contextualization

Marital and gender relations were determined by the interplay of politics, religion, culture, and change in the modes of production in society. Written texts, legal and non-legal, were not necessarily descriptive of the marital relationship. They are to be read as a cultural example showing us the culture's views on the marital relationship. They are strongly connected to the context in which they were produced and are highly influenced by the intentions of the people who produced them. The cultural context is as important as the specific content of the text. Therefore, I will be looking into the context in which the text was produced, the role it has played in its context, the way it presented itself to its audience and how and why it presents itself in a certain way.

### I.2. *Examining and Exploring How Multiple Types of Sources Speak to One Another*

The study of the marital and gender relations using medieval Islamic legal texts is problematic because of its idealistic quality. As mentioned earlier, scholars were depicting in these texts an ideal gender system that existed in their minds. I intend to examine biographical dictionaries, *adab* encyclopedias and poetry to explore how different sources may speak to one another. When legal information is supplemented by biographical dictionaries, poetry and literary work, we find that a different social image of the marital relationship appears. While legal manuals portray one form of a hierarchal marital relationship in which the husband is the master and the wife is the obedient slave,<sup>1</sup> the non-legal texts present us with different images for the relationship. We see in some biographical dictionaries the pious obedient submissive wife while we see in other similar texts an independent vocal one fighting for her rights. While *Adab*

1. Despite the fact that the jurist made comparisons between wives and slaves, they did not say they have the same legal status. "Marriage remains in some essential way distinctive and irreducible to matters of property."

<sup>1</sup>Ali 2010, p. 165.

encyclopaedias portray the obedient submissive wife as the ideal wife for a successful marital relationship, poetry speaks about love and emotions as the basis for a successful marriage. Legal and non-legal texts present us with different discourses on the marital relationship, all standing side by side in Mamlūk society. We can never know which one of these discourses reflected the social realities of the age, as they all existed in a materialistic space and were affected by the interactions of their authors with the world around them. They were all in a complex dialogic relationship with practices on the ground. They are all refractions of the reality of Mamlūk society with its gradations, complexity and diversity. So, to get a better picture one has to explore different sources and explore how they speak to one another.

## 2. Marital Relationships in *Fiqh* Works

The patriarchal marital relationship as presented in *fiqh* books does not reflect the egalitarian spirit of the Quran. Such marital regulations are provided by the *fiqh* as part of the human effort to understand, interpret and extract legal rulings from the Quran. Unlike the divine and infallible *shari‘a*, *fiqh* is man-made and thus liable to human error. Nevertheless, there is an observable trend in some of the Islamic literature of equating *fiqh* with *shari‘a* and understanding the two to be interchangeable. *Fiqh* is not to be construed as both divine and infallible, for it is purely a product of human efforts to find solutions to life issues and to regulate these at particular moments in history. It follows that the hierarchal authoritarian marital relationship is not a Quranic dictate but a mere product of the Islamic law literature-*fiqh*, which is how jurists and scholars interpreted the Quran. *Fiqh* is a comprehensive discourse that reflects what the ‘*ulamā*’ (religious scholars) deemed spiritual and moral, and it often reflected patriarchal, social, cultural, and political expediencies. It follows that, in defining the position of women and their relation to men in marriage, the *fiqh* texts simply reflect the patriarchal beliefs of the world in which the jurists lived. Jurists, in understanding the Quran, were guided by the norms, beliefs, and values of their times. These patriarchal beliefs formed the bases of many myths and legends that seeped into the literature, belittling women and portraying their sexuality as a grave danger to men and as a threat to social order. Thus, men had to control women to ensure social order and the construction of a patriarchal hierarchal marital structure was deemed necessary.<sup>2</sup>

### 2.1. A Historical Overview: The Patriarchal Authoritarian Marital Relationship in the *Fiqh* Literature

In the 13th century the Islamic heartland was under threat from different directions. The Mamlūks were in a struggle against invaders from east and west. The Crusades came from the west and conquered the city of Damietta and the Mongols came from the eastern land,

2. Mir-Hosseini 2003, pp. 2–4.



reached Baghdad and ended the Abbasid Caliphate.<sup>3</sup> The Mongols were defeated by the Mamlūks in 658/1260. Unfortunately, the menace of the Mongols never ceased, as they continued to raid against the Mamlūks. The Mongols, being originally pagan, continued to be considered a threat to Muslim scholars. They were never able to trust them even after they converted to Islam in fear that they would hold on to their pagan traditions and corrupt the faith. Some Mamlūk scholars criticized the Mongols for the un-Islamic practices that they had carried over from their pagan past. Mongols did not give up completely all their old Mongol traditions. They continued relying on the laws of the *yāsā* with the adoption of the *shariʿa* and this was seen as a grave threat to the integrity of Islam.<sup>4</sup> What further complicated the situation was that this age witnessed the spread of Sufism with its popular religious practices that were seen as a threat to Orthodox Islam.<sup>5</sup>

Living in this chaotic political context, rife with pagan traditions and popular religious practices, made the Mamlūk scholars adopt a general attitude of conservatism and rigidity that was clearly reflected in their writings and was mainly directed to women. Scholars and rulers used women as scapegoats to explain political decline, chaos, and natural catastrophes. Theologians living at this age composed many manuals that were prescriptive in nature, explaining to the public the parameter for the ideal wife and proper marital relation. They portrayed a marital relationship that is hierarchal in nature in which women are subservient to men. It seems that only by emphasizing the patriarchal marital relationship could men feel empowered and in control of the social order.<sup>6</sup> However it should be noted that the hierarchal marital relationship in the jurists' prescriptive manuals did not appear in a vacuum or in the scholars' elite circles. It was shaped and affected by the interactions of the scholars with the world around them. As mentioned earlier these hierarchal discourses were in dialogic relationship with the practices on the ground.<sup>7</sup>

Jurists were interested in controlling the human sexual drive and organizing the marital space. Most jurists have studied and elaborated on the rules for contracting a marriage and the rights and obligations of husbands and wives. They devoted considerable parts of their general works to issues pertaining to marriage. The rules can be divided into two categories: those that govern the drawing up of the marriage contract and those that govern the rights

3. Ibn al-Aṭīr in describing the coming of Mongols said: "If anyone were to say that since God (glory and power be His) created Adam until this present time mankind has not had a comparable affliction, he would be speaking the truth. History books do not contain anything similar or anything that comes close to it", *The Chronicle of Ibn al-Aṭīr*, p. 202.

4. Jackson 2017, p. 378.

5. Frenkel 2010, pp. 78–79. Frenkel discusses in detail how Muslim scholars of this age were "troubled by the dangerous combination of mysticism and popular ritual."

6. Lutfi 1991, p. 101.

7. Lev 2017, p. 145. Lev criticizes Huda Lutfi's "reverse reading" methodology in reading *Kitāb al-Madḥal* of Ibn al-Ḥaḡḡ. He argues that this methodology is problematic and that prescriptive manuals like that of Ibn al-Ḥaḡḡ cannot be read as simply giving us a distorted image of reality. According to him, one should not jump to the conclusion that the lived reality was more powerful than the religious discourse. The lived reality was complex and in constant dialogue with the religious discourse.

and duties of husbands and wives after they are legally married. In what follows I will focus on the rules that govern the rights and duties of husbands and wives during the Mamlūk period. I will try to understand the form and nature of the marital relation based on *fiqh* manuals. I will try to find out what the jurists said about the marital relationship and then juxtapose their writings to the writings of other scholars in other disciplines to get a better understanding of the relationship.

Marriage in *fiqh* discourse is perceived in a hierarchical fashion. Marriage is perceived as a kind of ownership and analogies are made in its regulation to buying a slave. The analogy of slavery to marriage was formulated since the early formative period of jurisprudence.<sup>8</sup> It figured prominently in classical Mamlūk legal texts. One can identify a patriarchal tone in the Mamlūk legal commentaries. Mamlūk jurists did not have any hesitation using the terminology of sales and purchases to discuss marriage, and they used husband/master alternatively. They often used the analogy of the contract of sale and alluded to parallels between the status of wives and female slaves to whose sexual service the husband was entitled and who were deprived the freedom of movement.<sup>9</sup> This system of spousal rights puts at its center the wife's support and the husband's right to sex and obedience. The Mamlūk Hanbali theologian Ibn Taymiyya (d. 728/1328) states clearly in his book *Fatāwa al-nisā'* and in his *fiqhī* manuals on the Rulings of Matrimony (*Aḥkām al-Zawāğ*) that the position of the wife in marriage is that of the prisoner or slave and that the husband is the master whom she must obey. He refers to the wife as becoming the *asīra*, the captive or hostage of the husband. If she wants to get out of a marriage, she has to ransom herself exactly as prisoners do. He stresses the obedience of the wife to the husband stating that it comes before her obedience to her parents. The wife is obliged to obey and serve the husband as he is the master and she is the captive.<sup>10</sup> However, it is important to note that the *fiqh* manuals are by their nature, complex, contextual, and multi-layered. We find Ibn Taymiyya, the advocate of the captivity of the wife, issuing *fatwas* against forced marriages stating that a guardian should never force a woman to live with a husband she despises and stressing that marriage should be built on love and mercy (*mawadda wa-raḥma*).<sup>11</sup> His *fatwas* on divorce, stating that the repudiation oath does not need to result in actual dissolution of marriage and that Triple Repudiation was legally invalid, are also quite interesting as they reflect concern for the wife's right to social justice.<sup>12</sup>

Another Hanbali theologian, Ibn Qayyim al-Ğawziyya (d. 751/1350), a disciple of Ibn Taymiyyah, further develops the concept of male ownership and authority in the marital relations. He compares the relation of the wife to the husband to that of a slave to a master. The wife is the property of the husband, she is his slave and therefore the husband has the

8. 'Alī 2010. In chapter 5, 'Alī discusses the intersection of gender, sex, and property relations.

9. Mir-Hosseini 2003, p. 11.

10. Ibn Taymiyya, *Aḥkām al-Zawāğ*, p. 214. For further information, see Ibn Taymiyya, *Fatāwa al-Zawāğ*, pp. 207, 216, 266, 267.

11. Baugh 2014, p. 192.

12. Baugh 2014, p. 181. Baugh discusses in detail the contradictory views of Ibn Taymiyya concerning marriage and divorce.



right to compel, control and rule over her. He has the right to confine her in the house and keep her hidden behind the veils.<sup>13</sup> Al-Suyūṭī (d. 911/1505) also forcefully established the male authority during the Mamlūk period in his different works. The main theme of his book, *Nuzhāt al-muta'ammil*, is the wife's obedience and submission to the husband's commands. The book is written as an appeal to women to obey their husbands and to men to control their wives. According to him, a wife's obedience is what creates a harmonious marriage and guarantees a woman's reward in the hereafter. Women's obedience to their husbands is an obligation: she must obey his commands and be available for him all the time.<sup>14</sup> He emphasizes the confinement of the wife in the house: she cannot leave the house without the permission of the husband. If a wife leaves the house without asking her husband permission, she will be cursed by the angels until the end of times.<sup>15</sup>

Ibn al-Ḥaḡḡ and Ibn Ḥaḡar also established and emphasized the authority of the husband. According to both, the husband has the right to imprison and confine the wife at home. The Cairene Maliki scholar Ibn al-Ḥaḡḡ (d. 738/1337) refers to the good husband as the head of the household who does not allow the wife to go out of the house alone. He has the famous statement that the wife should not leave the husband's house except to attend her father's funeral and when she goes to her grave.<sup>16</sup> The 15th century scholar Ibn Ḥaḡar (d. 852/1449) is known for his conservative tendencies when defining the marital relationship. He puts great emphasis on the confinement of the wife. He stresses that the wife must stay imprisoned in the house and cannot leave it without the permission of the husband.<sup>17</sup> He believes that women are a threat to the social order (*fitna*) and therefore men must keep them under control.<sup>18</sup>

The jurists mentioned above say that a man has full control over his wife and that she is his slave. The traditional model of a master-slave relationship obliges the husband to support his wife and grant him the right to control her movements in return and expect sex at his whim. Within this framework, two points receive particular attention. The first is that a man can forbid his wife from leaving the house. It is recommended that he permits her to go out to attend her parents' funerals, but he is not obliged to. The second is that a wife must make herself available for sexual intercourse whenever it is lawful for her to do so. The husband's right to derive pleasure from his wife in exchange for his support led the jurists to grant him total control over her mobility: a man can restrict his wife's movement to keep her available for himself, including forbidding her to go to the mosque or to visit her parents.

If one were to present a picture of the marital relation in medieval societies drawn only from the legal manuals it would essentially affirm that women are subject to male authority in the household. However, Kecia Ali stated that one must not "mistake medieval normative

13. Ibn Qayyim al-Ğawziyya, *I'lām al-Muwaqqi'in*, pp. 393, 395.

14. Myrne (2018, p. 63) and see al-Suyūṭī, *Nuzhat al-muta'ammil*, p. 52.

15. Al-Suyūṭī, *Nuzhat al-muta'ammil*, p. 55.

16. Lutfi 1985, p. 100.

17. Ibn Ḥaḡar, *Fath al-bārī*, pp. 625–626.

18. Ibn Ḥaḡar, *Fath al-bārī*, p. 369.

and legal texts for descriptive accounts of gender relations in medieval Islam.”<sup>19</sup> The picture was more complex and multifaceted. The ideology was not necessarily in agreement with the lived reality, but as mentioned earlier this does not mean that the ideological control and hierarchy were overcome. To add more to the complexity of the situation, the legal text itself is problematic. Legal texts are in some cases in contradiction to each other and are contextual. Jurists spoke in different contradictory voices. The case of Ibn Taymiyya in writing about mercy and love while stressing the captivity of the wife is a clear example of such contradiction. As for the contextuality of the sources, one should put in mind that *fiqh* texts were produced in a certain context, shaped by it and in a way shaping it. Huda Lutfi’s research on 14th century Cairene women seems to suggest, during periods of social instability and political chaos, societies in fear of change tend to adopt conservative positions, turning their attention toward the private domestic domain and focusing on building a patriarchal structure that empowers the husbands.<sup>20</sup> In line with this observation, the jurists and the ‘ulamā’ of the Mamlūk age were in constant fear of the Mongol threat and were highly concerned with the high mortality rate due to the plague attacks that ravished the country. The outside threat as well as the fear of death was reflected in their view to life and made them adopt an attitude of conservatism and rigidity. The fear of losing control over their political and public domain made them use women as scapegoats to explain political decline, chaos, and natural catastrophes. It seems that only by subjugating the wives in the private domestic domain could men feel empowered and in control of the public domain and social order.

Another important point that one needs to consider while reading *fiqhi* manuals is not to judge them by the standards of our time. They were the outcome of social processes and were affected by the conditions of their production. Medieval jurists did not have any hesitation whatsoever in using the terminology of sales and purchases to discuss marriage. The discomfort with these comparisons is our own and was not shared by the medieval jurists. The parallel between the wife and the female slave might be offending and provocative to the reader today, yet it could have been received differently in the medieval Mamlūk society that was saturated with slavery and in which the ruling elites were of slave origin themselves. Therefore, we should not reflect our contemporary challenges while reading the medieval *fiqh* manuals. In defining marital relations and spousal rights, the Mamlūk jurists used common terms like slave, prisoner, and confinement. The commercial terminology and analogies to slavery were part of the jurist’s accepted language. The legal system in relation to marriage and marital relations was predicated on an analogy to slavery and other types of ownership. Male authority over the wives was an important aspect of the theoretical construction of marriage during the Mamlūk time. According to Kecia Ali, jurisprudence is not shaped by “malicious misogyny” but by the assumptions and constraints of the era in which it was formulated.<sup>21</sup> Jurists, in formulating unjust rulings to subjugate the wife, were reflecting a wide spectrum of religious

19. ‘Alī 2010, p. 23.

20. Lutfi 1985, p. 101.

21. ‘Alī 2003, p. 183.

beliefs, social values and moral considerations. They were living in a society that was permeated by the notion of a hierarchal social structure and that shared the common belief that in order to function properly, hierarchies and classes should be respected in all relations, including the husband-and-wife relationship. However, it should be noted that constructing the marital relationship on the analogy to slavery was not initiated by the Mamlūk scholars. The 11th century Persian Muslim philosopher and jurist al-Ġazālī (d. 1111) shared and advocated the same belief. In his book *Ihya' 'Ulūm al-Dīn* (Revival of Religious Sciences), he wrote:

It is enough to say that marriage is a kind of slavery for a wife is a slave to her husband, she owes her husband absolute obedience in whatever he may demand of her where she herself is concerned as long as no sin is involved.<sup>22</sup>

Omaima Abū Bakr and Mulkī al-Sharmanī, in their chapter “Islamic Feminist Tafsīr and Qur’anic Ethics: Rereading Divorce Verses”, trace the evolution and development of the hierarchal patriarchal views regarding the marital relationship. They believe that the first stage in the development of such hierarchal views was dramatically influenced by al-Ṭabarī (d. 923), whose work emphasized the idea of male superiority and advocated the husband’s right to discipline the wife and to demand obedience from her. They stated that starting with al-Ṭabarī, different generations of exegetes over the years illustrated different interpretive strands, yet they were all connected in their views regarding the hierarchal marital relationship, emphasizing the husband’s superiority and the wife’s obedience.<sup>23</sup>

### 3. Marital Relationships in Historical and Literary Texts

Because of all the above mentioned, it is difficult to study the marital and gender relations using medieval Islamic legal texts only. Legal texts are complex and contextual. Therefore, to get a better understanding of the marital relationship and to contextualize the authoritativeness of these legal texts, one may have to look outside them for clues, and to consult historical and literary texts as well.

#### 3.1. Biographical Dictionaries

Biographical dictionaries (Ṭabaqāt) gained popularity during the Mamlūk period. It was because of the Mongol conquests and the loss of the Islamic production in Baghdad that the scholars felt the dire need for preserving the Islamic knowledge as well as the student teacher networks. Biographical dictionaries were seen as the vessel that could carry the memory of the scholarly community. The biographical genre developed and centenary biographical dictionaries emerged, compiling the biographies of important individuals of a given century.

22. Al-Ġazālī 1998, p. 89.

23. Abū-Bakr, al-Sharmanī 2020, p. 24.

Centenary dictionaries, because of their comprehensive and extensive nature, gave space for women to be included in them.<sup>24</sup> However, it is interesting to note that the big number of women's biographies and their interweaving with those of men did not mean that the historical discourse on women's positions and marital relations was any different from the discourse of the legal texts. Most of the historians who wrote the biographical dictionaries were religious scholars interested in the world of religious learning and therefore the women they included in their dictionaries were the pious and religious ones. Even though they gave them a big space in their dictionaries and spoke about them with respect, yet they depicted them in a very confined role, as domesticate, pious and docile. Biographical dictionaries were mainstream histories controlled by elite male with a religious education, and the space they gave to women was mainly confined to the religious arena presenting them as the pious women of great respect who fit in the order of society as understood by them. They reconstructed the lives of the early Muslim women in a way to fit the image they have in mind of the ideal, exemplary Muslim woman. The early biographical dictionaries depicted the Muslim women of the first generation as women of prominent roles in society: active and robust. Asma Afsaruddin argues in "Reconstituting Women's Lives: Gender and the Poetics of Narrative in Medieval Biographical Collections", that the Mamlūk scholars, when they came to reconstruct the lives of those early exemplary woman, tended to domesticate, confine and limit their role.<sup>25</sup> They manipulated the lives of the early Muslim women to conform to the image they have in mind of the ideal female. Arezou Azad confirms Afsaruddin's argument in her study on the forgotten scholars of Islam. She found that the image of women in Islamic biographical dictionaries changed progressively over time. Fatima Umm 'Alī, a Sufi woman in 9th century Balkh, was depicted in the biographical collections of her time as an independent forceful woman known for her chivalry, a leading wife and a mentor to her husband. The husband is portrayed as a man lacking confidence and sociability and was always asked to follow her chivalry.<sup>26</sup> In the 15th century biographies, we meet a different Umm 'Alī. The Sufi master and poet Jāmi' (d. 898/1492) presents Umm 'Alī in his biographical dictionary *Nafḥat al-Ūns* as a pious, virtuous, docile, woman who follows her husband blindly and never challenges him. Umm 'Alī lost many of her manly attributes that appeared in earlier biographical dictionaries and the marital relationship in which the wife is a mentor and a leader is replaced by a relationship in which the wife is docile and subservient.<sup>27</sup> Azad stated that the 15th century scholars did not silence the women but were obliged to quiet their legacy because of the context and conventions of the age.<sup>28</sup> As mentioned

24. In the Mamluk period, women appeared in large numbers in biographical collections, al-Saḥawī (d. 1497) dedicated a whole volume for women while al-Dahabī's (d. 1348), al-Ṣafadī's, al-Maqrīzī's (d. 1442) and al-Suyūṭī's (d. 1505) dictionaries, as well as al-'Asqalānī's (d. 1449) centenary dictionary, all contain the biographies of hundreds of women interspersed with entries of men.

25. Afsaruddin 2002, pp. 476–477.

26. Azad 2013, p. 73.

27. Azad 2013, pp. 81–82.

28. Azad 2013, p. 82.

earlier, in controlling the wife and the private domain, the husband felt in control of the public domain. So, the leading wife of chivalry has no place in 15th century biographical dictionaries.

Afsaruddin and Azad argued that the Mamlūk biographical dictionaries and chronicles promoted the ideal image of the Muslim woman as pious, confined to her house and submissive to the husband. Many of the Mamlūk historians were religious scholars writing on subjects such as jurisprudence and Prophetic tradition. Their historical writings were religiously inspired, reflecting their moral vision and perceptions of reality. However, the biographical dictionaries of the age were big in number and multifaceted in nature, and we meet different women and different forms of marital relationships in the 15th century biographical dictionaries. We meet women who defy authority and challenge husbands, women who are vocal about their rights in both marriage and divorce, as well as wives who sued their husbands in courts to settle financial and property disputes.<sup>29</sup> Many of the biographical dictionaries in the late 15th century included much information on the private life of the men and women of the age. Mamlūk historians had a tendency to include details about the marriages of a large number of the women whom they mention, which makes their biographies very useful as a reflection of some of the attitudes of society towards marriage. Huda Lutfi, from studying al-Saḥāwī's dictionary,<sup>30</sup> said that some adult women made their own choices in a marriage partner, especially if they were economically independent. She provided numerous examples of adult women making choices, with economic resources being one of the key factors in the woman's favor. Rapoport stated that al-Saḥāwī's biographical dictionary offers quite a few examples of wives contesting the authority of their husbands and pursuing a divorce against their wishes. He comes to the conclusion that wives initiated divorces at least as often as their husbands and that the majority of divorces in Mamlūk society were consensual separations, as the decision was taken by the couple and not solely by the husbands or by the extended family.<sup>31</sup> Aliya Sa'idī in her PhD on "Marriage and Divorce in Urban Mamlūk Society in the Fifteenth century" found that polygamous marriages were the exception in 15th century Mamlūk society. Out of 588 married women included in al-Saḥāwī's biographical dictionary, *al-Daw' al-lāmi'*, only 15 were involved in polygamous marriages. The 15 polygamous cases did not proceed smoothly: some of them had to remain clandestine and in some of them wives forced their husbands to divorce the new wife immediately or got a divorce themselves.<sup>32</sup>

The image of women portrayed in 15th century biographical dictionaries and chronicle sources was that of piety, submission, modesty and wisdom. This image kept on living throughout the 15th century. However, by the latter part of the century we find biographers tapping into the domestic arena and writing freely about women slaves and marital relations, so that their writings read like a gossip column of the Mamlūk age. Al-Saḥāwī's *al-Daw' al-lāmi'* is a clear example of this kind of writing, in which marital relations and feelings of love and

29. Sa'idī 2001, p. 194.

30. Lutfi 1981, pp. 104–124.

31. Rapoport 2007, p. 36.

32. Sa'idī 2001, pp. 71–78.



intimacy are discussed openly and freely. He talks throughout his biographical dictionary about love marriages and divorces caused by the absence of passion and this is completely opposite to the master-slave relationship that defined marriage in the legal texts. He did not find any inhibition in writing about the love and emotions men and women of his society had towards each other. He uses phrases like *kāna yamīlu ilayhā*<sup>33</sup> (he was fond of her) or *aḥadāt bi-lubabihī*<sup>34</sup> (she captivated his heart), expressing love and infatuation with no embarrassment or inhibition. In the biographies of women, he would always start his biographies of women by describing them as wise, upright, modest, pious and of good reputation before going into details of their marriages and marital relations. In the biography of Faraḡ, the daughter of Muḥammad b. Quṭlūbuḡā, he refers to her as a woman of good reputation, yet he does not shy from talking openly about her love life and her relationship with her different husbands. He states with no inhibition that she was deeply infatuated with one of her husbands (*iftatanat bi-ḥubbihi*) and spent a lot of money on him.<sup>35</sup>

Al-Saḥāwī did not only speak about how women emotionally captivated men and how some of them were supporting their husbands and spending money on them, he also did not find any issue in writing about his own women as well as the women of his mentor Ibn Ḥaḡar, exposing his emotions and feelings to the public.

He openly expressed his feelings of appreciation for his wife Umm al-Ḥayr in his dictionary. He spoke about her in a very respectful tone saying:

She was characterized by her forbearance (*iḥtimālīhā*), affection (*tawaḍḍudihā*), her intelligence (*‘aqlihā*) her careful consideration of everything she said and did (*taddaburihā li-qawlihā wa-ḥiṣṣihā*), her carefulness in minding feelings of others (*ḥirṣihā ‘ala istiḡlāb al-ḥawātir*), her contentment (*taqqanu‘ihā*) and her lack of complaints (*‘adam shakwahā*). In her desire for piety and charity she always put others before herself and was extremely God fearing.<sup>36</sup>

Rapoport relates the changes in women’s image in Mamlūk biographical dictionaries of the late 15th century to changes in the nature of Mamlūk political authority. He explains in detail how the Mamlūk political authority encroached on the domestic sphere and threatened the domestic authority of husbands over their wives and their slaves. The state took from the husband the role of the regulator of the private space, leading to less hierarchal households.<sup>37</sup> It is interesting to note that Ibn Ḥaḡar was not like his student in expressing love emotions. In his biographies he did not speak about his wives and he did not talk about his emotions nor quote any love poetry. It could be because he was living in the early part of the 15th century when the authority of the husbands was not yet contested by the political authority. Ibn Ḥaḡar,

33. Al-Saḥāwī, *al-Daw’ al-lāmi’*, p. 115.

34. Al-Saḥāwī, *al-Daw’ al-lāmi’*, p. 100.

35. Al-Saḥāwī, *al-Daw’ al-lāmi’*, p. 115.

36. Sa’idī 2001, p. 192.

37. Rapoport 2007, p. 47.



as mentioned earlier, was known for his conservative tendencies when defining the marital relationship and never spoke about love and emotions in his legal and biographical dictionaries. However, it is surprising to find him speaking openly about his emotions when he writes in the capacity of a poet. He wrote beautiful love poems, *ghazal* poems to his first wife, openly expressing his emotional attachment to her.<sup>38</sup> We will discuss in what follows the beautiful love poems composed by Ibn Ḥaġar and how love and emotions for Ibn Ḥajar, the poet, were the basis of the marital relationship.

It is difficult to assess the marital relationship during the Mamlūk period based on the biographical dictionaries as they depict different images of women and present us with different forms of the marital relationship. Some of the scholars of the biographical dictionaries supported the legal manuals while others defied them. It is true that the ones who supported the legal scholars' position did not refer to wives as slaves, yet they still helped through their writings in promoting the image of the submissive subservient wife. According to them religiosity and piety were the most important traits for the ideal woman and wife.

### 3.2. *The Adab Literature*

Knowledge about women, how to treat them and their role in the marital life and in society are among the subjects of *adab* works. *Adab* encyclopedias from the Mamlūk period supported the biographical dictionaries that were promoting the image of the obedient wife. Desire Lopez Bernal stated in her study of *adab* encyclopedias from the Mamlūk period that women are presented in the *adab* literary genre as the source of *fitna*, temptation that must be controlled by men. Based on analyzing two *adab* encyclopedias—al-Nuwayrī's *Nihāyat al-arab* and al-Ibšihī's *Mūstaṭraf fi kulli fann al-mustaṭraf*—and on her previous experience with other works in the genre, Bernal concludes that there are two types of women depicted in these encyclopedias. There is the eloquent witty woman but who is depicted as unfaithful, malice, sharp tongued and always cunning and cheating. This image comes in contrast to the other woman who is depicted as beautiful, faithful but always submissive, obedient and fitting in the pattern of the good wife.<sup>39</sup>

The qualities of the good wife expressed in this genre are: fear of God, piety, virginity, good manners, and beauty. Women of malice character and sharp tongue lose their chance of getting married. *Adab* literature highlights beauty, docility and virginity as important traits for the good wife. It idealizes the obedient perfect wife and demonizes the cunning, sharp tongue, ugly woman. The scholars utilized women to validate their views, they gave them a voice to perpetuate and promulgate their ideas regarding the role of women in the marital relation. Bernal highlights the case of an anonymous woman who is depicted in *adab* encyclopedia of al-Ibšihī, *al-Mūstaṭraf*, giving her daughter ten key points for a successful marital relation. The most prominent among them are good looks, obedience and submission

38. Rapoport 2014, pp. 342–344.

39. Bernal 2021, p. 395.

to the husband. The woman is anonymous and lacks identity, yet she has a strong voice that serves the author's interest and reinforces his views on the perfect wife and the ideal marital relationship. *Adab* literature in the form of interesting anecdotes and proverbs presented to us the same hierarchal marital relation that is depicted in the legal texts. "*Adab* literature was a perfect ally to legal literature."<sup>40</sup>

### 3.2.1. Poetry

#### ✦ Mamlūk Poetry

A study of the marital relationship in Mamlūk society cannot be carried out without the study of poetry. Poetry in Mamlūk society, as in all other Islamic societies, was considered the fundamental means for expressing feelings, emotions and for conveying views on life, society, and politics. In Mamlūk society poetry gained popularity among the religious scholars. It was the fundamental means of communication for them. Thomas Bauer said that "it would not be exaggeration to say that virtually every member of the ulama took part in poetic communication in one form or another." Poetry was usually used as means for congratulating each other and for paying condolences. It was also used for entertainment as they always exchanged poetic riddles.<sup>41</sup>

The Mamlūk period witnessed a growing interest in matters of private life. Mamlūk scholars in their capacity as poets spoke about their private life, personal circumstances and their intimate relations with their family members. The conservative Mamlūk scholar Ibn Ḥaḡar wrote beautiful love poems for his wife in which he expressed freely his longing and love to her, saying "my spirit that dwells in my home," "I departed without heart, without sociability (*anas*) and without the sweetness of sleep, since she is my intimacy / my *Uns* (*unsī*)"<sup>42</sup> He expresses freely how he is obsessed by her, "towards her are dedicated all my thoughts" and "I don't have anybody in my mind apart from you."<sup>43</sup> Also, his poem that is quoted in al-Saḡāwī's biographical dictionary, dedicated to his second wife Layla, portrays the image of a husband in love with his wife and who cannot live without her. Love poetry presents us with a beautiful blissful image of the marital relationship, a relationship of love and respect. This image of love and bliss stands opposite to the image of hierarchy and submission, presented to us by the legal manuals, *adab* literature and by the early biographical dictionaries. Here we see a husband who is obsessed by his wife and doesn't see that expressing his love and affection can in any way be undermining to his manliness. Yet it is this same husband who when speaking about marriage in the capacity of being a religious scholar, emphasized the confinement of the wife and stressed her imprisonment in the house of the husband. The two opposite images draw our attention to the complexity of the sources and the contradictions and paradoxes that characterized the lives of medieval men.

40. Bernal 2021, pp. 395–396. Bernal cites al-Ibšihī, *al-Mūstaṭraf fī kullī fann al-mustaṭraf* for the story of the mother giving advice to her daughter on the ideal wife.

41. Bauer 2005b, p. 109.

42. "My *Uns*" has a double meaning: Ibn Ḥaḡar is referring here to his wife, *Uns*, as well as to the feeling of intimacy (*uns*).

43. Bauer 2005a, p. 54.

It is difficult to assess the historical reality of the marital and gender relations in the Mamlūk time on the bases of one source or even on one genre, because of their complexity and multifaceted nature. Women appeared in different images in the sources and their relationship with the husbands took different forms. We read about love and how it is the basis for a good marital relationship, but we also read about the hierarchal marital relationship and the subservient position of the wife. There is clear contradiction in the representation of women and the marital relationship. Looking into the different genres and sources one will clearly realize that there were different pertinent discourses that were all standing side by side, and none of them may claim exclusive validity. It is not possible to resolve the contradiction and ambiguity in the sources regarding the perplexing marital and gender relations. However, what helps us understanding this ambiguity of the sources is to look into the context in which it was written, its complex nature, the intended audience and the purpose in writing it.

Context of the source: We have seen earlier how the context influences the writings of scholars. Texts were the outcome of the social context and were affected by the material conditions of their production. The oppressive Mamlūk texts in legal texts, biographical dictionaries and *adab*, portraying the obedient wife in a hierarchal household, were all produced at the time when the Islamic world was shaken by the Mongol invasion, a time of instability, chaos and fear. As mentioned earlier, this context had a great impact on the scholars of the age who out of fear of change tended to adopt conservative positions, turning their attention toward the private domestic domain regulating the marital relation and controlling women's behaviour. In line with this observation, scholars adopted an attitude of conservatism and rigidity, mainly directed toward women. However, towards the end of the Mamlūk rule, by the second half of the 15th century we witness a change on the political scene that had an impact on the writings of the different scholars. As mentioned earlier, the Mamlūk political authority in the 15th century became the regulator of the social order. Mamlūk sultans encroached on the private domain and threatened the husband's authority and the hierarchal structure of the household. This led to changes in the power structure of the household and gave women a voice in the relationship. These political and social changes were reflected in the writings of the late 15th century scholars which reflected a less oppressive tone. Biographical dictionaries of this age included cases of wives who contested the authority of the husbands and did not stay in marriages that did not suit them or when there was no love. The dictionaries highlighted the importance of love in marriage. Rapoport had mentioned in "Women and Gender in Mamlūk Society" that al-Saḥāwī talked freely about marriages in which the couple were desperately in love and that the loss of love was a main cause for divorce.<sup>44</sup> It is interesting that the renowned Muslim scholar al-Saḥāwī did not find any sign of weakness or embarrassment in expressing affection and love towards his wife. In *al-Ḍaw' al-lāmi'* he also did not hesitate to mention the love that many of the men had towards their wives. The most striking example of al-Saḥāwī's writing openly about the emotions of men is the case of his mentor Ibn Ḥaḡar

44. Rapoport 2007, pp. 36–37.

and the love he had toward his wives.<sup>45</sup> Al-Saḥāwī talking freely and openly about the love men had towards their wives, shows that he did not see it in any way to be detracting to his manliness or the manliness of his mentor and contemporaries.

### 3.3. *Purpose of Writing and Intended Audience*

The legal texts, biographical dictionaries and *adab* literature share the same purpose and aim of securing firm control of the human sexual drive and the marital institution. Therefore, they were all perfect allies working together to maintain the social order. The legal manuals were stressing the hierarchy of marriage and the subservient position of women. The biographical dictionaries stressed more the image of the pious woman who is wise, composed and obedient. The *adab* literature promoted the image of the beautiful obedient wife. The authors were portraying to society the image of the ideal Muslim woman who makes a good wife. All these different sources are fashioned as models to be emulated. They were written by elite educated men, either religious scholars or secretaries and administrators of sultans, as was the case with many of the *adab* literature writers. Those elite men took on themselves the responsibility of educating the public and painting for them an image of the ideal marital relation. Their texts did not necessarily correspond to actual practices of marriage and gender relations; they were simply prescriptive manuals prescribing to the public how the ideal marital relationship should be.<sup>46</sup> Over time, however, they became more like gossip columns and moved away from the moralistic instructive purpose. Poetry also gave a different image to the marital relationship. The main purpose of poetry was entertainment and therefore poets did not find any inhibition in expressing their emotions and love feelings. They portrayed a marital relationship of love and respect, as they did not share the moralistic purpose of the other above-mentioned genres. Different genres with different purposes produced different discourses and portrayed different images for the marital relationship.

Adding more to the complexity, the same scholar approached questions of marriage and gender quite differently when talking to different audiences and writing for different disciplines. When scholars write for religious disciplines, they adopt the tone of instructing and morally guiding the community, as they believe they have an official religious responsibility to protect the community and maintain the social order. Yet when writing in the capacity of being a man of literature or a poet, we find the same religious scholar writing beautifully about marital bliss and love portraying a marital relationship that is based on love and in which the husband in many cases becomes the slave to wife's love. The strict Hanbali scholar Ibn Qayyim al-Ğawziyya wrote *Rawḍat al-Muḥibbīn*, a work of literature on love in which he emphasized the importance of love in marriage. Contrary to his *fiqh* manuals, that emphasizes the hierarchal master slave relationship, *Rawḍat al-Muḥibbīn* portrays marriage as an egalitarian love relationship in which

45. Sa'idī 2001, pp. 182–183.

46. Tucker 1993, p. 38. Tucker discusses in detail the problem of the sources; historical, legal and literature and how they “reveal the vested interest of the author rather than record actual practice.”

the husband and wife are of one soul.<sup>47</sup> We have also seen earlier how the views of Ibn Ḥaḡar on the marital relationship differed completely from one genre to the other. The discipline's intended audience and the purpose of writing the text greatly influenced the scholar's approach. The rich and varied nature of Mamlūk sources makes it difficult for us to draw firm conclusions on the dynamics of marital relations and understand the lived experience of the husbands and wives of this age. It is difficult to know which one of them corresponded to actual practices of marriage and gender relations. They all reflect the reality of the Mamlūk society with its gradations, complexity and diversity. It is true that the dominant discourse was the hierarchal one of the wife's submission and seclusion, yet this still does not mean that it was the one reflecting the reality of the marital relationship. Many recent studies that looked into court records, transactions and waqf deeds found out that these strict discourses were contested in reality: they were ideals that went unrealized. The Ḥaram collections, thousands of documents mostly emanating from a late 14th century Šafi'i court in Jerusalem,<sup>48</sup> provided us with many cases of wives who were executors of their husbands' properties and guardians of their children, defying this dominant discourse of silencing and secluding the wife. This clearly shows that no one single discourse no matter how dominant it was, could portray for us the reality of the marital relationship in the Mamlūk society. They are all discourses revealing the vested interest of the authors and not the actual nature of the marital relationship.

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Nowadays when people talk about marital relations, they often invoke a notion of ahistorical fixed Islamic law, ignoring the historical context and the social reality that changed from one period to another and from one geographical location to another. Legal sources should be analysed, contextualized and read in relation to other sources. It is not sufficient to look at only the legal rulings: other genres give us a better understanding of the lived realities of past communities. This historical analysis of the marital relationship in Mamlūk societies reveals the plural and contextual nature of Islamic sources. Different discourses were produced by the different genres: they were all standing side by side and none of them ever claimed exclusive validity. They gave different images of the perfect wife and the ideal marital relationship. I acknowledge that the examples cited in this paper are small in number, yet they should be read and analysed as "examples of cultural practice."<sup>49</sup> They show to us the culture's views and attitudes towards women, their role and position in the marital relations. Those discourses were not created in vacuum but in a context bound to a specific time and place. Therefore, it is important to look into the context to have a better understanding of the marital relationship. The context

47. Ibn Qayyim al-Ġawziyya, *Rawḍat al-Mūhibīn*, pp. 288–289. For further information, check Aisha Y. Musa "Love and Marriage in Medieval Muslim Thought", *Journal of Islamic and Muslim Studies* 4, 2, November 2019, pp. 1–17.

48. The Ḥaram collections have been catalogued by Donald Little (1984). They were also a subject of a monograph by Huda Lutfi (1985), who paid special attention to the question of gender.

49. Bauer 2021, p. 4.



in which the discourse was produced, the way it presents itself to the audience, how and why it presents itself in a certain way are as important as the discourse itself. The relationship of the discourses to the context in which they were produced, is dialogic in nature. They were in a mutually reflexive relationship to each other; discourses shape the lived reality as much as they are shaped by it. They both make each other up.<sup>50</sup> So, the discourses discussed above, presenting us with contradicting images for the marital relationship, all had an impact on the lived reality; they shaped it and were shaped by it. The plurality of discourses, constructing different forms of marital relationship, make it difficult to determine the exact form of the marital relationship in Mamlūk society. The Mamlūk society, just as all other Islamic societies throughout the centuries, was diverse, multi-faceted and plural with no one form of marital relationship and no one category for women that permeates all social levels. The marital relationship was complex, it is a product of discourses produced by different scholars belonging to different disciplines, all evolving and changing in rhythm with the changing context and the evolving social reality.

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MSRev, *Mamlūk Studies Review*

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