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Kinship Encounters: People and Ideas in the Medieval Islamicate World

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Abstract

The rise of Islam in the seventh century not only brought about significant political and religious changes but also sparked profound encounters among social and cultural institutions across vast territories. Often overlooked, Kinship constituted a central focus in these transformations. Even before Islam, the evolving religious landscape of the ancient world played a crucial role in shaping kinship notions and institutions. However, the Islamic expansion accelerated these processes through waves of migration, conversion, and acculturation, giving rise to diverse encounters in the formation of cosmopolitan Islamicate societies. These encounters ranged from quotidian interactions like marital partnerships to intellectual debates and literary translations. Kinship served as a locus for encounters between confessional, ethnic, and social groups, while there were also encounters between different kinship ideas, institutions, and practices. This article follows recent advances in kinship studies that argue for the cultural, rather than biological, nature of kinship and view it as a dynamic process rather than fixed structures. We offer the conception of kinship encounters as a useful lens to study medieval Islamicate societies, institutions and interactions. Through a series of case

studies, we show the role of kinship encounters in shaping identity markers, dictating communal agendas, and fulfilling social and religious absorbing and assimilating roles.

Keywords

kinship – Islamicate – family – encounters – law – community

The rise of Islam in the seventh century and its subsequent domination of vast territories throughout the Mediterranean Basin, the Near East, the Indian Ocean, and Central Asia did not only signal a dramatic political and religious change, but also a fascinating encounter of social and cultural institutions. Although often overlooked, kinship was a major focal point for such transformations and encounters. Indeed, already prior to Islam, the gradual transformation of the religious landscape of the ancient world was central to the development of notions, principles, and institutions of kinship. Yet the Islamic takeover and the waves of migration, resettlement, religious conversion, enslavement, and acculturation that followed it accelerated these processes. The development of kinship institutions and their continuous conceptualization were products of diverse encounters that took place in the following centuries with the formation of cosmopolitan Islamicate societies. Such encounters ranged from the most mundane level of marital partnerships, childbearing, and social recreation to the highest spheres of intellectual activity in the form of theological debate, legal writing, and literary translation. The combination of changing kinship practices and conceptions and the rearrangement of confessional communities under Islam meant that both Muslims and non-Muslims could find themselves at the heart of a contest between kinship and communal commitments.

This special issue of *Medieval Encounters* offers to think about kinship in the early and medieval Islamicate world as a process that resulted from such different forms of encounter. It is the product of a series of meetings of the international research group on “Kinship and Community in the Early and Medieval Islamic Mediterranean” that were sponsored by the Haifa Center for Mediterranean History at the University of Haifa. The essays assembled here explore the topic of kinship encounters in a variety of contexts and theoretical approaches. Kinship served as locus of encounters between confessional, ethnic, status, and class difference. At the same time, encounters took place between different kinship ideas, institutions, and practices. These encounters were neither natural nor static, and we can study their development over time

and place, as well as the various circumstances that facilitated them. They are present in a wide variety of sources, for example, legal texts, ethical narratives, historiographic works, artistic representations, and the physical settings of residential structures. Our hope is that a focus on textual testimonies, as well as on material evidence, couched in theoretical premises will allow us to pose the tension of kinship and community as a central theme in early and medieval Islamic history.

1 What Do We Mean by Kinship? A Very Brief Overview of Kinship Studies¹

Kinship played a central role in the development of anthropology as an academic discipline from the middle of the nineteenth century up until the middle of the twentieth century.² Focused at the time on exploring so-called primitive societies, early anthropologists saw kinship as the key framework for understanding how such preindustrial societies functioned and perpetuated themselves without the organizational apparatus and ideological claims of a modern nation state. Whether focusing on studying genealogies and descent groups or on marriage as an alliance formed by the exchange of women, the study of kinship explored the relationship between biology and the social, using technical terminology and daunting diagrams.³ These pioneering scholars had only a minor interest in kinship in their own industrial western societies, where they viewed kinship as being familial, private, and domestic and thus of limited scope and importance.

1 This necessarily brief summary of kinship studies is based on Sandra Bamford, "Introduction: Conceiving Kinship in the Twenty-First Century," in *The Cambridge Handbook of Kinship*, ed. Sandra Bamford (Cambridge: Cambridge University Press, 2019), 1–34; Janet Carsten, *After Kinship* (Cambridge: Cambridge University Press, 2004); and Linda Stone, "Introduction: Theoretical Implications of New Directions in Anthropological Kinship," in *New Directions in Anthropological Kinship*, ed. Linda Stone (Lanham: Rowman & Littlefield, 2001), 1–20. We were honored to have Janet Carsten as a member of our research group and naturally much of our thinking about kinship was influenced by her work.

2 "Kinship is to anthropology what logic is to philosophy, or the nude is to art; it is the basic discipline of the subject," see Robin Fox, *Kinship and Marriage: Anthropological Perspectives* (Cambridge: Cambridge University Press, 1968), 10.

3 For the descent and alliance theories, see Gillian Feeley-Harnik, "Descent in Retrospect and Prospect," in *The Cambridge Handbook of Kinship*, 51–87, and Isabelle Clark-Decès, "The Alliance Theory of Kinship in South Indian Ethnography," in *The Cambridge Handbook of Kinship*, 88–106.

In the 1970s several factors combined to decrease dramatically the interest in kinship.⁴ Culture, rather than kinship, became the focus of anthropologists's attention. Cultural anthropology was concerned with meaning rather than the structures, laws and obligations with which kinship studies were obsessed. Feminist anthropologists turned to study women's lives and experiences, topics that had no place in kinship studies aimed to distill abstract structures.⁵ Interest in gender became the new prism through which the relation between nature and culture was studied, a role formerly occupied by kinship. A generation of anthropologists interested in inequalities based on class, race, and gender came to the fore and struggled against the systems and structures posited by the previous scholarly generation that emphasized stability and made little room for inequalities, agency, and resistance. Particularly important was David Schneider's critique of kinship studies.⁶ Schneider pointed out that kinship scholars, whether working within the descent or alliance approaches, posited sexual reproduction as the key element in kinship structure. However, this merely reflected their own western presupposition of what constituted kinship. Yet, as was already recognized, different cultures had profoundly different conceptions of kinship, occasionally ones that were not focused around sexual reproduction.

Kinship studies have been enjoying a renaissance since the 1990s, after being reconstituted on a new basis. A significant part of the revival in kinship studies has to do with new issues raised by technological developments and the LGBT movement that prompted scholars to find ways of conceiving kinship beyond reproductive sex.⁷ Janet Carsten sought to recast kinship as "relatedness," as "a move away from pre-given analytic opposition between biological and the social on which much anthropological study of kinship has rested."⁸ Marshal

4 Beyond the studies mentioned above, see also Louise Lamphere, "Whatever Happened to Kinship Studies? Reflections of a Feminist Anthropologist," in *New Directions in Anthropological Kinship*, 21–47.

5 Especially problematic was Levi-Strauss's conception of women as the "supreme gift"; See Claude Lévi-Strauss, *The Elementary Structures of Kinship*, trans. James Harle Bell and John Richard von Sturmer (Boston: Beacon Press, 1969), 65.

6 David M. Schneider, *A Critique of the Study of Kinship* (Ann Arbor: University of Michigan Press, 1984).

7 Here the work of Marilyn Strathern played a pivotal role; see her *After Nature: English Kinship in the Late Twentieth Century* (Cambridge: Cambridge University Press, 1992), and *Reproducing the Future: Essays on Anthropology, Kinship and the New Reproductive Technologies* (Manchester: Manchester University Press, 1992).

8 Janet Carsten, "Introduction: Cultures of Relatedness," in *Cultures of Relatedness: New Approaches to the Study of Kinship*, ed. Janet Carsten (Cambridge: Cambridge University Press, 2000), 4.

Sahlins followed suit and defined kinship as “mutuality of being” by which he means “people who are intrinsic to one another’s existence.”⁹

These advances in kinship studies hold great promise to historians of the medieval Islamic world. For example, moving away from reproductive sex as the key to kinship allowed anthropologists to look at other foci of relatedness such as clientage, common residence, a variety of substances, and the body, which are loci of kinship encounters also in the medieval Islamic world.¹⁰ These new understandings of kinship are less interested in distilling “the elementary structures of kinship,” but rather view kinship as a process where bonds can thicken and thin out.¹¹ This dynamic view of kinship allows for individual agency. For example, Pierre Bourdieu made the useful distinction between official and practical kin and posed “kin relations as something that people *make*, and with which they *do* something.”¹² In a brilliant recent study, Eve Krakowski used Bourdieu to argue that among the Jews of medieval Egypt “kinship bonds needed tending to bear social meanings” and that families were “fluid networks bound together by relationships among individual relatives rather than as predictably structured solidarity groups.”¹³ Finally, many recent studies explored the metaphor of kinship, especially as it is expanded and put in the service of the modern nation state.¹⁴ Islamic historians are familiar with such amalgamation of power, kinship, and identity, for example in the Qur’ānic instruction that “The believers indeed are brothers; so set things right between your two brothers, and fear God” (49:10) or the designation of Muhammad’s wives as the “mothers of the believers.”

We believe these new conceptualizations of kinship offer historians of the medieval Islamic world opportunities to think about encounters between different forms of relatedness as well as relatedness as a site of religious, ethnic, class, and gender encounters. What follows are several short explorations into issues not explored in the rest of the special issue meant to demonstrate the

9 Marshall Sahlins, *What Kinship Is – And Is Not* (Chicago: The University of Chicago Press, 2013), 2.

10 See the “Spaces, substances and objects” section below.

11 For thinning and thickening, see Janet Carsten, “The Stuff of Kinship,” in *The Cambridge Handbook of Kinship*, 133–150.

12 Pierre Bourdieu, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge: Cambridge University Press, 1977), 35; see also his *The Logic of Practice*, trans. Richard Nice (Stanford: Stanford University Press, 1990), 162–199.

13 Eve Krakowski, *Coming of Age in Medieval Egypt: Female Adolescence, Jewish Law, and Ordinary Culture* (Princeton: Princeton University Press, 2017), 58 and 37.

14 Carsten, *After Kinship*, 136–162 (“Families into Nation: The Power of Metaphor and the Transformation of Kinship”), and Bamford, *The Cambridge Handbook of Kinship*, chaps. 26–30.

potential of thinking through kinship encounters and point possible directions for future study. These short surveys often focus on specific periods and locations in the medieval Islamic world, not because we think that conclusions can be simply extended to the entire region and period, but because that they raise interesting questions and possibilities to think with for other regions and times. These explorations are placed in two broad groupings of “institutions and procedures facilitating kinship encounters” and “kinship encounters as facilitating absorption and assimilation.” After the thematic conclusion, we briefly introduce the studies included in this special issue of *Medieval Encounters*.

2 Institutions and Procedures Facilitating Kinship Encounters

2.1 *Spaces, Substances, and Objects*

One of the Arabic terms for kinship is *qarāba*, literally meaning “proximity.” It speaks of the physical proximity among members of the kin group, indicating the spatial aspect of kinship ties.¹⁵ Thus, proximity and affinity should be understood in tandem, as kinship features that were in constant interplay. Proximity was often a feature of domestic residence. Domestic residences not only offered daily opportunities for kinship encounters, but also served to mark the boundaries of kinship affiliations, signaling not only those who are *aqārib* (relatives), but also the *ajānib* (those who are external; foreigners).

Modern scholarship highlights the significance of domestic experiences for the creation, formation, and extension of kinship ties.¹⁶ Co-residency, shared property, and a set of objects that were charged with meaning gave the household a sense of space, as well as a sense of self-identification and unity. They refer to the structuring role of the domicile through the mundane activities that took place in the house in an almost ritualistic manner, rendering the household a congregational setting in which kinship ties are imbued with

15 Mohammed Hocine Benkheira, “Le vocabulaire arabe de la parenté,” in *La Famille en Islam d’après les sources arabes*, ed. Mohammed Hocine Benkheira et al (Paris: Les Indes savantes, 2013), 45–76 at 51.

16 See, for example, on the memories of the descendants of the Jewish Algerian Bahloul family, Joëlle Bahloul, *The Architecture of Memory: A Jewish-Muslim Household in Colonial Algeria, 1937–1962* (Cambridge: Cambridge University Press, 1996); discussed in Carsten, *After Kinship*, 33.

meaning.¹⁷ The domicile can be therefore seen as a space that generates social commitment through its unique experiences.¹⁸

Furthermore, archeological evidence indicates that already in Late Antiquity, and to a greater extent in the early Islamic period, various parts of the Near East have witnessed a physical expansion of housing units.¹⁹ The trend went hand in hand with the introduction of economic activities into living quarters, rendering the household a space of economic activity.²⁰ Further causes for the expansion of households were marital arrangements in which the male descendants of the family either settled with their brides within their father's domicile or in a residency adjacent to it. Although patrilocal norms may have not been ubiquitous, they were nonetheless common, creating patterns of a multi-generational habitation that resulted in co-residency housing settings.²¹

The physicality of the domicile involved various substances and objects that formed what Carsten describes as “the material stuff to which ideas about kinship are attached.”²² It is commonly thought that blood lineage was usually the most significant form of affiliation in the medieval Islamic world. This is expressed in Goitein's statement that “the bonds of blood were stronger than the ties of marriage.”²³ This statement echoes the common English and German idiom, “blood is thicker than water” (*Blut ist dicker als Wasser*) that is so central in Schneider's critique of past kinship studies in anthropology.²⁴ However, ties of obligation in the medieval Islamic world were also created by other substances, relating to private spaces. Relatively well-known are milk relationships created between two infants suckled by the same mother around

17 Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977), 89; Carsten, *After Kinship*, 35.

18 Carsten, “The Stuff of Kinship,” 136; citing Sahlins, *What Kinship Is*, 29.

19 See Hugh Kennedy, “From Polis to Madina: Urban Change in Late Antique and Early Islamic Syria,” *Past & Present* 106 (1985): 3–27 at 5 and 12; Yoram Tsafrir and Gideon Foerster, “From Scythopolis to Baysan—Changing Concepts of Urbanism,” in *The Byzantine and Early Islamic Near East, 11: Land Use and Settlement Patterns*, ed. G.R.D. King and Averil Cameron (Princeton: Darwin Press, 1994), 95–115 at 113.

20 Alan Walmsley, *Early Islamic Syria: An Archaeological Assessment* (Bristol: Bristol Classical Press, 2007), 132.

21 See, for example, Shelomo Dov Goitein, *A Mediterranean Society: The Jewish Communities of the World as Portrayed in the Documents of the Cairo Geniza*, 6 vols. (Berkeley: University of California Press, 1967–1993), 3: 36–9. See, however, Krakowski, *Coming of Age*, 48; Krakowski argues that patrilocal arrangements were mildly prevalent among the Jewish families that feature in the Geniza.

22 Carsten, “The Stuff of Kinship,” 134.

23 Goitein, *Mediterranean Society*, 3: 1.

24 Schneider, *A Critique of the Study of Kinship*, 165–177; and David M. Schneider, *American Kinship: A Cultural Account*, 2nd edition (Chicago: University of Chicago Press, 1980), 49.

the same time.²⁵ Avner Giladi has explored the complex relationship between milk, blood, and sperm in medical and Islamic legal texts.²⁶ Much less explored are the ties created by food and drink, often consumed in the private home or in the workshop.²⁷ For example, oaths in everyday speech refer to the obligation created by eating “bread and salt” together, sharing a cup (i.e. consuming alcohol) and even eating sweets. Significantly, these oaths often connect the obligations due to consumed substances to obligations of other forms of proximity such as neighborliness, growing up together and friendship.²⁸

Beyond these substances, domestic objects carried with them sentiments over time and space.²⁹ Furniture of various sorts, bed and sofa covers, rugs and carpets, drapes and curtains, lamps, as well as dining and serving dishes were often passed down the generations, or transferred from one household to another, sketching imaginary horizontal and vertical lines of kinship attachments and encounters.³⁰ Objects carrying ritualistic significance also moved between households as can be seen in a series of medieval Islamic discussions about the presences of crosses, icons, and lamps in the household.³¹ These objects constituted both the substances and markers of kinship. On the one hand they offered familiarity, intimacy, and belonging, and on the other hand they could facilitate cross-cultic experiences. The dangers of such unsupervised

25 Mohammed Hocine Benkheira, “Il y a aussi des pères de lait,” in *La Famille en islam d'après les sources arabes*, 209–241.

26 Avner Giladi, *Infants, Parents and Wet Nurses: Islamic Views on Breastfeeding and Their Social Implications* (Leiden: Brill, 1999).

27 Paulina Lewicka, *Food and Foodways of Medieval Cairenes* (Leiden: Brill, 2011), 353. The poor may have consumed most of their food on the street, yet such consumption probably did not form as meaningful ties as the food consumed in private.

28 Preliminary exploration can be found in Oded Zinger, “Protect Me for the Blood and Milk that is Between Us’: Gender and Social Relationships in Women’s Letters from the Cairo Geniza” in *Gender, Networks, and Communities in Medieval Europe*, ed. Denise Bezzina, Aysu Dincer Hadjianastasis, and Chiara Ravera (Amsterdam, forthcoming). The objection that these oaths may be limited only to Jews can be set aside as we find some of them also in Arabic literary sources, see for example, Charles D. Matthews, “The *Kitāb aimān al-‘arab wa-ṭalāqīha fi’l-jāhiliya* of Najīramī,” *Journal of the American Oriental Society* 58 (1938): 615–637.

29 See for example, Goitein, *Mediterranean Society*, 4: 105, 107–35.

30 Various items were brought by brides into their new homes or to that of their husband’s family, for which we have detailed references in legal records that were made out in the framework of Islamic, Christian, and Jewish legal arrangements; Yossef Rapoport, “Matrimonial Gifts in Early Islamic Egypt,” *Islamic Law and Society* 7 (2000): 1–36 at 23–4, 27; Lev E. Weitz, *Between Christ and Caliph: Law, Marriage, and Christian Community in Early Islam* (Philadelphia: Pennsylvania University Press, 2018), 29, 114, 118 and 120.

31 See Uriel Simonsohn, *Female Power and Religious Change in the Medieval Near East* (Oxford: Oxford University Press, 2023), ch. 4.

mixings did not escape the attention of Mamluk authorities who would initiate searches for non-Muslim cultic items in Muslim households.³²

Another common structure of Near Eastern residential arrangements was the *dār*; a multi-structure compound, at the center of which there were one or more courtyards.³³ *Dārs* included several apartments (*bayts*) and were often multistoried. Seen in the context of extended families, the expansive residence enhanced the communal nature of family life, in which kinship attachments were elaborated through co-residency. The process was facilitated by the functional and recreational activities that took place in the shared spaces of the *dār*, such as its roofless courtyards or large halls.³⁴ At the same time, the vibrant family life that took place within multi-structured and expansive dwellings stood in stark separation to the public space outside it. Shielding as they were from the external world, windowless walls and wood screens (*mashrabīyya*), marked the boundaries of the domicile and as such also the contours of kinship affiliations.³⁵ Yet despite such high measures of segregation, domestic structures also facilitated encounters between different kin groups. Marriage, for example, meant far more than the introduction of new members into a pre-existing household, as it also linked separate households through the marital union.³⁶ *Dārs* were often shared both in terms of possession and occupancy. Other owners and residents could be members of the extended family or, just as often, outsiders. Documentary material from Egypt shows Jews, Muslims, and Christians living together in the same *dār*. As many documents attest, the division in ownership was not paralleled with a built physical division (*shāʿī ghayr maqsūm* is the common Arabic legal expression³⁷). In other words, members of different families, and even different confessions shared the same

32 Tamer el-Leithy, "Coptic Culture and Conversion in Medieval Cairo, 1293–1524 A.D." (Ph.D. dissertation, Princeton University, 2005), 198.

33 The literature on the topic is vast. See, for example, George Marçais, "Dār," *EI2*; Thierry Bianquis, *La famille arabe médiévale* (Bruxelles: Complexe, 2005), 64–6; Adrian J. Boas, *Domestic Settings: Sources on Domestic Architecture and Day-to Day Activities in the Crusader States* (Leiden: Brill, 2010), 25.

34 Laila Ali Ibrahim, "Residential Architecture in Mamluk Cairo," *Muqarnas* 2 (1984): 47–59 at 47.

35 See Janet Abu Lughod, "The Islamic – City Historic Myth, Islamic Essence and Contemporary Relevance," *International Journal of Middle East Studies* 19 (1987): 155–176 at 167–9.

36 Deniz Kandiyoti, "Islam and Patriarchy: A Comparative Perspective," in *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, ed. Nikki R. Keddie and Beth Baron (New Haven: Yale University Press, 1991), 23–42 at 31. Kandiyoti notes the significance of extended families as a powerful cultural ideal.

37 Goitein, *Mediterranean Society*, 4: 371, n. 2. Hebrew and Aramaic equivalents of this expression are also used.

residential space. In such cases, the *dār*'s common courtyard provided a shared space that broke down the strict division between private and public.³⁸ The intimacy created by quotidian interaction in this third type of space led occasionally to the constitution of kinship ties that transcended family bonds and spread among neighbors of different lineage, occupation, and confession.³⁹

Social proximity between different kinship groups within shared spaces was further supported by the services of communal facilities, such as a common well, laundry area, and at times also a shared cooking area, all of which were located in a common courtyard.⁴⁰ The indispensability of these facilities explains the clustering of private houses throughout the rural parts of the Fayyum and the Galilee, as well as urban centers such as Jarash and Fustāt.⁴¹ Indeed, boundaries between households were often difficult to detect. This has been explained on the grounds of “a reflexive relationship between spatial structures and social structures, between space and culture, or between architecture and its inhabitants.”⁴² These features are discernable in Fustāt, for example, through a variety of residential features, including passages between domestic units, the absence of direct ownership over property in shared open spaces, and the absences of clear indications of separate residential layouts.⁴³

2.2 *Kinship Encounters through Family Law*

While substances, objects, and common space connect people physically, kinship is also created by ideas and speech acts. Law, for example, often regulates and creates kinship. Law can regulate who you can have sex with, who you can marry, what are the economic consequences of marriage, who you inherit from and who inherits you. The basic Islamic vision of confessional communities

38 This aspect of courtyard still remains to be studied in depth. For the division between private and public, see Eli Alshech, “Do Not Enter Houses Other than Your Own’: The Evolution of the Notion of a Private Domestic Sphere in early Sunnī Islamic Thought,” *Islamic Law and Society* 11, no. 3 (2004): 291–332.

39 See Hildred Geertz, “The Meaning of Family Ties,” in *Meaning and Order in Moroccan Society*, ed. Clifford Geertz, Hildred Geertz, and Lawrence Rosen (Cambridge: Cambridge University Press, 1979), 315–391.

40 Nelly Hanna, *Making Big Money in 1600: The Life and Times of Isma’l Abu Taqiyya, Egyptian Merchant* (Syracuse, NY: Syracuse University Press, 1998), 152; Cynthia M. Baker, *Rebuilding the House of Israel: Architectures of Gender in Jewish Antiquity* (Stanford, CA: Stanford University Press, 2002), 38.

41 Sabine R. Huebner and Geoffrey Nathan, eds., *Mediterranean Families in Antiquity: Households, Extended Families, and Domestic Space* (Chichester: Wiley Blackwell, 2017), 178, 198–9; Goitein, *Mediterranean Society*, 3: 36; 4: 105.

42 Matthew Harrison, “Fustat Reconsidered: Urban Housing and Domestic Life in a Medieval Islamic City” (Ph.D. Dissertation, University of Southampton, 2016), 111.

43 Harrison, “Fustat Reconsidered,” 116–18.

centered around divinely revealed law living side by side (with the Muslim community on top) facilitated a profound and multifaceted encounter between systems of family law. This short section offers two examples of this encounter: the development of family law in the East and West Syrian Churches under quite clear influence of Islamic law and the rather different case of developments in Jewish family law in the medieval Islamic world.⁴⁴

Centuries prior to the Islamic takeover, East Syrian ecclesiastics were grappling with the absence of an ecclesiastical civil law.⁴⁵ Their endeavors were prompted by a Sasanian social setting that posed a threat to the Christian communal fold by offering civil legal services. Similar concerns would come to dominate West Syrian ecclesiastical leaders as they too fell under the sovereignty of a non-Christian civil power following the Islamic takeover of Syria and Iraq.⁴⁶ From an ecclesiastical perspective, the availability of Islamic civil options in such matters as marriage, divorce, inheritance, and property and the accessibility of Islamic judicial institutions to the non-Muslim subjects of the Islamic empire, posed an existential threat.⁴⁷ Synodical recordings from the late eighth through the late tenth centuries reflect West Syrian ecclesiastical apprehensions of Christians who turned to non-ecclesiastical judicial institutions. To that end, a similar project to the one initiated by the East Syrian Church under Sasanian rule was undertaken by its West Syrian counterpart. Thus, ecclesiastical exhortations against extra confessional litigation were now augmented by the incorporation of civil regulations within West Syrian legal compendia.

East Syrian lawmakers, it has been argued, drew largely from Iraqi and Iranian legal traditions, of which Islamic jurisprudence constituted a principal

44 Thus we are not going to even try to trace the opposite story of the development of Islamic family law and its complex relationship with Jewish, Roman and Zoroastrian legal traditions. The legal developments in the East-West Syrian churches do not represent the situation in other Christian churches in the region. The story of Coptic law and courts in medieval Egypt, for example, is very different; see most recently Lev Weitz, "Islamic Law on the Provincial Margins: Christian Patrons and Muslim Notaries in Upper Egypt, 2nd–5th/8th–11th Centuries," *Islamic Law and Society* 26 (2019): 1–48.

45 Victoria Erhart "The Development of Syriac Christian Canon Law in the Sasanian Empire," in *Law, Society and Authority in Late Antiquity*, ed. Ralph W. Mathisen (Oxford: Oxford University Press, 2001), 115–29; Richard E. Payne, *A State of Mixture: Christians, Zoroastrians, and Iranian Political Culture in Late Antiquity* (Berkeley: University of California Press, 2016), ch. 3.

46 Richard Rose, "Islam and the Development of Personal Status Laws among Christian Dhimmis: Motives, Sources, Consequences," *The Muslim World*, 72, no. 3–4 (1982): 159–79.

47 Uriel I. Simonsohn, *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam* (Philadelphia: University of Pennsylvania Press, 2011), ch. 5.

element.⁴⁸ The most explicit expression of West Syrian adoption of Islamic law are select canons and texts throughout a collection of synodical acts and civil regulations from as early as apostolic times to as late as the acts of a synod held in 1153.⁴⁹ Thus, the compiler of the synodic collection notes in his introduction:

We begin to write the book that contains all the new canons of the later patriarchs [...] and all the laws, judgments, sentences, and heritages and the rest [of the legal affairs] of the Greek kings (i.e., Roman emperors), as well as of all the judgments, laws, sentences, heritages, (regarding) liberation of slaves, and of all the properties and the rest [of the legal affairs] of the Arab rulers under whose sentences the believers act and whose laws they accept.⁵⁰

Lev Weitz has rightly observed that while there is uncertainty regarding the identity of the compiler of the collection and the date of its composition, the content of a few recensions of an inheritance treatise in this collection evince the influence of Islamic law.⁵¹

Centuries later, however, a more comprehensive adoption of Islamic legal principles in Syriac ecclesiastical codices can be discerned. Both the West Syrian prelate (*maphrian*) Gregorius Abū al-Faraj bar 'Ebroyo (Bar Hebraeus, d. 1286) and the East Syrian metropolitan of Nisibis and Armenia, 'Abd'išō' bar Brikha ('Abd'išō' of Nisibis, d. 1318), although on a more limited scale, incorporated Islamic family law in their legal treatises.⁵²

48 Lev Weitz, "Shaping East Syrian Law in 'Abbasid Iraq: The Law Books of Patriarchs Timothy I and Išō' Bar Nun," *Le Muséon* 129, no. 1–2 (2016): 71–116. There may be hints to the reliance of metropolitan of Mosul 'Abd'išō' bar Baḥrīz (fl. first half of the ninth century) on the Islamic system of inheritance; Yoḥannan Bar-Abgārē, *Syrische Texte zum islamischen Recht: das dem nestorianischen Katholikos Johannes V. bar Abgārē zugeschriebene Rechtsbuch*, introd. Wolfgang Kunkel, ed. and trans., Hubert Kaufhold (Verlag d. Bayerischen Akademie d. Wissenschaft, 1971), 33.

49 Arthur Vööbus, *Syrische Kanonensammlungen: Ein Beitrag Zur Quellenkunde*, CSCO 307 and 317 (Louvain: Secrétariat du CSCO, 1970), 307: 5–71; Hubert Kaufhold, "Sources of Canon Law in the Eastern Churches," in *The History of Byzantine and Eastern Canon Law to 1500*, ed. Wilfried Hartmann and Kenneth Pennington (Washington D.C.: The Catholic University of America Press, 2012), 215–342 at 245–46; Weitz, *Between Christ and Caliph*, 120–22, 227–31. The synodicon was published in Arthur Vööbus, ed. and trans., *The Synodicon in the West Syrian Tradition*, CSCO 367–68 and 375–76 (Louvain: Secrétariat du CSCO, 1975–76).

50 Vööbus, *The Synodicon in the West Syrian Tradition*, 375:1/368:23.

51 Weitz, *Between Christ and Caliph*, 230.

52 Uriel Simonsohn, "The Introduction and Formalization of Civil Law in the East Syrian Church in the Late Sasanian – Early Islamic Periods," *History Compass* 14, no. 5 (2016): 231–43 at 232, 236; Weitz, *Between Christ and Caliph*, 225, 236.

As noted above, the creation and elaboration of an ecclesiastical civil law has been understood in the context of Christian life under non-Christian rule. The objective of maintaining a Christian fold that would provide its members with services that exceeded spiritual and ritualistic needs was a principal marker of late antique communal organizations.⁵³ A case in point is the prospect of Christians contracting marriage through a non-ecclesiastical court, a procedure referred to in the legal compendium of the East Syrian metropolitan of Fars Išōʿbokt of Rēwardašīr (d. ca. end of the eighth century) as “mediation of the pagans” (*ḥanpē*).⁵⁴ One way to discourage Christians from pursuing such a procedure was to advise them that the church will not be able to oblige the spouses to keep their vows, since they did not marry through an ecclesiastically sanctioned ceremony.⁵⁵ Such a threat, whether meaningful enough is hard to say, speaks nonetheless not only of the legal alternatives Christians had, but also of an ecclesiastical agenda to curtail judicial choice.⁵⁶ This agenda did more than simply keep Christian within the fold, but it also put forward a new vision of the Christian household. By insisting upon an ecclesiastical jurisdiction in matters pertaining to family life church leaders were seeking a foothold within the intimate sphere of the domicile.⁵⁷ Thus, the very measures that were taken for the sake of communal confinement resulted in the introduction of inter-confessional contact and exchange.

Scholars have pointed to some specific issues in West Syrian family law in which Islamic legal influence can be detected. Weitz has noted that the ecclesiastical position regarding the betrothal of an orphaned bride echoes the Islamic principle that the bride requires an alternative guardian to give her in marriage and two male witnesses who will testify to her unequivocal consent.⁵⁸ The elaboration of the marital gift, the *mahra*, has also been seen as influenced by Islamic law, whereby by the late eighth–early ninth centuries, West Syrian *mahra* would display a close affinity to the Islamic *mahr* (or *ṣadāq*), as the gift was incumbent solely upon the groom.⁵⁹ Finally, as noted above, both West Syrian and East Syrian medieval legal traditions appear to have incorporated Islamic principles of inheritance law, once again, a development that may have

53 Peter Brown, *The World of Late Antiquity: AD 150–750* (New York: Har Brace J, 1971), 82, 187.

54 Eduard Sachau, ed. and trans., *Syrische Rechtsbücher*, 3 vols. (Berlin: G. Reimer, 1907–14), 3:78/79:9.

55 Simonshon, *A Common Justice*, 150–1.

56 Cf. Weitz, *Between Christ and Caliph*, 123.

57 Simonsohn, “The Introduction and Formalization of Civil Law,” 233; Weitz, *Between Christ and Caliph*, 61–2.

58 Weitz, *Between Christ and Caliph*, 121.

59 Weitz, *Between Christ and Caliph*, 121.

resulted from advantages offered by the Islamic legal system to some Christian litigants.⁶⁰

On the face of it, the case of Jewish law in the medieval Islamic world seems to be different to the development of family law in the East and West Syrian churches. Like Christians, Jews turned to Muslim legal venues for a variety of reasons.⁶¹ There is even evidence of Jews conducting marriage and divorce in Muslim courts.⁶² However, Rabbinic Judaism entered the Islamic period with an existing rich legal tradition conveyed mostly in the Mishna and the Babylonian Talmud, though it is not clear whether Jews maintained regular Jewish courts in pre-Islamic Iraq.⁶³ This extensive tradition will undergo a long process of systemization, rationalization, codification, and popularization under the influence of Islamic law and Arabic *adab* in general. This tradition also had to be exported from its traditional centers in Babylonia to Jewish communities abroad through new genres like *reponsa* and legal monographs. But for our purpose here, it is clear that the rabbis were not in the same situation as the East and West Syrian church fathers. The Muslim authorities tasked Jewish leadership to handle matters of personal status, like marriage and divorce, and to uphold public morality.⁶⁴ Over time, it became clear that this was to be done, at least outwardly, mostly according to the Rabbinic legal tradition.⁶⁵

Modern scholars have argued that while commercial law must adapt to new realities, family law deals with an internal communal institution that is essential to communal reproduction and identity. Thus, family law is more conservative and resistant to external influence.⁶⁶ Scholars generally agree that Islamic law influenced Jewish family in a variety of issues. Yet, proving direct influence is often impossible and scholars debate the direction of influence, whether we

60 Hubert Kaufhold, "Islamisches Erbrecht in christlich-syrischer Überlieferung," *Oriens Christianus* 59 (1975): 19–35.

61 See Simonsohn, *A Common Justice*, chs. 3–6.

62 Oded Zinger, "She Aims to Harass Him': Jewish Women in Muslim Legal Venues in Medieval Egypt," *AJS Review* 42, no. 1 (2018): 159–92 at 166–168.

63 Isiah M. Gafni, *The Jews of Babylonia in The Talmudic Era: A Social and Cultural History* (Jerusalem: Zalman Shazar, 1990), 226–32 [Hebrew].

64 Oded Zinger, *Living with the Law: Gender and Community Among the Jews of the Medieval Egypt* (Philadelphia: University of Pennsylvania Press, 2023), 21.

65 Yet it should be remembered that "it was not so much the content of the law applied as the authority administering it which gave the parties the feeling that they were judged according to the law of the Torah"; Goitein, *Mediterranean Society*, 2: 334.

66 Shlomo D. Goitein, "The Interplay of Jewish and Islamic Laws," in *Jewish Law in Legal History and the Modern World*, ed. Bernard S. Jackson (Leiden: Brill, 1980), 61–77 at 71, followed by Mordechai Akiva Friedman, "Marriage as an Institution: Jewry Under Islam," in *The Jewish Family: Metaphor and Memory*, ed. David Kraemer (Oxford: Oxford University Press, 1989), 31–45 at 37.

are dealing with direct or covert influence, parallel developments responding to common social realities, or even a third source that influenced both systems.⁶⁷ It must also be remembered that influence can work in different ways and one legal system may inspire a change in another system, but a change that is different from the original inspiration, not unlike electromagnetic induction. Furthermore, while Jews often used common Arabic vocabulary to discuss matters of family law, shared vocabulary does not indicate influence, and indeed in several important matters the vocabulary is common but the meaning of the words differs significantly.⁶⁸ Yet, decades of research have revealed many specific topics in which Islamic law have influenced Jewish family law.⁶⁹ In other cases, we see a common legal practice, like the writing of very similar conditions in marriage contracts, without it being possible to disentangle who influenced whom.⁷⁰ It should be noted that so far scholars have focused almost exclusively on Jewish-Islamic legal interaction, with the possibility of a legal encounter between Jewish law with the various Christian churches under Islam usually not taken into account, though this appears to be changing.⁷¹ Furthermore, in recent years the focus of attention has been broadening beyond the works of jurists to look at legal practice both in terms of courts as well as deeds produced by legal scribes according to consumers' demands.⁷² Thus, while the Rabbis did not lift whole chapters of family from Muslim works, as was done by their West Syrian church counterparts, there

67 See the discussion in Gideon Libson, "Legal Status of the Jewish Woman in the Geonic Period: Muslim Influence – Overt and Covert," in *Developments in Austrian and Israeli Private Law*, ed. Herbert Hausmaninger, Helmut Koziol, Alfredo M. Rabello, and Israel Gilead (Vienna: Springer, 1999), 213–243 at 214–216.

68 Friedman, "Marriage as an Institution," 32. The most obvious example is the delayed marriage payment, called in Arabic *mu'akkhar* and *me'uhar* in Hebrew (both terms are used by Jews). However, despite the same nomenclature, the Muslim delayed marriage payment can be paid at any designated time during the marriage while the Jewish one can only be paid at the termination of marriage, either in divorce or widowhood.

69 See for example, Gideon Libson, "Betrothal of an Adult Woman by an Agent in Geonic Responsa: Legal Construction in Accord with Islamic Law," in *Esoteric and Exoteric Aspects in Judeo-Arabic Culture*, ed. Benjamin Hary and Haggai Ben-Shammai (Leiden: Brill, 2006), 175–189; Zvi Stampfer, "The Influence of the Islamic Law of Divorce on Rav Samuel b. Hofni Gaon and Maimonides," in *Alei Asor: the Proceedings of the Tenth Conference of the Society for Judaeo-Arabic Studies*, edited by Daniel J. Lasker and Haggai Ben-Shammai (Beer Sheva: Ben Gurion University Press, 2008), 309–316 [Hebrew].

70 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, no. 8 (2012): 381–389.

71 Pivotal in this regard is the comparison carried out in Simonsohn, *A Common Justice*.

72 This is part of a general turn to documentary sources in the study of the medieval Islamicate world. For the focus on the work of scribes see Eve Krakowski and Marina

was a significant encounter in the realm of family law between Judaism and Islam.

Yet beyond the piecemeal figuring out of specific topics of encounters between specific legal systems, it is important not to lose sight of the profound common grounds in which Muslims, Christians and Jews approached marriage as an institution. Goitein suggested that “Jews must have regarded Islamic law as very much similar to their own.”⁷³ Weitz has recently claimed that East and West Syrian bishops constructed their new Syriac family law from institutions “common to essentially all ancient Middle Eastern Legal cultures.”⁷⁴ When we look at Jewish, Christian and Muslim marriage contracts, when they exist, we find a basic similarity.⁷⁵ Marriage payments often take on a similar vocabulary and form, with the dower split between an early marriage gift and a delayed one. During the marriage, the husband is obliged to maintain his wife in terms of food and dress and is entitled to exclusive sexual access. Finally, all three traditions negotiated the common tension between viewing marriage as holding a certain sanctity while also seeing it as a contractual undertaking that is often compared to a commercial transaction or partnership. To be sure, profound differences can be found between the various religious and legal traditions, but the common ground cannot be ignored and certainly served a central arena for kinship encounters.

3 Kinship Encounters as Facilitating Absorption and Assimilation

Despite the aforementioned tendency to view the family and kinship as internal and as serving as the core of communal identity, kinship often served as

Rustow, “Formula as Content: Medieval Jewish Institutions, the Cairo Geniza, and the New Diplomatics,” *Jewish Social Studies* 20 (2014): 111–46.

73 Goitein, “The Interplay,” 66.

74 Weitz, *Between Christ and Caliph*, 109–122, quote at 110.

75 For example, see Herbert Thompson, “A Coptic Marriage Contract,” *Proceedings of the Society of Biblical Archeology* 34 (1912): 173–179; Adolf Grohmann, *Arabic Papyri in the Egyptian Library, Volume 1: Protocols and Legal Texts* (Cairo: Egyptian Library Press, 1934), 67–69 (no. 38); Mordechai Akiva Friedman, *Jewish Marriage in Palestine: A Cairo Geniza Study*, 2 vols. (Tel Aviv: Tel Aviv University Press, 1980). While a written marriage contract (*ketubba*) is a requirement in Jewish Law, in Christianity and Islam marriage agreement can be conducted orally. The result is that we have less surviving Muslim marriage documents and even less Christian ones. As pointed out by the anonymous reviewer, the Coptic marriage contract cited above is relatively late, and might be evidence of Islamic influence on Coptic marriage practice.

a bridge connecting different communities and facilitating absorption and assimilation between them.

3.1 *A Spiritually Based Community*

The Constitution of Medina is commonly treated in modern scholarship as the earliest legal contract that was issued by a Muslim political authority.⁷⁶ It establishes a community of believers that renders other forms of social attachments secondary. This objective aligns closely with similar ideals in the Qurʾān and thus seems historically authentic. The Constitution draws a clear boundary between the believers and those who reject Muhammad's calling through an attempt to gradually substitute tribal solidarities for communal ones, and an assertive demand from the believers to offer exclusive submission to Allah and His Prophet.⁷⁷ Put differently, the Constitution of Medina sought to unite the Muslims around social principles that stemmed from their convictions rather than their ancestry. Descent and alliance loyalties were to be replaced by spiritual kinship.⁷⁸ The profession of faith, the *shahāda*, would therefore signal a dramatic moment in which the individual not only submitted to Allah, but also entered a social alliance that took precedence over any other form of social commitment, even that of the family.

The Qurʾānic demand of Muslims to prioritize Allah over their kin is perhaps the most explicit in the statement: "O believers, be you securers of justice, witnesses for God, even though it be against yourselves, or your parents and kinsmen" (Q. 4:135).⁷⁹ The potential obstacle posed by family members in the path of the believers is attested as well: "O believers, among your wives

76 See Michael Lecker, "Constitution of Medina," in: *Encyclopaedia of Islam*, THREE, ed. Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, and Everett Rowson; Consulted online on 14 January 2023 <http://dx.doi.org.ezproxy.haifa.ac.il/10.1163/1573-3912_ei3_COM_24415>.

77 Two versions are extant. The first in Muḥammad's biography, the *sīra* by Ibn Ishāq (d. ca. 767–8) which was redacted by Ibn Hishām (d. ca. 833–4); the second in Abū 'Ubayd's (d. 838–9) legal treatise, *Kitāb al-Amwāl*.

78 Saïd Amir Arjomand, "The Constitution of Medina: A Sociolegal Interpretation of Muhammad's Acts of Foundation of the 'Umma,'" *International Journal of Middle East Studies* 41, no. 4 (2009): 555–575 at 565; Angelika Neuwirth, "From Tribal Genealogy to Divine Covenant: Qurʾānic Reconfigurations of Pagan Arab Ideals based on Biblical Models," in *Scripture, Poetry, and the Making of a Community: Reading the Qurʾān as a Literary Text*, ed. Angelika Neuwirth (Oxford: Oxford University Press in association with the Institute of Ismaili Studies, London, 2014), 53–75. The idea of "spiritual kinship" is used here as a contradistinction to blood relations that had underpinned tribal membership in pre-Islamic Arabia.

79 Trans. Arthur J. Arberry, *Koran interpreted* (George Allen and Unwin, 1955).

and children there is an enemy to you; so beware of them” (Q. 64:14).⁸⁰ In the Qur’ānic retelling of the flood, Noah’s son refuses to board the ark and eventually drowns. Accepting God’s judgement, Noah declares: “O my Lord, my son is of my family (*min ahlī*) and Thy Promise is surely the truth.” God answers: “Noah, he is not of thy family (*laysa min ahlīka*).”⁸¹ Similar notions find resonance in stories about the first generation of Muslim, such as in the case of the grandson of the Arabian poet Imru’ al-Qays (d. ca. 550), who is recorded as executing his apostate uncle during the wars of apostasy (*ḥurūb al-riḍḍa*).⁸²

While spiritual kinship superseded older familial and tribal loyalties, a complication arose in regard to parental authority. Qur’ānic verses guide children to submit to the authority of their parents so long as they are not instructed to act in a manner that would violate Islamic principles.⁸³ In other words, the Qur’ānic equation of submission to Allah with submission to one’s parent’s (Q. 6:151) applied to non-Muslim parents as well, so long as such parents do not lead the child astray.⁸⁴ The ideal was further developed in Islamic traditions about the early believers, whereby they are depicted offering primary alliance to Islam at the expense of their sentiments towards their parents.⁸⁵ Older kinship notions are not dispensed with, but the new spiritual kinship takes precedence.

Another way to prioritize Muslim communal ties over those of kinship was to depict the former in terms of the latter. Accordingly, communal membership

80 See also Q. 3:14: “Decked out fair to men is the love of lusts – women, children, heaped-up heaps of gold and silver, horses of mark, cattle and tillage. That is the enjoyment of the present life; but God – with Him is the fairest resort,” discussed in Karen Bauer, “The Emotions of Conversion and Kinship in the Qur’an and the Sīra of Ibn Ishāq,” *Cultural History* 8, no. 2 (2019): 137–163 at 147.

81 Q. 11:42–46 (quotes from 45–46).

82 Ibn Ḥazm, Abū Muḥammad ‘Alī. *Jamharat Ansāb al-‘Arab*, ed. ‘Abd al-Salām Muḥammad Hārūn (Cairo: Dār al-Ma‘ārif, 1962), 428–429. See also Karen Bauer, “The Emotions of Conversion and Kinship in the Qur’an and the Sīra of Ibn Ishāq,” 139.

83 Avner Giladi, “Parents,” in *Encyclopaedia of the Qur’an*, ed. Jane D. McAuliffe (Leiden: Brill, 2001–6), 20; Talal Asad, “Kinship,” in *Encyclopaedia of the Qur’an*, ed. Jane D. McAuliffe (Leiden: Brill, 2001–6), 99.

84 Ibn Kathīr, Ismā‘īl b. ‘Umar Abū al-Fidā, *Tafsīr al-Qur’ān al-‘Azīm*, ed. Sāmī b. Muḥammad Salāma, 8 vols. (Riyadh: Dār Ṭayba, 1999), 3:359–61. See also in al-Ṭabarī, Abū Ja‘far Muḥammad b. Jarīr, *Tafsīr al-Ṭabarī: Jāmi‘ al-Bayān ‘an Ta’wīl al-Qur’ān*, ed. ‘Abdallāh b. ‘Abd al-Muḥsin al-Turkī, 26 vols. (Cairo: Dār Hajr, 2001), 18:552.

85 A notable example features in traditions portraying the Prophet directing infants to cling to their Muslim fathers, despite their immediate instincts which drew them towards their mothers; see, for example, Ibn Ḥanbal, Aḥmad, *Musnad al-Imām Aḥmad b. Ḥanbal*, ed. Shu‘ayb Arnā‘ūt and ‘Ādil Murshid, 50 vols. (Beirut: Mu‘assasat al-Risāla, 1995–2001), 39: 166 (no. 23755), 167 (no. 23756); 168 (no. 23757).

is depicted as a siblinghood, realized through divine providence and spiritual unity: “And hold you fast to God’s bond, together, and do not scatter; remember God’s blessing upon you when you were enemies, and He brought your hearts together, so that by His blessing you became brothers” (Q. 3:103); “The believers indeed are brothers; so set things right between your two brothers, and fear God; haply so you will find mercy” (Q. 49:10). Indeed, according to some verses, the new Islamic kinship was to replace the old one: “Thou shalt not find any people who believe in God and the Last Day who are loving to anyone who opposes God and His Messenger, not though they were their fathers, or their sons, or their brothers, or their clan” (Q. 58:22). The entry ticket into an Islamic communal kinship was acquired through faith rather than genealogy, rendering tribal, clan, and family solidarities inferior to those of the community.⁸⁶

In addition to a sense of siblinghood, it was also the notion of Muhammad’s wives as “Mothers of the Believers” (Q. 33:6) that served to instill an Islamic sense of communal belonging by means of spiritual kinship.⁸⁷ In this way, the delineation of communal affiliations in kinship terms had not only an exclusionary effect, but also an inclusionary one. In creating a communal system that was couched in spiritual conviction and a distinct orthopraxy, the *umma* was assigned a “super-tribal character” that could now be constantly expanded.⁸⁸ It was this character of the *umma* that was meant to facilitate the recruitment of new believers and their social immersion amongst fellow Muslims.⁸⁹ As Muslims believers were called upon to prioritize Allah and His community over their kin, their act did not only signal a substitution of social alliances, but also constituted an incentive for non-Muslim family members to follow them.

An illustration of how the conversion to Islam of a family member could lead others to convert is given in the *Sīra* with regard to the poet and chief of the Banū Daws, al-Ṭufayl b. ‘Amr al-Dawsī (d. 633).⁹⁰ It was owing to his resolve to embrace Islam and consequently sever ties with his pagan parents and wife that the latter chose to follow suit and convert as well, lest they be separated from him. The story about Ṭufayl is one of many similar stories of converts to

86 Neuwirth, *Scripture, Poetry, and the Making of a Community*, 53; Bauer, “Emotion in the Qur’ān,” 13.

87 Barabara F. Stowasser, *Women in the Qur’an: Traditions, and Interpretation* (Oxford: Oxford University Press, 1996), 116.

88 Fred. M. Donner, *The Early Islamic Conquests* (Princeton: Princeton University Press, 1981; 2nd ed., 2014), 57.

89 Benkheira, “Le vocabulaire arabe de la parenté dans les sources anciennes,” 46–47.

90 Ibn Hishām, ‘Abd al-Malik al-Baṣrī, *al-Sīra al-Sabawīyya*, ed. ‘Umar ‘Abd al-Salām Tadmurī, 4 vols. (Beirut: Dār al-Kitāb al-‘Arabī, 1990), 2:33–37.

Islam who were followed by their non-Muslim kinsfolk.⁹¹ It alerts us to the proselytizing utility of kinship ties.

While the Islamic spiritual kinship initially facilitated a reshuffling of tribal affiliations, with time it allowed for the integration of ethnic ones. It is in this context that we should read into the story about such figures as the Persian Companion Salmān al-Fārisī (d. ca. 656), whose immersion in the newly established community in Medina and the Prophet's family was made possible not only thanks to a physical journey, but also thanks to a spiritual one.⁹² It was this spiritual kinship that would legitimize the absorption of non-Arabs within the *umma* during the second half of the seventh century and throughout the eighth and ultimately change the nature of Islam.⁹³

3.2 *Intermarriage*

Another obstacle in the vision of the family as the basic building block of the religious community is intermarriage. Intermarriage meant an interreligious encounter supplied by kinship ties. The phenomenon of marriage between members of different religious communities was not limited to a particular period in Islamic history. As a result, it has received considerable treatment in diverse genres of different religious backgrounds from as early as the first few Islamic centuries.⁹⁴ Initially intermarriage is attested in seventh-century

91 The proselytizing significance of kinship ties is indicated by the East Syrian scholar and physician Ḥunayn b. Ishāq (d. 873) in his apologetic response to Ibn al-Munajjim's (d. 888) *Burhān* ("Proof"). Ḥunayn listed family relations among the six reasons for why people lean towards falseness, that is false belief (*asbāb qubūl al-bāṭil*): "Between the one calling (towards false belief) and his other there is a natural relation (*nasab ṭabīrī*), and (since) the dissolution of that tie, as to what is between them, is unwanted, one agrees to follow the religion of the other"; Samir Khalil Samir and Paul Nwyia, eds. and trs., *Une correspondance islamo-chrétienne entre Ibn al-Munaǧǧim, Ḥunayn ibn Ishāq et Qustā ibn Lūqā: Introduction, texte et traduction* (Turnhout: Brepols, 1981), 692–93.

92 Sarah Bowen Savant, *The New Muslims of Post-Conquest Iran: Tradition, Memory, and Conversion* (Cambridge: Cambridge University Press, 2013), 66–67.

93 Many, if not most, of these non-Arabs entered the Muslim fold by means of a clientage (*wallāʾ*) as part of their patron's household; see Elizabeth Urban's contribution to this special issue. See also Patricia Crone, *Roman, Provincial and Islamic Law: The Origins of the Islamic Patronate* (Cambridge: Cambridge University Press, 2002), 36; Bowen Savant, *The New Muslims*, 3.

94 See, for example, Maya Shatzmiller, "Marriage, Family, and the Faith: Women's Conversion to Islam," *Journal of Family History* 21 (1996): 235–66; Janina M. Safra, "Identity and Differentiation in Ninth-Century al-Andalus," *Speculum* 76, no. 3 (2001): 573–598 at 584–588; Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), ch. 5; Weitz, *Between Christ and Caliph*, ch. 8; Christian C. Sahner, "Zoroastrian Law and the Spread of Islam in Iranian Society (Ninth–Tenth Century)," *Bulletin of the School of Oriental and African Studies* 84, no. 1 (2021): 67–93.

Arabia between first-generation Muslims and local pagans, Jews, and Christians. Significantly, the prophet himself married two Jewish wives and had a Christian concubine, though all subsequently converted to Islam. Following the conquests, the choice of Muslim men to marry non-Muslim women is often attributed to a shortage of Muslim women in the newly acquired territories.⁹⁵ Later, as Muslims began to settle among local populations, gradually integrating into the local social fabric, the prospect of intermarriage was even greater.⁹⁶ Intermarriage raised issues of asymmetric power, intimacy, and communal belonging and continuity.

Islamic law allowed Muslim men to marry women from the “People of the Book” (*ahl al-kitāb*) (Q. 5:5). Muslim women, however, could neither marry nor remain in matrimony with non-Muslim men.⁹⁷ These rulings are reflected in numerous ecclesiastical canon laws and regulations that speak of Christian women who either through the patronage of their parents, or even on their own will, married outside the Christian fold.⁹⁸ In many cases, it seems that these women retained their Christian faith and even the membership in their Christian communities. In most cases, ecclesiastical leaders reacted with threats of excommunication and attempts to cut off ties between the female transgressors and their families. In some cases, however, there were also attempts to sustain these women and their offspring within the Christian community.

From an Islamic point of view, intermarriage challenged not only communal boundaries, but also the religious integrity of Muslim men who married non-Muslim women and their Muslim offspring. The intensification and elaboration of Islamic legal principles on intermarriage reflects the endeavors of

95 Islamic legal principles allowing Muslim men to marry non-Muslim women will be discussed below. On the shortage of Muslim women during the early conquests, see Friedmann, *Tolerance and Coercion*, 181–182. Though see Christian Sahner’s contribution to this special issue.

96 See Michael G. Morony, *Iraq after the Muslim Conquest* (Princeton: Princeton University Press, 1984), 251–253; Donner, *The Early Islamic Conquests*, 245–250; Robert Hoyland, “Jacob of Edessa on Islam,” in *After Bardaisan: Studies on Continuity and Change in Syriac Christianity in Honour of Professor Han JW Drijvers*, ed. Gerrit J. Reinink and Alexander C. Klugkist (Leuven: Peeters, 1999), 149–60 at 152–153.

97 The latter injunction was founded on two Islamic principles: a legal one, according to which the marital arrangement endows the husband with rights over his wife, analogous to masterhood vis-à-vis slavery and a normative one that was couched in an Islamic notion of exaltedness (*al-Islām ya’lu wa-lā yu’la ‘alayhi*; “Islam should be above and nothing should be above it”); see Friedmann, *Tolerance and Coercion*, 162, esp. n. 8.

98 See Uriel Simonsohn, “Communal Membership despite Religious Exogamy: A Critical Examination of East and West Syrian Legal Sources of the Late Sasanian and Early Islamic Periods,” *Journal of Near Eastern Studies* 75, no. 2 (2016): 249–266.

Muslim jurists to regulate it.⁹⁹ At the same time, Eastern Christian ecclesiastical regulations and rabbinic legal positions show that intermarriage prompted concern among religious authorities across communal divides.¹⁰⁰ Together, Islamic, Christian, and Jewish legal sources offer us a history of ideas as well as some indication of the social cases that instigated them. The common thematic thread, however, disguises the notable gap in the amount of detail intermarriage receives in Islamic and non-Islamic legal sources. Whether due to the manner in which different literary genres of different religious provenances were preserved, or simply due to different levels of concern, the phenomenon is treated extensively in Islamic jurisprudence and rather sporadically among its non-Islamic counterparts. Initially addressed in the Qur'ān, and subsequently in the hadith and Islamic legal compendia, Islamic positions address the phenomenon by classifying lawful and unlawful non-Muslim spouses and regulating marital unions following the religious conversion of either spouse. Furthermore, these positions provide guidelines for the management of domestic life, the performance of religious rituals and the upbringing of children resulting from mixed unions.¹⁰¹ Unlike Islamic sources, however, contemporary ecclesiastical regulations are primarily focused on the permissibility of marriage outside the fold, along with some marginal reference to the manner in which the offspring of mixed unions was to be kept close to the church.¹⁰² From a rabbinic perspective, however, the main issues of concern were not so much the permissibility of intermarriage, but the consequences of mixed marriages following the apostasy of one of the spouses in matters pertaining to property, inheritance, and the Jewish identity of the offspring.¹⁰³ A unique legal aspect of Jewish legal deliberations concerned the legal ritual of levirate marriages, stipulating marriage between the brother and widow of a deceased

99 Echoes of these endeavors are found in medieval legal compilations, such as in Ibn Abī Shayba's (d. 849), *Muṣannaf*, referring to the religious identity of the fetus in the womb of a Christian woman married to a Muslim man; Ibn Abī Shayba, Abū Bakr 'Abdallāh b. Muḥammad, *al-Muṣannaf fi-l-Aḥādīth wa-l-Āthār*, ed. Kamāl Yūsuf al-Ḥawt, 7 vols. (Beirut: Dār al-Tāj, 1989), 3:37–8 (nos. 11895–11896).

100 Simonsohn, "Communal Membership despite Religious Exogamy"; Moshe Yagur, "Religiously Mixed Families in the Mediterranean Society of the Cairo Geniza," *Mediterranean Historical Review* 35, no. 1 (2020): 27–42.

101 See Friedmann, *Tolerance and Coercion*, ch. 5.

102 Simonsohn, "Communal Membership despite Religious Exogamy," 258–64; Weitz, *Between Christ and Caliph*, ch. 8.

103 Uriel Simonsohn, "The Legal and Social Bonds of Jewish Apostates and Their Spouses according to Gaonic Responsa," *Jewish Quarterly Review* 105, no. 4 (2015): 417–439.

childless man. Here again, instances of apostasy, either of the deceased or his brother, prompted considerable uncertainties.¹⁰⁴

The image we receive from legal deliberations, positions, and principles is of a multifaceted phenomenon, both in terms of the circumstances at its base and its ramifications. However, when read alongside other literary evidence the social realities that prompted legal regulation can be extracted. Thus, for example, names on Egyptian legal contracts that were made out a few centuries after the Muslim conquest speak of the mixed appellations of the children of Christian women who married Muslim men, bearing the latter's patronym and a Christian first name.¹⁰⁵ These can be considered along Syrian ecclesiastical legal prohibitions that were issued around the same time in Syria and Iraq, referring to the dual affinities of Christian women to their Christian natal and Muslim patrilocal environments.¹⁰⁶ A rare, yet useful, rabbinic illustration of such liminality can be found in a ruling included in an eighth-century rabbinic compendium from Iraq. The ruling is concerned with the legality of the betrothal contract of a non-Jew (a *Cuti*, i.e., a Samaritan; used to refer to non-Jews), as well as that of the son of a Jewish apostate and a non-Jewish woman.¹⁰⁷

3.3 *The Extension of Religiously Mixed Kinship Ties*

The significance of religiously mixed marriages pertained not only to the lives of spouses and their offspring, but also to those who were tied to them through a kinship system that stretched beyond the household. As nodes on a network of kinship, individual households could be connected to each other through a common family head, matrimonial arrangements, or sibling ties.¹⁰⁸ On a more

104 See the example discussed in Gerald J. Blidstein, "Who is not a Jew? – The Medieval Discussion," *Israel Law Review* 11, no. 3 (1976): 369–390; Simonsohn, "The Legal and Social Bonds of Jewish Apostates."

105 Gladys Frantz-Murphy, "A Comparison of the Arabic and Earlier Egyptian Contract Formularies, Part 1: The Arabic Contracts from Egypt (3d/9th–5th/11th Centuries)," *Journal of Near Eastern Studies* 40, no. 3 (1981): 203–225 at 206; Gladys Frantz-Murphy, "Conversion in Early Islamic Egypt: The Economic Factor," in *Documents de l'Islam médiéval: Nouvelles perspectives de recherche*, ed. Yusuf Raghib (Cairo: IFAO, 1991), 11–17 at 16; Maged S.A. Mikhail, *From Byzantine to Islamic Egypt: Religion, Identity and Politics after the Arab Conquest* (London: Bloomsbury Publishing, 2014), 66, 300 n. 82. See also the section on names below.

106 Simonsohn, "Communal Membership despite Religious Exogamy."

107 Ezriel Hildesheimer, ed., *Sefer halakhot gedolot* (Jerusalem: Mekitse Nirdamim, 1971–87), "Hilkhot qiddushin," 40.

108 On kinship systems as networks, see, for example, Rodney Stark and William S. Bainbridge, "Networks of Faith: Interpersonal Bonds and Recruitment to Cults and Sects," *American*

practical level, households were often adjunct to each other, shared courtyards, and their members partook in joint festivities, acted as business partners, and offered each other an invaluable social solidarity. In such households extended family members of distinct religious affiliations interacted with one another on a daily basis through diverse religious practices and objects.

It is in this context of extended kinship ties and shared kinship spaces that women played a particularly pivotal role as mediators of religious ideas and practices. Christian women married to Muslim men not only maintained ties with their Christian communities and families, but also played mediating roles across communal divides. These roles are suggested in contemporary Islamic normative literature, especially legal codes, that delineate the desired conduct of a non-Muslim woman in a Muslim-dominated household. For example, they prescribe purification to non-Muslim woman who participated in non-Muslim rituals prior to sexual intercourse with their Muslim husbands.¹⁰⁹ Similarly, they curtail their freedom to attend non-Muslim houses of worship, consume forbidden foods and drink, and introduce foreign rituals into the domicile.¹¹⁰ Such directives should be understood in the context of the domicile as a space of female devotional practices. Especially significant was a mother's role in forming the character of her child during its formative years.¹¹¹ Accordingly, non-Muslim women who were married to Muslim husbands, mothered Muslim children, and interacted on a daily basis with a variety of other Muslim relatives, occupied a position within the household that allowed them to introduce ideas, practices, and objects that stemmed from their non-Muslim affiliation.¹¹² In consequence, there is some indication that Muslim authorities would initiate searches in religiously

Journal of Sociology, 85, no. 6 (1980): 1376–95 at 1378–79; Sacchi and Viazzo, "Family and Household," 377.

- 109 Al-Shāfiʿī, Imām Muḥammad b. Idrīs, *Kitāb al-umm*, ed. Rifʿat Fawzi ʿAbd al-Muṭṭalib, 11 vols. (al-Manṣūra: Dār al-Wafāʾ, 2001), 5: 660, ch. 25; see also Ze'ev Maghen, "Strangers and Brothers: The Ritual Status of Unbelievers in Islamic Jurisprudence," *Medieval Encounters*, 12, no. 2 (2006): 173–223.
- 110 See, for example, al-Shāfiʿī, *Kitāb al-umm*, 6: 20–21; see also Al-Khallāl, Abū Bakr Aḥmad b. Muḥammad, *Aḥkām ahl al-milal min al-jāmiʿ li-masāʾil al-imām Aḥmad b. Ḥanbal*, ed. Sayyid Kasrawī Ḥasan (Beirut: Dār al-Kutub al-ʿIlmiyya, 1994), 354–55, ch. 184 (no. 994).
- 111 See, for example, in the Mālīkī manual by Saḥnūn (d. 856) – the *Mudawwana* – regarding the dangers posed by the presence of a non-Muslim woman in a Muslim household; al-Tanūkhī, Saḥnūn b. Saʿīd, *al-Mudawwana al-kubrā*, 6 vols. (Beirut: Dār Ṣādir, 2005); discussed in Safran, "Identity and Differentiation," 583–84.
- 112 Judith Herrin, *Unrivalled Influence: Women and Empire in Byzantium* (Princeton: Princeton University Press, 2013), 61; Julian M.H. Smith, "Material Christianity in the Early Medieval Household," *Studies in Church History* 50 (2014): 23–46; Weitz, *Between Christ and Caliph*, 29, 114.

mixed homes that would lead to the confiscation of non-Muslim cultic objects that belonged to women.¹¹³

While non-Muslim women were in a position to introduce non-Muslim practices in Muslim-dominated households, an arrangement whereby the only form of legally sanctioned marriage was between Muslim men and non-Muslim women was bound to be advantageous from the standpoint of Islamic proselytizing agendas. As noted above, mixed matrimones in seventh-century Arabia and during the first decades of the Islamic conquest outside it would often be followed by the conversion to Islam of the non-Muslim spouse.¹¹⁴ Although it is difficult to corroborate the historicity of the reports on such occurrences, they suggest that scenarios of conversion to Islam following marriage were not unthinkable. Other instances speak of a similar sequence in the context of mixed marriages following the conversion to Islam of one of the spouses. The proselytizing effect under such circumstances was both vis-à-vis the non-Muslim spouse and the couple's offspring. Sporadic reports of uncertainties or debates regarding the religious identity of children whose parents converted to Islam were most likely the exception to the general rule whereby the conversion of one of the parents would render the children Muslim by default.¹¹⁵

While it is commonly held that men were more inclined to convert than women, a closer examination of the extant sources suggests that conversion to Islam of non-Muslim women who were married to non-Muslim men was a real possibility.¹¹⁶ Next to early traditions mentioning women who

113 el-Leithy, "Coptic Culture and Conversion in Medieval Cairo," 198.

114 On mixed marriages and conversion to Islam in the context of the Islamic conquest, see Gertrud H. Stern, "The First Women Converts in Early Islam," *Islamic Culture*, 13, no. 3 (1939): 290–305 at 293, 297; Nadia Abbot, "Women and the State in Early Islam," *Journal of Near Eastern Studies* 1, no. 1 (1942): 106–26 at 107; Susan A. Spector, "Women of the People of the Book: Intermarriage in Early Fiqh Tradition," in *Judaism and Islam: Boundaries, Communication and Interaction: Essays in Honor of William M. Brinner*, ed. Benjamin H. Hary, John L. Hayes, and Fred Astren (Leiden: Brill, 2000), 269–78 at 272.

115 See, for example, a case of a Christian girl mentioned in a ninth-century fatwa from Cordoba; al-Wansharīsi, Aḥmad b. Yahyā, *al-Mi'yār al-mughrib wa-l-jāmi' al-mu'rib 'an fatāwā ahl Ifrīqiyyā wa-l-Andalus wa-l-Maghrib*, ed. Muḥammad Ḥājjī, 13 vols. (Rabat/Beirut: Dār al-Gharb al-Islāmī, 1981–83), 2: 347–348; discussed in Ragnhild J. Zоргati, *Pluralism in the Middle Ages: Hybrid Identities, Conversion, and Mixed Marriages in Medieval Iberia* (New York: London: Routledge, 2012), 49. The underlying rationale was founded on the principle of *fiṭra*, articulated in the prophetic hadith: "Every newborn is born in the natural condition; his parents transform him into a Jew, a Christian or a Zoroastrian" (*mā min mawlūdīn illā yuladu 'alā al-fiṭra fa-abāwahu yuhawwidānihi aw yunaṣṣirānihi aw yumajjisānihi*); discussed in Friedmann, *Tolerance and Coercion*, 109.

116 On women as less prone to convert to Islam than men, see Goitein, *Mediterranean Society*, 2: 299–303; *Mediterranean Society*, 3: 11–12; Jessica A. Coope, "Religious and Cultural

converted to Islam at the time of the Prophet and consequently abandoned their families, we also hear about others who remained living with their pagan families.¹¹⁷ Such traditions were often included in Islamic legal discussions pertaining to the question of women converts to Islam who were married to non-Muslim husbands. These should be read in conjunction with rabbinic deliberations regarding the property and legal status of Jewish female apostates who remained in matrimony with their Jewish husbands despite their conversion.¹¹⁸ Furthermore, there is also some indication suggesting that women not only converted to Islam, but also encouraged their husbands to follow suit.¹¹⁹ The proselytizing effect of marriage is also attested in ecclesiastical regulations of the early and medieval Islamic periods that license Christian men to take non-Christian wives on the condition that these men would bring about their wives' conversion to Christianity. The early Pauline anticipation that either one of the believing spouses will sanctify the non-believing spouse (1 Corinthians 7:14), was now applied to non-Christian women only.¹²⁰

3.4 *The Enduring Ties of Converts to Islam with Their Non-Muslim Kinsfolk*

We have seen that religiously mixed households came into being due to both intermarriage and conversion to Islam. In addition to the kinship encounter of mixed households, another encounter can be seen in the ties converts to Islam retained with family members who still adhered to the converts' former religion, including parents, siblings, and children. These resulted in the formulation of legal principles and regulations, on both sides of the religious divide. Thus, for example, 'Umar I (r. 12–22/634–44) is alleged to have prohibited those

Conversion to Islam in Ninth-Century Umayyad Córdoba," *Journal of World History* 4, no. 1 (1993): 47–68 at 60; Shatzmiller, "Marriage, Family, and the Faith," 236–237; Zоргati, *Pluralism in the Middle Ages*, 67–69.

- 117 On the former, see Uriel Simonsohn, "Female Conversion to Islam: A Sample Analysis of Medieval Narratives of the Prophetic Age," *Mediterranean Historical Review* 35, no. 1 (2020): 9–25.; on the latter, see, for example, a tradition about Meccan women who converted to Islam (or some other part of Arabia) while remaining next to their husbands; Abd al-Razzāq al-Ṣanʿānī, Ibn Hammām al-Ḥimyarī, *al-Muṣannaḥ*, ed. Ḥabīb al-Raḥmān al-Aʿzamī 11 vols. (Beirut: al-Maktab al-Islāmī, 1983), 7: 169–171 (no. 12646).
- 118 Simonsohn, "Legal and Social Bonds."
- 119 See, for example, the biographies of Umm Sulaym bt. Milhan; Ibn Saʿd, Muḥammad al-Zuhri, *Kitāb al-tabaqāt al-kabīr*, ed. ʿAlī Muḥammad ʿUmar, 11 vols. (Cairo: Maktabat al-Khānjī, 2001), 10: 396 (no. 5400); Zayneb daughter of the Prophet; Ibn Hishām, *al-Sīra al-nabawīyya*, 2: 294.
- 120 The first ecclesiastical regulation to license marriage between Christian men and non-Christian women is dated to the East Syrian synod of 410; for its persistence in the early Islamic period, see Sachau, *Syrische Rechtsbücher*, 2: 122 (Ger.)/23 (Syr.), reg. 11; ʿAbdʿišōʿ bar Bahrīz, *Ordnung der Ehe*, 36 (Syr./Ger.), reg. 41.

members of the Mesopotamian Arab tribe of the Banū Taghlib who chose to remain Christian and were married to Muslims from raising their children as Christians.¹²¹ A similar concern over the potential negative impact of a parent in the context of conversion of Islam was invoked by al-Shāfiʿī:

We prefer that a man does not marry a woman from the Abode of War, out of fear that his child will be abducted. And it is disliked that he marries her even if she was a Muslim among the people of the Abode of War, out of fear for his child that they might snatch him or tempt him (*yastariqūhu aw yaftinūhu*).¹²²

Although the mother was Muslim, her anticipated ties with non-Muslim family members posed a threat to her child's Islamic identity.

Religiously mixed family ties are evident in a host of legal deliberations referring to Muslim fathers of Christian daughters,¹²³ women converts to Islam and their non-Muslim children,¹²⁴ a son who converted to Islam while his mother was Christian,¹²⁵ and non-Muslim children whose parents converted to Islam.¹²⁶ Although the latter case suggests that some children may have converted to Islam prior to adulthood, it seems safe to argue that such a step was bound to be taken at a later stage in a person's life.¹²⁷ References to differences of religion between parents and children are often made with regard to questions of inheritance. Jurists of diverse religious affiliations appear to have been preoccupied with the right of Muslim descendants to inherit their non-Muslim parents, and at times vice versa as well.¹²⁸ Beyond inferences from

121 Al-Ṭabarī, Abū Jaʿfar Muḥammad b. Jarīr. *The History of al-Tabarī XIII: The Conquest of Iraq, Southwestern Persia, and Egypt: The Middle Years of ʿUmar's Caliphate AD 636–642/AH 15–21*, trans. Gualtherüs H.A. Juynboll (Albany: SUNY Press, 1989), 62. See also in Abū Yūsuf, Yaʿqūb b. Ibrāhīm. *Kitāb al-kharāj*, ed. Aḥmad Muḥammad Shākīr and ʿAbdallāh Ṣiddīqī (Beirut: Dār al-Maʿrifā, 1979), 121; al-Khallāl, *Ahl al-mīlāl*, 67–81 (nos. 181–91).

122 al-Shāfiʿī, *Kitāb al-umm*, 5: 655 (no. 20).

123 al-Ṣanʿānī, *al-Muṣannaḥ*, 6: 26 (no. 9894).

124 Al-Khallāl, *Ahl al-mīlāl*, 40, ch. 17 (nos. 9–92).

125 Al-Khallāl, *Ahl al-mīlāl*, 228–231, ch. 121 (nos. 649–658).

126 Al-Khallāl, *Ahl al-mīlāl*, 17, ch. 6 (nos. 32, 33).

127 See, for example, the scenario depicted in al-Ṣanʿānī, *al-Muṣannaḥ*, 6: 26 (no. 9894). The hadith was later incorporated in Ibn Qudāma, Muwaffaq al-Dīn Muḥammad b. Aḥmad, *al-Mughnī*, ed. Muḥammad Sharaf al-Dīn Khaṭṭāb, 16 vols. (Cairo: Dār al-Ḥadīth, 2004), 5: 503–504.

128 See Oded Irshai, “The Apostate as an Inheritor in Geonic Responsa – Basics of Decision Making and Parallels in Gentile Law,” *Shenaton ha-mishpat ha-ivri: Annual of the Institute for Research in Jewish Law* 11/12 (1984–86): 435–461 [Hebrew]; Friedmann, *Tolerance and Coercion*, 56–7; Bodil Højerrild, *Studies in Zoroastrian Family Law: A Comparative Analysis* (Copenhagen: Museum Tusulanum Press, 2003), 75–76.

normative legal texts, the documents of the Cairo Geniza provide extensive evidence of the enduring ties between Jewish converts to Islam with their Jewish relatives.¹²⁹

The implications of such interreligious ties were wide. While religiously mixed households were usually limited to the immediate family members, the ties between converts and their former relatives extended across households and generations. These ties were also formulated in a variety of daily occasions, through economic partnerships, social solidarity, and in shared spaces. The expansive influence of such ties explains why they were a cause of normative uncertainties. Thus, for example, an Iraqi eighth-century rabbinic authority was asked if it was appropriate for Jews to offer a consolation meal to their bereaved apostate relatives.¹³⁰ Around the same time, there are good indications that Muslims and Christians were similarly preoccupied with dilemmas surrounding the death of infidel relatives.¹³¹

The endurance of ties between converts to Islam and their non-Muslim relatives was considered a threat to the coherence of communal boundaries, the integrity of religious identities, and, from the perspective of non-Muslim authorities, a hurdle to their efforts to curtail apostasy. At the same time, it also posed a proselytizing opportunity from the perspective of Muslim authorities and a way for drawing apostates back to the fold from the standpoint of their former non-Muslim communities. Medieval narratives about the first generations of Muslim converts served to glorify not only the achievements of those who ventured against the will of their kinsfolk, but also succeeded in drawing them to follow suit. Notable examples can be seen in the reports about the south-Arabian tribal leader al-Ṭufayl al-Dawsī whose conversion to Islam was followed by that of his parents and wife;¹³² the conversion of ‘Umar b. al-Khaṭṭāb following his sister;¹³³ and the conversion of Abū al-‘Āṣ following that of the Prophet’s daughter Zaynab.¹³⁴ At the same time, Islamic legal principles and traditions, read alongside a host of geonic positions and ecclesiastical regulations and canon laws, speak of the conversion of Jews and Christian to Islam and their subsequent reversion to their former religions. We may assume that

129 Moshe Yagur, “Religious Identity and Communal Boundaries in Geniza Society (10th–13th centuries): Proselytes, Slaves, Apostates” (Ph.D. dissertation, The Hebrew University of Jerusalem, 2017), 176–193 [Hebrew].

130 Ḥayim Moda’i, ed., *Teshuvot ha-ge’onim sha’are tsedeq* (Salonika: n.e., 1792, repr. Jerusalem: Safra, 1966), part 3:4, 47, no. 13.

131 Al-Khallāl, *Ahl al-milal*, 212–213, ch. 104 (nos. 597–605); 215, ch. 108 (no. 609); 218–220, ch. 112 (nos. 619–28); Vööbus, *Synodicon*, 367: 239–240 (Syr.)/368: 220–222 (Eng.), no. 15.

132 Ibn Hishām, *al-Sīra al-nabawīyya*, 2: 33–37.

133 Ibn Hishām, *al-Sīra al-nabawīyya*, 1: 370–72.

134 Ibn Hishām, *al-Sīra al-nabawīyya*, 2: 294.

the enduring ties of these apostates with their former communities, whether on account of kinship sentiments and formal legal arrangements, paved the way for their reversion.¹³⁵

3.5 *Slavery and Kinship Encounters*

Slavery occasions another form of kinship encounter. Anthropologists debate the relationship between kinship and slavery. Miers and Kopytoff have argued for a basic continuum from slavery to kinship, noting that the dependency of children and women can be akin to the dependency of slaves and that slaves can be brought into the kin group.¹³⁶ Meillassoux argued strongly against this position, claiming that slavery is “antinomic” to kinship and that “the slave is above all [...] the alien *par excellence*, if not the alien in an absolute sense.”¹³⁷ This debate is based on radically different conceptions of what is both slavery and kinship. As today we are aware of the almost mind-boggling diversity in both historical forms of slavery as well as forms of kinship, it seems that posing them as opposites is untenable. Slavery and kinship may not lay on a continuum, but they certainly can intersect at various points and slavery is a useful lens for kinship encounters. Discussing the intersections of slavery and kinship is also a useful way of resisting the tendency to view kinship as a benign and positive institution.¹³⁸

The diverse forms slavery can take are more than apparent in the medieval Islamic world.¹³⁹ Muhammad’s campaigns, and subsequently the Islamic conquests, brought about massive waves of enslavement and movement of enslaved persons across the Middle East. Even after the shock of the conquests was over, slaves were still imported to the region, mostly from the edges of Islamdom: Nubia, Southern and Eastern Europe, the Indian Ocean, and

135 See David Cook, “Apostasy from Islam: A Historical Perspective,” *Jerusalem Studies in Arabic and Islam* 31 (2006): 248–288; Uriel Simonsohn, “Halting between Two Opinions: Conversion and Apostasy in Early Islam,” *Medieval Encounters* 19, no. 3 (2013): 342–370.

136 Suzanne Miers and Igor Kopytoff, “African ‘Slavery’ as an Institution of Marginality,” in *Slavery in Africa: Historical and Anthropological Perspectives*, ed. Igor Kopytoff and Suzanne Miers (Madison: University of Wisconsin Press, 1979), 3–81 at 22–26.

137 Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold*, trans. Alide Dasnois (Chicago: The University of Chicago Press, 1991 [original French published in 1986]), 9–40, at 14, 28.

138 On this tendency, see Carsten, “The Stuff of Kinship,” 145.

139 For two very useful overviews, see Matthew S. Gordon “Slavery in the Islamic Middle East (ca. 600–1000 CE),” in *The Cambridge World History of Slavery, Volume 2: AD 500–1420*, ed. Craig Perry, David Eltis, Stanley L. Engerman, and David Richardson (Cambridge: Cambridge University Press, 2021), 337–61; and Kurt Franz, “Slavery in Islam: Legal Norms and Social Practice,” in *Slavery and the Slave Trade in the Eastern Mediterranean (c. 1000–1500 CE)*, ed. Reuven Amitai and Christoph Cluse (Turnhout: Brepols, 2017), 51–141.

Central Asia. In the subsequent centuries several distinct types of enslavement developed, yet scholarly study of them remains very uneven. Probably most attention has been given to soldiers of slave origin and the *mamlūks* due to their central political role and the way they reshaped the relationship between political rule and religion.¹⁴⁰ Another scholarly focus has been non-Arabs who converted to Islam to become the *mawālī* of Muslim Arabs, an institution that had historical connections to slavery. These *mawālī* not only played a critical role in the political sphere (for example in the Abbasid revolution), but it is impossible to understand the efflorescence of literature, science, and law under the Abbasid without them.¹⁴¹ In recent years, growing attention has been given to the role of slaves in Muslim rulers' courts, whether in the form of male eunuchs, enslaved female singers, or concubines.¹⁴² Such slaves are well attested in literary sources, but probably formed a narrow and small group. All these types of slavery are predominantly urban, yet Islamic history also provide the enigmatic case of the Zanj, East African slaves employed in sugar cane production and clearing nitrates from the topsoil of the marshes in southern Iraq who revolted against the Abbasids in 869–883.¹⁴³

Enslavement occasioned a loss of social identity and the creation of a relation with the master.¹⁴⁴ This asymmetric relationship, with its legal, monetary, religious, social, and emotional aspects, can often be considered as kinship as it entailed a “mutuality of being” between people who are significant to one another's existence, to slightly tweak Sahlins's famous reformulation of kinship. The clearest example is when enslaved people were married or used for

140 Stephan Conermann, “Slavery in the Mamluk Sultanate,” in *The Cambridge World History of Slavery*, 383–405, and the studies of David Ayalon listed in p. 404.

141 On the *mawālī*, see the contributions of John Nawas and Elizabeth Urban in this special volume.

142 Matthew Gordon and Kathryn A. Hain, eds., *Concubines and Courtesans: Women and Slavery in Islamic History* (New York: Oxford University Press, 2017); Elizabeth Urban, *Conquered Populations in Early Islam: Non-Arabs, Slaves, and the Sons of Slave Women* (Edinburgh: Edinburgh University Press, 2020), 106–175; Taef El-Azhari, *Queens, Eunuchs and Concubines in Islamic History, 661–1257* (Edinburgh: Edinburgh University Press, 2019); and the classic Shaun Marmon, *Eunuchs and Sacred Boundaries in Islamic Society* (Princeton: Princeton University Press, 1995).

143 Gwyn Campbell, “East Africa in the Early Indian Ocean World Slave Trade: The Zanj Revolt Reconsidered,” in *Early Exchange between Africa and the Wider Indian Ocean World*, ed. Gwyn Campbell (New York: Palgrave, 2016), 275–303.

144 We use “loss” rather than Patterson's “death” because occasionally slaves retained aspects of their previous social identity. See, for example, Koby Yosef, “Mamluks and Their Relatives in the Period of the Mamluk Sultanate (1250–1517),” *Mamluk Studies Review* 16 (2012): 55–69.

sex.¹⁴⁵ This is perhaps the best evidence that slaves were not the absolute aliens envisioned by Meillassoux, as noted above. According to Islamic Law, when an enslaved concubine gives birth to a child of her master, she becomes an *umm walad*. This means she is forbidden from being sold and becomes free upon the master's death. The child is considered a legitimate offspring of the master.¹⁴⁶ In the hadith that established the institution of *umm walad*, Muhammad recognized the paternity based on the legal ownership of the marital bed over biological paternity, thus resolving conflicting conceptions of kinship.¹⁴⁷ As noted above, since many enslaved women were non-Muslims and came from diverse ethnic backgrounds, the *umm walad* and her child formed a key locus of kinship encounter.

Another type of kinship tie was the bond of loyalty and identity in military slavery formed between the master and the enslaved and among themselves.¹⁴⁸ According to Islamic law, the special bond with the master is retained even after manumission. This formed a central role in the first centuries of Islam when the conversion of non-Arabs to Islam required a Muslim Arab "sponsor" to the conversion. These non-Arabs, who formed the aforementioned *mawālī*, received the tribal identity of their Arabian sponsor. Even from these limited examples it can be seen how the relationship between master and enslaved occasioned kinship encounters across the axes of gender, class, geography, race and legal institutions such as marriage and property. Beyond these various kinship ties and encounters occasioned by actual enslaved people, there was also a conceptual encounter. Kecia Ali showed how Muslim legal scholars developed their conception of Islamic marriage by thinking through slavery. In other words, slavery served as a conceptual model through which ideas about marriage were formed and developed.¹⁴⁹

The most common type of slavery in the medieval Islamic world was domestic slavery. Yet this type of slavery is the least studied, undoubtedly

145 Shaun Marmon, "Intersections of Gender, Sex and Slavery: Female Sexual Slavery," in *The Cambridge World History of Slavery*, 185–213. For slave prostitutes, see Urban, *Conquered Populations*, 77–105.

146 On the *Umm Walad*, see Urban, *Conquered Populations*, 216 (index) and Younus Y. Mirza, "Remembering the Umm al-Walad: Ibn Kathir's Treatise on the Sale of the Concubine," in *Concubines and Courtesans*, 297–323.

147 Marmon, "Intersections of Gender, Sex and Slavery," 196–197.

148 Koby Yosef has written many studies on kinship among the Mamluks; see, for example, his "Usages of Kinship Terminology during the Mamluk Sultanate and the Notion of the 'Mamluk Family,'" in *Developing Perspectives in Mamluk History. Essays in Honor of Amalia Levanoni*, ed. Yuval Ben-Bassat (Brill: Leiden, 2017), 16–75.

149 Kecia Ali, *Marriage and Slavery in Early Islam* (Cambridge MA: Harvard University Press, 2010).

because of the lack of sources for the quotidian interactions within urban and rural households.¹⁵⁰ It is here that the documents of the Cairo Geniza provide a precious opportunity to examine the kinship encounters possible in these domestic settings.¹⁵¹ Wills and deathbed declarations of Jews often mention enslaved people, either taking care to manumit them or requesting that they be looked after. In one case, a Jewish woman declared that “my slave woman Munā has attended graciously to me during this and previous illness in ways that my mother and sister have not done ... [she] shall not be sold, bought or transferred.”¹⁵² Another wealthy woman, probably childless, manumitted her two virgin enslaved girls and bequeathed to them real estate “on the condition that the slave girls profess the Jewish faith.”¹⁵³ As opposed to Islamic law, Jewish law does not recognize a remaining relationship between a former master and his freed slaves. However, this did not prevent a Jewish man to claim that the inheritance of the woman his father manumitted ought to go to him, despite her bequeathing her possession to two other women.¹⁵⁴ A complex legal query to Abraham Maimonides (d. 1237) reports how an enslaved man was transferred from his original female owner to another person who then released him. During a certain crisis, probably the great famine of 1201/2, the original female owner asked her former slave for help and he maintained her in the considerable sum of 4 dinars.¹⁵⁵ Such examples are used by Craig Perry to argue that “enslaved people” played a role “analogous to kin” both during their enslavement and after their manumission.¹⁵⁶ Once manumitted, Jewish law

150 It is only in the Mamluk period that Islamic sources on domestic slavery become more abundant; see Shaun Marmon, “Domestic Slavery in the Mamluk Empire: A Preliminary Sketch” in *Slavery in the Islamic Middle East*, ed. Shaun Marmon (Princeton: Markus Wiener, 1999), 1–24.

151 This is recognized in Lev Weitz, “Slavery and the Historiography of Non-Muslims in the Medieval Middle East,” *IJMES* 49 (2017): 139–142. The other source of documentary evidence on enslaved people is Arabic papyri; see, for example, Yusuf Ragib, *Actes de vente d’esclaves et d’animaux*, 2 vols. (Cairo: IFAO, 2002–2006); Naïm Vanthieghem, “Quelques contrats de vente d’esclaves de la collection Aziz Atiyya,” *Journal of Juristic Papyrology* 44 (2014): 163–187.

152 T-S Misc 25.107 (translation by Craig Perry).

153 T-S 13j22.2 (translation by Craig Perry). See also Perry’s discussion of T-S Misc 24.137.4.

154 This case is discussed in Oded Zinger, “She Aims to Harass Him,” 178.

155 Abraham ben Moses ben Maimom, *Responsa*, ed. Avraham H. Freimann and trans. S.D. Goitein (Jerusalem: Mekitse Nirdamim, 1937), no. 98.

156 The most extensive and penetrating study on slavery in the Geniza is Craig Perry, “The Daily Life of Slaves and the Global Reach of Slavery in Medieval Egypt, 969–1250 CE” (Ph.D. diss., Emory University, 2014). Perry is currently transforming this study into a book and we are very grateful that he was willing to share with us drafts of chapters three and four (“Engendering Medieval Slavery: Free and Enslaved Women,” and “Slavery and

considers slaves as full Jews. Moshe Yagur had examined in depth the integration of freed men and women of diverse religious and ethnic background into Egyptian Jewish communities, often conceived as being strictly endogamous. That fact these foreign enslaved people resided within Jewish households and were later integrated into the community makes these encounters particularly fascinating.¹⁵⁷

Rabbinic responsa and Geniza documents also attest to the widespread reality of Jewish men having sex with the enslaved women in their possession.¹⁵⁸ While Islamic law allows a male master sexual use of his enslaved women, Jewish law strictly forbids it. Jewish communal attempts to crack down on this practice were often unsuccessful and occasionally led men to take off with the enslaved females and abandoned their wives and families. Scholars have usually adopted the communal perspective and framed this rather widespread practice as the result of immoral men and the weak means of communal coercion. However, regardless of our possible moral judgment, it is useful to consider other ways of framing this phenomenon. Craig Perry uses these cases to explore the nature of masculinity among medieval Jews and the possible avenues for enslaved female agency.¹⁵⁹ Even though they are depicted negatively in the sources, it is clear these unions were meaningful to these men and women. We are told that one man lavished his unlawful partner with “fine garments the likes of which his wife had never worn.”¹⁶⁰ Another man is reported to spend all his time with his unlawful partner (in his sister’s house, no less).¹⁶¹ A Christian enslaved woman was willing to lie to a Muslim Judge that she is “a Jew, a daughter of a Jew” and refused the suggestion to convert to Islam so she could go on living with her Jewish master who was reportedly sleeping with her.¹⁶² Thus, rather than viewing these unions as immoral deviance

Masculinity: Free Men and Enslaved Woman”) on which much of the above is based. Perry’s use of enslaved people as “analogous to kin” relies on Sally McKee, “Domestic Slavery in Renaissance Italy,” *Slavery and Abolition* 29 (2008): 305–326. Once we abandon the identification of kinship with biology, there is no need for “analogous” and we can simply talk of kinship.

157 Yagur, “Religious Identity and Communal Boundaries,” 72–131.

158 Perry, “The Daily Life of Slaves,” 106–152.

159 For slavery and masculinity see Chapter four of Perry’s forthcoming monograph. For agency, see Craig Perry, “Slavery and Agency in the Middle Ages,” in *The Cambridge World History of Slavery*, 251–252.

160 T-S 10K8.13 (translated in Perry, “Slavery and Agency,” 254).

161 Budapest DK 232.1 (discussed in Oded Zinger, *Living with the Law: Gender and Community Among the Jews of Medieval Egypt* (Philadelphia: Pennsylvania University Press, 2023), 131–133).

162 Case discussed in Perry, “Slavery and Agency,” 254.

from Jewish law and communal order, they can be examined productively as what Ruth Mazo Karras termed “unmarriages” and as different, unhegemonic forms of union and kinship.¹⁶³ In a fascinating study, Moshe Yagur examines a strange ritual for conversion to Judaism that fuses (and confuses) elements from the biblical concept of “a beautiful woman captured in battle” (Deuteronomy 21:10–14), conversion and concubinage with slaves, suggesting the possibility of thinking of union beyond the normative marital bond.¹⁶⁴

3.6 *Names and Kinship Encounters*¹⁶⁵

Names are not simply signifiers for individual people. Names are ways for individuals to bestow identity, establish relations and proclaim values.¹⁶⁶ Naming systems are also ways for society to locate and organize its members. As means for establishing relations and marking belonging, names are intertwined with kinship. Like kinship, names are rarely a simple matter. Anyone who had to decide upon a name for a child might recognize the potential for tension between various expectations: individual, familial, communal, and social. Societies may exhibit different types of names or even different naming systems. As loci of such convergences, names are often useful entryways to study kinship encounters.

The usefulness of thinking about names as loci for kinship encounters can be seen in what can be termed “the Abrahamic onomastic contraction.”¹⁶⁷ It is seldomly recognized (and never studied comparatively as far as we know) that Judaism, Christianity, and Islam have brought with them a sharp

163 Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: Pennsylvania University Press, 2012).

164 Moshe Yagur, “Captives, Converts and Concubines: Gendered Aspects of Conversion to Judaism in the Medieval Near East,” in *Language, Gender and Law in the Judeo-Islamic Milieu*, ed. Zvi Stampfer and Amir Ashur (Leiden: Brill, 2020), 88–109 (here the gender aspects are highlighted); and his “Shaving Hair and Paring Nails: The Origins and Transmutations of a Unique Rite of Passage in Medieval Judaism,” *Tarbiz* 88 (2021): 109–132 [Hebrew] (here the conversion aspects are highlighted).

165 We would like to thank Jack Tannous, Thomas Carlson, Lev Weitz, Evgenios Iverites, and Luke Yarbrough for some bibliographic guidance.

166 Janet Finch, “Naming Names: Kinship, Individuality and Personal Names,” *Sociology* 42 (2008): 709–725.

167 Alas, the magnificent *Oxford Handbook for Abrahamic Religions*, ed. Adam J. Silverstein and Guy G. Stroumsa (Oxford: Oxford University Press, 2015) does not examine topics such as the family, gender and names. This despite the role played by family, patriarchy, and name changes in Abraham’s story. For a pioneering study, see Joseph Horowitz, *Jewish Proper Names and Derivatives in the Koran* (Hildesheim: Georg Olms, 1964 [originally published in 1925 as part of the *Hebrew Union College Annual*]).

shrinkage in onomastic variety. Very few names are repeated in the Jewish Bible and even when we look at single dynastic lines, like the kings of Judah or Israel, there is very little repetition of names.¹⁶⁸ In later periods, Jews adopted names in a broad variety of languages (Greek, Latin, Persian, Egyptian, Arabic and so on), yet the tendency to repeat names, especially of Biblical origin is unmistakable.¹⁶⁹ By the medieval period, the dominance of a rather narrow selection of biblical and talmudic names is clear.

A similar process is known to have taken place among Christians in Late Antiquity.¹⁷⁰ John Chrysostom (347–407) provides us with a clear rationalization for the process:

I urge this on you too, to call your children by the names of the righteous. In early times [...] men used to call their children by the names of their forebears. It was a consolation for death that the departed should seem to live through his name. But this is so no longer. [...] So let the name of the saints enter our homes through the naming of our children, to train not only the child but the father, when he reflects that he is the father of John or Elijah or James; for, if the name be given with forethought to pay honor to those that have departed, and we grasp at our kinship with the righteous rather than with our forebears, this too will greatly help us and our children.¹⁷¹

Whether you are converting to Christianity or wishing to strengthen your existing Christian commitment, Chrysostom urges you to let go of ancestral names and forge a kinship with the righteous by bestowing on your child a Christian name. These names come from the limited pool of Christian saints and biblical figures.

168 The following is built upon a short observation made in Goitein, *Mediterranean Society*, 3: 7–8.

169 That the process is complex and far from linear can be seen in the very useful tables in Tal Ilan, *Lexicon of Jewish Names in Late Antiquity*, 4 vols. (Tübingen: Mohr Siebeck, 2002–2011), 1:54–58, 2:45–55, 3:61–69, 4:44–51.

170 Jean Gascou, “Remarques textuelles et méthodologiques sur les surnoms et sobriquets dans les papyrus tardif (autour des P.Apoll.),” in *Christians and Muslims in Early Islamic Egypt*, ed. Lajos Berkes (Durham, NC: American Society of Papyrologists, 2022), 152.

171 Max L.W. Laistner, trans., *Christianity and Pagan Culture in the Later Roman Empire together with an English Translation of John Chrysostom’s Address on Vainglory and the Right Way for Parents to Bring up Their Children* (Ithaca: Cornell University Press, 1951), 108–109, §49–50.

Finally, though least studied, a similar process can be detected in Arab names with the spread of Islam.¹⁷² Pre-Islamic Arabs sported a bewildering range of names, however, starting with the Umayyad caliphate, names with good Islamic pedigree start to be repeated.¹⁷³ These good Islamic names include, of course, Arabic version of biblical figures such as Ibrāhīm, Ishāq, Dāʿūd, Sulaymān, ʿĪsā, and Maryam. Thinking comparatively about what we have termed “the Abrahamic onomastic contraction” suggests both a parallel monotheistic tendency of onomastic contraction as well as a common convergence around a shared pool of biblical names (expressed differently in terms of language and script).¹⁷⁴ Looking at names shows both a way of establishing kinship with past religious icons as well as a field of encounter between the Abrahamic religions.

Another way of using names as loci for kinship encounter is found in the examination of the adoption of Arabic names by Jews and Christians following the Muslim conquests. Two factors make this onomastic change particularly interesting and complex. First, the complex Arabic naming system, with its *ʿism*, *kunya*, *laqab*, and *nisba*, reflects, according to Jacqueline Sublet, “the convergence of several approaches to identity.”¹⁷⁵ Some of these identities are built upon kinship ties – where one is identified by his or her son, father, family, or tribe. Other identities may also confer relatedness, such as might exist between individuals from the same city, region, trade, legal school, or religious community. So the use of Arabic names comes with a “baggage” of kinship. Second, Arabic names were deeply intertwined with Islamic figures and the new Muslim rulers and so carried Islamic “baggage.” Indeed, in the various

172 Part of the difficulty of approaching the subject is the tension between what is considered Arab and/or Islamic names. Thus, much of what is presented in Annemarie Schimmel, *Islamic Names* (Edinburgh: Edinburgh University Press, 1989) concerns Arabic names and little account is made to the fact that these names are also used by Jews and Christians (see more on this below).

173 This is observed in Goitein, *Mediterranean Society*, 3: 7–8. Until a systematic quantitative study be conducted, the observation can be confirmed in general terms by looking at the magnificent tables in Werner Caskel, *Gamharat an-nasab: das genealogische Werk des Hisam Ibn-Muhammad al-Kalbi*, 2 vols. (Leiden: Brill, 1966).

174 Studying an 11th century list of Arab and Coptic names written in Coptic characters, Marie Legendre notes a common biblical onomastic pool which does not permit clear-cut linguistic or confessional distinctions; Marie Legendre, “Perméabilité linguistique et anthroponymique entre copte et arabe: l'exemple de comptes en caractères coptes du fayoum fatimide,” in *Coptica Argentoratensia: Textes et documents de la troisième université d'été de papyrologie copte*, ed. Anne Boud'hors, Alain Delattre, Catherine Louise, and Tonio Sebastian Richter (Paris: De Boccard, 2014), 325–440 at 347–348.

175 Jacqueline Sublet, “Le nom dans la famille,” in *La Famille en islam d'après les sources arabes*, 98.

versions of the so-called Pact of Umar, non-Muslims promise not to use kunyas: “We will not take names after our sons as they do,” clearly associating the use of kunyas with the new rulers.¹⁷⁶ This association can also be seen as in texts of the non-Muslim communities. In the *Apocalypse of Samuel*, the head of the monastery of Qalamūn, (Pseudo-Samuel) declares:

Woe upon woe! [...] at that time they will move away from uprightness and start to assimilate themselves to the Hagarenes in their actions: they will give their names to their children, discarding the names of the angels, the prophets, the apostles, and the martyrs. [...] Do you think there is for the heart a greater pain than to see the Christians abandon their sweet tongue to take pride in the Arabic language and in their names? In truth I tell you, my children, that those who will abandon the names of the saints to give their children Arabic names – those who will act thus will be excluded from the blessings of the saints.¹⁷⁷

Adopting Arabic names was a form of encounter both due to the particular kinship system ingrained in Arabic names as well as their association with the Arab/Muslim rulers.¹⁷⁸

The onomastic change was not limited to the adoption of Arabic names. As Elinor Bareket suggested, Jews under Islam began using new Hebrew names that were modeled upon Arabic names, such as Yeshu’a, Mevorakh, Sa’adya,

¹⁷⁶ Quoted from the version of the pact by Ibn al-Sammāk, as translated in Luke Yarbrough, “The Early Circulation and Late Adoption of the ‘Pact of ‘Umar’ (*Shurūt ‘Umar*)” *Jerusalem Studies in Arabic and Islam* 53 (2022), 247, clause #19 (see the popularity of this clause in other versions of the pact as shown in Table 1 on p. 251). Milka Levy-Rubin shows that the prohibition of using kunyas is part of a group of restrictive clauses that were innovated by the pact and are not found in earlier prescriptive Muslim texts or in the Byzantine or Sassanian background; see her *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence* (Cambridge: Cambridge University Press, 2011), 261 (index).

¹⁷⁷ Arietta Papaconstantinou, “A Monk Deploing the Assimilation of the Christians to the Hagarenes,” in *Conversion to Islam in the Premodern Age: A Sourcebook*, ed. Nimrod Hurvitz, Christian C. Sagner, Uriel Simonson and Luke Yarbrough (Oakland: University of California Press, 2020), 167–171. The “Further Reading” section point to some of the recent study of this interesting text.

¹⁷⁸ Famously, Richard Bulliet attempted to recover conversion rates to Islam by measuring the adoption of Muslim names; see his *Conversion to Islam in the Medieval Period: An Essay in Quantitative History* (Boston: Harvard University Press, 1979). A critique of Bulliet’s methodology can be found in Jack Tannous, *The Making of the Medieval Middle East: Religion, Society and Simple Believers* (Princeton: Princeton University Press, 2018), 342–346 (with reference to earlier critiques and Bulliet’s rebuttal).

Mevasser and Maṣṣīah.¹⁷⁹ Even more intriguing is the widespread use of double names among Jews and Christians under Islam, i.e. individuals who have an Arabic name as well as another name in Hebrew, Coptic, Greek, Spanish, etc. While this tendency is widely attested across the medieval Middle East, it remains woefully understudied.¹⁸⁰ Do double names imply double and even split identity? Or do double names imply connectivity and linkage?¹⁸¹ The common wisdom is that non-Muslims used the Arabic name for their public lives in the shared Islamicate society, but needed an internal name for the religious communal rituals like communion or being called up to read the Torah.¹⁸² Yet, studies on double names in pre-Islamic Egypt suggest that double names can have other functions and meanings.¹⁸³ If we take the Jews of medieval Egypt as a test case, it is clear that Hebrew names (in Arabic script) were used in public documents such as Islamic legal documents and that Arabic names (in Hebrew script) were very commonly used in private correspondence. Therefore, the public/communal dichotomy breaks down. More intriguingly, a closer observation shows regular (but never constant) association between Hebrew names and Arabic names.¹⁸⁴ These associations can be based on

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- 179 Elinoar Bareket, "Note on Jewish Naming Patterns in the Cairo Geniza during the Fatimid Reign," *European Journal of Jewish Studies* 5 (2011): 81–92 at 85. This article is a shorter version of an unpublished Hebrew study. We would like to thank Bareket for sharing with us this unpublished study. Bareket argues for a massive return to biblical names in the early Middle Ages as an Islamic influence. The tables collected by Ilan show that this phenomenon began before the Muslim conquests.
- 180 See, for example, Ḥabīb Zayyāt, "al-Asmā' wa-l-kunā' wa-l-alqāb al-naṣrāniyya fī al-Islām," *al-Machriq* 42 (1948): 1–21; Jean-Pierre Molénat, "L'anthroponymie des chrétiens arabisés de la péninsule Ibérique médiévale: le double nom des « mozarabes », IX^e–XIII^e siècles," *Hamsa: Journal of Judaic and Islamic Studies* 3 (2017), 101–112; Tannous, *The Making of the Medieval Middle East*, 342–346; On the Jewish side, see Bareket, "Note on Jewish Naming Patterns," 91.
- 181 Links between Arabic and Berber onomastics are suggested in Lahcen Daaif, "Le nom propre berbère (modèle tachelhit): Réflexion générale sur ses caractéristiques de base," *Hamsa: Journal of Judaic and Islamic Studies* 3 (2017): 101–112. Anthroponymic permeability is observed in a list of names written in Coptic in Legendre, "Perméabilité linguistique et anthroponymique," 325–440, especially 350–351. A different conclusion is reached based on Islamic legal documents in Weitz, "Islamic Law on the Provincial Margins," 40–43.
- 182 Shlomo D. Goitein, *Jews and Arabs: Their Contacts Through the Ages*, Third revised edition (New York: Schocken Books, 1974 [1955]), 138–140.
- 183 Yanne Broux, *Double Names and Elite Strategy in Roman Egypt*, *Studia Hellenistica* 54 (Leuven: Peeters, 2015); Sandra Coussemant, "Because I am Greek": *Polyonymy as an Expression of Ethnicity in Ptolemaic Egypt*, *Studia Hellenistica* 55 (Leuven: Peeters, 2016).
- 184 In some cases, the equivalence is not understood. For example, Menasse is usually Abū Sahl, but it is not clear why this is so. Very commonly the *kunya* of Moses is Abū 'Imrān, although the biblical Moses was the son of 'Amram.

meaning, like Yeshu‘a = Abū al-Faraj (salvation), Netan‘el = Ḥibat Allah (gift of God); Shemarya = Maḥfūz (guarded by God), Yefet = Ḥasan (beautiful), etc. In other cases, the equivalence is based on sound: Ḥalfon = Khalaf, Eli = ‘Ali = ‘Allūn, Samuel = Ismā‘īl; Peraḥya = Abū al-Surūr (peraḥya sounds like Arabic *farah* which means happiness and is expressed also by Abū al-Surūr). Finally, the association can be based on biblical context: Judah is often Arabic Asad or Sibā‘ (meaning lion due to “Judah is a lion cub” in Genesis 49:9), Ephraim is usually Abū Kathīr (meaning “plentiful” due to the meaning of the Hebrew root and Jacob’s blessing to Ephraim in Genesis 48:19).¹⁸⁵ These equivalencies were not always used, but in the cases they were used we may wonder whether we are really dealing with double names, or a single name with different linguistic manifestations. More interestingly, while using an Arabic name meant that Jews take on a certain aspect of Arabness, by linking these names to specific Hebrew names, and occasionally to specific biblical references, they were investing this Arabness with Jewish meaning. Such names were the site of cultural encounter and allowed Jews to hold on to the kinship with biblical ancestors while belonging to the new Islamicate Arab society.

4 Conclusion

Through these short explorations we have attempted to demonstrate the utility of kinship encounters as an analytical concept. We fully agree with Julia Bray’s observation that the family is “underresearched in the study of the medieval Islamic world.”¹⁸⁶ Yet, in our focus on kinship we strive to look beyond the family, and the ties of descent and marital alliance, to the broad variety of forms of relatedness that were intrinsic to one’s existence. A broader definition allows us to include the household, slavery, names and religious brotherhood as significant ties that interact, compete, clash and reinforce one another. These ties can wax and wane, and need “tending to bear social meanings,” as Carsten and Krakowski argue. But it is their dynamic nature that gives them the flexibility to become so meaningful to individuals.

Moving beyond individuals, Roy Mottahedeh has famously tried to explore the forms of associations and commitment that held the medieval Islamic social order together in the absence of formal cooperations like the church, guild and caste. He dismissed kinship as a possible explanation as it “seems to be a very unpredictable element in cooperation, and does not provide the

185 The fullest list of these equivalences is found in the aforementioned unpublished Hebrew article of Bareket.

186 Julia Bray, “The Family in the Medieval Islamic World,” *History Compass* 9 (2011): 731–742.

model for cooperation among nonkin.¹⁸⁷ Kinship is indeed unstable, but framed broadly, its flexibility certainly allows it to facilitate cooperation both within the family and beyond it. Furthermore, by its very nature as a form of connecting people, kinship provides an encounter. In the short explorations above we have shown how kinship connected people of different religions, legal statuses, and ethnicities (and the list can undoubtedly be extended). Encounter took place also when different systems of kinship rubbed against each other, whether naming systems, marriage and slavery, or familial and religious commitments. Whether they held the social order together or challenged it, kinship encounters were a significant feature of the rich and diverse medieval Islamicate world.

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10 Kinship Encounters in the Medieval Islamicate World

Our introductory essay has been an attempt to address the theme of kinship in general, and kinship encounters in particular, from a variety of angles, highlighting their relevance to a variety of historical questions of broader application. The essays that feature in this special issue of *Medieval Encounters on Kinship Encounters in the Medieval Islamicate World* show the multifaceted character of this theme. Our objective was to bring into the discussion a group of scholars whose unique perspectives would allow us to engage with the question of kinship encounters from different directions. The resulting essays assembled in this issue affirm our premise at the beginning of this project, namely the great promise in pursuing kinship-related questions for exploring Islamic history.

The first two articles in this issue, written by archeologists, study early Islamic burial practices to propose a gradual transition in both practices and religious compositions of local communities. In their essay on funerary archeology in early Islamic Palestine, Gideon Avni and Itamar Taxel point to changing patterns from group to individual burial practices among non-Muslim and Muslim urban and rural societies. These developments, they suggest, were the result of gradual changes in the land's religious demography. Elissa Bullion studies the medieval site of Tashbulak (present-day Uzbekistan) employing bioarchaeological tools to recover kinship dynamics through the assessment

187 Roy P. Mottahedeh, *Loyalty and Leadership in an Early Islamic Society* (Princeton: Princeton University Press, 1980), 3–5, quote from p. 5.

of communal burial sites in which family members were placed next to each other. Her findings allow us to track kinship encounters between the local mountain community and surrounding populations.

As noted above, kinship encounters were especially instrumental in facilitating intercommunal encounters through the agency of early Muslim clients. In her reading of Ibn Saʿd's (d. 845) biographic compilation *Kitāb al-Ṭabaqāt al-Kubrā*, Elizabeth Urban pays special attention to the agency of freedwomen (*mawlayāt*) as crucial factors in the formation of kinship networks, forging links between households. Urban frames their agency through what Marshall Sahlin has typified as a "mutuality of being," whereby female clients performed intimate tasks within the household. Sahlin's "mutuality of being" is also referred to in John Nawas's essay on the Islamic patronate. Nawas argue for a shift from a Muslim society that hinged upon the Arab tribal system to a society in which doctrinal divisions served as the primary markers of sectarian arrangements. The very intimacy that characterized patron-client ties in their early Islamic Arabian context gave way, according to Nawas, to an intimacy that bound religious groups together a few centuries later.

Intra-Islamic ties are also at the heart of Edmund Hayes's essay. Hayes studies the role of the anti-Shīʿī figure of the *nāṣīb* in seventh–ninth-century narratives as a problematic internal other within family structures. The treatment of the *nāṣīb* reflects the tensions within Shīʿī communities and between Shīʿī institutions and the broader Islamic society. Thus, the internal "other" constitutes an arena for kinship encounters between affiliates of discrete communities. Both Ana Echevarria and Christian Sahner's essays deal with mixed marriages following the period of the early Islamic conquests. Echevarria's essay highlights the dire situation of Christian Andalusī widows who lacked the support of their kinsfolk, thus choosing at times marriage with Muslims as a way out of their social hardships. Such women, Echevarria argues, would serve as conduits of Andalusī culture, specifically, Christian religious practices, into Medieval Iberian families. Another path leading to intermarriage was the Islamic institution of concubinage, which brought non-Muslim female captives into Muslim households. Sahner studies marriages and concubinage between elite Muslim men and elite women from the conquered population during the first few decades of Islamic rule outside Arabia. He argues that, beyond merely serving as expressions of conquest and subordinations, such bonds served to bridge cultural gaps between the Muslims and their non-Muslim subjects. Sahner's essay brings to the fore a kinship encounter that casts light on the attitude of the Muslims towards the conquered elites and how non-Muslims would revive reports about these early marriages for their own ends. Finally, the last essay in this issue reminds us that mixed marriages between Muslims and

non-Muslims were not only the result of intermarriage, but also of the conversion to Islam of one of the spouses. Antonia Bosanquet's essay approaches this phenomenon by considering its treatment in medieval Islamic legal treatises, most notably thirteenth–fourteenth-century Ḥanbalī compendia. According to Bosanquet, these texts allow us to postulate that mixed marriages, at least in the high Middle Ages were predominantly in consequence to conversion to Islam rather than exogamous marriages. Thus, she brings the issue into full circle, by way of showing that different forms of kinship encounters in the medieval Islamicate were often, if not mostly, the outcome of peaceful social dynamics, which may in turn speak of their highly instrumental role in facilitating the passage of kinship ideas and practices across communal lines.