CHAPTER 8

On Marriage in Damascus, 1480–1500*

Boaz Shoshan

Introduction: Ibn Ṭawq’s Taʿlīq

While the basic customs associated with contracting marriage in Islamic society are well known,1 marriages as practiced in pre-modern Islam are much less so. This is especially true as regards marriages among the population in general outside the social elite. One highly useful source of material that sheds some light on this largely intractable topic is Ibn Ṭawq’s Taʿlīq, a record (yawmiyyāt)2 written in Damascus between 1480 and 1503. Out of the hundreds of notarial documents it contains, there are about 150 marriage contracts (ʿaqd), 65 of which are relatively rich in details. This is undoubtedly the best set of data on marriage one could hope to find on a pre-Ottoman Islamic society anywhere. What does it teach us?

First, and this should come as no surprise, in cases where the parties to the marriage can be identified in terms of their social status, equality can often be demonstrated. Examples abound. The prominent Shafiʿite Shaykh al-Islām Taqī al-Dīn Ibn Qāḍī ʿAjlūn married Sārah, the daughter of the kārim merchant Shihāb al-Dīn Ibn al-Muzalliq.3 This marriage took place when the shaykh was 62 years of age and it followed his lengthy strained relationship with his first wife, known as “the Egyptian,” over the course of which they once separated but shortly afterwards reunited.4 In fact, about sixteen months after his marriage to Sārah, the marriage to the “Egyptian” was terminated once again.5

* Author’s note: Research for this article was conducted during the author’s stay as a visiting scholar at the Annemarie Schimmel Kolleg, Bonn University, in the spring of 2014.

1 See Heffening, ‘Urs, El X, 970–9. For an analysis with specific references to the Mamluk period, see Frenkel, Mamluk ‘ulamā’. For a special custom to prove the bride’s virginity prior to marriage, see Ibn Ṭawq, Taʿlīq 638.

2 Ibn Ṭawq, Taʿlīq.

3 Ibid., 1586–7, 1599. For Sārah, see 1345–6. Most probably, she was a widow. For kārim, see Labib, Kārimī, EI iv, 640–3.

4 Ibn Ṭawq, Taʿlīq 744, 833. He spent a night with her sometime after his marriage to Sārah. See 1591.

5 Ibid., 1729. For their earlier reconciliation, see 1629. For its failure, see 1531, 1636, 1653. This wife, known as Umm ʿAbd al-Raḥīm, died in 905/1499. See 1762.
we shall see, this was not Taqī al-Dīn’s last marriage. Another Shāfiʿite, the qāḍī Bahāʾ al-Dīn (d. 910/1504–5), of the famous  Bāʿūnī family, married the daughter of kabīr al-ḥarāfīsh, the leader of an enigmatic social group in Damascus. Muhammad Rāḍī al-Dīn ibn al-Ghazzi (d. 935/1528–9), the son of shaykh al-Islām and himself a prolific Shāfiʿite scholar and a deputy qāḍī, married the daughter of another shaykh al-Islām, Zayn al-Dīn Khaṭṭāb (ibn ʿUmar ibn Miḥnā al-Ghazzawī), who had served as his guardian after his father’s death when he was barely two years old. Ḥasan ibn al-Naḥḥās, apparently a wealthy man, married the granddaughter of the qāḍī of Adhrūʿāt.

Of the 150 marriage contracts that Ibn Ṭawq recorded, about a dozen were to widows. The status of the widow, whether she had been married to a qāḍī, for example, or herself descended from a family of qādīs, could have improved her chances for a second marriage. About two dozen cases are listed as marriages between first degree cousins or more distant relatives. In about a dozen marriages the bride was a divorcee. Here, as required by law, three menstrual cycles needed to have elapsed to ascertain that no pregnancy was involved in the dissolved marriage. On occasion, the newly-wed who had been a divorcee was allowed to reside in her home. If she had young children from her previous marriage, maintenance money (nafaqa) could be demanded from the new husband.

---

6 Ibid., 1197. For ḥarāfīsh, see Brinner, Ḥarfūsh, EI ii, 206.
8 Ibn Ṭawq, Taʿlīq 154. For Hasan, see Ibn Ṭulūn, Mufākahāt al-khillān i, 169. For Badr al-Dīn, ibid., 21; Haṣkafī, Mutʿat al-adhhān ii, 748, note. There are further examples in Ibn Ṭawq of equality between the parties. For example, the son of ‘Alāʾ al-Dīn al-Beṣrāwī, the Shāfiʿite deputy qāḍī, and a sister of the merchant Ibn al-Maʿārikī (Ibn Ṭawq, Taʿlīq 109–10; for al-Beṣrāwī, see ibid., 53, 72); the scholar Badr al-Dīn ibn al-Yāsūfī and the divorcee of the merchant Ibn Ṭakritī (ibid., 114; for al-Yāsūfī, see al-Beṣrāwī, Taʾrīkh al-Beṣrāwī 237); the son of Muḥiẓib al-Dīn Muḥammad, probably the kātib al-sīr, and ʿAṣil, the granddaughter of the Adhrūʿāt qāḍī (Ibn Ṭawq, Taʿlīq 287, 446; for Muḥiẓib al-Dīn, see al-Beṣrāwī, Taʾrīkh al-Beṣrāwī 173). The marriage contracts and the related social status could be laboriously mapped based on the details in Ibn Ṭawq.
9 Ibid., 1109, 503, 767, 1230, 1273, 1301, 1350, 1361 (or divorcee), 1545, 1591, 1678 (or divorcee), 1842. See also Ibn Ṭulūn, Mufākahāt al-khillān i, 3, 12, 16, 21, 25, 29.
10 Ibid., Taʿlīq 430, 536, 545, 612 (two cases), 666, 704, 730, 734, 851, 925, 929, 1057, 1376, 1436–7, 1488, 1511, 1532, 1580, 1605, 1713, 1793 (two cases), 1812, 1858, 1864, 1883.
11 Ibid., 114, 626, 1114, 1192, 1436, 1452, 1653, 1662, 1672, 1678 (or widow), 1728.
12 Ibid., 1452.
13 See, for example, ibid., 1267, 1281, and further below.