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Occupations and Mentalities

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ASPECTS OF WOMEN'S PARTICIPATION IN THE ECONOMIC LIFE OF LATER MEDIEVAL ISLAM: OCCUPATIONS AND MENTALITIES *

PAR

MAYA SHATZMILLER

IT should be unnecessary, even redundant, to explain the need to investigate the question of women's participation in the economic life of medieval Islam. Women constituted half of the potentially productive power in an economy correctly perceived as prosperous and sophisticated in comparison with its contemporaries. Finding out if and how much women contributed to this prosperity seems imperative, and so are other questions related to it, such as the nature of their participation, the sectors in which they participated and the attitude of society towards their participation. The last question is even more relevant as one would certainly refuse to acknowledge norms of behaviour for women imposed on us by modern Islamic legislators who claim certain restrictive measures to be those of medieval Islam.

At the present state of our knowledge however, these and other related questions remain unanswered, as the importance of the topic stands against the problematic nature of the documentation. All historians, as well as other islamists, have encountered in their work scattered information about women in different economic capacities, but none of the categories of sources currently available, except the *Geniza* which is a case upon itself, offers enough information for a coherent historical picture. Moreover, the scope and the complexity of the topic seem to have discouraged, any but a full interdisciplinary investigation in all its dimensions.

As an illustration of this paucity of sources we can cite a recent thesis devoted to the study of women in the *Mamlūk* period (thirteenth to sixteenth centuries) in Egypt¹. While this period is

* Research funds for this paper were provided by a SSHRC Canada-C.N.R.S. France exchange programme grant. I wish to thank both agencies for their support. Some of the ideas expressed here were presented at the MESA annual conference 1981, Seattle.

¹ Ahmad 'Abd ar-Raziq, *La femme au temps des Mamluks en Egypte*, Collection *textes arabes et études islamiques* de l'IFAO, vol. V, (Cairo 1973).

represented by one of the richest collections of historical sources of any kind, the author, who used only chronicles, has not been able to promulgate any comprehensive description or analysis of women's economic activity in this period. On the other hand, another author in a study based on archival documentation from the later *Mamlūk* period found in the *Ḥarām al-Sharīf* in Jerusalem, was able to extrapolate precious data on women's economic participation² which will be incorporated in this study. In general however, even authors of monographs on medieval Islamic dynasties who usually place much weight on social and economic history and who use a variety of sources, have not been able to gather sufficient information for a synthesis of women's participation in economic life for any specific period³, nor did historians who published lists of professions and occupations for this period⁴. Mainly but not exclusively, because of this difficulty, awareness of the question seems to have been missing.

The lack of information on women's economic activity which is usually blamed on the medieval authors can not be argued *ex silencio*: Medieval jurists or thinkers did devote the fruit of their intellect to women: erotic literature and compositions on qualities of women in marriage abound in the medieval literature⁵. Women as a social group unto themselves are also treated in the more traditional and legitimate literature of the time, such as in *Adb* literature, where as early as the ninth century Ibn Qutayba's '*Uyūn al-'Akhbār* (Fountains of Knowledge) defines their physical and moral qualities⁶. Another example is in a *ḥadīth* collection such

² Huda Lutfi, *al-Quds al-Mamlūkiyya. A history of Mamlūk Jerusalem based on the Haram documents*. (Berlin, 1984) (Islamkundliche Untersuchungen, B. 113).

³ Outstanding in this respect are Goitein's findings, based on the Geniza documents, now published in four volumes, which, notwithstanding its limitations of ethnicity and space, bring out the current widest range of information related to women's economic activity in any medieval period. S. D. Goitein, *A Mediterranean Society*, (Los Angeles, 1967-1983), 4 vols.

⁴ T. Fahd, Les corps de métiers au IV/Xe siècle à Bagdad, d'après le chapitre XII d'*al-Qādirī fi-t-ta'bīr* de Dīnawarī, in *Journal of the Economic and Social History of the Orient*, vol. VIII, pp. 186-212, Hayyim J. Cohen, The economic background and the secular occupations of Muslim jurisprudents and traditionists in the classical period of Islam, in *Journal of the Economic and Social History of the Orient*, vol., XIII (1970) pp. 16-61.

⁵ A sample of Islamic erotic literature can be found in any manuscript collection in Europe or the Middle East. See, for instance, *Catologue des manuscrits arabes*, Bibliotheque Nationale, Paris, ed. W. M. Baron de Slane, titles 3051-3073.

⁶ Cairo, 1963 edition, where the fourth volume holds the book of women, *Kitāb al-nisā'*.

as eleventh century Ibn al-Djawzī's *Kitāb aḥkām al-Nisā'* (Book of relementation of women), which relates to women's moral conduct as mothers, wives and daughters⁷, or in theological treatises such as Suyūṭī's fifteenth century *Isbāl al-kisā'* 'alā al-nisā' (Removal of the cover concerning women), where the author deals with the future salvation of womens souls⁸. Still, none of these contain any reference to women's position in the manufacturing or commercial sectors for instance, which could have led us to believe that such activity either never existed or was not important enough to be mentioned.

Could the silence of the sources be interpreted as an indication to a non-participation of women in economic activity? Could it point to the existence of a negative attitude within society towards their participation? I shall study the first question by listing information on different professions and occupations of women in the various economic sectors of the medieval city. The sources used here are primarily legal ones: *Hisba* treatises, *fatwa*'s collection (*Mālikī* rite) notarial manual (*Mālikī* rite) but also, chronicles and general studies of various regions. These very same sources will also serve, in order to throw light on the second question. The sources only have a general common background, in the sense that they were all written in the Arabic speaking regions during the 12th-15th centuries.

In justifying, what would read as a discussion which deviates from a methodological study of one region at one point, I would argue that the islamic medieval world demonstrated a striking homogeniety of components as far as economic activity went⁹, and the dramatic changes introduced into the Islamic medieval world in other spheres from the 11th century on, changes such as social, political, military and racial, would not be as obvious or decisive in the production system of the city which is my main concern.

Even though I do not propose to cover exhaustively any precise historical moment or area — my primary goal in this paper is to point to the existence of certain mental and physical patterns of women's participation in the economic life — I hope it will serve as a departure point for more detailed and focused studies in the future.

⁷ Ed. 'Alī B. Muḥammad Yūsuf al-Muḥammadi (Beirut, 1970).

⁸ Beirut, 1984 edition.

⁹ Dominique Sourdél, *Medieval Islam*, tr. by J. Montgomery Watt, (London, 1983), p. 68.

Rural Areas

The historical evidence indicates participation of women in the manufacturing sectors both in the rural areas and the cities, as well as in commercial activities in both; precise information about the nature of women's activity in the rural areas is lacking, however. Starting with the agricultural sector, there are indications that certain agricultural tasks, fell only to women. One example taken from a Spanish Muslim calendar of the tenth century, indicates women carried the silk cocoon ball, containing the incubating silk worm, under their armpits or on their bellies in order to provide it with sufficient warmth¹⁰. The fact that this task for the month of February was reproduced in a Moroccan calendar of the thirteenth century suggests the continuity of the practice in time and space¹¹. It prevailed in the Maghrib as well as in all silk growing areas, spreading from the east westward as more evidence suggests¹².

Manufacture in the rural areas by women, is more in evidence, as all varieties of cottage industry, existed, mostly for purposes of domestic consumption but not exclusively¹³. We learn about the diffusion of such products in the cities, from different sources. For instance, women's names, 'Umm 'Abbāsiya and 'Umm Khadiġa, which appear in a ninth century papyri, point to women as producers and sellers of linseed oil and radish oil in Egypt¹⁴. Evidence from the fourteenth century referring to Tlemcen and Alexandria, shows that the authorities in the Maghrib and in Egypt not only taxed agricultural products brought in by women from the countryside but also dealt firmly with those women who came to sell eggs, chicken and twigs by planting female searchers at the gates to look for any such hidden merchandise¹⁵. Passing through the gates of the city of Qairawān during the thirteenth and fourteenth cen-

¹⁰ *Le Calendrier de Cordoue*, nouvelle édition par Ch. Pellat, (Leiden, 1961), p. 48.

¹¹ P. J. Renaud, ed. and tr., *Le Calendrier d'Ibn al-Bannā' de Marrakech*, (Paris, 1948), p. 34.

¹² *El-Qazwini's Kosmographie*, ed. F. Wüstenfeld, (Gottingen, 1846-48), vol. I, p. 434; al-Ḍamirī, *Kitāb al-Hayawān*, trans. A. S. G. Jayakar (London and Bombay, 1906-8), vol. I, p. 795.

¹³ Robert Brunschwig, *La Berbérie orientale sous les Hafssides*, (Paris, 1940-47), vol. II, p. 215.

¹⁴ A. Grohmann, *From the world of Arabic papyri*, (Cairo 1952), p. 154.

¹⁵ Maya Shatzmiller, Les Juifs de Tlemcen au XIV^e siècle, *Revue des Etudes Juives*, (1978), pp. 175 ff.

turies, women paid $\frac{1}{4}$ dinar in order to bring wool for sale, a tax duly known as *fa'id al-šūf*¹⁶.

Instances of trading and investment with rural products and property abound in the legal literature as a whole and is highly visible as a form of women's commercial activity. For instance, grains were bought in Sicily in the eleventh century by an agent for a woman who had sold her jewelry in order to finance the transaction. She intended to sell the grain at a profit in the markets of al-Mahdia¹⁷. Investment in rural property recorded for women included, for example, a date plantation¹⁸ and land (ninth century Egypt)¹⁹, residential properties and slaves in Egypt (tenth century)²⁰, orchard²¹, a silo for the storing of wheat²², a parcel of land²³, and irrigation rights in the Maghrib (fourteenth century)²⁴. The last two categories mentioned, selling rural products in the city and buying rural property by urban women, provide an image of an economy in which rural women and urban women interact, and appear in each other environment on a regular basis. Investment in rural property was probably the most common investment in every region of the Muslim world during the high and later middle ages and women seem to have fully participated in this trend²⁵.

¹⁶ Brunschvig, *op. cit.*, vol. II, p. 240.

¹⁷ R. Idris, *La Berbérie orientale sous les zirides, Xe-XIIe siècles*, (Paris, 1962), vol. II, p. 667.

¹⁸ Grohmann, *From, op. cit.*, p. 201.

¹⁹ G. Frantz-Murphy, «A comparison of the Arabic and earlier Egyptian contract formularies, Part I, The Arabic contracts from Egypt, 3d/9th-5th/11th centuries», *Journal of Near Eastern Studies*, vol. 40, no. 3, (1981), pp. 203-225; Grohmann, *From, op. cit.*, p. 201.

²⁰ Grohmann, *From, op. cit.*, pp. 176, 177, 189-191.

²¹ Al-Wansharīṣī, *Kitāb al-mi'yar*, Juridical consultations of Maghribi jurists collected and analysed by E. Amar in *Archives Marocaines*, XII-XIII, (Paris, 1908-9), under the title: *Consultations juridiques des faqihs du Maghreb*. vol. XII, p. 478, *fatwa* of Ibn 'Arafa (d. 1400).

²² *Ibid.*, vol. XIII, p. 472, *fatwa* of al-Waghliṣī (d. 1404), p. 53, *fatwa* of Ibn 'Abd as-Salām (d. 1348).

²³ *Ibid.*, vol. XII, p. 458, (412/2) undated *fatwa* of Ibn Abū Zamnīn, and vol. XIII, p. 412, undated *fatwa* of Ibn 'Aṭṭāb.

²⁴ *Loc. cit.*

²⁵ See examples of upper class women investing in land in seventh and eighth century Iraq in M. Morony, «Landholding and social change: Lower al-'Iraq in the early Islamic period», in T. Khalidi, ed., *Land tenure and social transformation in the Middle East*, (Beirut, 1984), pp. 211, 212, 213, 214, 217; also G. Frantz-Murphy, «A new interpretation of the economic history medieval Egypt», in *Journal of the Economic and Social History of the Orient*, vol. XXIV, pp. 274-297.

Although information about the activities of women and their occupations in the rural area is rather scanty, and there is hardly any reference to women doing what may be termed man's job, it would be a mistake to assume that they were not actually involved with crop cultivation as well as, though to a lesser degree, in livestock raising. Like in medieval rural Europe, women were probably involved in a spectrum of agricultural tasks, much similar to that of men, in addition to their domestic duties. As the production unit in the countryside was the family, this unit was too small to allow significant division of labour on a gender basis.

Urban Professions, Occupations and Services

The spectrum of women's professions and occupations changes drastically as we move to the urban areas. For one thing the sources reflecting them are numerous, varied and explicit. Goitein's findings for the *Geniza* society can be taken as a basis, but more information from non-Jewish sources should be added, in order to reinforce and show its applicability.

With more information available we can subdivide further Goitein's division into occupations related to female life which demand skills—previous education, specialization and dexterity as well as long training—and those occupations in the services sector which do not demand such skills. This aspect is highly significant to our understanding of transmission of techniques in the female professions. It is important to remember that while the first category is largely restricted to dealings with women, practitioners in the second group offer services to men as well. The first group as well is very clearly better represented in the sources because it is easily identifiable and we have a large number of specific professions and occupations. We should not allow this fact however to give us a mistaken impression of demographic importance in the overall picture of women's participation in the economic scene.

Within the group of professions related to female life, and which demand skills, one should place first the medical professions of woman doctor, mid-wife and wet nurse, all of which appear, for instance, in Muslim califal Spain²⁶, the *Geniza* period²⁷ and the

²⁶ E. Lévi-Provençal, *Histoire de l'Espagne Musulmane*, (Paris, 1950-53), vol. III, p. 404, note 2.

²⁷ Goitein, *op. cit.*, pp. 127-128.

Mamlūk period²⁸ and are documented as well in the medical literature of the time. The high visibility of mid-wives is demonstrated in fourteenth century Ibn Khaldūn's *Muqaddimah*, where a section devoted to this profession recognizes it as the highest in the hierarchy of professions²⁹.

Wet nurse seems to have been a common employment, although rarely mentioned in the *Geniza* documents³⁰. Lower class women, often from rural areas, would hire themselves to nurse the newborn of a middle class woman, sometimes at the expense of their own child. From an obstetrical treatise of tenth century Cordoba we can learn about the physical care and refined foods recommended for the wet nurse in order to guarantee the baby optimal nutrition and mental well being³¹. The wide use of the wet nurse can be gauged from the existence of contracts for the hiring of wet nurses in notarial formularies as well as from its prevalence in the legal literature³². The existence of this practice created legal problems since children suckling from the same woman were considered blood relatives and therefore prevented from marrying each other.

Hairdressing was a female occupation in high demand which is represented by a comber in a tenth century list of occupations from Iraq³³, a bride comber in the *Geniza* documents³⁴ and *Mamlūk* chronicles³⁵ as well as a henna application specialist in a *fatwa* from North Africa³⁶.

The more educated women who served as teachers and secretaries for women were a group unto themselves. Women

²⁸ 'Abd ar-Rāziq, *La femme*, *op. cit.*, p. 62.

²⁹ Ibn Khaldūn, *The Muqaddimah*, tr. F. Rosenthal, (Princeton, 1958) vol. II, pp. 368-373.

³⁰ Goitein, *Mediterranean*, *op. cit.*, vol. I, p. 127.

³¹ 'Arib ibn Sa'īd al-Katib al-Qurtubi, *Le Livre de la génération du fœtus et le traitement des femmes enceintes et des nouveau-nés*, tr. ann. by H. Jahier and N. Abdelkader, (Algiers, 1956). On the slave wet nurse, Ibn Buṭlān, «Risāla fī shirā' al-rakīk wa-taklīb al-'abid» in *Nawādir al-Makhtūṭat*, 4, (Cairo, 1954) p. 387.

³² Wansharisī, *Mi'yar*, *op. cit.*, vol. XII, pp. 438-439, *fatwa* of Ibn Abū Zayd (d. 996); and W. Montgomery Watt, *Muhammad in Medina* (Oxford, 1956) p. 382.

³³ T. Fahd, *op. cit.*, p. 192.

³⁴ Goitein, *Mediterranean*, *op. cit.*, vol. I, p. 127.

³⁵ 'Abd ar-Rāziq, *La femme*, *op. cit.*, p. 82. The fact that combs used by women carried inscriptions reflects literacy, but the question remains to be determined if it was literacy among users, hairdressers or producers of combs. Aḥmad 'Abd ar-Rāziq, *Les peignes égyptiens dans l'art de l'Islam in Syria*, XLIX (1972) fasc. 3-4.

³⁶ Wansharisī, *Mi'yar*, vol. XII, p. 371, *fatwa* of Ibn 'Arafa.

secretaries have existed in the courts: califal Spain had them³⁷, as well as eleventh century Qairouan³⁸. An inscription on a Qur'an given as a *habū* to the city mosque by Fatima, wet nurse of the ruler Abū Manad Bādīs, indicates that the order was not executed by her but arranged by a female secretary. Since anyone who taught writing to women should be reprimanded, according to the *Muhtasib's* manuals, existing evidence of the prevalence of literacy among medieval women is an indication of the great sophistication of this society³⁹. The existence of women traditionists, poets, is documented as well, but it is unlikely they were bread winning occupations for women. Fourteenth century Ibn Marzūq reports having studied with six female traditionists in the cities of Mecca and Medina and he left us their names as well⁴⁰. Names of other educated women are confirmed in many medieval biographies of religious scholars, however, once again they can hardly be identified as economically viable activities.

Among the services provided by women to other women but which did not command skills, we have prison attendants for jailed women⁴¹, slave tenders for slave girls⁴², servers and money collectors in public baths during the days allocated for women only⁴³, and tax collectors for women at the gates of the cities⁴⁴. Women served, of course, as heads of households which sheltered a large number of women, for instance in Muslim Spain the *Qahramāna* of

³⁷ Lévi-Provençal, *Histoire*, *op. cit.*, vol. III, p. 408. H. Pérès, *La poésie andalouse*, (Paris, 1937), p. 428 and note 1.

³⁸ B. Roy and P. Poinssot, *Inscriptions arabes de Kairouan*, (Paris, 1950), pp. 29-31.

³⁹ Fourteenth century Ibn al-'Ukhuwwa, *Ma'ālim al-Qurba fī ahkām al-hisba*, text and translation by R. Lévy, E. J. W. Gibb Memorial Series, New Series, XII, (London, 1938) text p. 171, tr. p. 60.

⁴⁰ Ibn Marzūq, *al-Musnad*, *Hechos memorables de Abū-l-Hasan sultan de los benimerines*, estudio, tr. anot. by Maria J. Viguera, (Madrid, 1977), pp. 26 and ff.

⁴¹ E. Lévi-Provençal, *Séville musulmane au début du XII^e siècle, le traité d'Ibn 'Abdūn*, tr. with an introduction and notes, (Paris, 1947), p. 40. Text published by Lévi-Provençal, *Documents arabes pour servir à l'histoire sociale et économique de l'Occident musulman au Moyen Age*, Ire série: *Trois traités hispaniques de Hisba* (Cairo, 1958) Arabic text, p. 19.

⁴² G. S. Colin and E. Lévi-Provençal, *Un manuel hispanique de hisba: Traité d'Abū 'Abd Allah Muḥammad b. Abī Muḥammad al-Saqāṭī de Malaga*, (Paris, 1937) p. 48.

⁴³ In califal Spain, Lévi-Provençal, *Histoire*, *op. cit.*, vol. III, p. 430. For Ayyūbid Egypt, Goitein, *Mediterranean*, *op. cit.*, vol. II, p. 287, and Mamlūk times, Abd ar-Raziq, *La femme*, *op. cit.*, p. 44; also Ibn 'Abdūn, *op. cit.*, p. 49 tr. 110.

⁴⁴ M. Shatzmiller, *Les Juifs de Tlemcen...* *op. cit.*, p. 175.

the califal palace⁴⁵, or head of the *ribāṭ* or *zāwiya* in *Mamlūk* Egypt⁴⁶. Other services were washing the dead, traditionally considered to be a woman's occupation, should most likely be narrowed to washing dead women only, while wailing was provided by women for both sexes⁴⁷. Goitein has found women caretakers of a synagogue in Fustat⁴⁸ and a matchmaker is reported for ninth century Ifriqiya⁴⁹ and Mamluk Egypt⁵⁰. *Hisba* treatises mention women employed in laundering⁵¹.

Female brokers and peddlers could offer services to women and men. They helped to sell the products of spinners and weavers, and also sold perfumes, flour and additional commodities for the household⁵². The existence of female tax collectors to deal with prostitutes brings us to the only female services offered solely to men but organized and controlled by women. We possess considerable information about the organization of this occupation. Although the *muḥtasib* was encouraged to stop prostitution by expelling the prostitutes from the city, or at least repressing it in public areas, prostitution was a common phenomenon. Once again it is the tax records which provide a rich source of information about this profession. In 11th-century Baghdad the prostitutes provided the *ʿiqṭāʿ* for the chief of police, which revenue reached the sum of 1800 dinar annually. In pre-*Ayyūbid* and *Mamlūk* Egypt, tax levied from prostitutes was collected, sometimes cancelled, but always re-established. In the fourteenth century «any would-be prostitute had merely to register her name with a *ḍamīna* and pay her tax to ply her trade undisturbed»⁵³. The tax was duly called

⁴⁵ Lévi-Provençal, *Histoire*, *op. cit.*, pp. 56, 72, 74, 77.

⁴⁶ Abd ar-Raziq, *La femme*, *op. cit.*, pp. 56, 72, 74, 77.

⁴⁷ Goitein, *Mediterranean*, *op. cit.*, vol. I, p. 129. Abd ar-Raziq, *La femme*, pp. 81, 85. Note as well the existence of a woman president of the dead washers guild in ibadite Mzabi society in the twentieth century, A.-M. Goichon, *La vie féminine au Mzab*, étude de sociologie musulmane, (Paris, 1931), vol. 2, p. 144.

⁴⁸ Goitein, *Mediterranean*, *op. cit.*, vol. I, p. 127.

⁴⁹ Yahya Ibn ʿUmar (d. 902), *Aḥkām as-sūq*, (Tunis, 1975), p. 133.

⁵⁰ Abd ar-Raziq, *La femme*, *op. cit.*, p. 63.

⁵¹ Ibn ʿAbdūn, *op. cit.*, p. 45, tr. p. 101.

⁵² Goitein, *Mediterranean*, *op. cit.*, vol. I, p. 128. H. Lutfi, *al-Quds al-Mamlūkiyya*, *op. cit.*, p. 290.

⁵³ For Baghdad see S. Sabari, *Mouvements populaires à Baghdad à l'époque, ʿabbāside, IXe-XIe siècles* (Paris, 1981), p. 112. For Egypt, Hassanein Rabie, *The financial system of Egypt, A.H. 564-741/A.D. 1169-1341*, London Oriental Series, vol. 25 (Oxford, 1972) p. 121.

Ḍamān al-ghawānī and *Ḍamān al-maghānī* in *Ayyūbid* and *Mamlūk* Egypt respectively⁵⁴. In newly conquered Valencia in 1281, the same practice continued undisturbed according to Islamic rules⁵⁵. Christian authorities did not discourage Muslim attempts to expel Muslim prostitutes, but they also continued the custom of enrolling these prostitutes and taxing their professional activities at a higher rate than other prostitutes, 20 solidi each compared to 14.

Were the services rendered by slave girls to customers other than their owners remunerated? The question is not clear but at any event, a special place was occupied by the singing slave girls in the domain of professional services because they were owned by men who employed them for income. Although a common social and economic institution, the singing slave girl was not unanimously acclaimed profession and its legal aspects were a subject of controversy. One legal authority, cited in Wansharīṣī's collection of *fatwas*, indicated that the owner of such a slave had no access to either payments or presents that she received⁵⁶. Ibn 'Ukhuwwa went so far as to forbid acquisition of such slaves with intent to gain money through their work at other people's houses⁵⁷.

Industrial Domain

In the productive-industrial domain we can include productive occupations which put to use the basic household skills of women on a commercial scale, whether they worked alone or as a group. Among the fundamental sectors of industry prevalent in the medieval city, namely textile, ceramic, metal, tannery, construction and food, women's participation seems to have been restricted to two, textile and food. There are no indications of pottery produced by women in the cities, even for private use. The most frequently met professions were in the textile industry, with spinning

⁵⁴ *Ibid.*, Abd ar-Raziq, *La femme*, *op. cit.*, p. 79.

⁵⁵ R. I. Burns, «Socioeconomic structure and continuity: medieval Spanish Islam in the Tax Records of Crusader Valencia», in A. Udovitch, ed., *The Islamic Middle East 700-1900, Studies in economic and social history*, (Princeton, 1981), p. 268.

⁵⁶ Wansharīṣī, *Mi'yar*, vol. XIII, p. 437, *fatwa* of Ibn Abī Zayd (d. 996).

⁵⁷ *Op. cit.*, tr. p. 50. Seemingly jurists were not sure about the legality of such revenue even for the woman who earned it herself. Compare position of the hanbalite jurist Aḥmad Ibn 'Abd al-Ḥalīm Ibn Taymiya (d. 1328), *Fatawā al-nisā'*, ed. Ibrāhīm Muḥammad al-Djamāl (Cairo, 1983) p. 168. Also Ibn Buṭlān, *Risāla...* *op. cit.*, pp. 388-9.

practically a female monopoly⁵⁸. This is confirmed by several sources, as by the fact that the supervisor of the market was concerned with the morals of spindle makers and flax traders «because all their dealings», he said, «were with women»⁵⁹. Women spun threads of every fibre, flax, cotton, wool, silk, as well as doing embroidery with these threads⁶⁰. Women were also known as weavers of brocades and carpets, where children's work was joined to theirs. Commercial weaving, however, was largely a masculine occupation, a survival from early antiquity⁶¹, as spinning for women, since it bears under Islam, social and legal stigma which can be explained only by tradition⁶². It seems that while male weaving was commercially organized as large scale production, there are no indications that that was the case with women's weaving⁶³. Dyeing of fine textiles is another trade which seems to have been shared by males and females, as *Geniza* documents refer to female dyers of silk⁶⁴. Spinning and dyeing by women were probably the only occupations in the manufacturing sector that were organized on a commercial scale⁶⁵.

Although we know very little about the demographic importance of the spinners, dyers, brocade makers, and embroiderers, this group constituted what we may call the 'female labour corps' of the medieval city, made up of members of lower class families employed in various ways as wage earners. A confirmation of the

⁵⁸ On spinning by women see the many details provided in R. B. Serjeant, «Material for a history of Islamic textiles up to the Mongol conquest», in *Ars Islamica*, vols. 9-16 (1942-1951) and M. Lombard, *Les textiles dans le monde musulman, VIIIe-XIIe siècles*, (Paris, 1978), in particular pp. 225 and ff. Also H. Lutfi, *al-Quds al-Mamlūkiyya*, *op. cit.*, p. 297.

⁵⁹ Ibn al-'Ukhuwwa, *Ma'ālim al-Qurba*, p. 90; also, *Hisba* treatise of Ibn 'Abd al-Ra'ūf, in Lévi-Provençal, ed., *Documents arabes inédits sur la vie sociale et économique en Occident Musulman au Moyen-Âge* (Cairo, 1955), p. 84, French translation, R. Arié, in *Hespéris-Tamuda* (1960), p. 37.

⁶⁰ Goitein, *Mediterranean*, *op. cit.*, vol. I, p. 128.

⁶¹ Meir Ayali, *The status of the labourer and the relationship between employers and employees in the Talmudic and Midrashic literature*, doctoral dissertation (Jerusalem, 1980) p. 28 (Hebrew).

⁶² R. Brunschvig, «Métiers vils en Islam», in *Studia Islamica*, (1962), vol. XVI, pp. 41-60.

⁶³ Brunschvig, *La Berbérie*, vol. II, p. 216.

⁶⁴ Goitein, *Mediterranean*, *op. cit.*, vol. I, pp. 360-362. It seems however that dyeing was to a large degree reserved for Jews during the Middle Ages. Serjeant, *op. cit.*, p. 75.

⁶⁵ *Loc. cit.* The dimensions of the commercial textile industry can be gauged from the study of Serjeant, *op. cit.*, as well as Lombard, *op. cit.*

identification of working women as poor exists in the necessary differentiation made by the legal authorities between commercial, *i.e.* wage earning, spinning and that undertaken for other reasons. In an undated *fatwa* the jurist allowed only poor women to continue their spinning during the month of *Ramaḍān*⁶⁶. The particular techniques which involved holding threads in the mouth during spinning, gave female spinners, and the reference is only to poor female spinners, concern about the validity of their fast. In the food industry there were female millers (*tahhāna*)⁶⁷, females making vinegar⁶⁸, female bakers, and female sellers of cooked beans and sweetmeats⁶⁹. I suspect, however, that female involvement in the food industry was limited if not curtailed due to the prevailing belief, in an agricultural manual that during the time of menstruation women had a negative influence on the quality of food⁷⁰.

Organization of Women's Labour

The organization of labour remains, on the whole, one of the more obscure areas of social and economic history, since relevant documentation is so hard to come by. The recent refutation of the existence of a professional guild system in medieval Islam proves this⁷¹. L. Massignon, loyal to his perception of the guild organization of labour in Islam, believed firmly that Muslim women were also admitted into this system⁷². However, I have been unable to find any text supporting the existence of a female guild or even the incorporation of women into the *Futuwwa* organization at that time. The organization of women's labour was necessarily different from men's in that theirs was supposed to be conducted away from public view and therefore was harder to supervise by the *Muhtasib*.

⁶⁶ Wansharīsi, *Mi'yār*, vol. XII p. 141, *fatwa* of Ibn Qaddāh, and H. Luṭfi, *al-Quds al-Mamlūkiyya*, p. 297.

⁶⁷ Al-Isfahānī, *Kitāb al-aghānī*, (Cairo, 1938), vol. XI, p. 254.

⁶⁸ R. Guest, *Life and works of Ibn ar-Rumi* (London, 1944) pp. 25, 91.

⁶⁹ Goitein, *Mediterranean*, *op. cit.*, vol. I, p. 129.

⁷⁰ L. Bolens, «Pain quotidien et pain de disette dans l'Espagne musulmane», in *Annales E.S.C.* no. 3-4 (1980) p. 468.

⁷¹ See for instance the articles by S. M. Stern and Cl. Cahen in *The Islamic City, a Colloquium*, ed. by A. H. Hourani and S. M. Stern, (Oxford, 1970), pp. 25-51 and 51-65 respectively.

⁷² L. Massignon, «La 'futuwwa' ou 'pacte d'honneur artisanal' entre les travailleurs musulmans au Moyen Age», in *La nouvelle Clío*, (Bruxelles, 1952), reprinted in *Opera Minora*, vol. I, (Beirut, 1963), p. 412.

Some elements composing that system can however be gauged. For instance there can be no doubt that commercially marketed products of women were initiated by an agent. This outsider would, for example, commission a certain quantity of spun threads, and could be a trader in the textile industry, the broker (*simsār*) or most probably the tax farmer (*ḍamīn*) for a particular group of workers. The information derived from the *Geniza* and other sources indicates that the actual taxation on items and labour of women was in the hands of the *ḍamīn*, and that it was he who would frequently be the driving force behind women's labour. The *ḍamīn* kept a detailed list of the workers involved in fabrication in his unit, their output and salaries, from which he derived the taxes, though women would try to work and sell without his knowledge⁷³. It would be he, quite often, who would take the initiative to hire more workers and create more production and thus income for himself⁷⁴.

There is no clear indication that markets contained workshops for women, and scholars who studied different periods and regions usually come to the conclusion that women's spinning, weaving, and embroidery were done at home⁷⁵. Whenever markets are mentioned in relationship to women's economic activity, it is only to refer to the selling and buying of raw materials in connection with the textile industry or to finished goods. For example, the *muḥtasib* mentioned the «thread and cotton markets», as places where women congregated just as they did on riverbanks and at the doorways of the women's bath-houses but not as a working area⁷⁶. It also referred to women sitting at their «shop door», waiting for the carding to be completed, or women on a shopping mission of raw material for their work⁷⁷. The *muḥtasib* Ibn ʿAbdūn who recommended that women who wove brocades be banned from the market, «for they were nothing but harlots», still did not indicate clearly that they worked *in* the market⁷⁸. Wansharīsī mentioned a

⁷³ Goitein, *Mediterranean*, *op. cit.*, vol. II, p. 360.

⁷⁴ *Ibid.*, p. 362.

⁷⁵ See for instance, Idris, *La Berbérie*, vol. II, p. 635; Lombard, *Les Textiles*, pp. 224-225; Goitein, *Mediterranean*, p. 128; Serjeant, *Material...*, *op. cit.* vol. 15, p. 64. H. Lutfi, *al-Quds al-Mamlūkiyya*, *op. cit.*, p. 279.

⁷⁶ Ibn al-'Ukhuwwa, *Maʿālim*, text pp. 31-32, tr. p. 10.

⁷⁷ *Op. cit.*, p. 46 and «sūq al-ghazal» in al-ʿUqbānī, (d. 1467), *Tuḥfat an-nāzir wa-ḡunyat ad-dākir*, ed. Ali Chenoufi, (Damas, 1967), p. 263 also referring to women sitting with the market producers (*as-ṣunnaʿa*).

⁷⁸ Ibn ʿAbdūn, *op. cit.*, p. 47, tr. 105.

market reserved for women's transactions but there is no indication of any production activity being done there⁷⁹. Nor is there any indication whether women worked in male workshops.

Although there is no clear evidence of any other working areas reserved for women, there is however, a reference in al-ʿUqbānī's *Hisba* manual to women congregating at one woman's place in order to spin flax and wool, which can be taken as an indication of the existence of a common work area for women⁸⁰. At the most, we can conclude that either in the special market reserved for female activities, mainly selling and buying of products, there could have been some female workshops or a common gathering place existed in a private home. From the endless repetition of the supervisor's warning not to let women sit in stores, we can learn that that was indeed the practice. On the other hand, professional women in the female domains were usually self employed and self contained in the sense that they did not need a constant supply of bulky raw material, as spinners and weavers did, and they exercised their professions in their home or at a client's home.

Qualifications for hiring women to supervise the female corps in the public domain, for example, prison warden, slave tender, and textile broker appear in the *Hisba* manuals. The qualifications usually recommended by the *Hisba* were old age, marriage and good moral standing. We also learn that when employed by the state in public functions, *e.g.* as prison warden, they would be paid by the *Bayt al-māl*, the public treasury, as were their male counterparts⁸¹.

Transmission of labour techniques in the female professions and occupations has apparently always been oral, since no written manual has ever been cited. This stands in striking contrast to the abundance of written manuals for the execution of numerous trades written by and for male practitioners in the fields of agriculture, secretarial work, finance and administration, teaching, cooking, coining, manufacture of arms, medicine, and many others. It is probably an indication to a lower level of professional consciousness and dexterity among women as well as to a

⁷⁹ *Le Livre des magistratures d'al-Wancharisi*, texte arabe publié, traduit et annoté par Henri Bruno, (Rabat, 1937) p. 7, tr. p. 21; and Goitein, *Mediterranean, op. cit.*, vol. I, p. 129.

⁸⁰ Al-ʿUqbānī, *op. cit.*, p. 264.

⁸¹ Ibn ʿAbdūn, text p. 19, tr. p. 40 and pp. 45 tr. p. 101 respectively.

lower level of literacy that could have been triggered by the limitation on their professional activities as a whole. Female professions and occupations were transmitted by women coaching little girls in the specific techniques. On the basis of different documentation S. D. Goitein, as well as R. Brunschvig had indicated that the term *mu'allima*, woman teacher, designated a teacher of embroidery and other female arts⁸². It would, however, be only logical to assume that women learned some of the more scholarly occupations with males, perhaps members of their families, most probably fathers for traditionists, physicians, *etc.* In large part the consequence of the exclusiveness of the oral transmission system was a contribution to female monopolisation of certain trades.

How did society view working women?

The *Hisba* treatises, for instance, reflect a clearly negative image of the woman who works for a living. Some of the allegations were that women proclaimed knowledge in crafts they knew nothing about; they cheated by adding water to the threads they spun and wove to make them heavier; they helped cheat customers when attending to slave girls; and in general they had bad morals, were ignorant and faulty⁸³. Similar notions of women's labour is depicted in Dimashkī's eleventh century commercial manual: «...to the occupations despised by scholars and better people belong those that are detrimental to the mind and the intellect. Those are the ones which women and youngsters are associated with...»⁸⁴. Another quotation from an eleventh century jurist concerning women was also one of contempt: «...women need more cautioning than men» said Ibn al-Djawzī already referred to, «since they are far behind in learning, and naturally overcome by whim...»⁸⁵. A fourteenth century treatise on fraudulent activities by various ethnic and professional groups concludes the presentation by dealing with women. It presents similar perceptions: women as a group are recognizable by their faulty activities, their low intellectual

⁸² Goitein, *Mediterranean*, vol. I, p. 128 and vol. II, p. 185; Brunschvig, *op. cit.*, vol. II, p. 174.

⁸³ Ibn 'Abdūn, *op. cit.*, pp. 47, 51, 55, tr. 109, 105, 113, 124. Also 'Umar b. Yaḥyā, *Aḥkām as sūq*, *op. cit.*, p. 124.

⁸⁴ Al-Dimashkī, *al-Ishāra ilā maḥāsīn at-tidjāra*, (Alexandria, 1977) p. 64.

⁸⁵ *Op. cit.*, p. 129.

capacity and their sexual mores which were open to criticism⁸⁶. This attitude was reserved not only for legal minds but is found in *belles lettres* as well⁸⁷.

It seems obvious that this negative image of the working woman was a combination of a basically negative assessment of manual labour by society and the existence of a negative image of women in general, which is clearly indicated in the literature. To balance this picture it should be said that the negative image of the labourer reflected in this literature is not restricted to women but accompanied male manual labour as well⁸⁸.

The negative perception of women's labour stands in great contrast to the attitude towards the other group of urban women, bourgeois and commercially active one. The moral opprobrium described by the *Hisba* authors applies only to working women, never to commercially active women, whose moral qualities are taken for granted by the jurists who recognise the damage that is caused to their affairs by precisely keeping these morals as we shall now see.

Commercial Activity

Information about women's commercial and real estate activities can be gleaned from *Waqf* documents and inscriptions, legal manuals, notarial and *Geniza* documents, but most of all from *fatwas*⁸⁹. The following commercial activities of women can be

⁸⁶ Al-Djawbarī, *al-Muhtār fī kashf al-asrār*, is available in a french translation: *Le voile arraché*, tr. by R. Khawam, 2 vols. (Paris, 1980). I have consulted Mss. 5059 at the Bibliothèque Nationale, Paris, dated 867H, where the last chapter commences at fol. 137v^c. The thirty seventh chapter unveiling the secrets of women and their deeds, cheating, swindling tricking...

⁸⁷ See notes, 67, 68.

⁸⁸ See Maya Shatzmiller, «The image and social status of urban labour in al-Andalus», in *Universidad Autonoma de Madrid, V Jornadas de investigación interdisciplinaria sobre la mujer*, Madrid, 1985.

⁸⁹ Juridical decisions pertaining to each of these three headlines abound in the *fatwas* collections, see also Ibn Taymiya, *op. cit.* A study of dowries based on the *fatwas* of the *Mi'yār*, was done by R. Idris, «Le mariage en Occident musulman d'après un choix de *fatwas* médiévales extraites du *Mi'yār* d'al-Wansharisī», *Studia Islamica*, vol. XXXIII (1970), pp. 157-165. For our study we have used mainly the collection made by E. Amar of Wansharisī's collection in which *fatwas* related to women's economic activity are gathered from each of the traditional headlines, namely, donations, inheritance, rent, endowments, sales, marriage, religious obligations, slaves, suckling and funerals, and not necessarily from those headlines reserved only for women.

gleaned from the *fatwas* collected from the *Miṣyār* of Wansharīsī: a) lending money derived from their dowries⁹⁰; b) buying commodities such as wheat and storing it for speculation⁹¹; c) taking possession of assets belonging to them⁹² d) selling assets through brokers, but retaining the right to reverse selling decision⁹³; e) taking loans⁹⁴; f) leaving money in their wills to be spent in their memory⁹⁵; g) endowing mainmort assets for their children, especially daughters, and for pious causes⁹⁶; h) making donations of assets and other valuables to their husbands, children, brothers, and fathers plus the right to derive income⁹⁷. In order to understand the source of women's assets, even though much doubt was expressed concerning its real measures in the past⁹⁸, we should realize that women actually came to own property or funds through the three legal provisions intended for them: inheritance, dowries, and donations. These assets, if handled and invested carefully, would in turn increase in volume.

The study of the legal problems that emanated from the commercial activity of middle class women and that are registered in the *fatwas*, supply an opportunity to learn not only about the large spectrum of their commercial activities, but also about the existence of a particular legal leniency towards them which effectively encouraged their activity and guaranteed its profitability. The problems involved with the dealings by women resulted not from any legal limitation but from a discrepancy between the social segregation imposed on the sexes and the legal rights given to women under Islamic law. Namely, that while there was nothing in the law itself to limit women's activity outside the home, the morals of contemporary society made it impossible for them to be present in gatherings of a commercial nature attended by males. What comes clearly through the legal literature is the fact, that the jurists were aware of this discrepancy and gave women prerogatives and legal protection in order to rectify their social handicap.

⁹⁰ Wansharīsī, *Miṣyār*, *op. cit.* vol. XIII, p. 472.

⁹¹ *Ibid.*, vol. XIII, p. 53.

⁹² *Ibid.*, vol. XIII, pp. 477, 64; vol. XIII, p. 264.

⁹³ *Ibid.*, vol. XII, p. 458.

⁹⁴ *Ibid.*, vol. XII, p. 111.

⁹⁵ *Loc. cit.*

⁹⁶ *Ibid.*, vol. XIII, pp. 323, 333, 387.

⁹⁷ *Ibid.*, vol. XIII, pp. 387, 403, 404, 412, 416, 418.

⁹⁸ R. Arnaldez, «Statut juridique et sociologique de la femme en Islam», in *Cahiers de civilisation médiévale*, vol. XX (1977), p. 137.

What is also clear is the fact that these women were aware of the ambiguities of the situation and did not hesitate to appeal to the legal system in order to get what seemed due to them. As an example, we can cite the case of a woman who loaned money derived from her dowry. The debtor died and left a quantity of wheat to repay the debt. When the heirs wanted simply to give her an approximate amount of wheat, the lender appealed to the court and got a decision that an exact amount should be returned⁹⁹. In another case, a woman rented a silo in order to keep wheat but when she discovered that there were mice in it she refused to pay the rent. The *mufti* discharged her from paying since the owner of the silo must have known about the mice before he rented it to her¹⁰⁰. In two different cases women sold, one a parcel of land, the other an olive grove, through a broker who concluded a sale for them. The women, however, changed their minds and sold to a higher bidder. The jurist ruled on the legality of the act saying that since the woman was excluded from the scene and had not way to verify the real value of her property, or the devotion of the broker to her interests she was allowed to sell to the higher bidder¹⁰¹. In the same state of mind the jurists made a particular effort to defend women against the illegal actions of their families. In one case the jurist forbade a father to endow assets belonging to his minor daughter and in another case forbade him from donating his daughter's assets to her future husband, so the latter could establish himself¹⁰². On the other hand, we should keep in mind that the notary could issue a document (*wathīka*) which proclaims a woman incapable of managing her property, on grounds of stupidity, inexperience or wastefulness¹⁰³. Although not specified, we can assume that such a writ was issued at the request of the family.

At the other extreme, the court sometimes had to uphold the right of the husband to receive a salary from his wife after representing her in various activities restricted to males. The court ruled that a husband who spent long hours in administering his wife's share in her inheritance, incurred expenses and neglected his

⁹⁹ *Mi'yar*, vol. XIII, p. 472.

¹⁰⁰ *Ibid.*, vol. XIII, p. 53.

¹⁰¹ *Ibid.*, vol. XII, p. 478. Compare Ibn Taymiyya, *op. cit.*, p. 154.

¹⁰² *Ibid.*, vol. XIII, p. 418. Compare also Ibn Taymiyya, *op. cit.*, p. 175.

¹⁰³ Ibn al-ʿAṭṭār, *Kitāb al-wathā'ik wa-s-sigillāt*, ed. P. Chalmeta and F. Corriente, (Madrid, 1983), pp. 614, 615.

own business, was entitled to a salary from his wife¹⁰⁴. Another legal problem, not exclusive to women's commercial activity, but to women in general was also solved favorably. It was the problem created by the law which demanded that in case of a notarial act, needed for contracts of sale among others, the two parties would identify themselves for the notary. The *Māliki* school agreed to the woman's appearance before the judge with covered face, but accompanied by two witnesses who confirmed her identity¹⁰⁵. This practice also facilitated commercial activity.

The positive legal status given by Muslim authorities of the time to Muslim women was so obviously desirable that it did not escape the attention of non-Muslim women, who wanted to share in it. In a document which applied to members of the Copt community preserved in papyri, we witness the same legal weight and rights for women and men in ninth century Egypt¹⁰⁶. More clearly this phenomenon is shown by the fact that Jewish women appealed regularly to Muslim courts, especially concerning legacies and inheritance. Goitein noted that Egyptian Rabbis had complained about this practice since the eleventh century and finally resorted to writing their wills according to Muslim inheritance law¹⁰⁷. Unlike Muslim women, Jewish women could not keep their properties in marriage and were supposed to share their earnings with their husbands, and therefore we find a woman stipulating in her marriage contract, that the fruit of her work would remain in her possession¹⁰⁸. According to Jewish law, Jewish women could not sell or mortgage any properties without their husband's consent and therefore their economic activity was quite limited. From the many appeals made by Jewish women to Muslim legal authorities, there is room to suggest that even in matters of personal law, Muslim courts were more favourably disposed to women than were Jewish courts of the time.

Under Islam, on the other hand, there was no forced community of property between husband and wife: he was obliged to support

¹⁰⁴ Wansharīsi, *Mi'ṣār*, *op. cit.*, vol. XIII, p. 64.

¹⁰⁵ E. Tyan, *Le Notariat et le régime de la preuve par écrit dans la pratique du droit musulman*, (Beyrouth, 1959), p. 56, note 2.

¹⁰⁶ G. Frantz-Murphy, *A comparison*, *op. cit.*

¹⁰⁷ Goitein, *Mediterranean*, *op. cit.*, vol. II, p. 398 and *id. Jews and Arabs*, (New York, 1974), pp. 181-182.

¹⁰⁸ Goitein, *Mediterranean*, *op. cit.*, vol. II, p. 344.

her and her children but she could keep her property and manage it and she was never asked to earn for her husband nor to spin or weave for the household. Moreover this separation of funds between husband and wife was so strong that it persisted throughout communal life, until death: jurists argued that women's burial expenses should be paid out of their property if they had one¹⁰⁹.

Women's manual occupations also raised legal problems, which can be gleaned from the questions addressed to *muftis* concerning different aspects of their activities. We mentioned earlier the spinners working during *Ramaḍān*, and the particular juridical problems that were caused by the *ridāʿ*. We have also mentioned problems caused by slave girls earning income. Other legal problems emanated from uncertainty about the degree of authority that males had over the earning capacity of their wives or slave girls. In one case a woman contracted a marriage, making her future husband sign an authorisation that she could exercise her profession, hairdresser, after her marriage. The husband, who at first agreed, later changed his mind and refused to let her work. While some jurists expressed the opinion that the husband did not have to keep his word, others held that this was permissible only in the case of an illegal occupation, and that otherwise she should be allowed to practice¹¹⁰.

The documentation we examined points to two important conclusions: a) The socially higher class of women was engaged in a more lucrative and more rewarding economic activity, b) While jurists displayed «correct» attitude to working class women, they displayed a «favouring» attitude towards commercially active women. This was a significant factor since it not only meant material advantages for the later, but also had social implications as well since it contributed to the improvement of the social and individual image of the middle class woman. The approving character, and encouraging attitude of the jurists had implications for the relationship of these women with their families mainly their husbands and children, who found themselves, as we have seen, at her mercy when they were in need, with the apparent consent of the law. On the whole, this situation contributed to the enlargement of

¹⁰⁹ Ibn Abī Zayd al-Qayrawānī, *Risāla, ou Traité abrégé de droit malékite et morale musulmane* tr. E. Fagnan (Paris, 1914) p. 137.

¹¹⁰ Wansharīsī, *Miʿyār*, vol. XII, p. 371, *fatwa* of Ibn ʿArafa.

the already existing gap in social status between this group and women working in manual trades.

How are we to explain the divergency in the attitude of the Jurists? Does it reflect an existing social stigma, or did it create one?

The first explanation that suggests itself is that the basic mental approach of the Islamic society was respect for commerce and contempt for manual labour and that it simply reflected on women accordingly. A second explanation can argue that the benevolent rulings of the jurists towards commercially active middle class women is due to the existence of certain enabling attitudes especially reserved for them. For example the historical precedents recorded in the sacred scriptures, about highly venerated women in early Islam, such as the prophet's wife Ḥadiḡa, who was a rich woman with a prospering caravan business and other, as well as women supervising the markets in the time of the Prophet and the Rightful Califs. Their immortalization in the literature, above all the *Ḥadīth* and the *Sunna*, allowed generations of Muslim jurists and men in general to socially accept commercially active women. Such attitude did not exist for working women in manual occupations. The fact that this positive attitude did not fall into oblivion probably owes much to the preservation of the social structure that created this attitude in the first place, namely the lingering influences of matriarchal elements within the primitive Arab society. Professor Madelung, investigating the provisions of Imāmī Shī'ī family law in regard to women, found only three deviations from Sunni law in matters of «mut'a» marriage, divorce (*talāḡ al-bid'a*) and inheritance. While two of the provisions effectively improved women's conditions, professor Madelung denies that they represent, or derive from a better status for women among Shī'ī communities at the time of the formation of Imami law. He concludes, however, that their motivation can be found in the fundamental Shi'ī political and religious principle of the primacy given to the descendants of Faṭīma, the Prophet's daughter, a matriarchal notion in itself¹¹¹. Maintenance of such an attitude was encouraged by the infusion of more matrilineal tendencies through the invasion

¹¹¹ W. Madelung, «Shi'ī attitudes toward women as reflected in Fiqh» in *Society and the Sexes in Medieval Islam*, ed. L. al-Sayyid Marsot, Sixth G. Levi della Vida Biennial Conference, (Los Angeles, 1979) p. 75.

of nomad tribes, who were still governed by such structures at their roots. The North African Almoravides are thus credited with the improvement of the lot of Andalusian women in the eleventh century¹¹². By the same token, there was not much change in the negative image given to female's manual labour by the Islamic society. There was probably a more plausible, economically related explanation that can be suggested, as moral claims can sometimes disguise a deeper cause. Could the negative attitude of the jurists and of society as a whole, towards working women, especially in the production sector be a reflection of the will to remove women from bread winning occupations, in what appears to be an already shrinking market? We cannot ignore this possibility as we witness the patterns we exposed for the later medieval period continue more forcefully into the pre-modern era.

Two studies exploring women's economic activities and social status in two Ottoman cities, Kayeri and Bursa in the sixteen and seventeen centuries, arrived at similar conclusions to ours. Based on court registers both studies found that women owned considerable property, made transactions with it and often appealed to the courts to uphold their rights where they received total satisfaction¹¹³. They also found hostile attitude towards women making a living by manual labour expressed by the refusal of the Ottoman guilds to allow access to women exercising manual trades similar to men's and by their attempts to force women out of the labour market all together. Our findings can be seen as an earlier stage in the development of this negative social and legal approach, which resulted in allowing commercial activity for women in the sixteenth and seventeenth centuries, but had at the same time a crippling and debilitating effect on women's manual labour which eventually caused it to digress and retract.

¹¹² Lévi-Provençal, *Histoire...op. cit.*, vol. III, pp. 402-403.

¹¹³ R. C. Jenings, «Women in early 17th century Ottoman juridical records. The Shari'a court of Anatolian Kayseri», *Journal of the Economic and Social History of the Orient* 18 (1975), pp. 53-114; H. Gerber, «Social and economic position of women in an Ottoman city, Bursa, 1600-1700», *IJMES*, 12 (1980), pp. 231-244; also Daniel Crecelius, «Incidences of Waqf cases from three Cairo courts: 1640-1802», *Middle East Studies Association Abstracts* (Seattle, 1981), pp. 21-22; and E. Bashan, «The participation of the Jewish woman in the economic life of North African Jews», in *Miqqedem umiyyam. Studies in the Jewry of Islamic countries*. (Haifa, 1981) pp. 67-85 (in Hebrew).

Conclusion

Many aspects related to women's economic activity remain unclear, especially the crucial demographic factor of this issue: what was the degree of women's participation in economic activity?

We could suggest, if credence is given to the number of court appearances in the *fatwas* of the *Mi'ṣyār* an estimate of a third of the economically related recorded cases. This estimate is matched by similar results for later periods, in the studies previously cited¹¹⁴. We can therefore say that women were involved in economic life in medieval Islam to an important degree, in the sense that they were strongly visible in the services, production and commercial sectors.

The historical and legal evidence of women's economic activity dictates sociological differentiation since it indicates important variations in the type of economic activity, in legal provisions, social status and attitude, existing in three distinct femal social groups: rural, urban lower working class and middle class. The participation of these social groups in the commercial and the production sectors of the medieval city was implemented and viewed with class consciousness by Islamic society. Legal minds were specifically charged with regulating and supervising women's participation and commercially active women were the great «winners». They were successful in manipulating to their advantage the limiting conditions imposed by the growing segregation in society and the shrinking economy. Unlike women in manual trades they were self confident and trusting in their appeal to the legal system which was willing to accomodate them.

On a broader scale, the existence of similar patterns of women's occupations, commercial activity and social and legal approach towards them during lengthy periods, brings to light the impact of continuity provided for the Islamic society by the legal provisions: on one hand it supplied a working mechanism of stability for the Muslim society as it passed from the Middle Ages into the pre-modern era; on the other, it constituted a handicap that prevented eventual development or invigoration of women's participation in production or related activities.

¹¹⁴ H. Gerber, *op. cit.*, p. 237.