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Kate W. Moran

April 15, 2015

“THE WORK OF HER HANDS”: MARITAL CONTRACTS, LONG-DISTANCE  
MARRIAGE, AND JEWISH WOMEN’S EXERCISE OF ECONOMIC AGENCY IN  
MEDIEVAL EGYPT

By

Kate W. Moran

Dr. Roxani Margariti

Adviser

Department of Middle Eastern & South Asian Studies

Dr. Roxani Margariti

Adviser

Dr. Devin Stewart

Committee Member

Rabbi Michael Broyde, J.D.

Committee Member

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## Abstract

### “THE WORK OF HER HANDS”: MARITAL CONTRACTS, LONG-DISTANCE MARRIAGE, AND JEWISH WOMEN’S EXERCISE OF ECONOMIC AGENCY IN MEDIEVAL EGYPT

By Kate W. Moran

This thesis examines the social and economic implications of long distance marriage for Jewish women in medieval Egypt, doing so in the context of the ways in which the particular conditions of these marriages affected wives’ acquisition of social capital. The period of study will be the Fātimid and Ayyūbid periods of rule, from 909-1250 CE. For the years in question, the Geniza is the only documentary source we have to illuminate the lives of Egyptian Jewish women. However, the vast majority of documents discussing women’s livelihoods and remunerative activities in the Islamicate world date from the Mamlūk period onward. Thus, evidence and analysis will also be provided from the beginning of this era, mainly, the early 14<sup>th</sup> century, for the purposes of engaging a broader historical context.

My study draws on a variety of sources, with particular emphasis on *ketubbot* (marriage contracts) and pre-departure legal agreements made between spouses. This combination of documents offers valuable insights into the ways in which Jewish women in medieval Egyptian society economically advocated for themselves.

Was divorce a potential source of such capital for these women, or were wives who found themselves in long distance marriages socially, legally, and/or financially compelled to consider alternative sources of empowerment? To answer this question, it is crucial to understand the extent to which pre-nuptial agreements and individual clauses written into *ketubbot* influenced marriages during periods of extended absence, how these agreements defined the terms of a divorce, and how these terms were reflected or reiterated in arrangements drawn up prior to a husband’s departure.

This thesis also explores female involvement in the commercial space—specifically, women’s sources of livelihood during periods of separation from their husbands. Understanding not only the theoretical frameworks that were in place, but the historical reality of women’s remunerative activities, is critical to the study of female agency in this time period.

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## *Introduction*

### **The Geniza: A History of the Islamicate World's Jewish Men and Women**

A proper introduction to the Cairo Geniza must begin with a description of the quirky and pioneering women who, through a chance encounter, catapulted this anti-archive to international prominence.<sup>1</sup> Agnes Lewis and Margaret Gibson were sisters, self-taught scholars, and world travelers during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. They led rather unconventional lives; after only a handful of years married to clergymen, both found themselves widowed. Subsequently, the “Giblews,” as the pair came to be called, devoted themselves entirely to a life of study and travel. Between them, Agnes and Margaret were proficient in nine languages, including Syriac, Hebrew, and Persian. They visited the Middle East with increasing frequency, often returning to England with mysterious, ancient manuscripts in tow. The sisters spent many years transcribing and translating the most interesting of their finds. They are particularly well known for their 1892 discovery, at a monastery in southern Palestine, of one of the oldest Syriac versions of the New Testament.

The sisters published a number of books on their Palestinian findings, but it was their trip to Egypt and Palestine in the spring of 1896 that led them to their greatest treasure. The manuscripts they brought back with them from this trip seemed particularly curious to the

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<sup>1</sup> It is important to avoid labeling the Cairo Geniza as an archive, as it was never intended to serve as such. In fact, the very nature of the Geniza resists definition as an archive, since there was never an intentional organization of its contents nor efforts to preserve them. For this reason, some scholars, including Marina Rustow, refer to the Cairo Geniza as an “anti-archive”; the storeroom in Fustāt’s Palestinian synagogue was initially designed as a place of discard for documents that no longer served a purpose. The beauty of the Geniza, says Rustow, is precisely contained within its haphazardness: “And that’s the beauty of it. It gives us an unselfconscious look at what was going on in this society that we otherwise would never have had.” As quoted by Alan H. Feiler in “In the Margins” *Arts & Sciences Magazine* 1 (2013): online. <<http://krieger.jhu.edu/magazine/v11n1/in-the-margins/>>



sisters, and they enlisted the help of Cambridge academic Solomon Schechter in deciphering the documents.<sup>2</sup>

Ultimately it came to light that Lewis and Gibson had stumbled upon a Hebrew version of the book of *Ecclesiasticus* (by Ben Sira). By this point, the original Hebrew manuscript had been missing for nearly a millennium, and it was widely believed that the book of Jewish ethical teachings survived only in its Greek and Syriac translations. The discovery of the Ben Sira fragment amongst the sisters' other manuscripts flung open the door to more than a century of Geniza scholarship; within a matter of months, Schechter set out for Egypt to track the origins of the documents and eventually to unearth the vast and varied treasures of the *geniza* at the Ben Ezra Synagogue in Fustāt, Old Cairo.<sup>3</sup>

The story of Agnes Lewis and Margaret Gibson is particularly suitable as an introduction to a study regarding women's social capital, given their own status as learned, well-traveled women living in a world dominated by patriarchal social and economic structures. The fact that they managed to amass enough wealth in their lifetimes to travel as extensively as they did is rare. Even rarer was their command of Middle Eastern languages and scholarship, to a degree that few in their day—and certainly not women—could boast.

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<sup>2</sup> Shneur Zalman Schechter, or Solomon Schechter as he was more commonly known amongst the intellectuals and eccentrics at Cambridge University, was a rabbi and Talmudic scholar of Romanian origin. He was “the king in any society in which he found himself,” be it amongst fellow academicians or friends. He was a prodigy of sorts, and it was rumored that he had memorized the entirety of the Pentateuch by the time he was five. Raised in the Hasidic tradition, Schechter was intimately familiar with Jewish laws and tradition. Later, when he studied at Berlin's Hochschule für die Wissenschaft des Judentums, a liberal institute of Jewish learning, he honed his skills in psychology, pedagogy, ancient history, Aristotelian ethics, and Syriac grammar. He established himself early on at Cambridge, arriving first in 1890, where he was assigned the position of “Lecturer in Talmudic” and “Reader in Rabbinics.” Adina Hoffman and Peter Cole, *Sacred Trash: The Lost and Found World of the Cairo Geniza* (New York: Nextbook, 2011), 12.

<sup>3</sup> It should be noted that Schechter was not actually the first to discover the Cairo Geniza, although he is certainly the scholar who launched it into prominence. A European, Simon van Gelderen, was the first to make note of the collection when he visited the Ben Ezra Synagogue in Fustāt in either 1752 or 1753. Schechter was aware of the Geniza prior to his beginning research of it. It was largely through the work of the Giblews that Schechter became acquainted with specific materials.

The themes of economic agency, social capital acquisition, and female self-advocacy are echoed in the lives and legacies of Lewis and Gibson. Like Jewish women in medieval Egypt, they commanded social capital and exercised agency in unique and often unexpected ways.

Like its Arabic cognate *janāza* (“funeral”), *geniza* is a Hebrew word of Persian origin.<sup>4</sup> It has come to denote a “storeroom,” or the place in a synagogue in which communal records are held. However, *geniza* is also a term that defies translation; it holds within it “an ultimate statement about the worth of words and their place in Jewish life.”<sup>5</sup> There is a time-honored tradition in Judaism of preserving the sanctity and value of texts on which the name of God has been written. Manuscripts that “time or human error [had] rendered unfit for use,”<sup>6</sup> rather than being thrown away, were concealed or buried. They required the act of *geniza*; in this case, the word *geniza* denotes a process, that is, the process of burial or concealment. Originally, the word was used in its verbal form, to describe the specific process by which documents’ sacredness was preserved. Eventually, however, the word took on a nominal meaning; *geniza* became the place where Jewish communal materials were deposited.

The overwhelming majority of fragments contained in the Cairo Geniza are religious manuscripts; only between 5-10% of the more than a quarter of a million folio pages<sup>7</sup> which comprise the corpus of the Geniza concern daily life. The greatest number of such manuscripts—the collection of personal and business correspondence, lists, receipts, recipes, legal instruments of various kinds including marriage contracts, court records and bits of rabbinic commentary known as the documentary Geniza—date to the Fāṭimid and Ayyūbid

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<sup>4</sup> S. D. Goitein, “The Documents of the Cairo Geniza as a Source for Mediterranean Social History,” *Journal of the American Oriental Society* 80 (1960): 91.

<sup>5</sup> *Ibid.*, 12.

<sup>6</sup> Hoffman and Cole, *Sacred Trash*, 12.

<sup>7</sup> Marina Rustow, *Heresy and the Politics of Community: the Jews of the Fāṭimid Caliphate* (Ithaca: Cornell University Press, 2008), xx.

periods. A multiplicity of languages is represented in the more than 10,000 fragments of the documentary Geniza. Most are written in Hebrew, Arabic, or Aramaic, “mainly on vellum and paper, but also on papyrus and cloth.”<sup>8</sup> Still, more than 18 other languages are also represented, including Judeo-Persian, Ladino (Judeo-Spanish), and Yiddish.<sup>9</sup> Thus, the *geniza* from the Ben Ezra Synagogue in Fustāt is one of the greatest caches of primary source material for medieval Middle Eastern history ever to be discovered.

The “Cairo Geniza,” as it is more widely known, is the largest and most complete record we have of Jewish life in the Mediterranean world during the Middle Ages. Yet, in some respects, many of its richest treasures remain unexplored and undiscovered. As Marina Rustow puts it in her 2008 book, *Heresy and the Politics of Community: the Jews of the Fāṭimid Caliphate*, “the Geniza has changed and is still changing the way the history of the Near East is written—not just the history of its Jews but of its merchants, courtiers, craftsmen, city-dwellers, and occasional, rural people, regardless of their religion.”<sup>10</sup>

More than three generations of scholars have devoted their careers to expanding our understanding of this critical resource. First and foremost among them is Shlomo Dov Goitein (1900-1985), hailed the doyen of documentary Geniza studies. His contribution is enshrined in the six-volume series, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Genizah*, and a vast collection of articles. Goitein’s work is a comprehensive study of Geniza documents of everyday life. Through description and analysis of this varied, fragmentary but ultimately very rich material, he is able to describe the world in which Jews lived when the Cairo Geniza was in

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<sup>8</sup> Stefan Reif, “The Cairo Genizah: a Medieval Mediterranean Deposit and a Modern Cambridge Archive,” *Libraries & Culture* 37 (2002): 125.

<sup>9</sup> Hoffman and Cole, *Sacred Trash*, 17.

<sup>10</sup> *Ibid*, xxi.

active use. He sheds light on Jewish communities across the Mediterranean world and beyond: from Spain and Morocco to Egypt and even India.

Goitein dedicated many years of scholarship to the discovery of this world, a world in which Jews, Muslims, and other communities lived, traded, and worshipped side by side. His is the most extensive work to be undertaken on the Geniza, and his research touches upon almost every conceivable aspect of Jewish life in the Arab world—primarily during the 9<sup>th</sup>-13<sup>th</sup>-centuries. The third volume of Shlomo Dov Goitein’s seminal *A Mediterranean Society*, entitled “The Family,” offers a broad synthesis of the study of women and familial life and was particularly helpful in providing me a launching point for my own research.

Jewish social life and communal structures during the “classical” Geniza period are perhaps the richest areas of study thus far. Goitein, Phillip Isaac Ackerman-Lieberman, Marina Rustow, Mark R. Cohen, Norman Stillman, Joel Kraemer, and many others have dedicated their careers to studying the Jews of the Islamic world. From Jewish communities in Yemen to those Egypt, Babylon, and even al-Andalus, Middle Eastern historians like those mentioned above have pieced together the many vast and varied fragments of the documentary Geniza to construct a picture of what Jewish community life looked like in the Islamic Middle Ages and beyond (9<sup>th</sup>-16<sup>th</sup> centuries).

A number of other scholars, notably Mordechai Akiva Friedman, Oded Zinger, and Eve Krakowski continue to expand upon Goitein’s exploration of “Geniza women.”<sup>11</sup>

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<sup>11</sup> In addition to those mentioned above, a number of other Geniza scholars devote works or parts of works to the study of women. Ruth Lamdan, Karin Hofmeester, Renee Melammed, and Craig Allen Perry all write extensively about the world of “Geniza” women, their social structures, marriages, and community ventures. These scholars have provided me with a thorough understanding on which to explore the topic of women’s social capital and economic agency; Craig Allen Perry’s dissertation on slavery in the Geniza and his commentary on slave women was especially helpful in shaping my understanding of how capital is acquired and used. The question of female agency is taken up by Perry, in the context of slave women as well their mistresses; he claims that for women of wealthier strata, slave women were a particularly valued and highly desired form of social capital, since they eliminated the need for the woman of the house to engage in menial labor. Moreover, wives

Friedman, as a student of Goitein, is known for his studies on Palestinian-style marriage contracts<sup>12</sup> and polygyny in Geniza documents,<sup>13</sup> and he, like his mentor, takes a somewhat “legal-institutional” approach to the study of women in Geniza society.<sup>14</sup>

I came to the topic of Jewish women’s economic agency and social capital through my historical studies of medieval Islamicate cultures. Specifically, examining Jewish communities in the Arab world through the lens of Judeo-Arabic literary texts first brought the Geniza to my attention, and the desire to understand more fully how women fit into these communities led to the present study. Both Zinger and Krakowski, in their recent doctoral dissertations (2014 and 2012, respectively), address the role of marriage contracts and the controversies surrounding marital life and spousal relations. It is largely upon this foundation that I have built my own thesis. By merging Zinger’s work on marital disputes<sup>15</sup> and Krakowski’s analysis of female adolescence<sup>16</sup> with my own interests in female agency and economic initiative, I have sought to fill a lacuna regarding our understanding of the roles marriage and travel played in the acquisition of women’s social capital.

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sometimes used slaves as marital leverage to buttress against her own security vis-à-vis divorce. This is because “A slave, if displeasing to her master, could be sold and yield money; a divorce entailed great financial obligations. Therefore, matrimonial peace had to be protected against concubinage with slaves not less, and perhaps even more, than against polygyny.” S.D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza* (Berkeley: University of California Press, 1978), 3:147. Additionally, Yossef Rapoport’s on Islamic society and marital structures makes comparative use of Geniza material about women’s labor. His book *Marriage, Money, and Divorce* has been indispensable in writing the third chapter of the present thesis as a source for both primary and secondary source collection.

<sup>12</sup> Mordechai Akiva Friedman, *Jewish Marriage in Palestine: A Cairo Geniza Study* (Tel Aviv: Tel Aviv University, 1980).

<sup>13</sup> Mordechai Akiva Friedman, *Jewish Polygyny in the Middle Ages: New Documents from the Cairo Geniza* (Tel Aviv: Tel Aviv University, 1986).

<sup>14</sup> Oded Zinger, “Women, Gender, and Law: Marital Disputes According to Documents from the Cairo Geniza” (PhD diss., Princeton University, 2014), 6.

<sup>15</sup> Oded Zinger, “Women, Gender, and Law.”

<sup>16</sup> Eve Krakowski, “Female Adolescence in the Cairo Geniza Documents” (PhD diss., University of Chicago, 2008).

The majority of our knowledge about Jewish women in medieval Mediterranean societies concerns their legal status as reflected in religious commentary, the marriage contract, and court documents from the period. Although we know a great deal about their role in the family and their educational opportunities—or more often, lack thereof—a great deal regarding their involvement in commercial affairs remains to be studied. Even more unexplored are their sources of social capital. In his dissertation entitled “Women, Gender, and Law: Marital Disputes According to Documents from the Cairo Genizah,” Zinger writes that “while the phenomenon of husbands’ absences, running away, and leaving home as a temporary tactic is relatively well explored, the female correlative and the ways in which it benefitted women are less known.”<sup>17</sup> Moreover, “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?”<sup>18</sup> The question posed by economic historian Maya Shatzmiller primarily applies to Muslim women of the later medieval period (14<sup>th</sup> century onward). Yet the same can be asked of earlier periods, regarding Jewish women living in the Islamicate world who would have been subject to similar social and communal attitudes regarding women’s commercial involvement and economic participation.

By exploring the concept of social centers and peripheries and gender constructs in Egyptian Jewish communities during this time period, I hope to come to a greater understanding of the ways in which women exercised personal agency through their economic activities. Specifically, I am interested in looking at the role trade and commerce played in facilitating opportunities for women to acquire social capital. Jewish women were increasingly granted conditional writs of divorce, prior to their husbands’ departure for an

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<sup>17</sup> Zinger, “Women, Gender, and Law,” 260-61.

<sup>18</sup> Maya Shatzmiller, “Aspects of Women’s Participation in the Economic Life of Later Medieval Islam,” *Arabica* 35 (1988): 58.

extended or particularly dangerous trip.<sup>19</sup> This writ was designed as a legal protection for the woman in the event that he did not return. Following a stipulated period of time, per the writ, the divorce automatically went into effect; the wife was entitled, if need be, to confirm this in court and collect her *ketubba*.

Sociologists Mustafa Emirbayer and Ann Mische conceptualize agency as a “temporally embedded process of social engagement, informed by the past...but also oriented toward the future (as a projective capacity to imagine alternative possibilities) and toward the present (as a “practical-evaluative” capacity to contextualize past habits and future projects within the contingencies of the moment).”<sup>20</sup> Within this sociological definition of agency, Jewish women’s exercise of such engenders both present and future value. The present study will build upon Emirbayer and Mische’s definition to assert that agency is an ongoing and fluid process of internal and external negotiations with the world. A person’s prior experiences and future potentials play a key role in determining present agency; for Jewish women of the Geniza world, this agency was born out of both necessity and the restructuring of broader social and communal norms.

In addition to the concept of agency, it is necessary to engage with theoretical definitions of capital. Pierre Bourdieu’s definition fits well with the present thesis, as he connects his concept with theoretical ideas on class. He identifies three dimensions of capital, each with its own relationship to class: economic, cultural, and social capital.<sup>21</sup> These resources then become “socially effective, and their ownership is legitimized through the

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<sup>19</sup> Goitein, *A Mediterranean Society*, 3:155.

<sup>20</sup> Mustafa Emirbayer and Ann Mische, “What is Agency?,” *The American Journal of Sociology* 103 (1998): 962.

<sup>21</sup> M. Siisiainen, “Two Concepts of Social Capital: Bourdieu vs. Putnam” (paper presented at the ISTR Fourth International Conference, Dublin, Ireland July 2000), 1.

mediation of symbolic capital.”<sup>22</sup> Bourdieu thus emphasizes conflict and the “power function”: social relations that increase the ability of an actor to advance her or his interests.<sup>23</sup> In the case of Geniza women, such relations might include ones with spouses, extended family, or even other women.

Building upon Bourdieu’s scholarship by focusing on the “power function” will help scholars to better understand the network of relations and institutions that would have helped women advance their economic interests and thus exercise agency. By this definition, social and economic capital overlap; a woman’s engagement in remunerative or otherwise commercial activity is an exercise of agency. This agency is born out of an individual’s use of social capital. Similarly, a wife’s economic activities would play a profound role in the further exercise of agency and the acquisition of additional social capital. Participation in the workplace comprises an element in the building of social capital; so too do family assets. Based on different variations of these elements, women would have experienced social and economic capital differently based on their individual circumstances.

It is important to note that the real and hypothetical benefits for women of engaging in such activities—remunerative or otherwise—do not occur uniformly across all marriages and female experiences. This is because each exercise of agency happens within the broader tapestry of social and marital obligations, norms, and constructs of a specific era. Even within a given time period, variation is both possible and likely, since personal and relational factors also figure prominently in an individual’s both desire and capacity to express and exercise agency. Nonetheless, general trends can be detected regarding Jewish women’s cultivation of capital and autonomy. This thesis seeks to examine and conceptualize these trends.

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<sup>22</sup> Ibid, 1.

<sup>23</sup> Ibid, 1.



My inquiry is supported by a rich set of documents, located by consulting a variety of online databases, including the Friedberg Genizah Project and the Princeton Geniza Project. It also heavily relies upon and benefits from the work of three generations of Geniza scholars and other historians of the medieval Middle East, most notably Goitein, Friedman, Zinger, and Yossef Rapoport.<sup>24</sup> Most encouragingly, Oded Zinger agreed to share his informal list of legal deeds related to travel, with preliminary notes made about a number of fragments. This list was especially helpful in formulating Chapter Two of the present study. The majority of the documents consulted and discussed throughout the thesis are written in Arabic and Judeo-Arabic, as my translational abilities are limited to these languages. However, for relevant fragments written in Aramaic or Hebrew, it was possible to rely on the either partial or full transcriptions and translations completed by other scholars.

The vast majority—if not all—of the *ketubbot* examined in this study are written in Hebrew and Aramaic. This is because while Judeo-Arabic dialects served as the *lingua franca* for personal correspondence in the various Jewish communities of the Islamicate world, Hebrew and Aramaic would have been more appropriate for legal documents. The reason for this language variation is that Hebrew and Aramaic were used for legalistic purposes prior to the development and use of Judeo-Arabic dialects for the same. More specifically, assert scholars Amir Ashur and Ben Outhwaite, “While most commercial correspondence—if not all—was in the usual written vernacular of the merchants, Judaeo-Arabic, the holy language, Hebrew, was often preferred for communications of a more

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<sup>24</sup> A full index of the documents I reference in this thesis is located at the end of the concluding chapter.

official or rhetorical nature.”<sup>25</sup> *Ketubbot* would certainly have qualified as such “official” and “holy” communication.

This thesis also makes use of a number of fragments from the documentary Geniza related to marital conflict, including writs of divorce and personal letters between absentee husbands and their wives. These documents beg the question: in what ways did “long distance marriages” benefit the wives left behind, and enable them to acquire social capital, exercise agency, and increase their financial autonomy? These documents both reveal broader dynamics regarding marriage, travel, and divorce, and present interesting cases for understanding how women navigated challenges presented by them. They are significant in that they often illustrate the web of personal and familial motivations that were at play in a marriage.

This study examines these motivations and their implications within the chronological framework of the 10<sup>th</sup>-13<sup>th</sup> centuries. This was a critical period for the Jewish communities of the Mediterranean world, as societal structures were undergoing significant changes; business and trade with surrounding Muslim societies were expanding; and women’s roles, in practice if not in law, were transforming. Zinger argues that gender and status are “crucial categories” in our understanding of the Geniza materials and medieval patriarchy.<sup>26</sup> As a result of this analysis, we are able to glean a better understanding of variability of married life in medieval Mediterranean Jewish societies.

### Rulers and Ruled: The Sociopolitical Landscape of the Geniza Communities

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<sup>25</sup> Amir Ashur and Ben Outhwaite, “Between Egypt and Yemen in the Cairo Genizah,” *Journal of Islamic Manuscripts* 5 (2014): 203.

<sup>26</sup> Zinger, “Women, Gender, and Law,” iii.

The legal status of Jews, and the wider socio-economic fortunes of medieval Egypt over time, affected women in specific ways that relate to the present study, and that can be used to understand more fully how these women accessed and made use of their social and economic capital. For this reason, it is necessary to include, though not directly dealing with Jewish women in medieval Egypt.

Judaism has remained a key cultural and religious presence in Middle Eastern and Arab societies since antiquity. Jewish communities existed in the Arabian Peninsula centuries before the birth of the prophet Muhammad,<sup>27</sup> with an even older presence in Palestine and Egypt. Until around 1200 CE, 90% of world Jewry lived under Islamic rule.<sup>28</sup> As *ahl al-dhimma* (People of the Pact), certain groups—Jews, Christians, and sometimes Zoroastrians—were considered protected minorities, and therefore entitled to specified protections under Islamic law in exchange for adherence to a loosely-defined code of communal and social conduct. In exchange for the safeguarding of their lives, property, and the right to worship, *dhimmi*s paid a poll tax (*jizya*) and a land tax (*kharaj*). Theoretically, there were a number of other stipulations that protected minorities had to follow: they could not build their houses higher than Muslim dwellings; they could not carry arms, and had to wear special clothing to identify them in the streets; they were not to build new or repair existing houses of worship, or conduct loud religious ceremonies in public; they were forbidden from proselytizing.<sup>29</sup> These stipulations are laid out in an ambiguously dated document known as the Pact of ‘Umar. This pact, which has been dated to various periods and geographic locations, was a theoretical treaty between *dhimmi*s and the Muslim state in which they lived.

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<sup>27</sup> Norman Stillman. *The Jews of Arab Lands: A History and Sourcebook* (Philadelphia: Jewish Publication Society of America, 1979), 3.

<sup>28</sup> Rustow, *Heresy and the Politics of Community*, xvii.

<sup>29</sup> Stillman, *The Jews of Arab Lands*, 26.

It is important to understand, however, that throughout the centuries, the Pact was enforced differently by different governments, with varying degrees of strictness based largely on prevailing political conditions and sometimes on the personal interests of this ruler or that. Even across countries in the same time period, enforcement of aspects of the “Pact” varied greatly. An echo of that disparity may be detected in Ibn Naqqash’s report of an unnamed Maghrebi vizier’s reaction to *dhimmī* conditions in Egypt. According to the 14<sup>th</sup>-century scholar, “the vizier of the West” was appalled by non-Muslims’ apparent “evasion” of *dhimmī* laws, including laws of dress, and insists on Mamlūk rulers’ tightening of provisions.<sup>30</sup> The report suggests that the dignitary’s visit occurred during a time when enforcement of *dhimmī* laws was stricter in Morocco than in Egypt, thus revealing the variability of Pact regulations across time and place.

The Mediterranean in the 10<sup>th</sup>-13<sup>th</sup> centuries was an era of great economic enterprise and social transformation for Jewish communities in the region. It was a time of “profound and lasting changes”; the geopolitical makeup of the Mediterranean was altered as the political center of gravity in North Africa shifted from Tunisia to Egypt; Muslim naval superiority in the south was overshadowed by the Christian North; and Byzantium was

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<sup>30</sup> Ibn Naqqash was a 14th-century scholar, teacher, and preacher in Egypt. He is best known for his polemical work, *Al-madhamma fī isti‘māl ahl al-dhimma*, or, “Censure Concerning the Employment of Dhimmīs.” Ibn Naqqash’s own scholarship was highly controversial, and as can be seen above, rather polemical. As a polemicist, the nature of his work casts doubt on the validity of the Moroccan vizier’s visit to Egypt. However, even if the vizier did not, in fact, travel to Egypt and express such blatant indignation at *dhimmī* violation of the Pact, Ibn Naqqash’s writings clearly indicate that some level of social discourse existed in the later 13<sup>th</sup> and early 14<sup>th</sup> centuries regarding the status of *dhimmīs* in Egypt. The vizier’s account is relevant and interesting regardless of its veracity, as even Ibn Naqqash’s falsification of historical evidence reveals the broader discourse occurring in his own community. For a summary of Ibn Naqqash’s biography and work, as well as relevant primary sources, see Luke Yarbrough, “Ibn al-Naqqash,” in *Christian-Muslim Relations: A Bibliographical History*, ed., David Thomas and Alex Mallett (Boston: Brill, 2013), 5:123-26. Mark Cohen cites the reported visit as evidence for the discourse on *dhimmīs* in government service in Mamlūk Egypt. See Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton: Princeton University Press, 1994), 67; Bat Ye’or, *The Dhimmī: Jews and Christians Under Islam* (Cranbury, NJ: Associated University Presses, 1985), 192.

supplanted as the “protagonist” of Christendom by a series of Italian republics, the Normans, and eventually, France and Spain.<sup>31</sup>

During the 10<sup>th</sup>-13<sup>th</sup> centuries, the Mediterranean was never united under a single power; nonetheless, it was a period of extensive trade, of ever-increasing mercantile relations between nations, and the emergence of a merchant middle class. It has often been noted by scholars that a “spirit of tolerance and liberalism”—a Golden Age—pervaded the Mediterranean sphere for much of the 11<sup>th</sup> and 12<sup>th</sup> centuries, particularly during the Fāṭimid Dynasty. According to the traditional view, this period of idyllic interreligious relations was followed by a dangerous phase of fanaticism in the 13<sup>th</sup> and 14<sup>th</sup> centuries. In his book *Under Crescent and Cross*, Mark Cohen examined the historiographical roots of the notion of a universal *convivencia* in the medieval Mediterranean world, and pointed out that the myth of an interfaith utopia, greatly exaggerated by historians, most frequently served as a foil for the quality of Jewish life in European Christendom—both in the medieval period, and later, in the 19<sup>th</sup> century.<sup>32</sup>

Yet other scholars have swung too far in the opposite direction, promoting a counter-myth, claiming that the so-called “Golden Age” was an era of immense hardship and oppression for the Jews of Arab lands.<sup>33</sup> This stance, too, misses the nuance in the historical realities of the situation. Writes Cohen in the introduction to his comparative work: “Political, economic, and social realities could temper ideological (read: religious) intolerance, creating the groundwork, as happened so fundamentally in the Islamic world, for substantial security and prosperity.”<sup>34</sup>

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<sup>31</sup> S.D. Goitein and Jacob Lassner, *A Mediterranean Society: An Abridgement in One Volume* (Berkeley: University of California Press, 1999), 29.

<sup>32</sup> Cohen, *Crescent and Cross*, xv.

<sup>33</sup> *Ibid*, xv.

<sup>34</sup> *Ibid*, xxi.

While it cannot be asserted that a spirit of interfaith *convivencia* permeated the medieval Mediterranean world, opportunities for Jewish communal and individual prosperity were frequently available. Whereas in Europe Jews existed more or less as the main non-Christian minority, Jews in historically Islamic lands enjoyed the company of other, more conspicuous non-Muslim groups like the Christians and Zoroastrians.<sup>35</sup> Thus, although challenges certainly existed, life in the Mediterranean was not altogether insufferable for the Jews at the advent of the classical Geniza period.

The present study examines a period in Egyptian history that was characterized by political upheaval, social transformation, and the redrawing of communal and religious boundaries. Over the course of three centuries, Egypt came under the authority of three distinct Muslim dynasties: the Fāṭimids, the Ayyūbids, and the Mamlūks. These governments profoundly shaped the Jewish communities under their jurisdiction, and, as will be demonstrated, the institution of marriage amongst all groups in Islamic society.

The Fāṭimids, ruling from 909 to 1171 CE, conquered Egypt and founded Cairo as the seat of an expansive caliphate in 969. The period of their rule was one of relative calm and freedom for the Jews of Egypt, particularly in comparison to their quality of life under the Ayyūbids (1171-1250) and the Mamlūks (1250-1517) in subsequent centuries.<sup>36</sup> In many

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<sup>35</sup> Ibid, xviii.

<sup>36</sup> Under Fāṭimid jurisdiction, the restrictions imposed on non-Muslim communities were more lax. Although there were still limitations to their personal and public conduct, many Jews held important positions in the government, or practiced law or medicine. Though it is true that Jews in the Ayyūbid and Mamlūk eras similarly engaged in such activities, by this point in history the Egyptian Jewish community had fallen victim to both a disintegrating social cohesion in the Mediterranean basin and broad economic decline. Mark R. Cohen writes that the decline in the overall quality of life for Egyptian Jewry was due to these general demographic changes and economic decline. One Geniza document in particular, sheds light on the mid-15<sup>th</sup>-century Mamlūk-dhimmī relations: T-S AS150.3. Though its allusions are “obscure,” the fragment describes the crisis of 1442, and is substantiated and clarified by its contemporary Muslim chronicles. In it, the writer describes how the Jewish community is in “terrible distress.” Since the appointment of ‘Abd Laṭīf the physician, synagogues lay in disrepair and the Jewish community itself has suffered from excessive fines and property theft. Mark R. Cohen,

ways, the period of Fāṭimid rule was the “heyday” of Egyptian Jewish life. Additionally, the Fāṭimids’ conquest of Egypt in 969 CE marks the beginning of the “classical” Geniza period.<sup>37</sup> This is the period in which the Geniza was in greatest and most frequent use; it is also the period about which we have the most information regarding the Jewish communities of the Mediterranean world.<sup>38</sup>

The Fāṭimids’ 10<sup>th</sup>-century conquest of Egypt and their subsequent establishment of Cairo as the seat of the caliphate had profound consequences for both Egypt and surrounding countries. With it came tremendous political, demographic, and economic changes. This, in turn, significantly altered the communal structure of Jewish societies in these areas. For one, authority shifted away from the Gaonates in Palestine and Babylon, and the religious academies there, toward a more localized form of leadership.<sup>39</sup>

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“Jews in the Mamlūk Environment: The Crisis of 1442 (A Geniza Study),” *Bulletin of the School of Oriental and African Studies* 47 (1984): 425-448.

<sup>37</sup> Goitein, *A Mediterranean Society*, 1:29.

<sup>38</sup> More is known about Egyptian Jewish society during the High Middle Ages (10th-13th centuries) than about any other Jewish community of the same time period. This is due, in great part, to Solomon Schechter’s “discovery” of the Cairo Geniza in the late 1890s. The vast collection of fragments documenting daily life originate all over the Mediterranean world, and stretch along the trade routes to India. Egyptian society, however, is reflected most strongly in these records. Goitein writes that the “classical” period is that in which “documents appear in a trickle during the second part of the tenth century and become a flood for the subsequent two and a half centuries.” Goitein, *A Mediterranean Society*, 1:19; Stillman, *The Jews of Arab Lands*, 47.

<sup>39</sup> “Buoyed by an influx of immigrants,” Mark R. Cohen writes, “Jewry under the Fāṭimids attained economic well-being and a large measure of self-sufficiency. In the Fāṭimid period, the yeshivas of Iraq and Palestine found themselves increasingly dependent upon the Jews of Egypt for financial support.” Political and social realities of the Fāṭimid government acted as a catalyst for rise of the headship of the Jews (*ra’īs al-Yahūd*); still, a number of internal factors specific to the Jewish community contributed just as much to the evolution of the position, if not more so. Mark R. Cohen, *Jewish Self-Government in Medieval Egypt: The Origins of the Office of Head of the Jews, ca. 1065-1125* (Princeton: Princeton University Press 1980), 4-5. Until 1065 CE, there was no officially recognized Jewish leader for all of Fāṭimid Egypt. In this year, the first *ra’īs al-Yahūd*, who served as the representative of the Jews in Egypt, and governed communal affairs, appeared. Although the man who was appointed to serve as *ra’īs al-Yahūd* was to be chosen from among the Rabbinite majority, he was to represent all Egyptian Jews in front of the government—Rabbinates, Karaites, and Samaritans alike. Goitein and Cohen assert that the *ra’īs al-Yahūd*’s “function was to unite the Jews and hold them together as legal authority and judge in conformity with their laws and customs.” Goitein and Lassner, *An Abridgement*, 87; Cohen, *Jewish Self-Government in Medieval*, 29.

A Jewish community under local leadership (as opposed to being ruled “remotely” from the religious academies in Palestine or Babylon) was desirable from the point of view of Fāṭimid policy.<sup>40</sup> This is because, with the loss of Palestine in 1071 to Seljuq Turkish forces, the Fāṭimids had adopted an increasingly inward-facing and “Egyptocentric” political policy.<sup>41</sup> Partially in response to these geopolitical shifts, the Jews of many Mediterranean communities began to redraw their frameworks of religious authority and institutional power.

The picture of Jewish self-government in Egypt has always been complex, and was especially so during the Fāṭimid and early Ayyūbid periods. The onset of the Crusades in the late 11<sup>th</sup> century (1095 CE) was a significant turning point; the series of wars brought about additional and significant political and economic changes. Often, the protracted conflict between factions negatively affected minority communities.

Nonetheless, life for the Jews of Egypt during the Ayyūbid period was relatively stable, despite occasional destabilizing events beyond the community. Non-Muslims figured prominently in the government, despite a gradual tightening of enforcement of aspects of the Pact of ‘Umar.<sup>42</sup> Though their overall quality of life was generally less favorable than that which they experienced under the preceding dynasty, Jews managed to maintain a certain social status through their civic involvement. Undoubtedly, the best-known example of Jewish distinction in this period is Moshe ben Maimon, also called Maimonides, who served as doctor and advisor to the Grand Vizier al-Qadi al-Fadil, then to Sultan Salah al-Din b.

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<sup>40</sup> Stillman, *The Jews of Arab Lands*, 49.

<sup>41</sup> Norman Stillman, “The Non-Muslim Communities: the Jewish Community,” in *The Cambridge History of Egypt, Volume Two: Modern Egypt, from 1517 to the End of the Twentieth Century*, ed. Martin W. Daly and Carl F. Petry (Cambridge: Cambridge University Press 1998), 198-210, 204.

<sup>42</sup> Stillman, *The Jews of Arab Lands*, 68. The Pact of ‘Umar encompassed a wide array of restrictions on *dhimmī*’s personal conduct, public behavior, and even dress. Jews as well as other minority communities had to distinguish themselves in public by wearing identifying clothing and colors. They could not perform religious rituals in the streets, or make a great deal of noise. Their houses of worship, if they fell into disrepair, more often than not stayed that way, since the Pact of ‘Umar technically included a stipulation forbidding such actions.



Ayyub himself. He rose to prominence as head of the Egyptian Jewish community in the 12<sup>th</sup> century; the Geniza contains a great number of the religious commentaries and *responsa* for which he is now revered. Maimonides' life also provides an interesting case study for the examination of Jewish life in the medieval Mediterranean. He witnessed the transition to power of the Ayyūbids, when they conquered Cairo from the Fāṭimids in 1171 CE.

The Geniza record from this period is less prolific than in earlier centuries; thus, most of what we know about the Jews of Egypt during Mamlūk rule of the area is derived from non-Jewish sources. Our understanding of broader social and political trends that affected the community comes from European travellers' writings and Arabic chronicles.<sup>43</sup> The Mamlūk period saw a revival in the widespread enforcement of the stipulations of the Pact of 'Umar, which for several centuries had been relegated to relatively minor importance—though with gradually increasing emphasis. A writing by Ibn Ḥajar al-ʿAsqalānī from 15<sup>th</sup>-century Cairo describes the so-called “crisis of 1442,” when a series of misfortunes befell the *dhimmi* communities of Egypt. He writes, “In this month humiliation, shame, scorn, and fiscal penalties beyond description fell upon the Christians and the Jews.”<sup>44</sup> Al-ʿAsqalani then continues on to describe the decision by a group of *qadis* to renew aspects of the Pact, such as prohibitions on repairing houses of worship.

The decline in Jewish communal life in Egypt during the Mamlūk period likely reflects larger social trends in the surrounding communities. Significant realignment of Mediterranean cultural and economic networks—and in a small way, a decline in overall, regional “cohesion”—is partly to blame for the Mamlūks' move toward a more regimented, centrally regulated political structure. Both the Crusades in the previous centuries and the

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<sup>43</sup> Ibid, 425.

<sup>44</sup> Ibid, 427.

onset of the plague in the mid-14<sup>th</sup> century contributed considerably to this realigning of the Mediterranean milieu.

It is important to note that while life for the Jewish community on a macro level gradually became more burdensome, women in these societies in many ways benefitted from broader patterns of unrest and change. Slowly, over the course of several centuries, Jewish women in the medieval Mediterranean acquired greater financial autonomy and social capital. Changes in women's control vis-à-vis dotal property management, inheritance customs, and loan banking practices occurred in tandem with the overall decline in Mediterranean cultural cohesion.<sup>45</sup>

#### Jewish Women: Scholarship and Histories from the Pre-Modern Period

Much has been written regarding Jewish women in the pre-modern period. However, this scholarship largely focuses on European communities and Jewish law as it was adhered to in those specific contexts. Traditional scholarship argues that women in Islamic society were less socially limited; this is due in part to the extent of commercial trade and travel in the medieval Muslim world. Long distance marriages—both those in which the spouses lived apart most of the time as a consequence of commercial obligations, and those between couples that resided in different locales<sup>46</sup>—were far more frequent amongst these Jewish communities, a fact that reflects a highly developed system of geographically dispersed

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<sup>45</sup> Karen A. Frank, "From Egypt to Umbria: Jewish Women and Property in the Medieval Mediterranean," *California Italian Studies: Italy in the Mediterranean* 1 (2010): 9.

<sup>46</sup> Often, women chose to stay near their natal families after they were married, as evidenced by the great number of *ketubbot* containing stipulations about a wife's right to choose her/the couple's domicile. In some cases, one or both spouses divided their time between domiciles.

contacts and economic partnerships.<sup>47</sup> It makes sense, then, that social parameters for women in these societies differed significantly from those of their coreligionists in medieval Europe.

Life for Jewish women in all medieval societies was primarily dictated by *Halakha*, or Jewish law. Deuteronomy, the last of the five books of the Pentateuch, states that a man must teach the law of God to his *banekha* (Deut. 6:8). In Hebrew, this word may be translated to mean “children” or “sons.” While there is evidence that some Palestinian religious authorities interpreted the verse as intending both male and female offspring, Babylonian scholars by and large did not, and limited it to male children.<sup>48</sup> Many communities used this verse as the *Halakhic* basis for the exclusion or limitation of women in education. At best, history reveals individual instances of women pursuing studies. European Jewish communities in the medieval period were deeply respectful of their communities’ “biblical and Talmudic heritage.”<sup>49</sup> The advice and legal rulings of Talmudic scholars were revered and deviation from them was not embarked upon lightly.

The study of Jewish women in the medieval European context is still in its infancy, and much remains to be learned about these individuals, the lives they led, and the ways in which they shaped their communities. One work that challenges commonly held notions of female submissiveness in these societies is Avraham Grossman’s book *Pious and Rebellious: Jewish Women in Medieval Europe*. “Between the lines,” Grossman writes, “echoes the voice of powerful women, very different from the ideal of the submissive and shy figure depicted

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<sup>47</sup> Judith R. Baskin, “Mobility and Marriage in Two Medieval Jewish Societies,” *Jewish History* 22 (2008): 223.

<sup>48</sup> Emily Taitz and Cheryl Tallan, “Learned Women in Traditional Jewish Society,” *Jewish Women: A Comprehensive Historical Encyclopedia*. 1 March 2009. Jewish Women's Archive. (Viewed on March 15, 2015) <<http://jwa.org/encyclopedia/article/learned-women-in-traditional-jewish-society>>.

<sup>49</sup> Robert Chazan, “Book Review: *Pious and Rebellious: Jewish Women in Medieval Europe*,” *Speculum* 81 (2006): 857.

by thinkers during the Middle Ages and the early modern period.”<sup>50</sup> In *Pious and Rebellious*, Grossman surveys Jewish women’s lives in Ashkenaz between 1000 and 1300 CE. He concludes that these women enjoyed a significant improvement in their status compared with the Talmudic era, and even with Muslim countries—though the present study challenges this claim. He claims that women’s status improved as their economic power increased. Ashkenazic women were involved in business and finance and could help support their families, particularly when their husbands were away on commercial trips. The result was increased power in their relationship with their spouse and within their family. This structure came to parallel an existing structure of trade and commerce in the Muslim world, where extensive networks had already been established decades—sometimes centuries—prior to their formation in Europe. Most importantly, there is a similarity to be drawn: in both instances, Jewish women’s social status increased as their capacity for economic contribution increased. This in turn, increased as a result of broader social and financial structures.

Pre-modern scholarship on Jewish women in the Muslim world continues to be a developing field of study. The Geniza is our most comprehensive source for learning about these women, but thousands of fragments have yet to be catalogued, translated, and/or analyzed. Eve Krakowski’s 2012 dissertation “Female Adolescence in the Cairo Geniza Documents” adds to the discussion in a significant way. Krakowski’s work examines the brief stage in the early female life course, from pre-pubescence to full sexual (and legal) maturity, amongst the lower to upper-middle urban Jewish classes of the Fāṭimid and Ayyūbid empires. She assesses the legal, social, and cultural structures through which young women came of age between puberty and early marriage. She focuses her findings on the implications of these structures on family formation, the nature of women’s social capital,

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<sup>50</sup> Avraham Grossman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Hanover: University Press of New England, 2004), 126.

and the social uses and effects of religious law. Krakowski's work on female adolescence is extensive, and her understanding of Jewish women's social capital, profound. It is the latter subject that holds particular relevance for the work of this thesis.

In her work, *A Separate People: Jewish Women in Palestine, Syria, and Egypt in the Sixteenth Century*, Ruth Lamdan writes that women began playing a greater role in the commercial and public life of Mediterranean communities in the later Middle Ages. While her research focuses on the 16<sup>th</sup> century, it is quite possible that this shift toward greater inclusion of women—if not altogether transformational in scope—was due in part to the redrawing of communal boundaries and frameworks of authority during the early and High Middle Ages. In 16<sup>th</sup>-century Egypt in particular, Lamdan writes, women often had the permission of their husbands to work due to their “straitened financial circumstances.”<sup>51</sup>

While her study does examine the status of Jewish women in Egyptian societies during the 16<sup>th</sup> century, Lamdan provides an important framework by which to understand earlier events and communal shifts. That is, did the redrawing of communal and religious boundaries result in smaller, more gradual changes in the content of marriage contracts and pre-departure travel arrangements between spouses? It is possible, and indeed, likely, that such small, gradual changes during the 10<sup>th</sup>-13<sup>th</sup> centuries—not just in communal boundaries, but also in personal and marital structures—paved the way for greater inclusion of Jewish women in society in later years.

Although women's commercial involvement in medieval Egyptian society was certainly not as prevalent as that of their male counterparts, history supplies specific instances of women taking economic initiative in times of financial distress or necessity. The most interesting and best-studied of these women is the unnamed “Bible Teacher” known from a

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<sup>51</sup> Ruth Lamdan, *A Separate People: Jewish Women in Palestine, Syria, and Egypt in the Sixteenth Century* (Boston: Brill, 2000), 122.

set of rabbinic *responsa* originating in 12<sup>th</sup>-century Fustat.<sup>52</sup> In her query addressed to Moses Maimonides, included as part of his *responsa*, the Bible Teacher describes her reasons for teaching and the circumstances in which she was “forced” to become educated in the first place. She reveals that she became a teacher out of necessity when she was married off young and her husband refused to provide for her. In his absence, which lasted for more than six years, the woman turned to teaching children as a source of income.<sup>53</sup>

Both Goitein and Karen A. Frank, a historian of Medieval Italy, suggest that women’s involvement in commercial life increased during the Middle Ages, partially in response to broader communal and political unrest in their societies. That is, in times of heightened social cohesion in the Mediterranean during which minority groups like the Jews flourished, they adhered to a more orthodox structure of male and female social roles. When such *convivencia* began disintegrating, however, Jewish women were afforded greater financial and personal autonomy, and consequently were able to contribute to the welfare of the community.

According to Frank, contrary to Jewish legal tradition that curtailed women’s financial autonomy, by the later Middle Ages communities across the region increasingly allowed women to manage their own dotal property, inherit property from a variety of sources, and engage in loan banking.<sup>54</sup> Increased instability, then, benefitted some Jewish women living in the medieval Mediterranean, while at the same time threatening the very autonomy of the larger communities in which they lived.

The research presented in the next three chapters contributes to the broader debates described above by providing scholars with a better understanding of how “Geniza women” fit into the medieval Mediterranean milieu—specifically, in Egypt, during a time of change

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<sup>52</sup> René Melammed, “He Said, She Said: A Woman Teacher in 12<sup>th</sup> Century Cairo,” *AJS Review* 22 (1997): 19-35.

<sup>53</sup> René Levine Melammed, “He Said, She Said,” 25.

<sup>54</sup> Frank, “From Egypt to Umbria,” Abstract.

both within and beyond the Jewish communities of the Islamicate world. The subsequent chapters will examine the various theoretical and real sources of social capital acquisition at a Jewish woman's disposal prior to, during, and after marriage. While each source is valuable in its own right, and worthy of understanding, taken together, they can shed light on the broader systems in which women operated and the unique means by which they exercised agency throughout their lives.

## *Chapter One*

### **The *Ketubba*: A Theoretical Basis For Social Capital Acquisition**

Man is not even called a man until united with woman.  
- Zohar

Marriage was, for the young Jewish woman living in medieval Egypt, among the most formative events of her life. According to Krakowski, it “transformed women’s effective economic capacity and reordered their social universe.”<sup>55</sup> In entering into marriage, women became potentially autonomous economic agents, considered capable of providing for themselves when necessary by their own labor and financial activity.<sup>56</sup> Thus, discourse surrounding female economic life in the documentary Geniza largely centers upon women’s status within and after marriage.<sup>57</sup>

There is far less understanding of the period between the start of puberty and the early years of a woman’s marriage; Krakowski’s work goes a long way toward filling this scholarly lacuna. She emphasizes the fact that this period—between the onset of puberty and the commencement of marriage—is particularly critical, as it provides the social and economic basis on which the majority of a woman’s life would be determined. That is, the economics of an individual woman’s life—her access to capital, as well as opportunities to use said capital, were largely determined by decisions made, and by agreements struck, in this period.

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<sup>55</sup> Krakowski, “Female Adolescence,” XII.

<sup>56</sup> Krakowski writes, “Entry into first marriage dramatically altered women’s perceived economic capacity. Even though daughters participated in both household labor and financially productive textile work in their natal homes, communal responses to the plight of mature unmarried orphans demonstrate the extent to which Geniza society classed adolescent girls as essential financial dependents. Unmarried girls were neither expected nor considered able to provide for themselves; girls who lacked external support were considered socially endangered.” That is, economic autonomy was not a foregone conclusion of sexual maturity. Rather, the institution of marriage itself, provided women opportunities for expressing economic agency. *Ibid*, 76.

<sup>57</sup> *Ibid*, 28.



Legal deeds, including marital contracts, comprise a significant portion of the documentary Geniza, particularly from the 12<sup>th</sup> century onward. Therefore, they are an invaluable source of information regarding Jewish women's social and economic realities during the Middle Ages. The *ketubba*, or marriage contract, formed the legal and religious basis of Jewish marriage, and in many ways, the broader community. It is generally understood to encapsulate the *Halakhic* (legal) obligations of a husband toward his wife during marriage, and his financial obligations at its termination via death or divorce.<sup>58</sup>

The engagement deed is a specific legal document, distinct from the *ketubba*, which reflects Egyptian Jews' attempts to adapt existing legal customs to contemporary needs.<sup>59</sup> The deed was formulated as an additional means of protection for Jewish women, who, during the 12<sup>th</sup> century, were experiencing extended periods of waiting between their engagement and betrothal. In their paper examining Indian Ocean trade between Egypt and Yemen in the High Middle Ages, Amir Ashur and Ben Outhwaite claim that increased economic activity abroad and expanding economic networks necessitated the drawing up of additional legal deeds like a formal, written engagement deed.<sup>60</sup>

Previously, Jewish engagements were undertaken through an oral contract; only directly before the wedding, at the drafting and signing of the pre-nuptial agreement (betrothal deed), did a couple consummate the marriage and thus, formally accept contractual obligations to each other. Because of increasing long-distance trade and travel, however, engagement deeds took on an added significance as a source of protection for a woman whose betrothed might be lost at sea or otherwise endangered by travel.

It is for these reasons that both *ketubbot* and engagement deeds are of such great

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<sup>58</sup> Rabbi Michael Broyde and Rabbi Jonathan Reiss, "The Value and Significance of the *Ketubah*," *Journal of Halacha and Contemporary Society* XLVII (2004): 101.

<sup>59</sup> Ashur and Outhwaite, "Between Egypt and Yemen," 211.

<sup>60</sup> *Ibid*, 211-212.

significance to the present study—they both happen during a stage in a woman’s life when she is in a heightened position of bargaining. In an examination of these documents, pinpointing features that reveal “economic turning points” will be of the greatest significance. Analysis of specific moments in the female lifespan—specifically those that pertain to the institution of marriage—is indispensable in understanding how these moments and their accompanying legal features influenced a woman’s capacity for acquiring social capital and exercising economic agency at later moments.

Even though women were not obligated by rabbinic law to marry, the vast majority of women did so at least once, with many marrying multiple times. Rapoport suggests that divorce was a common occurrence among both the Muslim majority and non-Muslim minority communities in the medieval Islamicate world. In fact, the earliest documentary Geniza fragment presently known to scholars is a deed of divorce.<sup>61</sup> For so many divorces to be taking place, there must have been an equivalent or greater number of marriages. Thus, the institution itself had profound implications for medieval Egyptian Jewish society in general, and for Jewish women in particular.

Perhaps most interesting is the seemingly contradictory nature of these pre-nuptial agreements. In his 2012 article “Protecting the Wife’s Rights in Marriage as Reflected in Pre-Nuptials and Marriage Contracts from the Cairo Genizah and Parallel Arabic Sources,” Amir Ashur writes that “on one side they [pre-nuptial agreements] bear conditions that aim to hold the marriage together but on the other side they have conditions that make it easier to pull the marriage apart.”<sup>62</sup> Stipulations of the latter type might be of benefit to a wife who found

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<sup>61</sup> Yossef Rapoport, *Marriage, Money and Divorce in Medieval Islamic Society* (New York: Cambridge University Press, 2005), 4; Goitein, *A Mediterranean Society*, 3:260-72.

<sup>62</sup> Amir Ashur, “Protecting the Wife’s Rights in Marriage as Reflected in Pre-Nuptials and Marriage Contracts from the Cairo Genizah and Parallel Arabic Sources,” *Religion Compass* 6 (2012): 381-2.

herself stuck in an abusive situation, or who sought to leave an otherwise unhappy marriage. Thus, at least on a theoretical level, the stipulations ensuring a husband's good moral conduct and *Halakhic* obligations afforded wives a great deal of flexibility when it came to negotiating the end-terms for her marriage.

Classical rabbinic law presents a woman's transition to social and sexual maturity in a clear-cut and distinctive manner, which, by the beginning of the classical Geniza period in the 10<sup>th</sup> century, had largely coalesced into a "relatively unified and stable discursive tradition."<sup>63</sup> The *Mishna*, the foundational text of classical rabbinic law, divides the early female life course into three stages: childhood, pubescence, and full maturity. These stages are both characterized and defined by the transformation of a female's personal status.<sup>64</sup>

In the first two stages, a daughter is financially dependent upon her father. He alone owns both the right to any property she might acquire in this period, and to any labor she undertakes. Upon passage into the third and final stage, sexual maturity, a girl is legally eligible for marriage. At this point, the *bogeret*<sup>65</sup> is emancipated from her father's financial authority and theoretically becomes a fully autonomous economic agent. In most cases, however, girls rarely commanded such agency for any significant period of time; rather, they moved directly from their father's economic authority to that of their husband.<sup>66</sup> Only within a marriage, and most often by necessity, did women ever realize such agency.

In the process of transitioning from one home to the other, a young woman ideally received a dowry that constituted the core of the personal property to which she would have

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<sup>63</sup> Krakowski, "Female Adolescence," 22.

<sup>64</sup> *Ibid.*, 23.

<sup>65</sup> In Hebrew, a sexually and legally mature daughter.

<sup>66</sup> Even though legally a woman became financially autonomous at sexual maturity, in practice it rarely worked that way. That is, economic autonomy was not a foregone conclusion of sexual maturity. Rather, the institution of marriage itself provided women opportunities for expressing economic agency.

access throughout her lifetime, became betrothed, and ultimately married through a series of legal contracts. These contracts defined the rights that a wife might exercise both within marriage and after. The best known and most prolific of these is the *ketubba*.

While in theory a legally mature daughter (at puberty) is emancipated from her father's financial authority and becomes a fully autonomous economic agent, in practice, a young woman was almost always transferred directly from the economic authority of her father to that of her husband. Thus, Jewish females were only nominally autonomous, and unmarried girls remained under the effective economic control and protection of parents, relatives, and caretakers primarily concerned with securing them a dowry that would accompany them into marriage. It is accurate to say that Geniza society structured and perceived young women's economic lives in ways that more closely resembled the Islamic *bikr/thayyib* paradigm<sup>67</sup> than the rabbinic age-based model of maturity.<sup>68</sup> The parallels between Jewish and Islamic legal practice also substantiate the significant overlap that existed in the social practices of various religious groups in the medieval Mediterranean.<sup>69</sup>

Transfer of the bride's dowry was the primary economic marital transaction in the medieval Near East, and parents would often go to great lengths to secure for their daughter sufficient arrangements. In addition to clothing and home furnishings, the dowry often comprised items of considerable economic value. Friedman observes, "This gave the wife's family significant leverage in finding her a suitable match and insuring her proper treatment

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<sup>67</sup> In this system, the father retains authority over his virgin (*bikr*) daughter, regardless of her age, until such time as she acquires the status of non-virgin (*thayyib*) through her entry into a first marriage.

<sup>68</sup> Krakowski, "Female Adolescence," 30.

<sup>69</sup> Jewish rabbinic law is distinct from Islamic law and other Near Eastern legal systems, in which marital status operates as the primary factor determining women's social and economic autonomy. In social practice, however, medieval Jewish society operated in much the same way as other systems in the same period. This reflects the cohesiveness of medieval Mediterranean society, in line with Goitein's understanding of the region as a singular entity connected by a vast and varied array of personal and trade connections.

during marriage.”<sup>70</sup>

It is important to note that it was not only the daughter who benefitted from marriage; families also acquired social capital through marital arrangements, and used it in a variety of ways: to consolidate family property and both to cement and to extend their male relatives’ effective social networks.<sup>71</sup> With so much at stake, it is not surprising that family played such a decisive and vocal role in the hazy period between a girl’s sexual maturity and a young woman’s entry into a marriage.

Rustow notes, “Exogamous marriages had the potential to increase a family’s symbolic capital, expand its social network, and strengthen it in other ways too.”<sup>72</sup> During the period under study (10<sup>th</sup>-13<sup>th</sup> centuries), both Rabbinic and Karaite communities existed in Egypt. Previous scholarship and evidence from the Geniza suggests that intermarriage between the two religious communities was relatively common, perhaps for the reason that families and individual women recognized the value in these marriages for their social networks and financial prosperity. It is safe to assume that if such marriages had the potential to expand a family’s social and financial capital, so too did marriages within the same social group.

Individual women, as an extension of their complex, opinionated, and diversely motivated families, “entered marriage under a range of circumstances with widely divergent dowries, expected economic rights, and protective kinship ties. They entered into varyingly composed households—socially and financially—with very different role expectations that decisively affected their experiences of marriage and their lifelong social and economic

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<sup>70</sup> Mordechai A. Friedman, “Marriage as an Institution: Jewry Under Islam,” in *The Jewish Family: Metaphor and Memory*, ed. David Kraemer (New York, 1989), 33.

<sup>71</sup> Krakowski, “Female Adolescence,” xii.

<sup>72</sup> Rustow, *Heresy and the Politics of Community*, 240.

position.”<sup>73</sup> Geniza society, “like the broader Islamicate world to which it belonged, was ordered as much by social capital derived from personal ties and reputation as by formal institutional frameworks.”<sup>74</sup> This is perhaps truer for women than for men; the extent to which female social capital operated in distinct ways is still not fully understood. The actual drafting of the marriage contract and the use of the Jewish legal framework (an institutional framework) were some of the more formal means by which certain conditions were established that led to women’s and their families’ cultivation and expansion of social capital. It is these formal frameworks that comprise the bulk of my current study.

Jewish law is unusual in that it is one of the most contractual of the ancient marriage systems. Thus, what is contained within a specific contract has the potential to shed great light on an individual marriage as well as broader social and marital trends of a given time period. The next section of this chapter will examine the contents and value of *ketubbot*. It will attempt to analyze a marriage, using the various pieces and elements of the contracts to understand how they would have helped or hindered a woman once she entered the marital institution.

A close examination of the moment at which most girls first established concrete ties outside their immediate family circle —that is, the marital negotiations and drawing up of the *ketubba* and other legal deeds—helps demonstrate the various ways in which an individual woman’s age, marital status, economic means, legal power within marriage, and kinship networks interacted to determine her effective personal agency and the range of social roles that she might inhabit.<sup>75</sup> That is, how did these variables influence what went into the

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<sup>73</sup> Krakowski, “Female Adolescence,” xii.

<sup>74</sup> *Ibid*, 14.

<sup>75</sup> Krakowski, “Female Adolescence,” 15.

*ketubba*, and, by extension, what were the implications of specific clauses—or their lack thereof—on a woman’s autonomy within the actual institution?

The *ketubba* is the religious and communal basis of Jewish marriage. It is first and foremost a contract. Nevertheless, its enforceability in Jewish courts is in question even in theory, and in contemporary practice its stipulations are never enforced.<sup>76</sup> For current Jewish communities, the *ketubba*’s greatest value is in the religious and symbolic nature of the document. It is the continuation of a sacred and time-honored tradition, but for most couples, nothing more. Through most of its history, however, and indeed during the period under study, the *ketubba* was a Jewish marital practice that entailed clearly defined financial and marital obligations and may be said to constitute a formal institutional framework contributing to the formation and extension of the parties’ social capital.

At its origin, the *ketubba* was in essence a unilateral contract that formalized the various *Halakhic* (legal) obligations of a husband to his wife. It is important to note that these one-way contracts reflect a distinct rabbinic tradition, following the traditions and mandates of the Babylonian Talmudic academies. Although Mordechai A. Friedman identifies certain *ketubbot* from the Middle Ages that reflect a dual obligation<sup>77</sup>—husband to wife and wife to husband—these “Palestinian-style” marriage contracts stand in stark contrast to the Babylonian-style contracts, which were in far more frequent usage in Egypt during this period. His analysis of 65 Palestinian-style marriage contracts from the Geniza reveals marital traditions and legal stipulations that were distinct from those found in the Babylonian-

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<sup>76</sup> Broyde and Reiss, “The Value and Significance of the *Ketubah*,” 101.

<sup>77</sup> Mordechai A. Friedman, *Jewish Marriage in Palestine: A Cairo Geniza Study Volume* (Tel Aviv: Tel Aviv University, 1980), 2:376. In a Palestinian *ketubba* from 11<sup>th</sup> century Egypt, a husband promises “to nourish her, to maintain and esteem...when she enter his home,” while likewise the wife vows “to attend him in purity and cleanliness...after she enters the marriage chamber.” The language and nature of these Palestinian *ketubbot* are almost entirely absent from Babylonian-style contracts that were promulgated in Egyptian Jewish communities during this time period.

style *ketubbot*. This observation contributes to Geniza scholarship by illuminating the diversity of the Levantine Jewish communities during the High Middle Ages. That is, two communities lived within close proximity of each other, but followed two separate Talmudic traditions.

The presence of both Palestinian and Babylonian-style contracts reflects the Gaonic rivalry and tension that existed in the area in medieval times. It also reflects an ideological shift, specifically in the Fustat community, toward the practices and authority of the Babylonian *Geonim*. While the Palestinian-style *ketubbot* offer an interesting point of comparison, the present study will focus on the Babylonian contracts, as there is a great deal of evidence to suggest that Jewish marital documents in Egypt during the 10-13<sup>th</sup> centuries were almost entirely drafted according to this specific Gaonic tradition. Nonetheless, the Palestinian-style *ketubbot* would certainly make an interesting case for additional study, specifically in regard to the contracts' unique expression of bilateral spousal obligations.

Sources indicate that marriage—even long distance marriage—was preferable to divorce for Jewish women living in the medieval Mediterranean; often, wives went to great lengths to make grand compromises with their husbands, so as to avoid “last resorts.”<sup>78</sup> Such long-distance marital arrangements were far from uncommon; their prevalence in the medieval Mediterranean world “reflect a more developed system of far-flung scholarly contacts and economic alliances” than that which existed in Christian Europe during the same time period.<sup>79</sup>

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<sup>78</sup> Zinger, “Women, Gender, and Law,” 140; T-S 13J8.19, r.18-19 (translated to English in Goitein, *A Mediterranean Society*, 3:197)

<sup>79</sup>Judith R. Baskin, “Mobility and Marriage,” 223.



At first glance, it appears that divorce was neither a preferred nor a frequently used avenue for extending a Jewish woman's social capital in this period.<sup>80</sup> This, in conjunction with *Halakhic* laws that provide husbands a unilateral right to divorce, appears to strengthen the argument. It is important to note, however, that by the 12<sup>th</sup> century, certain conditions and stipulations were routinely being written into marriage contracts (*ketubbot*) and pre-nuptial agreements that granted a woman the right to initiate divorce against her husband. These stipulations acted as a protection for the wife against her husband's "misbehavior" and extramarital antics; they also, by extension, presented opportunities for her to divorce him should he not abide by his contractual obligations. One such example, a "mixed marriage" contract dated 1152 (Sivan), reveals similar stipulations.<sup>81</sup> The fragment contains notation of the conditions that a Karaite groom takes upon himself toward his Rabbanite wife: not to bring into the house anything forbidden by the Rabbanites, that the early marriage payment is a gift, that he will not marry a second wife or take in a concubine of which she disapproves. These stipulations are made on pain of surrendering to the wife the late payment and giving her a divorce.

Long-distance travel and protracted absence eventually became one of the conditions implicitly or explicitly envisioned as a husband's inability to meet his *Halakhic* obligations—thereby granting the wife some access to divorce by way of timed *gets*. Thus, the specific ways in which long-distance travel affected marriage dynamics is of particular relevance. Long-distance travel, potential negligence and access to divorce are linked both conceptually and legally. Often, it was only as a result of negligence or complications resulting from long-

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<sup>80</sup> Zinger asserts that, contrary to previous scholarship, divorce was not easy for Geniza women. Though the rates of divorce were high in medieval Islamic societies, most women remarried, rather than risking the destitution almost guaranteed to them as widows. Zinger, "Women, Gender, and Law," 11-12.

<sup>81</sup> Yevr.-Arab. II 1700. The Friedberg Jewish Manuscript Society. "The Friedberg Genizah Project." Online Database. Accessed Spring 2015. <<https://fgp.genizah.org/>>

distance marriage arrangements that divorce was made feasible for wives. It is partially for this reason that Geniza women and their families took such great care to mention and define in explicit terms the parameters of trade and travel in her *ketubba*.

A bride's family had a great deal of control over what went into the marriage contract, but only up until the point when the couple consummated the union. Thus, this preliminary period, before the bride and groom became intimate, entailed significant opportunity and a sense of urgency. Following the signing of the *ketubba* and the commencement of the marriage, legal recourse for women against misbehaving or negligent husbands was more difficult to pursue.

The dowry occupied an integral role in the drawing up of a couple's *ketubba*; dowries were socially complex, as Sa'adya b. Yosef, the famous 10<sup>th</sup>-century *gaon* expresses when he complains that large dowries upset the domestic order by granting wives power over their husbands, even as dowry inflation was driven by competitive marriage markets which disadvantaged women.<sup>82</sup> Jewish wives, even if largely unable to dispose freely of their dotal properties, often derived practical benefit from them.<sup>83</sup> Yosef Rivlin, however, suggests that women in Geniza society controlled their own dowries within marriage more regularly than previously thought.<sup>84</sup> Writes Friedman:

Some wives were "dissatisfied with leaving their families' wealth in the hands of strangers, that is, their husbands. In many cases matrimonial harmony was not restored until a husband waived his rights over part or all of his wife's dowry. She released him of his responsibility over it and

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<sup>81</sup> Krakowski, "Female Adolescence," 50.

<sup>83</sup> *Ibid.*, 50.

<sup>84</sup> *Ibid.*, 51. Goitein's so-called "India Book" also documents the account of an 12<sup>th</sup>-century woman, Sitt al-Khāṣṣa ("Mistress of the Elite), who in her betrothal deed, is given the right to retain earnings made from her dotal property: "the rent of her properties is hers, she may spend it for whatever purpose she prefers; he (the groom) has no say in this matter." S.D. Goitein and Mordechai A. Friedman, *India Traders of the Middle Ages: Documents from the Cairo Geniza* (Boston: Brill, 2008), 271, 301. The original document (Bodl. MS. Heb. D. 66, fols. 48 and 47), dated 7 November 1146, is from Fustāt. For more information, see Friedman, *Jewish Marriage in Palestine*, 1:303, 412; Goitein, *A Mediterranean Society*, 1:107, 419, 2:582.

assumed full control to buy or sell, to use it for her own business activities, if she had any, or to use it for any other purpose she desired.<sup>85</sup>

While it is unlikely that full-fledged dotal autonomy was either widespread or common, even sporadic instances of women's increased control over their assets indicate shifting tides of rabbinic and communal authority, as well as marital norms. If, as Friedman claims, women habitually used the dowry as a "bargaining chip" vis-à-vis their economic agency and financial rights, the dowry will take on added significance as a source of understanding the unique ways in which women exercised agency and acquired social capital.

Goitein asserts that when a bride was given shares of a house by her parent as part of the dowry, "more often than not the circumstances prove that the property given did serve as a source of income rather than as the residence of the young couple."<sup>86</sup> This is especially important in considering the financial aspects of a marriage. Renting out shares of a house—and thus a couple's deriving income directly from a wife's dotal properties—might have positively affected her power dynamic within the marriage, as well as given her additional leverage for pursuing economic activities beyond the traditional spinning and weaving.<sup>87</sup> In this way, wealthy women's social capital was augmented through the particular composition of their dowries.

Although there were obvious financial terms to these agreements, many pre-nuptial contracts, especially in the High Middle Ages, added other stipulations so as to ensure the congruity of the marriage.<sup>88</sup> That is, a wife generally decided the domicile of residence for the

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<sup>85</sup> Friedman, "Marriage as an Institution," 35.

<sup>86</sup> Goitein, *A Mediterranean Society*, 4:83.

<sup>87</sup> Of course, such property only benefitted a wife when her husband relinquished his rights to it. Most often, this occurred in return for his not having to "maintain her." Sometimes, however, husbands seem to have freely relinquished properties, even continuing to provide for their wives. This is most evident in the account of Sitt al-Khāṣṣa, whom Goitein and Friedman document in their seminal work on the India trade: see above, note 83.

<sup>88</sup> Ashur, "Protecting the Wife's Rights," 381.

couple;<sup>89</sup> frequently, she had a say over the slaves her spouse maintained;<sup>90</sup> and she sometimes set the terms of her own travel (or lack thereof).<sup>91</sup> Krakowski conjectures that the “‘moral obligations’ that compelled Geniza authors’ residential choices seem...to have been far more idiosyncratic and variable than Goitein implies.”<sup>92</sup> Sometimes, these “moral obligations” coincided with individual women’s material interests; that is, choice of domicile might have opened for her additional avenues of economic agency and thus social capital acquisition. One woman, known from an 11<sup>th</sup>-century letter addressed to Nahary b. Nissim, writes that she “decided to live in my mother’s presence (that is, in her dwelling), that I might earn a livelihood and benefit from it completely, and gain from the merit of this.”<sup>93</sup>

In addition to jurisdiction over choice of the couple’s domicile of residence, and most importantly for the purposes of this thesis, wives and fiancées often held significant sway over a husband’s capacity for travel. In fact, contractual stipulations restricting a husband’s travel—temporally or otherwise—are common fare in the Geniza record. In the drafting of a *ketubba*, the wife’s family often defined the terms of this travel: when he could leave, and for how long. If he were to be away on business for an extended period of time, a woman might request that he leave her financial support or send her remittances. Though in most cases a girl’s father and or brothers comprised the primary negotiating parties, they were nonetheless acting in her interest; even if they set the initial terms of a marriage, it was to benefit the

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<sup>89</sup> Ashur, “Protecting the Wife’s Rights in Marriage as Reflected in Pre-Nuptials and Marriage Contracts from the Cairo Genizah and Parallel Arabic Sources.” *Religion Compass* 6 (2012): 381-389, 386.

<sup>90</sup> Craig Allen Perry, “The Daily Life of Slaves and the Global Reach of Slavery in Medieval Egypt, 969-1250 CE” (PhD Thesis, Emory University, 2014).

<sup>91</sup> Ashur, “Protecting the Wife’s Rights,” 387.

<sup>92</sup> T-S 12.780; Eve Krakowski, “Jewish Families in Medieval Egypt: Reexamining the Geniza Evidence” (paper presented as part of the Jewish Studies Colloquium at Brandeis University, Waltham, Massachusetts, October 22, 2013), 25.

<sup>93</sup> *Ibid.*, 25. For the original document, see T-S NS 321.100.

woman later on, and in this way, facilitated increased freedoms for her—and thus opportunities for exercising agency.

One marriage contract from the Geniza illustrates the extent of a woman's control over this aspect of her husband's life: she stipulates that he leave her sufficient provisions during the period of his absence. The husband also agrees to limit his travels to less than a month, and to stay with his wife for at least two weeks between journeys.<sup>94</sup> If a husband disregarded his legally binding obligations, his wife could take him to court.

The incorporation of this kind of provision into the marriage contract is particularly remarkable because according to Jewish law, a husband was not legally mandated to provide his wife alimony whilst traveling overseas.<sup>95</sup> Yet again and again, throughout the Middle Ages with ever-increasing frequency, we see terms being written into pre-nuptial agreements that demand this of a husband away on business matters.<sup>96</sup> The inclusion of certain financial stipulations in pre-nuptial agreements and marriage contracts, then, sheds light on the discrepancies between law and Jewish communal practice in medieval Mediterranean societies.

Even more interesting is that a failure to fulfill this specific stipulation afforded women the opportunity to bring their husbands to court, either for collection of the money owed them, or to rightfully divorce him.<sup>97</sup> While these two things are by no means parallel, and while instances of women successfully winning court cases are rare, the mere fact that it was theoretically possible for women to pursue legal action is important for the study of matrimony and the changing rules of spousal relationships in this period. Moreover, the

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<sup>94</sup> Ashur, "Protecting the Wife's Rights," 386.

<sup>95</sup> According to Ashur, "the husband may say that she will provide for herself with her own work, but if the wife couldn't support herself, she had the right to sue her husband in court (Tosefta, Ketubbot 12:4)." Ibid, 386.

<sup>96</sup> Amir Ashur, "Protecting the Wife's Rights," 386.

<sup>97</sup> Ibid, 386.

expression of avenues for legal recourse indicates that women recognized the value of the marriage contract—and specific economic stipulations—to their overall benefit in terms of social capital and exercise of agency. The inclusion of these stipulations is, in and of itself, the expression of a woman and her family’s social capital.

Typically, marriage contracts were drafted according to the tradition of the bride’s community. By analyzing the frequency of each type as it appears in the documentary Geniza record, it is possible to ascertain which Gaonic academy commanded the greatest influence in any given community. Rustow’s work touches upon the ways in which mixed marriages expanded an individual family’s social networks, and by extension their social capital and status within the community.

Women also benefitted as a result of these unions; expansion of family networks meant more “long-distance” marriages—or at the very least, spouses who lived apart some of the time. This might have led to increased opportunities for some wives to exercise greater independence in times of their spouses’ absence. In turn, increased independence would have shifted the power dynamics of the relationship by putting women in a better position to bargain. This might have led women to carve out specific space for themselves, economic or otherwise, through which they acquired social capital. Thus, the disintegration of old patterns of communal organization—in part through increased instances of “mixed,” Karaite-Rabbanite marriage—facilitated women’s presence in the public life of the Egyptian Jewish community.<sup>98</sup> Though early on capitalizing on husbands’ absences as a means of increasing their own autonomy probably represented the exception, rather than the rule, for women of

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<sup>98</sup> During this period, Egypt was rapidly becoming both a commercial hub and cultural center of Jewish life in the Near East. Fustāt’s centrality in this milieu was particularly beneficial to women seeking to play a greater role in city’s rise to prominence.

the time period, these exceptions clearly helped shape later trends and facilitate widespread expressions of autonomy in later centuries.

One “mixed marriage” *ketubba* is of particular interest in the context of this study. It is comprised of two separate texts for the same couple, written on opposite sides of the parchment. It is unclear which version is the original, and it is possible that the multiple versions are due to a remarriage between the same couple.<sup>99</sup> It is also possible that the first version of the contract, written on the verso, was rejected as a result of a quarrel between the parties regarding the evaluation of the dowry, and that the second was drawn up as a replacement. This is likely the case, as the second version of the document follows “a more detailed formulary” vis-à-vis the dotal properties.<sup>100</sup> The existence of two drafts of the same document shows how crucial the dowry was in the process of drawing up a *ketubba*. In this way, the dowry is a form of social capital for the woman—not only within the marriage but prior to its commencement as well. Rejecting a dotal offering reflected brides’ and their families’ command of agency. Because this period was the point at which their negotiating potential was at its zenith, the renegotiation of a settlement would have boded well for them with regards to their influence and their potential for augmenting existing social capital.

It is important to clarify the theoretical versus real social capital extant in medieval *ketubbot*. It is also important to distinguish between a family’s participation/acquisition of social capital, and that of an individual woman. A woman’s participation in broader processes of social capital acquisition would have undoubtedly affected her own efforts to exercise agency. Women’s access to social capital varied greatly based on family interests, socioeconomic status, families’ subsequent powers of negotiation vis-à-vis the marriage contract, as well as their betrothed’s own background.

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<sup>99</sup> Friedman, *Jewish Marriage in Palestine*, 2:289.

<sup>100</sup> *Ibid*, 289.

Therefore, it is not possible to say that all women in medieval Egypt benefitted equally from marital unions, or that their marriages reaped for them equivalent benefits.

Wealthier women and those of the upper echelons of Egyptian Jewish society would have commanded greater *theoretical* agency through their ability to determine and negotiate the terms of their marriage contracts more successfully. However, women of the lower stratum commanded a more significant amount of *real* (or realized) agency, in that financial necessity would have forced them into the commercial sphere more frequently. These women might have been allowed or even required to work outside of the home as a source of additional household income.

Thus, the true value of a *ketubba* is not always immediately discerned, as Goitein points out in the third volume of his *A Mediterranean Society*:

Did the husband's marriage gift fulfill an economic need? Did it provide for the wife in case of divorce or the husband's death? The average amount promised by the less affluent was a formidable deterrent against divorce and thus protected women from the rash actions of a spouse, since he could not reclaim the money upon parting. Nor were these sums a negligible means of sustenance, for cash, being difficult to come by, was worth more than its declared value. A young widow of a divorced woman with money in hand had reasonable prospects for a new venture in marriage, provided of course that she possessed a bridal trousseau and dowry of her own. However, a husband's contribution was not always sufficient to guarantee his wife a decent living in the event of his death or the termination of the marriage. For this she needed additional means, provided by what she had brought with her from her father's house<sup>101</sup>

Despite ambiguities in the full value of the contract, it is clear that *ketubbot* were intended as a protection; they were designed to provide a theoretical basis for legal recourse in the event of a marital dispute. That such action was ever taken is another question entirely, but the existence of specific stipulations—especially in Babylonian-style marriage contracts—reveals a social practice deeply embedded into the Jewish communities of medieval Egypt.

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<sup>101</sup> Goitein, *A Mediterranean Society*, 4:372.



Moreover, the increasing frequency of particular clauses regarding women's financial freedoms—and in some cases, even autonomy—illuminates the ongoing process of negotiation that characterized a Jewish marriage.

Because women did not have equal access to commercial enterprise and trade networks as their male counterparts, many would have turned to theoretical and legal frameworks—such as those contained in *ketubbot*—for exercising their distinct forms of social capital.

## *Chapter Two*

### **Pre-departure Arrangements and Marital Correspondence: Economic Implications**

This chapter examines post-marital legal deeds; that is, agreements signed between spouses after the crucial, nuptial period discussed in Chapter Two had ended, and prior to the husband's departure for travel. I also look at personal correspondence between spouses to further understand the importance of pre-travel agreements and, more broadly, the extent to which travel affected marriages and wives' financial capital. The chapter also focuses on how these genres—especially the pre-departure agreements—contain specific stipulations that correspond with, contradict, or illuminate common aspects of pre-nuptial agreements.

What are the economic implications of these agreements for a marriage? Do they hold any significance for the wife? Do they translate into tangible benefits? By understanding how these agreements expanded upon pre-nuptial agreements and other matrimonial legal deeds, it is possible to come to a conclusion, if only a partial one, regarding the importance of pre-departure contracts in the development of Jewish women's financial and social autonomy during the period of analysis.

Goitein wrote, "absenteeism of the husband was the most widespread cancer of marital life as known to us from the Geniza."<sup>102</sup> The expansion of trade relations with Yemen, the Malabar Coast, and a host of Mediterranean-basin communities meant that husbands were often away for months or years at a time. A great deal of scholarship indicates that Jews in the Islamic milieu engaged in both intra-regional and long-distance trade. Especially for Jews of the "middling sort,"<sup>103</sup> a great deal of social status was attached to their commercial activity. For these families of some means, business was seen as a necessary cost of

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<sup>102</sup> Goitein, *A Mediterranean Society*, 3:155.

<sup>103</sup> The term Goldberg uses in her book, *Trade and Institutions in the Medieval Mediterranean*, to refer to Geniza families of "means."

maintaining a family's capital base. Furthermore, the prospect of converting business success into social status "helped propel the endeavors of the business community"<sup>104</sup> forward.

Because of this, there was an increasing need for marital "safeguards" against illicit behavior and financial destitution during periods of a husband's extended absence. Progressing through the Middle Ages, pre-departure agreements and other legal deeds began to appear with greater frequency.<sup>105</sup> These deeds often expanded upon stipulations in *ketubbot* determining restrictions on polygyny and duration of travel, and demands of financial support. Sometimes, the additional agreements were a means of initiating such measures.

Marital desertion was deeply traumatic for women in the Geniza, who often found themselves subject to financial destitution as a result of their husbands' intentional or unintended neglect.<sup>106</sup> Thus, a medieval "insurance policy" was particularly beneficial for wives whose husbands traveled frequently or for long periods of time. Even if divorce was not the best means available for enhancing an individual woman's social capital, in certain circumstances (especially when a *get* was a factor), it may have served her better than remaining financially destitute and in a perpetual state of limbo at the hand of her absentee husband.

It would be remiss to say, however, that women never benefitted from long distance marriages. These marital arrangements, while undoubtedly a strain on medieval couples and on Jewish wives, also frequently served as a catalyst for their entry into the commercial space. Often, a wife stood to profit—financially and socially—from her husband's business ventures. In addition to opening for her opportunities to pursue remunerative activities or to

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<sup>104</sup> Jessica Goldberg, *Trade and Institutions in the Medieval Mediterranean* (New York: Cambridge University Press, 2012), 50.

<sup>105</sup> Ashur, "Protecting the Wife's Rights, 386.

<sup>106</sup> Joel L. Kramer, "Women Speak for Themselves," in *The Cambridge Genizah Collections: Their Contents and Significance*, ed. Stefan C. Reif and Shulamit Reif (Cambridge: Cambridge University Press, 2002), 193.

exercise economic agency, wives received lavish gifts from their husbands that often translated into very real social capital. A letter to Sitt al-Ḥusn from her husband in India details the valuables he had recently purchased, and would be sending back to Egypt: “a slave girl who is six years of age, pearl bracelets, [...], clothing, and red silk.”<sup>107</sup> Although long distance marriage presented couples with a host of potential problems—polygyny, financial hardship, and even emotional strain—gifts like those sent to Sitt al-Ḥusn engendered for the wife prestige within her local community. While her husband risked life and limb for economic gain, the trinkets he sent home for his wife might simultaneously allow them both to augment their social capital in the eyes of other Egyptian Jews.

#### Post-Marital Legal Deeds: Agreements Signed Between Spouses Prior to Travel

##### **Transcription of T-S 12.585; partial translation into English with amendments<sup>108</sup>**

[...]אר מר' ורב' משה הזקן היקר ש"צ בן כג"ק מר' ורב' יפת הפרנס הנאמן ראש

[ה]פרנסים קבל ספרה אלי

[ב]לאד אלימן תקרר בינה ובין זוגתה סת אלפכר בת כג"ק מר' ורב' טוביה הזקן הנכ

ני"ע[...]

[...]אן יכון להא ולאבנתיהא וללגאריה אלתי תכדמהם מן אלעין אלגייד כמסה ועשרין

[דינארא כל סנה]

<sup>107</sup> Craig Allen Perry, “The Daily Life of Slaves,” 49. For the original document, and for more information, see T-S NS J23; S.D. Goitein, *A Mediterranean Society*, 5:192; S. D. Goitein, “New Light on the Beginnings of the Kārim Merchants,” *Journal of the Economic and Social History of the Orient* 1 (1958): 179.

<sup>108</sup> The document is originally translated by Amir Ashur and Ben Outhwaite in their article, “Between Egypt and Yemen in the Cairo Genizah,” *Journal of Islamic Manuscripts* 5 (2014): 198-219. I will be adding amendments/clarifications as necessary. For more information, see Elinoar Bareket, *Fustat on the Nile: The Jewish Elite in Medieval Egypt* (Boston: Brill, 1999), 29, 40, 273; S.D. Goitein and M.A. Friedman, *India Traders of the Middle Ages*, VII, 27; S.D. Goitein, *A Mediterranean Society*, 1:143, 435, 3:192, 369; Jacob Mann, *The Jews in Egypt and in Palestine Under the Fāṭimid Caliphs: a Contribution to their Political and Communal History Based Chiefly on Genizah Material Hitherto Unpublished* (New York, Ktav Publishing House, 1970), 1:258; Ernest James Worman, “Notes on the Jews in Fustāt from Cambridge Genizah Documents,” *The Jewish Quarterly Review* 18 (1905): 1-39.

[... ] ארג ען אגרה גמיע אלדאר אלמסתגדה אלעמארה אלתי במצר בקצר

[...] אלשמע

[... ] אחד טבאקהא }והדה אלדאר הי אלתי אנתקלת מן מלכה אלי מלך זוגתה פלי

באלביע ואלשרי עלי מא ישהד בה אלשטר אלתי בידהא בדלך }והדה אלכמסה ועשרין

דינאר ואלכמסה אראדב אלקמח הי ען מונתהם

[...] אמא לזוגתה או לאחד בנאתה פאנה מלתזם עלי נפסה מעכשיו במא יחתאגוה מן

אלמון ... ותדפע הדה אלכמסה ועשרין דינאר מן אגרה אל דא }אלתי לה במצר

1 ... our master and teacher, Yefet the faithful parnas, the h[ead of the parnasim,  
before he went on a voyage to]

2 the land of Yemen, that he and his wife Sitt al-Fakhr, daughter of our master  
and teacher Ṭoviyya the esteemed elder—may he rest in Eden—[...]

agreed

3 [...] that there will be for her, her daughters and the maidservant who  
serves them, 25 cash, good [dinars, annually]

4 [and it is for the c]ost of the rent of the newly refurbished house that he  
owns in Qaṣr al-Sham' [...]

5 [...] o]ne of its floors, and this is the house that he sold from his own  
possession to his wife's possession in 'sale and purchase,' according to  
what is stated in the legal document that she holds in her possession. And  
this 25 dinars and five irdabbs of wheat are for their maintenance

6 [...] either for his wife or one of his daughters, and he is obliged from now  
in everything they will need for

7 [the maintenance ... and he will pay it from this 25 dinars rent] of the

house which he owns in Fustāt.

The above is a legal agreement, dated 1157 CE, between an Indian trader Moses b. Yefet and his wife Sitt al-Fakhr. It was initially translated and transcribed by Amir Ashur and Ben Outhwaite in their article “Between Egypt and Yemen in the Cairo Genizah.” Although not required by *Halakha* to do so, Moses leaves his wife a sort of “stipend,” intended to sustain her and their children during his sojourn. Jewish social practice often differed (sometimes drastically) from what Jewish law prescribed.

It is not rare that Moses b. Yefet provides financial assistance for his wife. It is, however, particularly significant in the context of their specific marriage; as the post-mortem blessing folded into the deed indicates, Sitt al-Fakhr’s father had passed away. Thus, had she been left to fend for herself financially, Sitt al-Fakhr would likely have become destitute. For women without a social safety net (i.e., a natal family network), divorce, death, and or neglect by their husbands could spell disaster. In this case, the transfer of property from her husband’s hand to her own would have been of indispensable value to Sitt al-Fakhr, a woman without additional means of support.

The sale of the house to Sitt al-Fakhr would have involved a complex financial arrangement. Moreover, the fact that her husband provides her a stipend designated for her maintenance as well as the rent of the house—her newly acquired, personal property!—is of great importance. This legal deed not only provides evidence that a woman in medieval Cairo was involved in real estate business, but also indicates that Sitt al-Fakhr had a personal source of income at her disposal, to do with as she wished and from which to reap economic benefit. This was no small thing for Jewish women in medieval Egypt, who, despite improvements in their overall status, still very much operated within limited “means” of agency.

Most importantly, the document contains a *get*, or a conditional writ of divorce, in the event that Moses b. Yefet does not uphold his obligations to Sitt al-Fakhr. Legally, this provides Sitt al-Fakhr with a means of recourse, should she need it. In the event that such recourse was necessary, she would have been able to gain access to her dotal property, thereby acquiring for herself financial capital. For a woman whose father was deceased like Sitt al-Fakhr's, a *get* held particular significance. Without one, she may have been forced to turn to other means of support, like begging or joining the dole.

In addition to the *get*, Moses b. Yefet designates an amount that he will provide Sitt al-Fakhr in rent and maintenance costs for their home in Qaṣr al-Sham': 25 dinars per annum for her, their daughters, and Sitt al-Fakhr's maidservants. Pre-departure agreements like this might have implicitly created financial space for female entrepreneurship and enterprise in periods of increased independence. That is, when their husbands were away, and wives assumed the role of both symbolic and physical heads of household, their opportunities for commercial activity were greater. This document is also important as "the agreement shows how well-to-do people arranged their affairs."<sup>109</sup> Not only are Sitt al-Fakhr and her immediate dependents (children and maids) given an annual "maintenance" allowance, but the bill of repudiation and transfer of ownership of the house from Moses b. Yefet to his wife acted as additional bulwarks against her financial destitution.

Two other documents<sup>110</sup> involve two merchants setting off on a journey; in their stead, they leave behind their wives as executors of their estates and guardians of their children. One even designates his wife as his heir, a move that seems highly irregular; wives rarely if ever were designated heirs of their husbands' estates. This is because in the event of a

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<sup>109</sup> Goitein, *A Mediterranean Society*, 3:192.

<sup>110</sup> (T-S) Westminster Misc 113+115; supplied by Zinger in his unpublished list of pre-departure legal deeds

widow's remarriage, his property would be ceded to another man.<sup>111</sup> Thus, generally his children were named as the beneficiaries of any property he left behind. In one of the documents, 'Arus b. Joseph, a prominent public figure and well-known merchant, designates his wife as his sole heir prior to his departure on a business trip to the "Muslim West."<sup>112</sup> Additionally, he charges her with the responsibility for managing their daughters' future dowries; rather than designating a certain amount, he leaves it up to the wife's discretion. This implied to Goitein that 'Arus b. Joseph must have had "full confidence in her character and financial acumen."<sup>113</sup>

In designating her as his sole heir, as well as in placing the onus of raising their children and managing *their* financial affairs, 'Arus b. Joseph contributed significantly to his wife's opportunities to exercise agency. While there is nothing mentioned regarding alimony during the period of his absence, in the event of death or disappearance, 'Arus b. Joseph's wife would have been better equipped to avoid a common consequence of widowhood: poverty.<sup>114</sup>

An early 12<sup>th</sup>-century document (1100 CE) reveals the financial arrangements made for the family of a seasoned India trader.<sup>115</sup> Before he sets out on his journey, he sends home detailed instructions for his estate, in the event that he dies. He designates his daughter as his heir, and makes his wife executor of the estate. In light of this, and "when a merchant drafts a comprehensive inventory of his assets and liabilities," Goitein says that "it stands to reason

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<sup>111</sup> Goitein, *A Mediterranean Society*, 3:253.

<sup>112</sup> (T-S) Westminster Misc 115

<sup>113</sup> Goitein, *A Mediterranean Society*, 3:252.

<sup>114</sup> Widows were the women most susceptible to poverty. Even among those whose dotal properties were returned to them at their husband's death, poverty was a common fate. This is because debts had to first be paid off, burial expenses provided for; additionally, the initial dotal value was not typically sufficient to cover a widow's needs for a protracted period of time. Thus, many of them wound up on the "dole" as a means of either supplementing existing funds/income, or wholly supplying it. Mark R. Cohen, *Poverty and Charity in the Jewish Community of Medieval Egypt* (Princeton: Princeton University Press, 2005), 148.

<sup>115</sup> Goitein, *A Mediterranean Society*, 5:133; see T-S 16.262.



that this and similar documents were drafted on a special occasion, such as the departure for an overseas adventure.”<sup>116</sup> It is in moments such as this that a husband’s opinion of his wife’s financial acumen is ultimately revealed. More often than not, his faith in her abilities was well placed—and thus this might be the reason for increased instances over time of wives managing husbands’ economic affairs.

Although Jewish law and social practice prevented women from being designated heirs with any sort of frequency, that they were designated executors of estates and often given far reaching rights over their children’s affairs says a great deal about the character of the marriage.<sup>117</sup> Pre-departure legal deeds, in addition to shedding light on women’s economic standing in the marriage, reveal specific moments of negotiation that align with various stages of the relationship. Travel was, paradoxically, both a source of power and additional dependency for wives. The uncertainty of travel—both a husband’s activities while he was away, and any risks to life and limb—bore heavily on the weight of a marriage. Ultimately, wives’ personal financial gain, vis-à-vis these long-distance marriage arrangements, often came only as a result of great tragedy—the death or disappearance of a woman’s husband.

### Letters of Personal Correspondence

Letters present scholars a fascinating medium through which to conceptualize marital power dynamics and negotiation tactics. This is because personal correspondence between spouses gave couples “opportunities to negotiate the terms of their marital relationship

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<sup>116</sup> Ibid, 133.

<sup>117</sup> Goitein and Friedman, *India Traders of the Middle Ages*, 253.

autonomously, free from the scrutiny and intervention of communal authority structures.”<sup>118</sup> These documents contextualize and help augment our understanding of the formally recorded and legally enshrined negotiations that the pre-departure deeds embody. Furthermore, examining personal correspondence between spouses at a specific moment in the marriage helps illuminate the circumstances surrounding these documents, how they came about, and their implications. The following document is a letter from an unnamed wife, addressed to her husband while he is traveling:

**T-S 10 J15.9; transcription and partial translation into English<sup>119</sup>**

אלדי אעלם בה צאחב אלבית אדאם אללה סעאדתה ו מן צחתה  
 ו אשפי בלותה ו אהלך אעדאה ו חסדתה ו רזקה פי אלדארי  
 גמיעא אראדתה ו ינהי אליה כתרה אלשוק אליה פאלמסאול מן  
 אללה אן יגמע אלשמל עלה כיר ו עאפיה / ו יפתח לה ברזק יסתעני  
 בה ען אלנאס / ו לא תסאל בטריק גדת עלי מן רכוב אלדאבה ו מן חית  
 נזלת אנא מריצה ו לאשך אן ואלדך תדאלה עלה פוצט אלמצאצה  
 ו מא כל קול יחתאג יקאל ולא תסאל מא ערא עלי מן אלמראה  
 אבוך ואלשיכ אבי אלסרור תפצל גאית אלתפצל ו כל מנהם  
 יפעל מעי כיר פאללה ילקי כל עבד פעלה / ו קאל קומי ברי אכי  
 טלקיה ו אנא נקים בכל מא ילזמך ו אסעה אדא טלקתך .....

1 That which I inform the master (owner) of the house (about) / May God prolong his prosperity and strengthen his health

<sup>118</sup> Arnold Franklin, “More than Words on a Page: Letters as Substitutes for an Absent Writer,” in *Jews, Christians and Muslims in Medieval and Early Modern Times: a Festschrift in Honor of Mark R. Cohen*, ed. Arnold E. Franklin, Roxani Eleni Margariti, Marina Rustow, and Uriel Simonsohn (Leiden: Brill, 2014), 287; the author quotes Oded Zinger’s “Long Distance Marriages in the Cairo Geniza” [Hebrew], *Pe’amim* 121 (2009) 7-66.

<sup>119</sup> This document was originally transcribed and translated in full by Mordechai Friedman in his article, “Divorce Upon the Wife’s Demand as reflected in Manuscripts from the Cairo Geniza,” in the *Jewish Law Annual* 4 (1981): 122. Here, the sentence is translated “Bestow upon you in both worlds.”

2 and heal him of his ailments and destroy his enemies and his enviers / and grant him  
both abodes (lit., houses)

3 and his desires in this world and the next / and may God convey to him (my) great  
longing for him / My request from

4 God is to bring (us) together (in) a reunion of goodness and health and to open for  
him a livelihood (so that) he (may) dispense<sup>120</sup>

5 with other people / And don't ask what kind of journey I had (or: what happened on  
the road/journey),<sup>121</sup> riding the pack mule and how

6 I came down<sup>122</sup> and I am sick / And there is no doubt that your father was arguing  
with me in the middle of al-Maṣāṣa<sup>123</sup>

7 Not every word needs to be said; and do not ask what happened with your father's  
wife (stepmother)

8 and sheikh Abi as-Surūr was "exceptionally kind",<sup>124</sup> all of them

9 do good with me. May God have mercy on all who do His deeds. My people spoke of  
my brother's advice<sup>125</sup>

10 "Divorce him and I will provide you whatever you need." Now were I to divorce  
you...

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<sup>120</sup> Friedman translates the final portion of line 4/beginning of line 5 as "and grant you that which will make you independent of others."

<sup>121</sup> Friedman: "What I went through on the journey, with riding on the beast"

<sup>122</sup> Alternate: "Wherever I alighted"

<sup>123</sup> A lane of Fustāt, in Old Cairo, outside Qasr al-Sham; area adjacent to the "little market of the Jews," and thus likely a residential area for Fustāt's medieval Jewish community; there was a Karaite synagogue located in al-Maṣāṣa. Gil, Moshe. *Documents of the Jewish Pious Foundations from the Cairo Geniza*. Leiden: Brill, 1976. Friedman translates this line as "your father was angry with me in the middle of al-Maṣāṣa"

<sup>124</sup> Taken from Friedman's translation, *Jewish Law Annual* (1981): 122.

<sup>125</sup> Friedman writes that the translation here is uncertain, and cites Goitein for possible clarification (*A Mediterranean Society* 3:261).

What this letter reveals is that while her husband has been away on business, this woman has been experiencing pressure from her family to divorce him. Unspecified tensions also seem to have erupted between several of the husband's family members and the letter writer, perhaps contributing to their sense of urgency toward her in obtaining a divorce. It is unclear whether the husband signed any pre-departure agreements with his wife, or if he afforded her a conditional writ of divorce.

Without a *get*, a woman who initiated divorce would be forced to forfeit her dotal property and any other financial assets. The existence of such a writ is possible in the case above, as it would explain the family's sense of urgency in her obtaining a divorce. In doing so, she would be able to collect her dowry, thereby acquiring financial capital and ridding herself of her husband's family's drama.

It does not seem, from the general tone and contents of the letter, that the woman is particularly interested in divorcing her husband. She opens her letter to him with warm greetings and well wishes for his health. Although such introductions are a common occurrence in the Geniza, the remainder of the letter is essentially a request for him to return to her. Thus, her mention of divorce suggests the complicated web of marital and familial obligations and personal interests and desires within which she would have operated.<sup>126</sup>

Distance, then, was a significant strain not on only the marriage but also on extended family relationships. Tensions with the husband's relatives, possible financial concerns, and even impatience would have been key factors in the wife's decision to initiate a divorce. Especially if she were not in possession of a *get*, her initiation of divorce proceedings would have been a significant financial sacrifice, as she would have relinquished rights to her *ketubba*.

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<sup>126</sup> Krakowski, "Female Adolescence," 151.

In the case of the unnamed wife, divorce might have ultimately served as a source of agency. In freeing herself not only from the uncertainty of her marriage, she would be ridding herself of troublesome family members as well as the possibility of life as an *agunah*. With a promise from her brother that she will be taken care of, the woman could have possibly enhanced her financial status. While the document does not indicate whether or not she is receiving “maintenance” from her husband, moving from a place of financial insecurity to one of financial security would have, at the very least, signaled the wife’s cognizance of the value of personal economic stability.

Another letter reveals the inordinate strain long-distance trade and prolonged absence placed on marriages. In writing to his wife from a Yemeni port, an early 13<sup>th</sup>-century merchant acknowledges her sacrifice in this regard, as well as his own desire to return home.<sup>127</sup> Most importantly, the man addresses his wife’s prior pleas to “set [her] free” by granting her a divorce. Rather than simply granting her the divorce she seeks, the woman’s husband includes a bill of repudiation<sup>128</sup> ostensibly to release her from her agony. This is significant, because by doing so, the trader is granting his wife rights to her *ketubba* value; the dowry and its accompaniments. While he could just as easily divorce her and deny her financial recompense, this is clearly not what he wants.

In this particular case, it is the woman who seems to have the upper hand. It is not immediately evident whether or not she has other ways of maintaining herself, should her husband initiate a divorce. However, the initial absence of a *get* and her continued urging to him indicates that she most likely had other means of financial capital at her disposal. Thus, the bill of repudiation would have added to any preexisting capital. It would also have

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<sup>127</sup> ENA 2739, f. 16; S. D. Goitein, *Letters of Medieval Jewish Traders* (Princeton: Princeton University Press, 1974), 222.

<sup>128</sup> A *get*

allowed her the freedom to remarry—and that eventually, she would have arguably had greater negotiating power vis-à-vis her dotal properties from her first marriage.

“But the choice is with you,” the husband writes, “The decision is in your hand.”<sup>129</sup> In these concluding words, he cedes all economic and legal agency to his wife. Even if she never actually went through with the divorce, the wife’s very access to such a choice nonetheless represents an important source for exercising agency.

A letter made famous by Goitein in his article, “A Maghrebi Living in Cairo Implores His Karaite Wife to Return to Him,” casts light on the “more intimate aspects” of Egypt’s Karaite community in the early 12<sup>th</sup> century (ca. 1113).<sup>130</sup> Karaite-Rabbinate marriages were common in this period, but this document in particular speaks to the ways in which wives often exercised agency and controlled power dynamics within their marriages. In the letter, Yehuda ha-Ma’arevi writes to his brother-in-law concerning his “fugitive wife,” Sitt al-Sāda.

The reason for the letter, and for the couple’s marital discord, writes Goitein, “was indeed a very common occurrence...Sitt al-Sāda wished to be a working woman, and left the house for this, and perhaps also other purposes, more frequently than her husband liked.”<sup>131</sup>

The restriction of women’s freedom of movement—and thus, one can deduce, her occupational activities—was a constant source of contention for Jewish couples in the medieval Islamic realm. Such restriction, Goitein points out, “was apt to lead to divorce, or, at least, to temporary separation.”<sup>132</sup> In this matter, Karaites and Rabbinites did not differ.

Sitt al-Sāda’s husband, while affirming “in strongest terms” his love for her, requests that if

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<sup>129</sup> Goitein, *Letters of Medieval Traders*, 225.

<sup>130</sup> S. D. Goitein, “A Maghrebi Living in Cairo Implores His Karaite Wife to Return to Him.” *The Jewish Quarterly Review, New Series* 73 (1982): 138-145. Mosseri L 197; for more information, see Mordechai A. Friedman, “Divorce upon the wife's demand as reflected in manuscripts from the Cairo Geniza.” *The Jewish Law Annual* 4 (1981): 103-126; S.D. Goitein, *A Mediterranean Society*, 3:53, 148, 167, 180, 453, 465, 4:30, 47, 237, 356, 360, 436, 5:219, 257, 567, 577; Rustow, *Heresy*, 244.

<sup>131</sup> Goitein, “A Maghrebi Living in Cairo,” 139.

<sup>132</sup> *Ibid*, 139.

she should not wish to comply with his appeal, she should set him free from the marriage so that he can marry another wife.<sup>133</sup> Yehuda ha-Ma'arevi clearly prefers the former arrangement, and he promises to treat her like a queen and to “serve, obey, honor, respect, and treat her with deference.”<sup>134</sup> In this, he is reaffirming his *ketubba* vows to Sitt al-Sāda, but he seems to miss the point. That is, she wants the freedom to move about and engage in work on her own terms. She, unlike her husband, does not seem to be of the compromising sort. Of course, no response from Sitt al-Sāda herself is known from the documentary Geniza, so any response on her part is merely speculative. From the overall tone of the letter, however, it does not seem as though Sitt al-Sāda's status as a “fugitive” wife is a new issue for the couple.

This letter is interesting because the long-distance factor is inverted. Rather than her husband being the absentee spouse, it is the wife. Though neither of them is technically traveling, the document nonetheless illuminates an important moment of negotiation vis-à-vis Sitt al-Sāda's economic independence. Judging by the tone of the letter and the desperation evident in Yehuda ha-Ma'arevi's ultimatum—to return or divorce him—Sitt al-Sāda appears to be the one in a position of special and perhaps unprecedented bargaining power. Her desire to assert economic agency clearly means more to her than the stability of her marriage, or else she would not have gone to such great lengths to become a “fugitive” and defy her husband.

It is interesting to note, however, that Yehuda ha-Ma'arevi never promises to allow Sitt al-Sāda the freedom—economic or otherwise—that she so greatly desires. There is no way to know whether or not she returned and submitted to him in the way he requested, even

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<sup>133</sup> Ibid, 141.

<sup>134</sup> Ibid, 141.

to live as “the mistress, the queen,” as he promises.<sup>135</sup> Perhaps she thought it better to avoid divorce and the many pitfalls it would likely engender—among them, poverty from having to forfeit her *ketubba* money.<sup>136</sup> Perhaps Sitt al-Sāda did divorce her husband, and in doing so, achieve the economic freedom and financial prospects she initially sought. Regardless of the final outcome of her case, the letter is yet another example of the importance of female labor and earnings in determining a marriage’s power dynamics. In the case of Sitt al-Sāda, she uses long distance marriage as a strategy to achieve increased economic freedom.

The story of the late 12<sup>th</sup>-century India trader Perahya Yiju and his beloved but absent wife, Umm Thanā’,<sup>137</sup> also offers an interesting opportunity for the discussion of women’s use of distance as a marital bargaining chip.<sup>138</sup> Perahya Yiju, the husband of the judge al-Mahalla's daughter, has moved to Cairo for business, “ostensibly to pursue his career as a judge.”<sup>139</sup> He implores his wife to join him in Egypt, but Umm Thanā’ seems to prefer to remain near her natal family. The separation appears to be wreaking emotional havoc on Perahya Yiju, whose correspondence is penned in unusually personal and explicit terms. This implies not only that the letter was intended for his wife’s eyes only but also that Umm Thanā’ was likely literate. Moreover, it is probable that the couple’s *ketubba* contained a stipulation regarding Umm Thanā’’s right to choose their domicile of residence; and thus, her unwillingness to relocate to Fustāt is elucidated.<sup>140</sup> Ultimately, Perahya Yiju delivers to Umm Thanā’ an ultimatum similar to that which was given to Sitt al-Sāda by her husband. Perahya

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<sup>135</sup> Ibid, 142.

<sup>136</sup> When wives initiated divorce, unless otherwise stated in the marriage contract, she also gave up her right to reclaim her dotal properties.

<sup>137</sup> In Arabic, “praise,” “laudation,” or “tribute.”

<sup>138</sup> Or. 1080J23. Translated in full in Goitein, *A Mediterranean Society*, 3:219-220. For more information, see Goitein and Friedman, *India Traders of the Middle Ages*, 792-795; Goitein, *A Mediterranean Society*, 1:40, 2:218, 541, 3:178, 462, 4:351, 384; Joel L. Kraemer, “Women Speak for Themselves, 188, 197, 201, 239.

<sup>139</sup> Ibid, 197.

<sup>140</sup> Ibid, 197.



Yiju ends with a “fairly common threat”: Umm Thanā’ can join him in Fustat if she likes, but if not he will leave the country for good.<sup>141</sup> Again, a wife has positioned herself so as to command considerable control in the marriage. In these instances of women exercising their “domicilic rights,” they are simultaneously increasing their influence and facilitating a shift in the internal power dynamics of their marriages.

Friedman asserts that, contrary to Goitein’s initial assessment, Perahya Yiju was in all likelihood rather destitute. He had trouble paying his poll tax, sometimes had to deprive himself of food to pay his debts, and often had difficulty maintaining his mother’s upkeep.<sup>142</sup> In light of such circumstances, it is possible that Umm Thanā’ was in an even stronger bargaining position. Since her husband could not even provide for his own needs, he would not have been able to afford her expenses either, and thus his inability to provide financially becomes Umm Thanā’’s validation for remaining near her family.

Both Yehuda ha-Ma’arevi and Perahya Yiju are at the emotional mercy of their absentee or “fugitive” wives. They both present ultimatums, though for slightly different reasons. While Sitt al-Sāda wishes to augment her economic freedoms, Umm Thanā’ seems determined to preserve her rights as they are enshrined in the couple’s *ketubba*—namely, her right to choose their domicile of residence. In both instances, travel and long-distance marriage arrangements present unique opportunities for wives to augment their negotiating power and to shift the spousal power dynamic in their favor.

Letters, by simultaneously providing both technical details of long-distance marriage arrangements and an intimate portrait of specific moments of marital negotiation, are particularly valuable to scholars seeking to understand the emotional subtleties of these unions and the ways in which these dynamics affected wives’ exercise of agency and capital.

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<sup>141</sup> Ibid, 197.

<sup>142</sup> Goitein and Friedman, *India Traders of the Middle Ages*, 793.

### *Chapter Three*

#### **While You Were Away: Women's Livelihoods and Commercial Involvement**

Although Egypt under the Fatimid dynasty was by no means an economic utopia for women, the Egyptian Jewish community of that time witnessed an increasingly regular appearance of female entrepreneurship and commercial enterprise. During the Fatimid period, women worked as doctors, midwives, undertakers, and textile merchants.<sup>143</sup> Additionally, women of all classes frequently used embroidery as a means of generating personal income; those of lower economic status not infrequently hired themselves out as wet nurses. Others found employment as bride-combers, wedding coordinators, matchmakers, burial washers, or professional mourners.<sup>144</sup> In fact, according to rabbinic law, women were *supposed* to engage in some type of activity beyond their immediate household duties. It was thought that working for an income would protect women from idleness, which ultimately led to lustfulness and dull-mindedness.<sup>145</sup> In the fourth volume of his *Mishneh Torah*, a section called *Nashim* (“On Women”), Maimonides writes the following about appropriate avenues for women’s employment:

Where the custom is for wives to weave, she must weave; to embroider, she must embroider; to spin wool or flax, she must spin. If it is not the custom of the women of that town to do all these kinds of work, he cannot compel her to do any of them, except spinning wool only – because flax injures the mouth and the lips – for spinning is a kind of work that is characteristic of women, as it is said, ‘And all women that were wise-hearted did spin with their hands’ (Exodus, 35.25).<sup>146</sup>

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<sup>143</sup> Goitein, *A Mediterranean Society*, 1:127-128; Baskin, *Jewish Women*, 106.

<sup>144</sup> Goitein and Lassner, *An Abridgement*, 237.

<sup>145</sup> Karin Hofmeester, “Jewish Ethics and Women’s Work in the Late Medieval and Early Modern Arab-Islamic World,” *International Review of Social History* 56 (2011): 141-164, 4.

<sup>146</sup> Moses Maimonides, *Code of Maimonides: The Book of Women* (New Haven: Yale University Press, 1972), 130; Karen Hofmeester, “Jewish Ethics,” 6.

Maimonides' commentary adheres to the Talmudic mandates when considering women and work, which contains the phrase “her food against the work of her hands.”<sup>147</sup> In essence, a husband should provide his wife with food and clothing; in return, she is to labor on his behalf—more specifically, to exchange her earnings for upkeep. This phrase played a very important role in the perception of paid work done by married women within Jewish work ethics.<sup>148</sup> Any income earned from or produced by a wife was to be handed over to her husband.

It is important to distinguish between insular versus outward-facing “female economies” in this period; that is, between remunerative activity that women engaged in that remained in the household versus that which she kept for herself or engaged in on her own terms. The first type was far more common, since women were generally expected to contribute to the household economy.

In *Nashim*, Maimonides speaks of these insular frameworks, wherein the “her food against the work of her hands” implies that she was to exchange her earnings for marital maintenance. Most often, this work entailed household upkeep, cleaning and cooking. The social norms of medieval Egypt, however, differed from this model, which is why we see women engaging in remunerative pursuits beyond the limitations of the home. Rules of *Halakha* generate applications; the application of a law indicates how the timeless is applied to the timely.<sup>149</sup> In this case, the “timeless” question is one of women’s ideal economic role in Jewish society according to conservative, patriarchal ideals; the “timely” is this question as it

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<sup>147</sup> In rabbinic literature, the phrase “the work of her hands” is almost exclusively applied to females. This constructs a gendered nature of economic exchange: wives’ earnings in return for husbands’ marital “upkeep.” Gail Labovitz, *Marriage and Metaphor: Constructions of Gender in Rabbinic Literature* (172).

<sup>148</sup> Karin Hofmeester, “Jewish Ethics and Women's Work in the Late Medieval and Early Modern Arab World.” *International Review of Social History* 56 (2011): 4.

<sup>149</sup> Brian Bix, “Bargaining in the Shadow of Love: The Enforcement of Premarital Agreements and How We Think about Marriage.” *William & Mary Law Review* 40 (1998): 145.

was addressed in different time periods and communities. Fluctuations in the application of a given law depended largely—if not almost entirely—on the specific conditions of each period. Sociopolitical shifts, religious and communal trends, and even changes in neighboring communities would have drastically affected Egyptian Jewish society in the Middle Ages. It was a combination of these factors that led to the discourse we find preserved in the documentary Geniza—on the one hand, rabbinic scholars arguing for a given role, and on the other, women engaging in a wide variety of economic pursuits and remunerative activities.

In divorcing a description of what can theoretically be from what tangibly is, Maimonides is consciously not writing for his community, which would have been subject to a variety of social pressures and influences. His work is clearly aspirational, and thus does not necessarily reflect the Egypt in which he resided in the 12<sup>th</sup> century. It cannot (and should not) be used to a source for determining Jewish communal practices in the classical Geniza period. This is because, even if *Halakha* permitted a specific action, its permissibility was not necessarily enforced uniformly across all Jewish communities. Likewise, certain Jewish communal norms obviously deviated from the written law, mimicking the surrounding Muslim or other social structures.<sup>150</sup>

While women in the Geniza, like their counterparts in other historical records, “were represented in a limited range of gender-specific professions”<sup>151</sup> such as spinning and matchmaking, commercial activity for women in the Fāṭimid period was by no means a universal phenomenon. Yet by the advent of Mamlūk rule in the immediately subsequent centuries, Jewish women’s remunerative work had become substantially more

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<sup>150</sup> Mark R. Cohen, “Medieval Jewry in the World of Islam,” in *The Oxford Handbook of Jewish Studies*, ed., Martin Goodman, Jeremy Cohen, and David Jan Sorkin (New York: Oxford University Press 2002): 193–218, 202ff.

<sup>151</sup> Rapoport, *Marriage, Money, and Divorce*, 32.

commonplace.<sup>152</sup> Thus, it is both necessary to understand why such work was less frequent in earlier centuries, as well as the broader social and political conditions that facilitated Jewish women's entry into the commercial space.

By the Mamlūk period, Jewish women's salaried labor was a normative feature of the Egyptian economy.<sup>153</sup> The Geniza provides rich and ample evidence of women employed in a number of crafts—most frequently, the textile industry—both within and beyond the Jewish community. Thus, while remunerative work was less of a permanent fixture of the period of our study—the Fāṭimid and Ayyūbid eras—Egyptian Jewish society must have been moving toward greater commercial inclusion for women.<sup>154</sup> In the Geniza data that stems primarily from these two eras Goitein observes a trend toward both increased involvement, as well as increased evidence of theoretical frameworks designed to protect women's self-earned wages.<sup>155</sup>

In both *ketubbot* and other marital contracts dating to the Mamlūk period, stipulations regarding a wife's ability to keep her earned wages feature prominently. Such stipulations were increasingly necessary, as under rabbinic law a wife's earnings belonged to her husband. It served as compensation for his “marital support” of her—clothing, household expenditures, and other expenses incurred. In *Marriage, Money, and Divorce*, Yossef Rapoport writes that a bride often opted to keep her wages even though it meant forfeiting part of her husband's marital support. This fact has important implications for our study of Jewish women's agency. It is possible that a wife's insistence on paying part of her own

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<sup>152</sup> Ibid, 37.

<sup>153</sup> Rapoport, *Marriage, Money, and Divorce*, 37; Goitein, *A Mediterranean Society*, 3:132-135.

<sup>154</sup> An 11<sup>th</sup>-century document signed by Semarya b. Elhanan—a scholar and high-ranking official of the Babylonian academy—makes reference to a legal matter between Nissim al-Iskandarani and an unnamed woman, with whom he had entered into a business partnership. T-S 12.43; document mentioned in Goitein, *A Mediterranean Society*, 2:28.

<sup>155</sup> Goitein, *A Mediterranean Society*, 3:132-35.

expenses meant that she recognized wages as a form of capital. By taking on greater personal financial responsibility, women simultaneously acquired social capital.

What, then, are the reasons for the social shift toward normalization for women in the marketplace? Several scholars suggest that this was symptomatic of the economic decline of Jewish communities and a broader disintegration of *convivencia* in the Mediterranean.<sup>156</sup>

Thus, it is possible to infer a causal relationship between economic decline, changes in marital deeds, and women's increased commercial involvement. Karen Frank's 2010 article examines the financial activities of medieval Jewish women in Italy and the Mediterranean. She argues that by the later Middle Ages Jewish communities across the region increasingly allowed women to manage their own dotal holdings, inherit property, and engage in loan banking.<sup>157</sup> These were all practices in direct opposition to Jewish legal tradition, which curtailed women's financial autonomy.

Frank argues that the reason for the change reflects periods of "communal crisis,"<sup>158</sup> in which men allowed women great financial freedoms for the benefit of society. From this scholarship, it is possible to assert that women experienced greater financial autonomy and economic agency across a variety of issues. It is likely that increased control over dotal property and inheritance developed simultaneously with their increased control over personal wages and commercial involvement.

In examining historical trends and shifts toward greater female autonomy and agency, the theory of economic initiative is as important as the active practice of initiative. This is true because even if women in earlier periods were not able to take tangible advantage of the

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<sup>156</sup> Goitein and Lassner, *An Abridgement*, 378; Frank, "From Egypt to Umbria," 3.

<sup>157</sup> Goitein documents a woman, Jayyida, the wife of a grape-presser, who gives her share of a house as collateral for a loan of 50 dinars. The document is evidence of women's involvement in a variety of economic affairs. *A Mediterranean Society* IV, 280.

<sup>158</sup> Frank, "From Egypt to Umbria," 10.

changes to as great an extent as their later counterparts, their very existence paved the way for future wives' acquisition of economic agency. In many ways, the attainment of economic independence by women in medieval Islamic societies can be interpreted as a literal "dismembering of the patriarchal utopia."<sup>159</sup> The roots of this dismembering can be traced to the Fāṭimid period, where women slowly but surely, over a period of more than a century, laid the foundations for a new marital status quo.

An in-depth analysis of materials from the documentary Geniza is critical to a fuller understanding of the ways in which Jewish women in Fāṭimid and Ayyūbid Egypt commanded economic space in their societies. Specifically, this chapter will undertake an examination of documents related to women's commercial involvement during periods of their husbands' absence. The socioeconomic implications of long-distance marriage for women constitute a unique and almost entirely unexplored topic. By considering these marriages in the greater historical context of the period, we are able to come to an understanding of how women negotiated agency through legal frameworks and commercial involvement.

In a bill of testimony dated September (Tishri) 1133, we encounter a husband, "Abu al-Faraj" who has agreed to provide financial support for his wife while he is away on business.<sup>160</sup> He allots her 20 *dirhams* per month, at an allowance of five each week. From this amount, she is expected to cover the cost of certain household expenditures in addition to the rent for their apartment and her husband's poll tax. However, the most intriguing aspect of

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<sup>159</sup> Rapoport, *Marriage, Money, and Divorce*, 114.

<sup>160</sup> T-S 8 J10.17; For more information, see Goitein, *A Mediterranean Society*, 1:127, 430; 2:594; 3:191-92; 4:436.

this document is the husband's stipulation that he will not take from his wife any of the earnings she procures through her "work or spinning."<sup>161</sup>

Stipulations about wives' earnings begin appearing in the Geniza record in the 12th century. Typically, the stipulation followed one of three formulaic variations:<sup>162</sup>

1. Her earnings belong to her husband, and he must supply her with clothing;
2. She keeps her earnings and provides her own clothing; or
3. She keeps her earnings, and he clothes her<sup>163</sup>

As Friedman notes, while the first version "reaffirms the standard Talmudic law; the other two reflect the peculiar socioeconomic circumstances and the relative willingness of the parties to make concessions."<sup>164</sup>

For a wife to be making money from spinning is neither surprising nor novel. Women during this period commonly worked in a number of professions, but virtually monopolized the textile industry. However, the fact that in this instance she is allowed to keep her earnings says something both about the power dynamics of her marriage as well as the *quantitative* value of her enterprise.

In a betrothal document dating to 1157 CE, we encounter Mevorak b. Nathan<sup>165</sup> and his fiancée, the daughter of a cantor. The woman retains the right to keep her earnings, but what is most interesting about this particular legal deed, according to Goitein, is that "nothing was stipulated about clothing, which could only mean that it had to be provided by the

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<sup>161</sup> Goitein, *A Mediterranean Society*, 3:191.

<sup>162</sup> Friedman, "Marriage as an Institution," 36.

<sup>163</sup> T-S Misc. 36.205; wrongly cited by Friedman as Loan 205.

<sup>164</sup> Friedman, "Marriage as an Institution," 36.

<sup>165</sup> Add info about this dude



husband.”<sup>166</sup> This is interesting, and proves that all three formulaic variations on wives’ earnings were in circulation as early as the middle of the 12<sup>th</sup> century.

Because the wife in question would not have had to put her earnings toward paying for her clothing, this would have freed up her resources to spend or invest in other areas. By eliminating the need to explicitly circulate her money back into the household economy, a woman would have been able to pursue other economic ventures, and by doing so, acquire social capital and exercise personal agency.

Women, by insisting on retaining rights to their earnings, recognized the value of their work and perceived it to be a means by which to acquire greater financial autonomy. The date of this document is particularly important, as it shows that women were moving toward greater economic self-advocacy long before the start of the Mamlūk period. Even in the earliest century of Fāṭimid rule—albeit more sporadically—we see women insisting on increased control of their real or potential assets—in this case, future earned income. As has already been noted, a husband was not legally mandated to provide for his wife during periods of prolonged absence.<sup>167</sup>

That this particular spouse chose to do so is not in and of itself unusual, as social custom in the Jewish communities of the medieval Mediterranean world frequently deviated from established *Halakhic* norms. Yet the fact that he consciously included a stipulation regarding his wife’s personal earnings indicates that he recognized the economic “value” of her work. That is, by carving out space for her exercise economic agency and initiative, her husband implies that her work holds larger value in the context of their marriage. Even if he intended for the money she earned to go toward her personal expenses, like clothing, he

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<sup>166</sup> Goitein, *A Mediterranean Society*, 3:133.

<sup>167</sup> Zinger, “Women, Gender, and Law,” 386.

would have been enabling her greater autonomy over her economic affairs thereby setting a theoretical precedent regarding financial management and freedom.

Many Geniza documents depict married women “buying and selling real estate, maintaining houses and apartments for income, investing in commercial enterprises,<sup>168</sup> and loaning sums of cash at interest.”<sup>169</sup> Another fragment further illuminates the economic roles women occupied during periods of spousal absence. It is a 13<sup>th</sup>-century query<sup>170</sup> addressed to Nagid Abraham Maimonides containing a question regarding a man who was away from his family for 15 years.<sup>171</sup> He had travelled to Indonesia and in his absence, designated his wife as his legal representative. For the duration of his time abroad, she and their daughter live off of their work. The question posed to Maimonides concerned the re-marriageability of the man’s widow, as well as what portion of his property she was entitled to claim for herself.<sup>172</sup>

This is an important document not only for the study of women’s commercial involvement and contributions to economic structures, but for the study of legal deeds and the authority of contracts—especially pre-departure ones—in influencing and/or determining a woman’s potential financial autonomy. In contrast to the case of Abu’l-Faraj who as discussed above concedes that his wife has control of her earnings, this letter is an example of

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<sup>168</sup> Goitein documents the account of a widow, one Sitt al-Sāda, who purchases a share in two stores. The two fragments, T-S 16.146 and T-S 12.176, are dated June 1143 and originate in Fustāt. For more information on T-S 16.146, see Goitein, “India Traders,” 270; Goitein, *A Mediterranean Society*, 1: 429, 448, 3:327, 500, 4:286, 351; Ernest James Worman, “Notes on the Jews in Fustāt from Cambridge Genizah Documents.” *Jewish Quarterly Review Old Series* 18 (1906): 7. For more information on T-S 12.146, see Goitein and Friedman, *India Traders of the Middle Ages*, 270; Goitein, *A Mediterranean Society*, 3:327, 500, 4:286, 371.

<sup>169</sup> Krakowski, “Female Adolescence,” 51. The texts in questions are discussed in detail by Goitein, *A Mediterranean Society*, 3:326-32.

<sup>170</sup> Dated 7 July 1226.

<sup>171</sup> ENA 4020.5; for more information, see: Goitein, *Letters of Medieval Jewish Traders*; Jacob Mann, *The Jews in Egypt and in Palestine Under the Fāṭimid Caliphs*; Goitein, “The Local Jewish Community in the Light of the Cairo Genizah Records,” *Journal of Jewish Studies*; Goitein, *A Mediterranean Society*, 3:534.

<sup>172</sup> Goitein writes that according to Jewish law, the woman’s daughters—not her—would have inherited any property left behind by their late father.

a husband insisting on a wife's economic initiative. He both facilitates her making an income, as well as requires it. In this instance, necessity and agency again collide. How the wife earns sufficient money to support herself and her daughter is not made clear, but the fact that she did is very much so. Thus, while the question of what this particular woman was doing while her husband was away cannot be answered, the document undoubtedly provides evidence of economic initiative taken during this period.

This document, it must be noted, does not imply that the wife *wanted* to take economic initiative in her husband's absence. For many upper class Geniza women, slaves were seen as a preferable form of social capital, since it meant they did not have to work in the household.<sup>173</sup> But, since this husband is insisting on his wife's supporting herself through remunerative means, it is likely that he does not have the financial means to do it himself. Two important points can be derived: that women of lower classes were more likely to work, since they did not have the luxury to not do so; and that agency is not necessarily self-sought. Nonetheless, is it possible to derive agency from need, whether or not a wife is consciously seeking it out of self-interest.

*Ketubbot* preserved in the documentary Geniza show that from the 12<sup>th</sup> century onward an increasing number of Jewish women began asserting the right to keep their income, most likely "as a consequence of the influence of Islamic law"<sup>174</sup> upon *dhimmī* communities. Muslim women by and large enjoyed greater financial freedoms than did their

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<sup>173</sup> Craig Allen Perry, "The Daily Life of Slaves," 69.

<sup>174</sup> Hofmeester, "Jewish Ethics," 23. Cohen and Rapoport both work extensively with issues regarding Jewish-Muslim, legal "crossover." That is, *dhimmī* communities would have been exposed to and even incorporated into the Islamic legal customs of the ruling power. Because of this, Jewish communal practice would have resembled and even imitated Islamic communal norms and legal praxy. It is for this reason that Jewish women might have felt themselves capable of legal assertion. Muslim women, who were by and large subject to far less restrictions in terms of dotal control and economic freedoms, represented for Jewish women a goal to which they might aspire. Muslim women's successful self-management and economic activity would have also provided Jewish women a broad legal framework on which to substantiate their own petitions.

Jewish counterparts in the same time period; her dowries remained under a woman's exclusive ownership and control for the duration of her marriage, and again through widowhood and divorce. This was not the case for Jewish women, and in many respects similar financial restrictions affected Jewish women's economic enterprise in a way that it did not for Muslim women.

Yet it is clear that Jewish women, despite theoretical or legal disadvantages, often advocated for themselves in this particular arena. In some cases, marriages were even delayed because of irreconcilable differences regarding a wife's earnings.<sup>175</sup> This indicates the perhaps surprisingly important role of personal earnings in a woman's negotiation of her marriage, and by extension, a wife's future social capital. This also implies that women did possess some degree of power of negotiation, as they were able to, by threatening to hold up marital proceedings, ensuring greater economic rights for themselves.

Jewish communities neither existed nor acted as independent social entities. They comprised a part of the larger Muslim societies in which they lived, and would have been highly influenced by, and susceptible to, broader trends. For this reason, it is likely that one of the major impetuses for Jewish women's increased demands to maintain their incomes was the Islamic law of the time period, wherein women commanded a great deal of economic agency and frequently maintained their own financial affairs.

The documentary Geniza contains a petition from Cairo to the Fustat-based Gaon Sar Shalom ha-Levi (ca. 1177-1195), in which the wife of Abu al-Hasan, the miller, requests that her husband not be permitted to tell her to go and do embroidery in other people's houses and bring him her earned money; instead she should be permitted to retain her wages if she chose

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<sup>175</sup> Goitein, *A Mediterranean Society*, 3:455

to work.<sup>176</sup> This document is also important in that it demonstrates an attempt by the woman to seek a legal resolution to the issue. Whether or not she was ultimately successful is only of partial importance; the fact that this particular wife felt confident enough in her case to take it to a Gaon for review is significant in and of itself. This suggests that a certain historical precedent might have already been in place by the time of the case, and that other women had been successful in achieving favorable results in similar situations.

The existence of an increasing number of *ketubbot* and other legal deeds reveals that the question of a wife's right to her earnings occupied the Jewish courts in the 12<sup>th</sup> century—and later.<sup>177</sup> Yet another example from the classical Geniza period of women exercising economic agency comes in the form of a *ketubba* where a husband renounces his rights to his wife's—a divorcee's—earnings.<sup>178</sup> This is particularly interesting, as it is a remarriage, thus indicating that amongst second marriages such stipulations might have been more commonplace.

Perhaps paradoxically, the Cairo represented in the Geniza, particularly in the Fāṭimid period, “is for the most part not that of its very important notables, but of a social layer poorer in every respect than many a community in a provincial town.”<sup>179</sup> Generally, the materials of the Geniza elucidate a social stratum wherein economic agency was born out of need. Growing impoverishment across all classes of Jewish society in the 12<sup>th</sup>, 13<sup>th</sup>, and subsequent centuries meant that women's earnings played a greater role in the household budget and caused some husbands to push aggressively their wives toward remunerative

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<sup>176</sup> T-S NS J287; Partially translated in Goitein, *A Mediterranean Society*, 3:133.

<sup>177</sup> *Ibid.*, 3:133.

<sup>178</sup> *Ibid.*, 133; T-S 8.210. See Goitein, *A Mediterranean Society*, 3:133, 380; Gershon Weiss, “Legal Documents Written by the Court Clerk Halfon ben Manasse (dated 1100-1138)” (PhD diss., University of Pennsylvania, 1970).

<sup>179</sup> Goitein, *A Mediterranean Society*, 4:47.

work.<sup>180</sup> This was especially true for couples of a lower economic status, in which the wife's earnings often factored prominently in the overall quality of life for a family.<sup>181</sup>

Amongst these spouses, the phenomenon of wives working outside of the home is a more common occurrence.<sup>182</sup> Additional sources of income benefitted the household as a whole; thus, female agency for Jewish women in medieval Egypt was partially born out of greater social and marital interests. In most cases, a wife's earnings were returned directly to her husband, as marital maintenance feeds or to help with the upkeep of the household. Occasionally—and with increased frequency, from the Fāṭimid era to the beginning years of Mamlūk rule—wives were able to keep these earnings for themselves. Of course, not all women were encouraged by their husbands to work, even in the presence of such necessity.

A notable example of women taking economic initiative without spousal consent is the unnamed “Bible Teacher” who lived in Fustat during the 12<sup>th</sup> century. In a set of two *responsa*, the woman's husband complains that she is working outside of the home without his consent while a wife reveals that she was driven to do so by his financial neglect. In the husband's version of events, when confronted about her activities, the Bible Teacher became angry and, in his words, “refrained from doing her duties—those which the daughters of Israel must perform for their husbands—[and] she persisted in teaching.”<sup>183</sup> In the wife's account, she reveals that she worked out of necessity, and thus did not have the luxury of

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<sup>180</sup> Zinger, “Women, Gender, and Law,” 179; See T-S NS J 287 (mentioned in *A Mediterranean Society*, 3:133, 146) and T-S NS J 68. See also Rapoport, *Marriage, Money and Divorce*, 17-18.

<sup>181</sup> Goitein, *A Mediterranean Society*, 3:191.

<sup>182</sup> T-S 8J29.13; Friedman notes that amongst families of a lower social strata, there is evidence in the documentary Geniza of women attending synagogue services and engaging in business activities outside of the home. The document in question, an agreement that averted an impending divorce, might indicate that negotiations surrounding a wife's work and non-seclusion (despite its “merit” in broader Geniza society), played an important role in marital harmony and power dynamics. See Friedman, “Marriage as an Institution,” 42; Goitein, *A Mediterranean Society*, 3:216-217; S.D. Goitein, “The Sexual Mores of the Common People,” in *Society and the Sexes in Medieval Islam*, ed., S.D. Goitein (Malibu, CA: Undena Publications, 1979), 54.

<sup>183</sup> Melammed, “He Said, She Said,” 22.

seeking spousal consent, because as she notes, her husband's prolonged absence left her in "utter degradation from poverty, with two sons whose hunger outweighed their satiation."<sup>184</sup>

Although her husband paints her work in a negative light, ultimately the Bible Teacher's necessity transformed into an opportunity for achieving financial autonomy and generating personal capital.

The gist of the husband's argument as it unfolds in his query to Maimonides is that his wife's rebellious behavior might have entitled him to take a second wife.<sup>185</sup> Maimonides rejects this request on the grounds that the couple's *ketubba* contained a stipulation forbidding such an action. Maimonides also asserts that the woman must not continue teaching, and that if she sues for divorce, "her request will not be granted...all doors are locked before her and all paths are to be obstructed."<sup>186</sup> Although Maimonides does not sanction the Bible Teacher's working against her husband's authority, neither does he grant the husband a reprieve from his legally binding *ketubba* stipulations. Thus, the Maimonidean *responsum* indicates that men and women in this time period were equally subject to the contractual obligations as set forth in pre-marital legal frameworks.

The Bible Teacher sends a query of her own to Maimonides, preserved in the second *responsum*, in which she describes her reasons for teaching and the circumstances under which she was "forced" to become educated in the first place. The Bible Teacher reveals that she became a teacher out of necessity, as she was married off young and her husband refused to provide for her. Nothing else is known of the teacher, and no *ketubba* is available for our study. It is highly unlikely, however, that her marriage contract would have included a stipulation regarding her right to work, considering her husband's staunch opposition to it as

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<sup>184</sup> Ibid, 24.

<sup>185</sup> Melammed, "He Said, She Said," 23.

<sup>186</sup> Ibid, 23.

expressed in his letter to Maimonides. Assuming that no such stipulation existed and that under Jewish law he was not technically obligated to support her, this wife would have had no avenue for seeking legal recourse. She truly had no other choice but to teach outside of the home; here again, a woman of the Geniza resorts to economic initiative out of a demonstrated need. It is also possible that she used sex as a sort of bargaining chip, vis-à-vis her economic activities. By withholding sex, the Bible Teacher is intending to force her husband to allow her to continue teaching.

The “Bible Teacher” is the best-known<sup>187</sup> example of a woman in medieval Egypt who turned to teaching as a means of acquiring socioeconomic capital. This “valiant woman teacher” known from the Maimonidean *responsum* declared in court that she was unable to leave her school despite demands from her husband.<sup>188</sup> Goitein presents the document to highlight the competition that existed among teachers in the Middle Ages. The woman claims that if she leaves her job, it will be snatched up in an instant, for her students’ parents will send them to a different teacher.<sup>189</sup> This seems to imply that the woman recognized the value of her profession, and the opportunity for what it was—a means of both attaining financial capital and exercising social agency. Thus, the Bible Teacher’s resorting to remunerative activity—and her subsequent refusal to leave it—was dually motivated: by necessity on the one hand, and status on the other. Moreover, it is clear that the Bible Teacher’s work confers in her a sense of pride, for she writes, “the people do not bring their children because of the aforesaid older son, but [come] because of me.”<sup>190</sup>

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<sup>187</sup> Although she is the best-known, there are numerous references to other female teachers, most often designated by the *mu’alima*; Mosseri A7.VII.7.

<sup>188</sup> Goitein and Lassner, *An Abridgement*, 259.

<sup>189</sup> Melammed, “He Said, She Said,” 26.

<sup>190</sup> *Ibid*, 26.



Perhaps the most telling aspect of the woman's letter and Maimonides' response is the way in which the Bible Teacher employs the "power function" to expand her social network and acquire financial capital. She is first given the teaching job through her brother, but later goes on to develop her own, independent network of social and economic contacts. She is even able to establish herself as an authority figure; when her brother leaves for a journey, the Bible Teacher "sat in his place and received the children."<sup>191</sup> Although she brought her eldest son with her to act as a liaison between her students and their fathers, she is the one regarded as learned, and it is she who commands authority and respect in the eyes of the students' parents.

Thus, the Bible Teacher's work reflects the complicated web of family connections that influenced and even facilitated a woman's capital acquisition and expression of agency. In her journey from her brother's helper to a respected educator in her own right, we witness the expansion of the Bible Teacher's social network beyond that of her natal family, to encompass a range of additional social capital "stake holders": her students, their parents, and even other teachers. It is in the story of the Bible Teacher that the voices of Geniza women are amplified. Though she is but one example of many women who, through their own initiative, creativity, and leveraging of familial networks augmented their social and financial capital,<sup>192</sup> her story helps shed light on the fascinating, complicated web that governed all aspects of female and marital life in the classical Geniza period.

#### Widows and Other "Indigents": Economic Roles and Contributions

Although not directly relevant to the topic of long distance marriage, widows and divorcees' role in the larger social and economic tapestry of medieval Egypt cannot be

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<sup>191</sup> Renée Melammed, "He Said, She Said," 25.

<sup>192</sup> Joel L. Kramer, "Women Speak for Themselves," 181.

overlooked. In fact, it is they who appear most frequently in commercial records.<sup>193</sup> Most widows in this period were on the “dole,” or public welfare, since they often had no other choice but to seek financial support from their synagogues and community organizations.<sup>194</sup>

As has already been noted, divorce was an everyday fixture of both Muslim and non-Muslim medieval communities. Rapoport writes in *Marriage, Money, and Divorce*, “if the ideal family of medieval Muslim societies was the patriarchal household, frequent divorce would surely have resulted in the creation of familial institutions that were less than ideal, as many more women would have had to make a living on their own.”<sup>195</sup> Thus, Jewish women would have likely entered the marketplace as divorce became more common. In such a way, divorce served an important building block for Jewish women’s increased economic participation.

Moreover, previously married women—namely, widows and divorcees—enjoyed substantially more freedom to move about in public than did their married contemporaries.<sup>196</sup> This does not mean that they were objectively better off, but that their opportunities for the types of work in which they could “appropriately” engage was augmented. *Halakhic* rules of *zniut*, modesty, greatly influenced women’s lives and the roles they occupied within the commercial space.<sup>197</sup> These laws, which defined how women should dress and behave in public, were especially important for married women. For this reason, most women’s remunerative work was done within the domestic sphere; that is, inside their homes. This

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<sup>193</sup> Mark R. Cohen, *The Voice of the Poor in the Middle Ages: An Anthology of Documents from the Cairo Geniza* (Princeton: Princeton University Press, 2005), 83.

<sup>194</sup> *Ibid.*, 15, 83.

<sup>195</sup> Yossef Rapoport, *Marriage, Money and Divorce*, 4.

<sup>196</sup> Hofmeester, “Jewish Ethics,” 20.

<sup>197</sup> *Ibid.*, 6.

protected them from impropriety,<sup>198</sup> as well as allowed them to carve out female-dominated commercial spaces for themselves.

Widows and divorcees, in contrast, were not necessarily expected to remain inside the home for their remunerative work. In the Geniza, we find evidence of widows and divorcees engaging in a wide variety of economic pursuits. There is the widow who “derived her sustenance from apartments leased,”<sup>199</sup> and in doing so cultivated an environment of financial self-sufficiency. There is the widow who seeks a nurse for her child so that she may pursue remunerative activity.<sup>200</sup> Mark R. Cohen writes extensively on women and poverty in his book, *Poverty and Charity in the Jewish Community of Medieval Egypt*. Unfortunately, the normative financial state for widows in the Fāṭimid, Ayyūbid and even Mamlūk periods was one of near or actual destitution. That being said, those who were able to cultivate economic agency for themselves are incredibly rare. This is because men rarely named their wives as heirs to their inheritance. Instead, any assets typically went to his children or his closest relatives.<sup>201</sup> Thus, when widows *were* able to command economic agency, it was all the more impressive, since legally and socially the cards were stacked against them. For these reasons, most women preferred to remarry, if possible, as it provided greater financial security than they would have otherwise, even considering they forfeited their *ketubba* payment from the previous marriage in doing so.<sup>202</sup>

The question then arises: how did women gain access to the financial assets tied up in their husbands’ fateful voyages? If a man did die at sea, what were the avenues of financial and legal recourse available to his wife? Perhaps one of the most common and well-studied

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<sup>198</sup> Ibid, 21.

<sup>199</sup> Goitein and Lassner, *An Abridgement*, 47.

<sup>200</sup> Goitein, *A Mediterranean Society*, 3:233.

<sup>201</sup> Friedman, *Jewish Marriage in Palestine*, 1:427.

<sup>202</sup> Ibid, 1:437.

potential assets is the *get*, an Orthodox writ of divorce. As was explored in Chapter Two, the *get* was conditioned upon proof of the husband's death and/or permanent disappearance. Without one, a wife might be resolved to a fate as an *agunah*, or a "chained wife." As such, she would not be able to remarry or reap any of the financial benefits of her *ketubba*. According to *Halakha*, a woman could not remarry without a *get*, and any children she bore would be considered illegitimate.<sup>203</sup> Most importantly, being left an *agunah* more often than not entailed a woman's financial ruin. One document, a legal deed in which a woman is attempting to sue her husband for abandoning her and leaving her without her due maintenance, exclaims that he "left [her] hungry, naked, lacking everything and requiring public help."<sup>204</sup> In a betrothal agreement from the Geniza, the couple includes a stipulation for writing a time-sensitive *get* in the event the husband travels to far away places like Yemen.<sup>205</sup>

As trade networks expand from the 12<sup>th</sup> century onward, *gets* as normative feature of pre-departure legal deeds signed between spouses increase in regularity; as husbands' travels became longer and more dangerous, the importance of a woman's obtaining a *get* comes to the fore. A woman from Egypt, Mubarakā bt. Mafūz, is known from her attempt to sue her brother-in-law.<sup>206</sup> She implores the court to "save" her from the burden of her deceased husband's burial expenses, for which she took out a loan, and to make his brother pay her maintenance expenses. The most illuminating aspect of Mubarakā's story is that she pursued legal recourse. This action can be understood as her cognizance of the *get*'s economic

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<sup>203</sup> Rabbi Yehudah Abel, "The Plight of the 'Agunah and Conditional Marriage,'" Working Paper (The Agunah Research Unit, University of Manchester, 2006), 33.

<sup>204</sup> Zinger, "Women, Gender, and Law," 84; for original, see T-S 13J1.6. See Friedman, *Jewish Marriage in Palestine*, 2:279; Goitein, *A Mediterranean Society*, 3:199, 468.

<sup>205</sup> Sourced from Zinger's list of legal deeds: T-S NS 224.52.

<sup>206</sup> Zinger, "Women, Gender, and Law," 85; ENA 3616.14; See also Elinoar Bareket, *The Jews of Egypt 1007-1055: Based on Documents from the Archive of Efraim Ben Shemarya* (Jerusalem: Ben Zvi Institute, 1995), 183-185; Bareket, *Fustat on the Nile*, 59.

potential. Without the writ of divorce, her financial assets will almost surely cease to exist, as she will be denied access to her dotal property; any prospects for future economic advancement will be likewise limited. Her opportunities for remarriage—which in and of itself was a source of financial potential—would be entirely impossible without the *get*. Thus, the possession of one—or the pursuit of one posthumously—was the primary means by which wives accessed financial assets tied up in their husband’s unfortunate death or disappearance. A wife would have rarely, if ever, been designated as a husband’s heir.

The *get*, then, can be understood as an alternative form of inheritance, both to provide a woman a financial safety net in the event of her husband’s death, as well as to “free” her of a fate devoid of social or economic prospects. The *get* is a form of social capital; it was a means by which women were protected against financial hardship and a way of ensuring their future marital prospects. Through both the acquisition and possession of a *get*, women exercised economic agency by increasing their social capital and future financial prospects.

Divorcees, too, provide an interesting point of study in examining female economic agency. Perhaps the most famous divorcee chronicled in the documentary Geniza is “Wuhsha of Egypt,” the granddaughter of the head of the Alexandrian Jewish community and an all-around tour de force. She first appears in a Geniza records in relation to her marriage contract to Arye ben Yehudah. And, despite relatively humble beginnings, Wuhsha ultimately amasses a great deal of wealth for herself. She died in possession of a large estate, bequeathing money to all four of Fustat’s synagogues, the Jewish cemetery, and the poor.

Wuhsha is a prime example of a woman who exercised a great deal of economic agency, both through the pursuit of business (as a *dallala*, or female broker) and from capitalizing on her divorce “earnings.” It must be noted, however, that Wuhsha’s represents an exception to the historical norm of the Geniza period. That she was able to command so

successfully as vast a wealth as she did—and as a divorcee, no less—was incredibly rare.

For the common widow or divorced woman of the period, poverty and the dole were far more common fates.<sup>207</sup>

Wuhsha also represents the apex of female Jewish patronage in this time period, both religiously and civically. In her will, she is able to provide for her son’s future schooling, even going so far as to specify the teachers with whom he should study. Despite a “tarnished reputation”—and the fact that she was eventually expelled from Fustat’s Babylonian synagogue, Wuhsha’s “wealth and prominence...seem to have offset her reputation and given her more license than most women of her time could expect.”<sup>208</sup>

Women began entering the commercial space for a variety of reasons, among them economic necessity, personal desire, and a combination of the two. While in some cases husbands provided the impetus for their wives to pursue remunerative activity, the historical trajectory reveals a process of economic normalization; while in the Fāṭimid and Ayyūbid periods the extent to which women exercised economic agency is limited, it was by no means uncommon. In fact, it is this period of shifting communal boundaries, economic booms and busts, and changing marital norms that ultimately facilitated widespread entry of women into the Egyptian commercial space during the Mamlūk era.

Work outside of the home—or any remunerative work beyond the expected and normative household chores—conferred different things to different women. For some, like the Bible Teacher, economic activity was a financial necessity, but also one that granted to her status and prestige. For others, it seems that work served as a source of personal

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<sup>207</sup> Cohen, *Poverty and Charity*, 16.

<sup>208</sup> Emily Taitz and Sondra Henry and Cheryl Tallan, *The JPS Guide to Jewish Women: 600 B.C.E.-1900 C.E.* (New York: The Jewish Publication Society, 2003), 60.

fulfillment and pride.<sup>209</sup> Women in the Fāṭimid and Ayyūbid periods, by challenging historical trends and monopolizing specific spaces for themselves, contributed to the reorienting of social, economic, and legal boundaries in medieval Egypt.

While in certain cases wives might have preferred to not work, there are clear cases of wives who went out of their way to both assert and ensure financial agency for themselves. Writes Rapoport in *Marriage, Money and Divorce*, “Medieval marriage was therefore a domain of conflicting interests, an unstable and fragile realm where power was constantly negotiated.”<sup>210</sup> Remunerative pursuits represent just one of the many ways in which women negotiated agency for themselves—individually, and relationally.

Thus, whether through the *ketubba*, pre-departure agreements and other legal deeds, or through the physical pursuit of remunerative activity, women had at their disposal a variety of both theoretical and literal tools to ensure economic agency—if not for themselves, then for future generations of Jewish “Geniza” women, whose social and religious patterns would be shaped by those who came before them. In this way, Jewish women of the Fāṭimid and Ayyūbid periods played an integral role in shifting cultural and social norms both in their own lives and in later centuries.

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<sup>209</sup> Wuhsha is a prime example of the complex sphere of motives within which Jewish women operated when it came to both acquiring and exercising social capital/agency.

<sup>210</sup> Rapoport, *Marriage, Money, and Divorce*, 114.

### *Conclusions, Potential Areas of Further Study*

The “truth” of what a Jewish marriage looked like in medieval Egypt lies somewhere between the extremes of property<sup>211</sup> and partnership.<sup>212</sup> While a spirit of egalitarianism did not always (or even frequently) pervade the Jewish communities of Egypt in the Middle Ages, women had a unique arsenal of theoretical and real sources of capital at their disposal. Though law and social practice often worked against women in regards to their financial independence, structures ostensibly designed with the purpose of protecting women came to benefit them. The *ketubba*, post-marital documents and other agreements signed between spouses helped form the foundation for wives’ exercise of agency. These legal deeds served as an important framework through which women acquired social and economic capital, pursued recourse for their husbands’ “improprieties,”<sup>213</sup> and even advocated for themselves vis-à-vis their remunerative pursuits.

*Ketubbot* were an indispensable legal framework by which women negotiated power, exercised agency, and acquired social capital for themselves and their families. Although they were never free from the historical and social realities of their period, or from the

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<sup>211</sup> Judith Romney Wegner, in her work *Chattel Or Person?: The Status of Women in the Mishnah*, examines the status of Jewish women as enshrined in that foundational Jewish text, the Mishnah. She finds that while “the Mishnaic attitude toward women supports contemporary feminist interpretations of patriarchy—that is, the form of social organization in which the eldest male...heads the social unit...and in which women, subject to male domination, automatically possess inferior social status,” in some ways the Mishnah treats women as “virtual equivalents of men, ascribing to them the same rational minds, practical skills, and moral sensibilities.” Though the marriages of Jewish wives living in medieval Egypt were by no means egalitarian or even approached gender equality as is conceived of today, Geniza evidence supports a more nuanced understanding of these unions. Certainly, wives and slaves were differentiated, if by nothing else than by the types of work they performed and the spheres in which they performed it. Jewish women rarely, if ever, engaged in domestic work outside of their own homes, whereas this was a commonplace profession for non-Jewish slave women of Egyptian communities. Moreover, Jewish women and wives had far-reaching rights and freedoms beyond those of enslaved populations of either gender. Judith Romney Wegner, *Chattel Or Person?: The Status of Women in the Mishnah* (New York: Oxford University Press, 1988), 6.

<sup>212</sup> Friedman, “Marriage as an Institution,” 32.

<sup>213</sup> Here, I am referring to a husband’s failure to fulfill legal obligations to his wife related to her work, earnings, and/or “maintenance.”



religious mandates that structured Egyptian Jewish communities, women nonetheless found ways to work within the existing patriarchal system to carve out distinct spaces for expressing economic enterprise and personal agency. *Ketubbot* and other pre-marital legal contracts, like engagement deeds, formed the theoretical basis on which women relied for most, if not the entirety of, their marriage(s).

By the Fāṭimid period, the Gaonic authority of the Palestinian academy had, for the most part, fallen out of vogue with the Jewish communities in Egypt. Nonetheless, sporadic instances of couples marrying according to the Palestinian tradition are found through the early 11<sup>th</sup> century. Such contracts provide an interesting point of comparison in light of the present study; their contrasting with the more common “Babylonian-style” *ketubbot* would be an excellent next course of study.

The most striking difference between the two styles is the Palestinian-style *ketubba*'s emphasis on obligational duality—both husband and wife undertake a series of responsibilities toward the other. In several cases, marriages procured via Palestinian *ketubbot* are referred to as “partnerships.”<sup>214</sup> This is significant, since Babylonian *ketubbot* typically reflect a unilateral obligation—that of the husband toward the wife. Even today, the Babylonian style is considered the norm for spouses marrying in the Orthodox Jewish tradition. The influence of dual obligations in women's social capital acquisition and overall status within the marriage is an interesting subject for examination. For now, however, this

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<sup>214</sup> Phillip Ackerman-Lieberman's work on economic partnerships in medieval Egypt speaks briefly of the parallel structure of *qinyan*—lifting up the common purse—in marriages and business deals. He writes that “the joint obligations of partnership call to mind tenth- and eleventh-century Palestinian-style marriage contracts from the Geniza, which also include ‘parallel undertakings of obligations by the groom and bride’ effected in a public marriage ceremony. Significantly, Jewish marriage contracts (*ketubbot*) describe these very same marriages as ‘partnerships.’” In this way, the concept of marital partnership is connected with the concept of commercial partnership. It is possible that further examination would reveal additional similarities between the two “institutions.” Philip Ackerman-Lieberman, *The Business of Identity: Jews, Muslims, and Economic Life in Medieval Egypt* (Stanford: Stanford University Press, 2014), 101.

question will remain unanswered. There is no doubt that if Palestinian *ketubbot* were closely examined for their value vis-à-vis social capital that such a study would add significantly to the wealth of existing Geniza scholarship.

Within marriage, a variety of factors influenced individual women's ability to negotiate economic "space" for themselves. Personal correspondence between spouses not only often provided important means of legal recourse for wives (i.e., the *get*); they also provide scholars a unique medium through which to view and better understand internal power dynamics at a given point in the marriage.

Above all else, travel seems to be among Geniza women's most unusual and perhaps, most valuable, negotiating chips vis-à-vis their remunerative pursuits and commercial activity. Husbands' prolonged absences put adequate strain on most marriages so as to give wives who either wanted or needed to work the opportunity to do so. "Women constituted half of the potentially productive power in an economy perceived as prosperous and sophisticated in comparison with its contemporaries,"<sup>215</sup> and as such would have been an indispensable earners of income, especially during times of financial stagnation and decline.

Islamic literature from the late medieval period "reflect[s] a clearly negative image of the woman who works for a living."<sup>216</sup> Even earlier evidence, such as the 11<sup>th</sup>-century commercial manual by Dimashqī entitled *al-Ishāra ila mahasin at-tidjāra*, seems to point toward an overall disdain for women's labor: "...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."<sup>217</sup>

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<sup>215</sup> Shatzmiller, "Aspects," 36.

<sup>216</sup> Shatzmiller, "Aspects," 50.

<sup>217</sup> Al-Dīdashkī, *al-Ishāra ila mahasin at-tidjāra*, 64 as quoted in Shatzmiller's "Aspects," 50.

Women's manual labor was clearly a divisive issue for communities of the Islamic realm. It is reasonable to assume that attitudes toward women from the Muslim majority would have influenced attitudes within *dhimmī* communities as well. It is likely to assume that similar sentiments were also being circulated among the Jewish communities of Egypt. The fact that Geniza women engaged in commercial activity as often and as successfully as they did, then, is a testament to their fortitude and defiant exercise of agency.

Shatzmiller writes that, "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."<sup>218</sup> The Geniza evidence presented in this study contradicts her claim. While it is true that legally Jewish women's economic activity might have been limited, wives often found ways to circumvent these statutes. The inclusion of stipulations protecting women's rights to their labor, earnings, and property—in both *ketubbot* and pre-departure legal deeds—goes a long way toward filling the scholarly lacuna regarding the unique ways in which women acquired social capital, exercised agency, and pursued economic activity.

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<sup>218</sup> Shatzmiller, "Aspects, 54.

*Index of Geniza Documents Consulted*

<b>Library</b>	<b>Shelfmark</b>
Bodleian Library, Oxford	Bodl. MS. Heb. D. 66, f. 47 & 48
Elkan Nathan Adler Collection, Jewish Theological Seminary, New York	ENA 3616.14
	ENA 2739, f. 16
	ENA 4020.5
Mosseri Collection, housed at Cambridge University Library	Mosseri A 7 (VII 7)
	Mosseri L 197
Cambridge University Library	Or. 1080 J 23
Taylor Schechter Collection, Cambridge University Library	T-S 8 J10.17
	T-S 10 J15.9
	T-S 12.585
	T-S 12.780
	T-S 13 J1.6
	T-S 13 J8.19
	T-S 16.262
	T-S NS 224.52
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