

# Introduction

SOMETIME IN THE EARLY twelfth century, a woman wrote to the Head of the Jews (*ra'īs al-yahūd*) in Fustat asking him to send her money for two orphan sisters whose care she was reluctantly supervising.<sup>1</sup> The girls were ten and thirteen years old and had no relatives to take care of them, and nothing to live on. They had been allotted two dinars from communal charity funds,<sup>2</sup> but for some reason (the letter is torn here, and parts are missing) the money had not actually been sent; without it, they had “only enough for a crust of bread.” A childless widow who lived nearby had volunteered to teach them embroidery, and the letter’s narrator was willing to check in on them once in a while. But she refused to take them into her household, even though the girls themselves wanted her to: “They constantly tell me, ‘We want to come to you so that you can take care of us.’” She asked the *ra'īs* instead to provide the two dinars that the girls had been promised, along with extra funds to rent them a living space and to hire a religious teacher who could “teach them prayer, so they will not grow up like animals, not knowing *shema' yisra'el*” (the most basic of Jewish prayers).

This account of a mundane crisis, recorded not for posterity but to secure immediate help, captures incidentally mundane details attested in few other sources from twelfth-century Egypt: that preteen and teenage girls could live alone for some amount of time; that they were expected to receive a basic religious and vocational education that included learning prayer and embroidery, but could also get this far without having learned either; that when their relatives died, local women might step in to direct their care, but might also, without shame, refuse to house them. The specifics of the case might be unique, but the letter belongs to a vast textual corpus rich in other details of this kind: the Cairo Geniza documents, around 30,000 everyday papers—letters, legal records, administrative documents, and personal accounts—composed mainly

1. T-S 12.493.

2. About a month’s income for a “lower middle class” household, according to the field’s working estimate. See “Technical Notes” and n. 67 below.

by Jews in Fatimid and Ayyubid Egypt and Syria (969–1250) and preserved in a synagogue in Fustat (old Cairo).<sup>3</sup>

Geniza documents offer a different view of history from the chronicles, biographical texts, and religious treatises that tell us much of what we know about the medieval Middle East. Such works rarely discuss the ordinary people who populate these papers—especially ordinary women like these two sisters and their unwilling caretaker, who were neither married nor related to great men and whose world was far removed from centers of political power. These women, moreover, were Jews living in an Islamic society—otherwise visible only in Jewish legal works that are historically opaque.

This book considers how such ordinary Jewish women fit into the social order of the tenth- to thirteenth-century Islamic eastern Mediterranean, both as women and as Jews, and how two institutions central to that social order—kinship and law—shaped their lives. It does so by reconstructing a short stretch of women’s early lives: the months or years between puberty and the start of first marriage, a period that I label *adolescence*, although no such term appears in my sources.

Why focus on adolescence? The months or years leading to a girl’s first marriage set the stage for everything that happened to her afterward, in ways that make it a microcosm of the lives of “Geniza women.”<sup>4</sup> The book makes two arguments focused on this brief interval, first about the structure and shape of the families with whom women lived, and second, about how and why Jewish courts came to govern many of the milestones they passed as they metamorphosed from children to adults. The documents those courts left behind are among the best sources we have not just for Jewish family life, but for why Jews in the medieval Middle East consistently turned to Jewish courts to structure it—and for what happened when they did so.

3. The documents were preserved alongside many literary fragments in a disposal chamber for written texts, commonly termed a *geniza*. The entire Geniza corpus contains around 330,000 pieces. Thirty thousand documents is an estimate, as they have not yet been catalogued in full. (The question is also complicated by the fact that many individual papers contain literary material on one side and documents on the other; see Rustow, “Petition to a Woman,” Shweka, Rustow, and Olszowy-Schlanger, “The She’iltot, Recycling Manuscripts, and Efrayim b. Shemarya.”) On *genizas* among both Jews and Muslims, see Cohen, “Geniza for Islamicists,” Cohen and Stillman, “Cairo Geniza,” and cf. Ben-Shammai, “Is the ‘Cairo Genizah’ a Proper Name?” On the Geniza corpus and its transfer to libraries and private collections in the United States and Europe, see Reif, *Jewish Archive*, and Hoffman and Cole, *Sacred Trash*. A general introduction to the field of documentary Geniza research is forthcoming in Goldberg and Krakowski, “Documentary Geniza Research in the 21<sup>st</sup> Century” (a special issue of the journal *Jewish History*).

4. “Geniza women”: For convenience, I use “Geniza” adjectivally throughout the book, as shorthand for “the people who produced and are described in Fatimid- and Ayyubid-era Geniza documents.” I do not mean to imply by this that “Geniza people” comprised a single or coherent historical population, since as I note below, they didn’t.

My first argument concerns women's kinship. Families in the premodern Islamic world are often assumed to have operated as cohesive patriarchal clans whose members lived together in extended households, preferred to marry each other, and were socially bound by their position in the family group. I suggest that the families documented in the Geniza operated differently from this. They are better understood as fluid social networks frequently disrupted and reconfigured by travel, divorce, remarriage, and death.

Both within households and as broader lineage groups, Geniza families were ordered not by their collective or unchanging structure, but by the dyadic personal loyalties that individual relatives bore each other. Consider, by way of analogy, the letter with which I opened. When these two sisters' relatives died, its author did not seek to replace their functions by assimilating both girls into an established household or even a coherent social group. Instead she asked different adults separately to provide specific aspects of their care. This disjointed simulacrum of a family was unusual in one respect: most unmarried girls mentioned in my sources—even fully orphaned girls like these—did live in households with older adults, a norm reflected in the sisters' plea that the letter's narrator take them in. But her refusal, based on her assumption that she could raise them without doing so, reflects an atomized conception of the support she should extend them that was also typical among blood relatives.

The personal commitments among kin that obligated such support—or occasionally, similar commitments shouldered by quasi or replacement kin like this woman—resembled those created through other forms of social association characteristic of this time and place, such as patronage and business relationships. Kinship and replacement kinship were unique, however, as almost the only such bonds available to women. The book follows women from childhood to early adulthood partly as a way to examine how a young woman's relationships with her birth relatives, or their replacements, shaped her social and economic position before and after marriage—determining the property to which she had access, the terms of her marriage contract and her capacity to enforce them, her power to divorce or gain leverage over an abusive or runaway husband, and even the domestic space that she controlled within her marital household.

How unique is this evidence to Jews? A major problem in Geniza research lies in defining the collection's limits as evidence for the broader history of the medieval Middle East. At stake in this problem are both the Geniza's uses as a source base and the social meanings of religious identity within the world that it reflects. Our letter illustrates one way in which Jewish belonging mattered in this world, through the support that Jewish communal and court officials sometimes offered to poor Jews, and especially to Jewish women, when their kin networks failed them. But more basic features of Jewish difference remain less clear. How similar were Geniza Jews' everyday lives to those of Muslims or Christians? How, and how far, did religious practice and belonging shape

the ideas and institutions recognized by both Muslims and non-Muslims in medieval Islamic societies?

The book's second central argument addresses these questions with respect to Jewish law—a defining aspect of Jewish identity visible throughout the Geniza corpus, especially for women. Much of what we know about Geniza women comes from legal documents produced in rabbinic courts that oversaw their marriages, divorces, and property transfers. These courts recognized a distinctive rabbinic model of female maturity that casts girls in a series of discrete legal roles as they pass through puberty and into marriage: before puberty, as their fathers' chattel, without independent property or personal rights; after puberty, as autonomous legal agents; after marriage, as subjects mainly controlled by their husbands but who nonetheless retained some rights of their own. I read Geniza legal documents alongside both prescriptive rabbinic texts and Geniza documents of other kinds to examine how this rabbinic model fit Geniza Jews' social ideas about women's adolescence; that is, to compare how Geniza Jews approached adolescent girls as legal persons and as human beings.

My findings suggest that Geniza Jews' legal practices did not set Geniza women fundamentally apart from the Muslim and Christian women around them. I propose that this is because Jewish law was self-consciously distinctive, but worked similarly, as a category of difference, to other religious legal systems (Islamic, Christian, and Zoroastrian) in the medieval Middle East. Under the political conditions fostered by both the Fatimid and Ayyubid states, Islamicate ideas about religious law encouraged many Jews to cultivate a conservative stance toward technical rabbinic norms, including norms that theoretically dictated central aspects of women's lives. But this technical legal conservatism did not directly shape Jews' ordinary world: Geniza Jews routinely used rabbinic courts that carefully maintained rabbinic maturity laws even while understanding and structuring the early female life course according to social mores closer to those likely recognized by their Muslim (and Christian) contemporaries. This approach reveals the complicated fault lines between rabbinic legal practice and its practitioners' wider social universe, demonstrating that Jewish law did not straightforwardly determine Jewish women's social possibilities—and that read carefully, Geniza documents offer evidence for Middle Eastern social history in the broadest sense.

### *Kinship, Gender, and the Social Order*

The fullest account written to date of non-elite women's lives in a medieval Islamic society is based on Geniza documents: S. D. Goitein's treatment of the subject in his monumental *A Mediterranean Society*.<sup>5</sup> Alongside panoramic

5. Published in six volumes between 1967 and 1993. Most of the material on women appears in Vol. 3 ("The Family," 1978) and Vol. 5 ("The Individual," 1988).

discussion of Geniza Jews' economic and political history and material culture, Goitein devoted the third of his five volumes to gender, marriage, and the family, a section of the work notable for its nuanced and empathetic portrait of women's private and public lives and the range of social and economic options that they faced. Some of the women he described were wealthy and relatively independent, deciding for themselves where they lived and with whom, managing and devolving their own property, and directing the education and marriages of their children, grandchildren, and sometimes former slaves. Others owned significant assets but exercised less agency over them, or over themselves; many more were much poorer, lacking not only enough property to require management in the first place, but also the food, clothing, and shelter that they needed to survive from day to day. Some had been widowed or divorced and had to provide for their young children as well as for themselves, while some were still married but to husbands who had abandoned them, or who beat them, or who stole from them.

Goitein's work on the Geniza is rightly viewed as one of the great historiographical achievements of the twentieth century. No scholar can approach this corpus without treading the ground that Goitein prepared through an astonishingly wide-ranging and creative synthesis of thousands upon thousands of fragmentary bits of evidence, themselves extracted painstakingly from thousands of documents and document fragments. But Goitein's treatment of any given topic was also messy, preliminary, and incomplete. This messiness was inevitable given the scale of his ambitions and the complexities of his source base; for precisely the same reasons, it has also been overlooked in the work's reception. Only in the past decade—as a critical mass of document editions and digitization projects has gradually accumulated—have a growing number of scholars begun to emerge from Goitein's long shadow, using Geniza evidence to write fresh histories that systematically expand as well as qualify his findings while considering foundational topics that he left unaddressed.<sup>6</sup>

6. Histories: see below, n. 53. Document editions: this study is a case in point. I could not have written it without Amir Ashur's study of Geniza betrothal and engagement documents (idem, "EBD"). I thank him for sharing it with me at an early stage of my research. Other major collections of editions published concurrent to *Med. Soc.* and since include Ackerman-Lieberman, "Partnership Culture"; Bareket, *Jews of Egypt* and *Jewish Leadership*; Ben-Sasson, *Sicily*; Frenkel, "Yehudei Halab" and *The Compassionate and Benevolent*; Friedman, *JMP* and *Polygyny*; Friedman/Goitein, *India Book*; Gil, *Pious Foundations, Yehuda ha-Levi, Palestine, and Ishmael*; Goitein, *Palestinian Jewry*; Motzkin, "Judge Elijah"; Olszowy-Schlanger, *KMD*; Stillman, "East-West Relations"; Weiss, "Hillel" and "Halfon." Digitization projects: two have revolutionized the field. The Friedberg Geniza Project (<http://www.jewishmanuscripts.org>) offers a union catalogue of nearly the entire Geniza corpus (literary and documentary) together with high-resolution document images, bibliography, and cataloging data. The Princeton Geniza Project (<https://etc.princeton.edu/genizaproject>) offers a growing database of searchable document transcriptions and metadata. Plans are in

This book seeks to do the same for the women whom Goitein examined. In focusing on women's adolescence, I aim neither to recover teenage girls' own voices, nor to trace their daily routines in full. For all their intimate detail, Geniza documents do not easily lend themselves to either effort. Adolescent girls rarely speak for themselves through the Geniza corpus, while the men who wrote most of these texts rarely found reason to describe how their unmarried daughters spent their time, much less the concerns and interests that occupied their thoughts (or were supposed to).<sup>7</sup> But if the Geniza fails to disclose much that we wish to know about young women's lives, it tells us a great deal about the frameworks in which these lives unfolded. Unmarried and newly married women appear in hundreds of Geniza letters and legal documents: as beneficiaries of wills and gifts; recipients of private and public charity; workers, domestic companions, and domestic servants; and above all, as potential and actual brides, in many texts that describe transactions and negotiations surrounding their entry into marriage.

This is the data on which this book is based. To elucidate the roles that young women could inhabit and why, it draws on personal and administrative letters, court records, legal documents, and responsa preserved in the Geniza, alongside other responsa, legal codes, and commentaries that help explain them. I use this material to consider both the legal and social institutions shaping marriage, divorce, households, inheritance, education, labor, sexuality, and sociability among Geniza Jews and the factors that allowed a given woman to navigate these institutions, chief among them the assets and human relationships that she was able to accumulate by the time she married. Taken together, these conditions dictated not only her material well-being but also the choices that she could make: the "horizon of expectations" that she and others held about where she could go, how she could behave, and whom she could ask for help when she faced problems.<sup>8</sup>

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progress for further digital projects that will make the corpus more accessible to nonspecialists while allowing specialists to better analyze and map it.

7. The Geniza preserved several hundred letters written or narrated by women at later stages of life, but I have identified only one document narrated by an unmarried girl, and it may have been composed for her by the scribe who wrote it: ENA 2348.1, an orphan's petition. Most women's letters, too, were written for them by male relatives or scribes, although some women (likely a small minority) were literate in Hebrew and perhaps Arabic and may also have known how to write. See Goitein, *Med. Soc.*, 2:183–185, on female literacy, and on women's letters see Kraemer, "Women Speak for Themselves" (Renee Levine-Melammed is preparing Kraemer's corpus for publication; see eadem, "Epistolary Exchanges"), and Wagner, "The Language of Women."

8. This term is borrowed from literary reception theory, where it describes the assumptions that readers in a given historical setting bring to a work. It was coined by Hans Robert Jauss, "Literary History as a Challenge to Literary Theory."

Among the variables deciding these horizons, two held pride of place: her natal kin, and the Jewish legal forums in which she was most likely to marry, divorce, and receive and transmit personal property. The book thus focuses especially on kinship and religious legal practice and suggests new ways of thinking about each.

Here I will briefly review and set in historiographical context my approaches to these two central subjects, which are discussed in greater detail in Chapters 1 and 2 and then developed throughout the rest of the book. To begin with kinship: Family history in the medieval Middle East has remained mostly uncharted territory since Goitein, both within Geniza studies and beyond it.<sup>9</sup> Beyond the Geniza, this gap partly reflects an evidence problem. Few systematic or archival records survive from the Islamic world before the Ottomans, precluding the methodical demographic analysis from which many histories of the family proceed. This impasse may begin to give way as the significant numbers of Arabic documents preserved in other ways become increasingly accessible.<sup>10</sup> In the meantime, however, only one work has exploited evidence of other kinds—mainly passages in chronicles, biographical dictionaries, and responsa—to examine closely nonroyal Muslim families in any region of the Middle East before the eighteenth century: Yossef Rapoport's pathbreaking 2005 study of divorce in Mamluk Egypt (1250–1517, later than the core Geniza corpus).<sup>11</sup> Studies of ruling dynasties and life at court are more common but tell us little about life beyond it.<sup>12</sup>

For their part, the European historians who first developed family history as a field have tended to focus on overarching historical questions

9. For a survey of work on women and the family in Geniza studies, see Krakowski, "The Geniza and Family History." As I note there, the PhD dissertation from which this book grew, "Female Adolescence in the Cairo Geniza Documents," was completed shortly before two other Geniza-based dissertations on aspects of gender, marriage, and the family: Craig Perry's study of domestic slavery in Fustat, "The Daily Life of Slaves," and Oded Zinger's study of marriage disputes in Geniza courts, "Women, Gender, and Law" (both completed in 2014). Together these three studies represent the first major return to the social history of Geniza women and families since Goitein.

10. On this problem, see el-Leithy, "Living Documents." Several major efforts to render medieval Arabic documents more visible and accessible are currently underway, including the Arabic Papyrology Database (<http://www.apd.gwi.uni-muenchen.de:8080/apd/project.jsp>), and Islamic Law Materialized, a project focusing on legal documents from thirteenth- to fifteenth-century Andalusia, Egypt, and Palestine (<http://cald.irht.cnrs.fr/php/ilm.php>).

11. Rapoport, *Marriage, Money and Divorce*.

12. On this point, see Bray, "The Family in the Medieval Islamic World." Studies of medieval Muslim women's lives have also focused mainly on elite and royal women. See, e.g., el-Cheikh, "The Harem," eadem, "Revisiting the Abbasid Harems," Cortese and Calderini, *Women and the Fatimids*, Humphreys, "Women as Architectural Patrons." Scholarship on women in Mamluk Egypt is more diverse; see Rapoport, "Women and Gender in Mamluk Society."

unconnected to regions south or east of the Mediterranean after the rise of Islam. Such questions include when and where the medieval European family first emerged as a commensurable social unit, or whether populations in different parts of Europe historically married and formed households according to distinctly different patterns.<sup>13</sup>

Islamicate families appear in this literature only fleetingly, as an imagined counterpoint to European ones. For example, a major debate in family history over the past half-century centers on evidence that late medieval and early modern northwestern Europeans maintained unusually weak ties with their extended kin. This debate began with John Hajnal and Peter Laslett, who cumulatively proposed that northwestern Europeans from at least the sixteenth century followed a distinctive “European marriage pattern” in which both men and women married relatively late, most couples established nuclear households at marriage, and many adults never married at all—a model that some economists credit for strengthening European labor markets and thus encouraging northern Europe’s astonishing economic growth during this period and after.<sup>14</sup>

In contrast, Laslett classed southern European marriages in the same period as “Mediterranean”: women married early, men relatively later; many couples joined complex households at marriage in which they lived with extended relatives, often across multiple generations; permanently single adults were rare; and the many widows created by this age imbalance at marriage usually remained single after their husbands died.

Hajnal and Laslett limited their typology to Europe and focused strictly on marriage and household formation, that is, on kinship ties expressed through coresidence in domestic units. But later scholars have assumed that Laslett’s more enmeshed “Mediterranean” families mirror general kinship structures typical of the Islamic Mediterranean and broader Middle East.<sup>15</sup> This assumption echoes a long tradition of anthropological writing about Middle Eastern

13. For the first question see Herlihy, *Medieval Households*. For the second, see the following note.

14. Hajnal, “Two Kinds of Preindustrial Household Formation System,” Laslett, “Family and Household as Work Group and Kin Group.” The broader distinction between “weak” central and northern European kinship systems vs. “strong” Mediterranean ones comes from Reher, “Persistent Contrasts.” On the debate surrounding Laslett’s types, see below, n. 19. Economists: this thesis is reviewed (and judged unconvincing) in Dennison and Ogilvie, “Does the European Marriage Pattern Explain Economic Growth?”

15. See, for example, Reher, “Persistent Contrasts,” 213, citing Goody, *Development of the Family and Marriage*, 6–33, on the differences between “Oriental” and “Occidental” family systems. Goody’s treatment is based on Guichard, *Al-Andalus* (although Goody is more tentative about these differences than Guichard, and in fact went on in *The Oriental, the Ancient, and the Primitive* to question the basic distinction between “eastern” and “western” family systems). For a critique of Guichard’s portrayal of early Andalusian families, see Coope, “Marriage, Kinship, and Islamic Law.”

cousin marriage (rooted in nineteenth- and twentieth-century accounts by European travelers and ethnographers, many of them reporting from rural areas), which typologizes historical Islamic and Middle Eastern families as extended patrilineal clans who jealously guarded their female members' sexual honor, lived in multigenerational patrilocal households, and favored patrilineal cousin marriage as a means of consolidating property and maintaining corporate solidarity within the family—a composite portrait that has also at times been invoked to explain Islamic patriarchy writ large.<sup>16</sup>

From a very different angle, papyrologists have extended Laslett's "Mediterranean" model to the eastern Mediterranean long before Islam, based on census returns that suggest marriages and households in first- to third-century Roman Egypt shared many of its core features (early female and later male marriage, near-universal marriage among both men and women, and a high proportion of complex households relative to nuclear ones).<sup>17</sup>

Within European historiography, Hajnal's "European marriage pattern" still holds empirical force (although historians have challenged the broader ideas about the weak European kinship that it inspired, arguing persuasively that beyond the household, extended kinship affiliations in Europe grew stronger, not weaker, in the early modern period).<sup>18</sup> In contrast, Laslett's "Mediterranean" model has long since dissolved, except as a useful heuristic model. Work on premodern populations throughout Spain, Portugal, and Italy has demonstrated that many marriages and households within all three regions, and across them, met the model's criteria only partly or not at all.<sup>19</sup>

16. Cousin marriage: see, e.g., Raphael Patai, "Cousin-Right in Middle Eastern Marriage." Holy, *Kinship, Honour, and Solidarity*, reviews much of this literature. Islamic patriarchy: e.g., Kandiyoti, "Bargaining with Patriarchy," Tillion, *The Republic of Cousins*. The idea that women's early marriage is typically "Mediterranean" also echoes (and was initially informed by) an anthropological tradition that views "honor and shame" cultures—in which women's virginity and chastity reflect honor and shame upon their male relatives, so that unmarried girls past puberty pose a social threat resolved through early marriage—as characteristic around the Mediterranean. See, e.g., Peristiany, ed., *Honour and Shame*, esp. the opening essay by Pitt-Rivers, "Honour and Social Status"; Gilmore, ed., *Honor and Shame and the Unity of the Mediterranean*, esp. the essay by Giovannini, "Female Chastity Codes"; and for a recent reckoning with this literature, Horden and Purcell, *The Corrupting Sea*, 485–523.

17. Bagnall and Frier, *The Demography of Roman Egypt*, 171–173; Huebner, *The Family in Roman Egypt*, 48–50, eadem, "Egypt as Part of the Mediterranean?" Martha Roth finds Laslett's typology useful for the ancient Near East: eadem, "Age at Marriage and the Household."

18. Sabeian and Teuscher, "Kinship in Europe."

19. See the cogent review and summary of this literature in Viazzo, "What's So Special about the Mediterranean?" and for a more recent review of the long-term debates inspired by Laslett's types, see Sovič, Thane, and Viazzo, "History of European Families." Laslett's description of "eastern" European marriage and family patterns has also been qualified

An important outcome of this scholarship has been to underscore that urban and rural households differed at least as much as those in different broad geographic zones, and in particular, to demonstrate that large multigeneration residential compounds seldom flourished in either northern *or* southern European cities, except occasionally among the very wealthy.<sup>20</sup>

What this shift may mean for the Islamic Mediterranean has been sparsely addressed. Yet demographic studies of modern Islamic societies published over the last four decades—which happen to focus mainly on Mediterranean regions such as Egypt, Syria, and Turkey—contradict the “Mediterranean” model just as clearly. They suggest that households in the later Ottoman empire varied as much as those in preindustrial southern Europe, and that urban and rural households in some regions diverged along similar lines: many more people in nineteenth-century Cairo and Istanbul, for example, lived in small nuclear households than in multigenerational patriarchal compounds, which likewise could be found only occasionally among wealthy elites.<sup>21</sup> (Marriage timing, the other major crux of Laslett’s model, has not been studied in the same detail.)

Both Ottoman social historians and anthropologists (the latter focused mainly but not exclusively on twentieth-century populations in formerly Ottoman regions) have also questioned classical anthropology’s blanket depiction

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by later research: Szoltysek, “Three Kinds of Preindustrial Household Formation System,” *idem*, “Spatial Construction of European Family and Household Systems.”

20. Lynch, *Individuals, Families, and Communities in Europe*, 9, 61–67. In medieval Genoa and Florence, for example, politically powerful extended patrician families clustered together in neighborhoods that they dominated socially and spatially, through privately owned defensive towers. But even these corporate family complexes comprised mainly small nuclear households—the most common type among elites and non-elites alike in cities across medieval and early modern Europe. Genoa and Florence: see Hughes, “Urban Growth and Family Structure,” Goldthwaite, “Florentine Palace,” *idem*, *Building of Renaissance Florence*, 104–106. Cf. for Renaissance Venice Brown, *Private Lives*, 195–197.

21. Istanbul: Duben and Behar, *Istanbul Households*, Duben, “Household Formation,” *idem*, “Understanding Muslim Households and Families.” Cairo: Fargues, “Family and Household.” On rural Turkey in the same period, see Duben, “Turkish Families and Households,” *idem*, “Understanding Muslim Households,” McCarthy, “Age, Family and Migration”; on rural Egypt see Cuno, “Joint Family Households.” Okawara, “Size and Structure,” finds extended households to have been more common in late Ottoman Damascus. See further Olmsted, “A Case Study of the Arab World.” Work on the earlier Ottoman empire is sparser but has yielded equally complex findings; Meriwether, *The Kin Who Count*, describes households among elites in eighteenth- and early nineteenth-century Aleppo as extremely variable, while Gerber, “Anthropology and Family History,” finds nuclear households to have predominated in seventeenth-century Bursa. These studies mainly focus on ordinary households rather than the large complex ones maintained by Mamluk and then Ottoman military elites, inhabited by both kin and nonkin clients and slaves, which followed a different set of patterns. These have been best studied for the early Ottoman period; see especially Hathaway, *The Politics of Households*, and cf. Piterberg, “Mamluk and Ottoman Political Households,” Sievert, “Family, Friend, or Foe,” and Richards, “Mamluk Amirs.”

of Islamicate and Middle Eastern families as cohesive patrilineal, on grounds that matter especially for women's history. These critiques highlight a range of Middle Eastern kinship systems past and present that contain demonstrably bilateral rather than purely patrilineal elements, meaning that these systems emphasized female kinship ties as well as male ones: daughters as well as sons received personal property from their parents or other birth relatives, remained socially connected to them after marriage, and relied on them socially and economically when they divorced.<sup>22</sup> A few ethnographies of urban and rural populations in twentieth-century North Africa go further and find these populations to have lacked commensurate extended kinship groups entirely.<sup>23</sup>

Do these findings reflect purely modern developments? As the richest available work on any premodern Middle Eastern kinship system, Goitein's "Volume 3" has been often cited in ways that suggest the answer may be yes—that at least in medieval Egypt, ordinary families behaved as archetypes of "classic (Middle Eastern) patriarchy," living as unified patrilineal clans within extended patrilocal households in which multiple generations of descendants, many of them married to their own paternal cousins, lived under the control of an aging patriarch and drew security from their family solidarity.<sup>24</sup>

22. Ottoman historians: e.g., Tucker, "Marriage and Family in Nablus," eadem, "Ties that Bound"; many of the essays collected in Zilfi, *Women in the Ottoman Empire*; and on divorce in particular, the sources cited by Rapoport, *Money, Marriage, and Divorce*, 3. Anthropologists: e.g., Peters, "Affinity in a Maronite Village," Maher, *Women and Property in Morocco*, and Friedl, "Women's Spheres of Action in Rural Iran." Cf. Pierre Bourdieu's distinction between official (patrilineal) kinship and practical (often also matrilineal) kinship in *Outline of a Theory of Practice*, 30–71, and Jack Goody's broad-ranging objections to depictions of "eastern" kinship systems as cohesive or patrilineal in *The Ancient, the Oriental, and the Primitive*.

23. Larson, "Tunisian Kin Ties Reconsidered," Geertz, "The Meaning of Family Ties," Rosen, "Social Identity and Points of Attachment," idem, "Muslim-Jewish Relations," idem, *Bargaining for Reality*, 63–94 (and cf. again Peters, "Affinity in a Maronite Village," for a similar argument for Lebanon). Rosen's and (Hilda) Geertz's accounts of social life in Sefrou, Morocco, as centered around dyadic ties rather than corporate groups reflect the subjectivist approach of Clifford Geertz—whose seminar at the Institute for Advanced Study was also attended by Goitein and Roy Mottahedeh, and whose impact can be discerned especially in Mottahedeh's work, from which I draw inspiration in this book, as discussed below; see further n. 29.

24. Sacchi and Viazzo, "Family and Household," 241, applying the model proposed by Kandiyoti, "Bargaining with Patriarchy," to Goitein's descriptions. For similar accounts of Goitein's Vol. 3, see, e.g., the reviews by M.A. Friedman (*Journal of the American Oriental Society*, 100, 1980, 128–131), Alfred Morabia (*Journal of the Economic and Social History of the Orient*, 25, 1982, 210–217), and Norman Stillman (*AJS Review*, 12, 1987, 157–163), and the sections on the family chosen for inclusion in *A Mediterranean Society: An Abridgment in One Volume*, rev. and ed. Jacob Lassner, Berkeley, 1999. As a measure of Goitein's casual reception along these lines in a broad range of scholarly contexts, see, e.g., Grossman, *Pious*, 46–47; Wansbrough, *Lingua Franca*, 26.

This reading is understandable, because it echoes Goitein's own reading of his findings. He begins the book by noting that although Geniza families appear too varied and complex to fit a single "defined sociological category," they nonetheless display typically "Mediterranean" features: "The bonds of blood were stronger than the ties of marriage. A man's family, foremost in his mind, was not the small one founded by himself but the larger one into which he was born. His family was, as is said in so many documents, 'the house of his father.'"<sup>25</sup>

Yet the heart of Goitein's Volume 3—the detailed document descriptions that make up most of the book, whose complexity he also acknowledges in this passage—offers a different picture from the one most readers have gathered from summary statements like this one.<sup>26</sup> Evidence hiding in plain sight throughout Goitein's work, and throughout the Geniza corpus itself, suggests that families in medieval Egypt were easily as diverse and complicated as Ottoman or European ones, if not more so. So does the only other work to have closely examined medieval families in this or any other region of the Middle East, Yossef Rapoport's study of Mamluk divorce.<sup>27</sup> Rapoport focuses on the economic matrix of divorce rather than the kinship systems permitting it or that it produced, and the Mamluk populations that he examines differed from Geniza Jews in some important ways. But his account nonetheless parallels the Geniza evidence in this respect. Far from coalescing as uniformly robust extended clans, the families and households that both these books describe appear extraordinarily varied and prone to constant change—routinely disrupted and reassembled through divorce, death, remarriage, and long physical separations between relatives of all kinds.

This book takes this counterevidence seriously. It describes a medieval society that was indeed patriarchal, kinship-oriented, and concerned with women's honor. But in all these features—its models of gender and kinship, as well as its ideas about female honor—I suggest that Geniza society looked little like a classic patriarchy. To understand how Geniza families affected women in particular, my starting point is not only the family as a domestic unit, but also wider kin networks encompassing relatives within households and others who did not live together—relationships that are often more visible in Geniza

25. *Med. Soc.*, 3:1.

26. This is true even on a terminological level. To my knowledge, Geniza documents never use the phrase "the house of the father" to denote a man's patrilineal clan, but rather the relatives who shelter a *woman* before her marriage and give her a dowry. On other terms for the extended family in some Geniza documents, see Chapter 1, n. 69. For more on this tension in Goitein's treatment on the family, see Krakowski, "The Geniza and Family History." On similar inconsistencies in Goitein's economic history, see Goldberg, "On Reading Goitein's *A Mediterranean Society*."

27. Rapoport, *Marriage, Money and Divorce*.

documents than domestic ones and that seem to have mattered equally to women's long-term fortunes. At both levels—both within households and within household members' wider kin networks—I find Geniza families to have been, above all, changeable and fluid, not only by demographic necessity, but beyond what even significant rates of mortality would have required.

This book's first chapter confirms quantitatively (to the limited degree that it is possible to do so) that divorce was common. Household arrangements varied widely even among living relatives. Children who grew up within a single unchanging family circle throughout their childhoods were likely exceptions rather than the rule. It argues, moreover, that Geniza Jews' *ideals* of kinship centered neither on patrilineal nor on solidarity groups of any kind, but rather on dyadic relationships between individual relatives—relationships that were heavily gendered not by genealogy (that is, not because they flowed through men rather than women) but in the obligations that they entailed and the options that they offered to male and to female relatives.

What kind of family system was this? Some of the evidence that I describe in the following chapters may fit parts of Laslett's "Mediterranean marriage pattern." Women do seem likely to have married earlier than men and rarely to have stayed single, and many Geniza Jews were likely to live in complex households, albeit small ones—although each of these conclusions is supported by such limited data that none of them is certain. On the other hand, my evidence more firmly contradicts one important aspect of Laslett's model: Geniza widows and divorced women alike often remarried rather than remaining single. My evidence also contradicts a central aspect of Mediterranean marriage as it has often been construed for the Middle East: I find close-kin endogamy to have been much rarer than assumed.

In other respects, Geniza families resemble what historians of early medieval French and German aristocracies have termed *cousinages* or *Sippen*—extended kinship groups bound together mainly through horizontal ties among living kin, whose households and inheritance patterns varied widely and whose shape was determined not "by specific genealogical constellations, but by individual members' positions outside their kin group"—except that representations of the family in Geniza texts seem to reflect a weaker sense of corporate identity.<sup>28</sup>

The closest parallel to Geniza families that I have found, however, appears in studies nearer home: historical works on other forms of social associations in the medieval Islamic world, especially the Islamic states that coalesced

28. Sabean and Tuscher, "Kinship in Europe," 4. This model was first proposed by Schmid, "Zur Problematik," "Structure of the Nobility," and adapted to France by Duby in *The Chivalrous Society* and numerous other works; for a review of this model and the argument that it lasted in France into the eleventh and twelfth centuries, see Livingstone, *Out of Love for my Kin*.

between Kirmān and Qayrawān after the Abbasid empire broke apart. In the 1970s and 1980s, Roy Mottahedeh, Goitein, and Abraham Udovitch argued that social relations under the Buyids and Fatimids (in tenth- and eleventh-century Iraq and Iran and in tenth- to twelfth-century North Africa, Egypt, and Syria) were ordered by informal but normative commitments between men.<sup>29</sup> These were dyadic ties formed through patronage and commercial cooperation among merchants and their agents, philanthropists and their beneficiaries, rulers and their retainers, rulers and their subjects, and any man who performed a service for another in almost any context. As the ideal Islamic *umma* assumed in the Qurʾān confronted the increasingly fractured and diverse Islamic polities that developed across the Middle East in the centuries after the Arab conquests, the Qurʾānic vision of a social order based on religious solidarity gave way to more flexible models grounded in ties of individual reciprocity.<sup>30</sup> These ties were not always permanent, but the expectations that men attached to them held enduring force and meaning. Foregrounding dyadic associations as a “basic unit” of social and political life allowed Mottahedeh especially to explain how early medieval Islamic *institutions* remained resilient without producing stable *organizations*—identifiable social groups lasting across generations.<sup>31</sup> While more recent work has tempered this approach through greater emphasis on the institutional power exercised by medieval Islamic states and their bureaucracies,<sup>32</sup> personal reciprocity remains essential to any account of the social and political fabric of post-Abbasid societies, among Jews and Christians as well as Muslims.

This model of social loyalties also clarifies much that seems otherwise baffling about Geniza kinship, as kinship bound together relatives living

29. Goitein, “Formal Friendship”; Mottahedeh, *Loyalty and Leadership*; Udovitch, “Formalism and Informalism,” “Merchants and Amirs.” All three scholars had been attending Clifford Geertz’s seminar at the Institute for Advanced Studies in Princeton around this period.

30. Rustow, “Patronage in the Context of Solidarity,” uses the terms “solidarity” and “reciprocity” to describe this shift, inspired partly by Schwartz, *Were the Jews a Mediterranean Society?* Cf. Mottahedeh, *Loyalty and Leadership*, 7–39, who makes a similar point in different words.

31. “Basic unit”: Mottahedeh, *Loyalty and Leadership*, 4, citing Lapidus, “Muslim Cities and Islamic Societies,” 49. On the distinction between institutions and organizations in medieval Islamic history, see Hofer, “Sufism, State, and Society.”

32. Scholars have also noted that Mottahedeh overemphasizes the differences between medieval European and Middle Eastern political and economic organization. See Chris Wickham’s review of *Loyalty and Leadership* (*International Journal of Middle Eastern Studies*, 13, 1981, 380–383; thanks to Marina Rustow for bringing this review to my attention), and more recently Goldberg, *Trade and Institutions*, 15, 120–179; Krakowski and Rustow, “Formula as Content.” Recent studies have also complicated Goitein’s and Udovitch’s accounts of economic informality. See Goldberg, *ibid.*, Margariti, *Aden and the Indian Ocean*, and Ackerman-Lieberman, *The Business of Identity*.

dispersed in varying configurations throughout complex urban environments across distances great and small. Rather than stable corporate units, I suggest that the families reflected in the Geniza look something like the shifting patronage networks that Mottahedeh, Goitein, and Udovitch describe. Like patronage networks, families were anchored not by members' shared commitments to the abstract group, but by their local commitments to one another—commitments that like loyalties among nonkin were widely recognized and bore widely acknowledged meanings, but that could also be renounced.

This is no more than a metaphor and has its limits. But it is a metaphor I believe Geniza people would have recognized. They themselves applied common idioms to patronage and kinship, so that loyalties among nonkin may be understood as mimicking an ideal originally ascribed to ties of blood—although by the Geniza period, the analogy seems more often to have worked the other way; appeals to kinship gestured toward the core ideal of benefaction. It is moreover an especially useful analogy for my purposes, because kinship was not just one form of social loyalty among others but the one that mattered most to women.

The informal affiliations that scholars have studied so far were exclusively male, and so illuminate a social landscape without women. Attention to kinship helps fill this absence, because significant evidence suggests not only that Geniza women were bound to their kin in ways that partly resembled male clientele and patronage, but that these were nearly the only such bonds they maintained. With few exceptions—themselves mostly forms of replacement kinship, such as slavery and informal adoption of the kind described in the letter with which I opened<sup>33</sup>—women seem not to have created recognized social relationships with nonrelatives, or at least none that are visible in our sources—except, of course, with their husbands, who did not count as kin in the same way. Women who found themselves without relatives willing or able to support them could turn to Jewish communal or Islamic state officials for help, but with these women stripped of the protections that relatives could put in place, officials seem to have responded tepidly to these appeals. Kinship thus mattered to both men and women, but far more to women than to men. By the same token, kin obligations held special force when claimed by women (even if many women's relatives failed to live up to them). Women's honor, not sexual but social and reflected in their economic security and status within

33. On slaves as replacement kin for elite women in particular, see Perry, "The Daily Life of Slaves," 66–105. Free women seem to have formed kin-like connections with adults who took care of them after they had been orphaned, as in the letter described at n. 1 above. I discuss this evidence in Chapter 4, but the long-term relationships created by these arrangements deserve further study. See also ENA NS 17.31, an unusual legal document in which a father "sells" his infant daughter, whose mother had died in childbirth, to a married woman and gives up all claims over her upbringing and future property.

the households that they joined at marriage, seems to have weighed especially heavily on their own kin.

By following young women as they moved from childhood dependence on their relatives to the more complex social world that they lived in as adults, this book is partly an attempt to understand the gendered social order that this model of kinship created: how men and women alike understood the loyalties that they owed their daughters, sisters, and mothers; how these loyalties interacted with those that men maintained among themselves, including within legal and political institutions; how they shaped marriage for both men and women; why men honored these loyalties, or failed to; and what happened to women in both cases.

### *Religious Identity, Law, and Ordinary Culture*

It is an irony of history that the largest documentary cache to survive the medieval Islamic world was preserved not by Muslims but by Jews—albeit Jews who lived side by side with Muslims and Christians in some of the most important Islamic cities of the day.

The people who wrote the Geniza documents—that is, the scribes and letter-writers who literally put pen to paper to produce them—were mainly sub-elite (or “middling”-class) Jewish men from cities and villages throughout the eastern Mediterranean, especially Egypt and Syria (including Palestine, a district of Syria in this period): most prominently Fustat itself, but also Cairo, Alexandria, smaller Egyptian towns such as Billbays and Malij, Jerusalem, Tyre, Damascus, Tripoli in modern-day Lebanon (sometimes termed in Geniza letters Tripoli al-Shām, a convention I have adopted here for clarity), Qayrawān, al-Mahdiyya, and the other Tripoli, in modern-day Libya.<sup>34</sup> The documents themselves describe and sometimes speak for a wider range of Jewish men and women from the same places: not only merchants, physicians, and scribes, but also craftsmen, tradesmen, and the very poor, together with their wives and daughters. Some were converts to Judaism, usually freed slaves who were formerly owned by Jews. But most had been born Jewish and likely descended from the late ancient Jewish populations of the Middle East, in both the east Roman and Sasanian empires.<sup>35</sup>

34. On the documents' geographic scope, see Goitein, *Med. Soc.*, 1:142–70, and the correction in Goldberg, “Geographies,” 24–25, idem, *Trade and Institutions*, 306–309. See also Golb, “Topography.” A complete map of the Geniza documents by provenance, date, and genre remains a major desideratum.

35. We know very little about Jews in Egypt between the second century and the early tenth, when the earliest Geniza documents appear. The evidence from Roman Palestine is much richer, while Sasanian Iraq and Iran fall somewhere in between, since the Babylonian Talmud contains an immense amount of data difficult to use as historical evidence.

We know little about these populations' movements in the intervening centuries, but some Geniza Jews' more recent ancestors seem to have moved west from Iran and Iraq in the late ninth and tenth centuries, as the Abbasid heartlands suffered a series of political and economic calamities.<sup>36</sup> By the eleventh century, when the Geniza record first reaches a critical mass, the Abbasid caliphate had collapsed in all but name, and Egypt had emerged as the political and economic center of the Islamic world. Fustat was its commercial heart—the focus of the buoyant economy of the Islamic eastern Mediterranean, and the portal through which trade across the Indian Ocean flowed into the Mediterranean, and through which immigrants and travelers passed to and from regions throughout the Middle East, North Africa, Byzantium, and even Europe.

Geniza documents reflect at every turn both their setting in the Fatimid (and then Ayyubid) Mediterranean and their writers' difference as Jews. Our letter about the orphan sisters, for example, is narrated in so-called middle Arabic, the common language of twelfth-century Fustat, and addresses its recipient using Fatimid petitionary formulae: "The (female) slave (*al-'abda*) . . . will act only on our lord's decision (*ra'y sayyidinā*)."<sup>37</sup> But it is *written* in Judeo-Arabic—Arabic in Hebrew script—and peppered with Hebrew phrases and honorifics, including a prestige title tied to the Palestinian gaonic academy, one of the major Jewish scholastic institutions in the eleventh-century Middle East (*haver ha-yeshiva*, used to identify the volunteer widow's late father-in-law). It is addressed to the Head of the Jews, the leader of Jewish communal institutions in the Fatimid empire.<sup>38</sup> And part of its purpose is to secure a tutor who will teach the girls Jewish prayer.

What difference did this religious difference make? This is both a methodological question and a historical one. At stake methodologically are the

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Egypt: Bagnall, *Egypt in Late Antiquity*, 275–278, Ilan, "Jewish Community in Egypt." Roman Palestine is covered by an enormous literature, much of it reviewed (and qualified) in Schwartz, *Imperialism and Jewish Society*. The most serious attempt to write a history of the Jews in Sasanian Iraq remains Neusner, *A History of the Jews in Babylonia*; on some of the reasons for this, see Schwartz, "Political Geography," 89–93. Evidence for Jews or Jewish life between the Arab conquests and the Abbasid period is extremely sparse. For a partial review, see Wasserstrom, *Between Muslim and Jew*, 17–46. Jews do appear in some eighth-century Egyptian papyri; see for now Hanafi, "Two Unpublished Paper Documents."

36. Ashtor, "Un mouvement migratoire," Goitein, "Rise of the Middle-Eastern Bourgeoisie," idem, *Med. Soc.*, 1:30–31, Gil, *Jews in Islamic Countries*, 676–679. The scale of this migration has recently been questioned: Ackerman-Lieberman, "Revisiting Jewish Occupational Choice," Goldberg, "The 'Maghribi Traders.'"

37. On these formulae in Fatimid petitions, see Khan, *ALAD*, 303–317, and on their use in Geniza letters, Cohen, "Four Judaeo-Arabic Petitions," idem, *Voice of the Poor*, 16–17.

38. I discuss the Palestinian and Iraqi gaonic academies and the Heads of the Jews in Chapter 2.

uses to which Geniza documents can be put. Do they illustrate Fatimid and Ayyubid social history writ large, or must we accept one Islamic historian's judgment that they "remain of marginal value" except for a narrowly particular history of the Jews?<sup>39</sup> At stake historically are the differences Geniza Jews' Judaism made for them and for the people around them—that is, how religion worked as a social category in the Fatimid and Ayyubid empires.

One way in which Geniza documents can help us to understand the nature of Jewish difference is by suggesting how Jews functioned as a social group. Decades of scholarship have made their group outlines relatively clear. On the one hand, the Jews we glimpse through the Geniza formed distinct social communities, defined both externally by their status as "protected" (*dhimmī*) non-Muslims who paid special taxes to the state, and internally by nearly exclusive bonds of kinship and by characteristic communal institutions—synagogues, courts, and systems of public welfare, all directed by overlapping networks of communal leaders.<sup>40</sup> This framework bound medieval Islamicate Jews together in ways that Jews arguably had not been in late antiquity. Yet Jewish communities were also politically and socially porous. Jews of all social strata participated in Fatimid and Ayyubid politics and institutional life, maintaining personal patronage ties with state officials, using Islamic *qāḍī* courts, and petitioning the state directly through its own *mazālim* tribunals. They also formed patronage and business ties with Muslims and Christians beyond the purview of the state, lived in buildings with them, sometimes had children with them, and sometimes crossed communal lines entirely through conversion.<sup>41</sup> Viewed from this angle, Judaism appears as a primary but not totalizing social identity, grounded in an unusual form of group coherence that cut across some of the networks of reciprocal ties on which Fatimid and Ayyubid society ran.

39. Sourdel, *Medieval Islam*, 54, cited by Goldberg, *Trade and Institutions*, 26.

40. On these institutions, particularly in Fustat, see Goitein, *Med. Soc.*, 2:1–170, Gil, *Documents of the Pious Foundations*, Cohen, *Poverty and Charity*.

41. Jewish communal history is one of the best-developed areas of Geniza research. See the evaluations in Rustow, "The Genizah and Jewish Communal History," and Frenkel, Yagur, and Franklin, "Jewish Communal History." On Jews' use of *mazālim* tribunals, see Rustow, "The Legal Status of *Dimmī*-s." Evidence for Jews' social contacts with Muslims and Christians is discussed throughout Goitein, *Med. Soc.*, and more recently by Goldberg, *Trade and Institutions*, 140–141, 178, Margariti, "Aṣḥābunā l-tujjār" (on business connections among Jews and non-Jews involved in the eleventh-century Mediterranean and twelfth-century Indian Ocean trades), and Perry, "Daily Life of Slaves" (on slavery, conversion, and sexuality). Moshe Yagur (Hebrew University) is working on a dissertation that examines Geniza accounts of conversion in other contexts. See, e.g., CUL Or. 1080 J 21, a Geniza letter that mentions a marriage between a Jewish man and a Muslim woman. See also Chapters 1 and 5 on contacts between Jews and non-Jews within *dārs*.

In this book I am more interested in a further aspect of religion's social meaning that has been less studied—not only how Judaism defined Jews socially, but also how this group identity affected the ordinary shape and texture of their lives. By “ordinary” I mean to emphasize those parts of life that were not obvious religious flashpoints: the ideas, dispositions, and material practices that Geniza Jews took for granted when they were *not* praying, giving charity, or appearing before a rabbinic judge. Geniza Jews' Jewishness may have dictated the taxes that the state required them to pay, the range of courts that they chose to use, the holidays that they observed, a great many of their social bonds, and the texts that some of them read and wrote. But how far apart did it otherwise set them from their Muslim and Christian neighbors? Did they view the world in fundamentally different terms? Did they consume different goods, hold different notions of propriety or beauty, or think differently about filial bonds, childhood friendships, or death? Most importantly for my purposes, did they live in differently shaped households, hold different views of marriage and kinship, or cast women in a different range of social roles?

These questions are unlikely to share a single answer. Some may not be answerable at all, given the unique quality of the evidence the Geniza preserves. Still, most scholars have assumed that Geniza documents can indeed be used for Islamic (or more aptly here, Islamicate)<sup>42</sup> social history, because as a group, Jews were too loosely differentiated to have maintained radically different social or cultural norms from those of the Muslims and Christians around them. Goitein begins *A Mediterranean Society* on this reasoning, noting that Geniza Jews “mingled freely with their neighbors, and therefore cannot have been very much different from them.”<sup>43</sup> This expectation informs all later attempts to explain Geniza documents in light of Islamic or Christian evidence. And it seems validated whenever these comparisons have proven useful. But without systematic comparative studies against which to weigh their findings, few Geniza scholars have directly developed this assumption, or sought to pin down its limits.<sup>44</sup>

I argue here that an unexpected evidence base can place this assumption on a firmer footing: texts describing Jewish law and legal practice. Rather

42. Marshall Hodgson coined this term precisely to flatten distinctions among members of different religious groups in medieval Islamic societies and to highlight their shared culture: *The Venture of Islam*, 1:58–60.

43. Goitein, *Med. Soc.*, 1:70–71.

44. The one major exception has occurred in economic history, where a lively debate has developed over how eleventh-century Geniza merchants' Jewish identity affected their commercial practices. See Goldberg, “Geographies,” 32–40, and the literature reviewed there, and Ackerman-Lieberman, *Business of Identity*. Cohen, *Poverty and Charity*, 243–252, also addresses the interplay between Islamicate and rabbinic models in Geniza Jews' treatment of the poor.

than illustrating Jewish particularity alone, legal evidence used throughout this book supports the field's working assumption that Geniza Jews were not "much different" from the non-Jews around them. The Jewish girls whom I examine here likely resembled their Muslim (and probably Christian) neighbors in many basic respects. But this evidence also demonstrates that we cannot ignore Geniza documents' Jewish features to assume so. Instead, it is precisely by attending closely to what *is* distinctively Jewish about these documents that we can begin to see what may *not* be—and thus begin to use them, tentatively and carefully, as evidence for Middle Eastern and Islamic as well as Jewish social history.

How so? The book's approach to Jewish law and Jewish difference in a nutshell is as follows. Jewish law stands out as a central aspect of Jewish identity in the medieval Islamic world, both within the Geniza and elsewhere—especially throughout the library of prescriptive legal writings produced by medieval rabbinic jurists. By the tenth century, when our documents begin, scholars working in the gaonic *yeshivot* (scholastic academies in Iraq whose heads represented themselves as heirs to the rabbis who appear in the Babylonian Talmud) had stabilized an enormous range of rabbinic legal teachings from Roman and Sasanian late antiquity into a unified discursive system equipped with its own textual canon, technical vocabulary, and hierarchy of established norms. Jurists in Iraq, Egypt, the Maghrib, and Andalusia maintained and developed this system during the following centuries via increasing numbers of responsa and legal digests, codes, and commentaries written in Aramaic, Hebrew, and Judeo-Arabic. Without the Geniza, these legal texts would contain most of what we know about Jews' lives in the medieval Middle East. With it, we can, of course, see far beyond these legal texts. But more than this, we can also glimpse beneath them, to the human settings in which medieval rabbinic law was produced and received. The Geniza corpus contains thousands of legal documents issued by and for rabbinic courts (*batei din*) throughout Fatimid and Ayyubid Egypt and Syria. These documents not only illuminate how rabbinic law worked in practice within rabbinic courtrooms. Read alongside other kinds of Geniza documents, they also suggest the roles that rabbinic legal practice played *outside* the courtroom: why and how Jews used rabbinic courts, what they accomplished in doing so, how the laws upheld there shaped their ordinary culture, and how they did not.

This is the approach I take here. Female adolescence is a good subject through which to examine these questions, because of the clear-cut and unusual way in which rabbinic law defines women's coming-of-age. Throughout the book, I compare rabbinic maturity laws both to Geniza legal documents about unmarried and newly married girls, and to Geniza evidence of other kinds concerning such girls' adolescence.

I use three main bodies of prescriptive rabbinic texts to do so. First is the classical rabbinic literature from late antiquity: the Mishna and Tosefta,

Babylonian and Palestinian Talmuds, and occasionally legal *midrashim*.<sup>45</sup> Although I sometimes note discontinuities and tensions within these sources, my main interest lies not in their meaning within late ancient Judaism but in their medieval legacy—how medieval jurists read, codified, and struggled with the traditions that these sources preserve.

The second group includes gaonic texts composed in Abbasid and Buyid Iraq, the earliest postclassical rabbinic (or Rabbanite)<sup>46</sup> legal writings that we possess. These can be further grouped into three categories: a) the early (likely late eighth- and ninth-century) legal codes *Halakhot Pesuqot* and *Halakhot Gedolot*; b) later legal monographs and biblical and Mishnaic commentaries written by Se'adya b. Yosef—*ga'on* of the *yeshiva* of Sura in Baghdad from 928 and 942 and a revolutionary intellectual figure who transformed the intellectual focus and output of the *ge'onim*—and his successors in the tenth and early eleventh centuries; and c) gaonic responsa—legal answers issued by the *yeshivot* to individual queries that they received from Jews in Andalusia, North Africa, Iraq, and elsewhere, which survive mainly in later literary collections.<sup>47</sup>

Third, I draw on postgaonic Rabbanite texts produced by jurists close to the orbit of Geniza Jews, who wrote in conversation with each other and with the *ge'onim*. Among these, I draw most often on three sets of works, because they contain the most material relevant to my subject: a) responsa issued by Yiṣḥaq al-Fāsi, as his name suggests, a native of the Maghrib, who headed a rabbinic academy in Lucena from the late 1070s or slightly after, until his death in 1103; b) the legal writings of Moshe or Mūsā b. Maymūn, better known as Maimonides—a student of al-Fāsi's student Yosef b. Me'ir ibn Migas, and the greatest rabbinic author of the Islamic Middle Ages, who spent his adult life in Fustat until his death in 1204 and served twice as *ra'is al-yahūd* there—especially his responsa, Mishna commentary, and his monumental legal code the *Mishne Torah*; and c) responsa issued by Maimonides' son Avraham, who likewise served as *ra'is* in Fustat from 1204 to 1237.<sup>48</sup>

45. For an introduction to these sources, see Strack and Stemberger, *Introduction to the Talmud and Midrash*.

46. The term "Rabbanite" denotes rabbinic Jews in the medieval Islamicate world, as a counterpart to Karaites, on whom see below. Here I use it interchangeably with "rabbinic" to describe medieval Jews, but use "rabbinic" only when describing late ancient Jews.

47. See Brody, *Geonim of Babylonia*, for an exceptionally clear introduction to these sources. See *ibid.*, 216–230, on this dating for *Halakhot Pesuqot* and *Halakhot Gedolot*.

48. Al-Fāsi's responsa are preserved in several collections old and new (listed in the bibliography) but have not been studied systematically as a group. In contrast, enough has been written on Maimonides' legal writings to fill a mid-sized library; see by way of introduction Twersky, *Introduction to the Code*, Cohen's forthcoming *Maimonides and the Merchants*, and on his responsa, Goitein, "Maimonides as Chief Justice." Abraham Maimonides' responsa are known through the Geniza; see Friedman, "Responsa of R. Abraham Maimonides."

Finally, a note on my use of Karaite sources: Not all Geniza Jews recognized rabbinic law. Some were Karaites, who followed a different prescriptive legal system developed in ninth-century Iraq, Iran, and Palestine, and based, at least in theory, directly on the Hebrew Bible. Recent scholarship demonstrates that far from living as isolated sects, Karaites and Rabbanites worked together politically and sometimes intermarried, and that Karaites often used Rabbanite courts.<sup>49</sup> This book touches comparatively on Karaite law and uses documents about Karaites as evidence for Jewish social practice. But it focuses exclusively on rabbinic law when discussing *legal* practice, because surviving Rabbanite legal documents vastly outnumber Karaite ones.<sup>50</sup>

Comparison between these prescriptive texts and my Geniza evidence yields two consistent conclusions. On the one hand, the Rabbanite court officials and jurists described in the Geniza worked hard to reproduce a conservative version of rabbinic law, as codified and explained by the *ge'onim* and their successors. Officials took care to treat unmarried and newly married girls as rabbinic legal persons whenever they entered a rabbinic courtroom, fixing their formal economic and personal status in ways closely aligned with gaonic and later Rabbanite prescriptive norms. Yet on the other hand, these same Jews understood young women differently as *social* persons. Beyond the narrow sphere of rabbinic legal performance and juridical writing, Geniza Jews managed and understood young women's property, support, labor, sexuality, mobility, marriage choices, and household arrangements according to models different from those assumed by rabbinic maturity law—and closer to those captured by Islamic law, which allowed young women greater legal agency after marriage than they could achieve before it, regardless of their age.

Most research on the social dimensions of medieval Jewish law has examined traces of legal change—evidence that medieval jurists responded to contemporary realities by rejecting, adapting, or expanding older legal traditions.<sup>51</sup> I find similar evidence in some cases. But the most striking disjunction in my evidence is not between the laws that jurists had inherited and those that they changed to meet the needs of their day. Rather, these two contrasting findings—Geniza Jews maintained rabbinic maturity laws yet structured young women's lives differently from what rabbinic law envisions—highlight the distance between the entire sphere of rabbinic legal writing and practice

49. Rustow, *Heresy*.

50. Almost all the Karaite legal documents preserved in the Geniza are marriage and premarital contracts. See Olszowy-Schlanger, *KMD*, "Lettre de divorce," and "Karaite Legal Documents."

51. Outstanding examples include, from different angles, Soloveitchik, "Halakhah, Hermeneutics, and Martyrdom," idem, *Wine in Ashkenaz*, Fram, *Ideals Face Reality*, Baumgarten, *Practicing Piety*, and most directly relevant to this study, Cohen's forthcoming *Maimonides and the Merchants*.

on the one hand and Geniza Jews' accepted social norms on the other. This tension could lead Rabbanite court officials to enforce rabbinic laws unevenly (for example, they often ignored pleas made by socially unprotected women, regardless of their legal merits) but rarely to change or deny them directly.

One of the book's main conclusions is thus that medieval Jews who practiced rabbinic law conservatively did not always see the world in rabbinic terms. At least some and likely many of their ordinary cultural ideas were not religiously differentiated at all, but shared equally among Muslims, Jews, and Christians in medieval Islamicate societies. At least in this case, Islamic legal traditions of recent vintage were closer to these shared ideas than Jewish ones developed many centuries earlier.

This does not demonstrate, of course, that Jews lived exactly like the Muslims and Christians around them. The Jewish girls whom I examine in this book may well have differed from their Muslim and Christian contemporaries along other lines due to class or group mores that lie beyond our purview to discern, at least until a base of comparable evidence for the other two groups has been amassed and assessed. But it does suggest at least that the social differences created by Jewish law—the most obvious and central aspect of Jewish particularity visible in our sources—were slighter than we might expect.

Nor does it mean that rabbinic legal practice lacked all social meaning. Even the most practically trivial elements of the law can be said to have mattered at some level as long as Jewish litigants and court officials continued to reenact them, even if they rarely affected how things worked in ordinary time. Certain elements of Jewish law could matter a great deal more than this. One example that left its mark throughout the Geniza is the husband's unilateral right to rabbinic divorce, which bound many women to husbands who had abandoned them; in contrast, Islamic law permits judges to divorce women in their husbands' absence.<sup>52</sup> But overall, the evidence I examine here suggests that rabbinic legal practice packed more impact through its form than through its content. The Jews who ran and used Geniza courts cared more about reproducing a coherent system of legal behaviors that they and others understood as authentic Jewish law than about the specific ideas or social structures that this law embodied.

Why should this be the case? Here, too, I suggest that our best answers lie in considering Geniza legal practice against a history close to it in time and place—in this case, the history of early Islamicate legal cultures. The Iraqi *ge'onim* who developed the normative legal system that Geniza courts strove to maintain worked in Abbasid Baghdad during the eighth through early eleventh centuries. During this period not only Jewish but also Muslim, Christian,

52. On abandoned wives in the Geniza, see below, Chapter 1, n. 2; on Muslim women's recourse to judicial divorce in Mamluk Egypt, see Rapoport, *Money, Marriage, and Divorce*, 76–78.

and Zoroastrian religious elites began to produce new forms of legal writings, which share important features even if they are not precisely cognates. All of these literatures developed side by side within an open legal marketplace in which Abbasid state courts, Islamic *qāḍī* courts, and non-Muslim religious communal courts eventually came to operate side by side. All approach religious law as a *technical* system of normative rules, that is, one maintained by legal experts who have mastered a specific textual canon and a repertoire of methods for using it. All present these rules as binding on the entire religious group, elites and laypeople alike. And all therefore invest with political authority the legal specialists who maintain and administer these rules.

Most of these developments, which I survey in the book's second chapter, have been well studied in isolation, but they rarely have been viewed together. Yet once we do so, it is obvious that they form a common history. Each of these legal systems was unique, but all came to define the religious groups they belonged to in similar terms. Viewing early medieval Jewish law as part and parcel of this history helps explain why it looks the way it does—including the law practiced in Geniza courts, which operated in an environment deeply informed by Abbasid models. More broadly, it helps explain why many Geniza Jews took pains to negotiate their disputes and record their transactions in line with rabbinic norms, by suggesting how Islamicate assumptions about religious law may have conditioned Jewish communal elites and non-elites alike to take seriously the technical norms of rabbinic law. This stance politically strengthened Jewish court officials who lacked hard powers of rule, and it encouraged non-elite Jews to use Jewish courts and value the law that they dispensed even if many of its details no longer made much sense to them.

This history thus suggests that non-Islamic religious law played a mutually comprehensible role within early medieval Islamic social orders, one recognized in its basic outlines by Muslims and non-Muslims alike. By extension, it helps explain how rabbinic Judaism, a product of pre-Islamic late antiquity, survived and flourished in the vastly different environment of the medieval Islamic world during a period when around 90 percent of Jews worldwide lived under Islamic rule.

Most importantly for the concerns that animate this book, this history further suggests that the evidence I describe throughout the following pages may not have been unique to Jews, or at least not unique to them by virtue of their religious practices. Thus, this history helps explain the limits of rabbinic doctrines to control or explain Jewish women's lives. The Jewish courts in which women married, divorced, and acquired property practiced a technically conservative form of rabbinic law, but one sufficiently constrained and selective that its practical outcomes depended on factors that lay beyond the letter of prescriptive legal texts—especially on a woman's kin and the support that they offered her both in court and elsewhere. Jewish law and the

communal institutions that administered it affected women in important ways, but proved ultimately less important to their fates than did the gendered networks of kinship and patronage in which men and women alike remained embedded, both within court and beyond it.

### *Geniza Documents and “Geniza Society”*

A few words are in order about my documentary sources and how I use them throughout the book. The Geniza corpus is uniquely valuable not only for its size, but also for its density and for the diversity of the genres that it contains. Because the Geniza chamber was essentially a garbage disposal rather than an archive, it preserved all manner of ephemera usually lost to history. The documents span widely different genres and are unusually varied in form and content, so that they allow us to glimpse the Jews of Fatimid and Ayyubid Egypt and Syria within a broad geographic context as they moved and communicated with others from the Mediterranean to the Indian Ocean, and from multiple angles of vision, as they wrote to their relatives, to their business associates, to their own communal elites, to Islamic state officials, and as they recorded the responsibilities that they owed each other in their own religious courts.

Goitein mined all of these genres to build the great composite portrait presented in *A Mediterranean Society*. Some of the most fruitful and accomplished work in Geniza historiography published since then, however, has treated subsets of documents defined more tightly by region (e.g., Roxani Margariti’s study of the port of Aden and Miriam Frenkel’s of Jewish communal leaders in Alexandria), by period (e.g., Marina Rustow’s study of Karaite-Rabbanite relations in the eleventh century), by genre (e.g., Mordechai Akiva Friedman’s study of Palestinian-style Rabbanite marriage agreements and Judith Olszowy-Schlanger’s study of Karaite ones, Geoffrey Khan’s study of mainly Arabic-script Fatimid and Ayyubid state and legal documents, Mark Cohen’s work on charity lists and appeals from Fustat, and Phillip Ackerman-Lieberman’s study of rabbinic partnership contracts), or by genre *and* period (Jessica Goldberg’s economic history based on early eleventh-century commercial letters).<sup>53</sup> These latter genre-based studies have expanded not only our historiographical knowledge but also our understanding of the documents

53. Margariti, *Aden*, Frenkel, *The Compassionate and Benevolent*, Rustow, *Heresy*, Friedman, *JMP*, Olszowy-Schlanger, *KMD*, Khan, *ALAD*, Cohen, *Poverty and Charity*, Ackerman-Lieberman, *The Business of Identity*, Goldberg, *Trade and Institutions*. Several Geniza studies have also focused on communal leaders in Fustat in the eleventh century: Cohen, *Jewish Self-Government*, Bareket, *The Jews of Egypt 1007–1055*, eadem, *The Jewish Leadership in Fustat*. Zinger, “Women, Gender and Law,” and Perry, “The Daily Life of Slaves,” both take a synthetic approach closer to the one employed here.

themselves, the scribal conventions they followed, and how people used them. Not all documentary genres within the corpus have been studied as carefully, but the powerful results of this work demonstrate that they should be—that any given type of Geniza document presents a composite of unique features and recurring scribal formulas, which scribes creatively deployed in ways that they and their audiences understood but that are easy for us to miss.<sup>54</sup>

This book returns to Goitein's approach of treating the Geniza corpus as a grand archive even though the Geniza chamber was not a literal one. Because the subjects that I examine here are neither addressed fully nor directly within any single subset of documents, I have chosen to take advantage of the Geniza's full promise by casting my net widely across time and space within the corpus and across documents of many different kinds (while, however, sticking to the "classical" Geniza period and regions, that is, mainly to the Fatimid and Ayyubid eastern Mediterranean, ca. 969–1250; some of my evidence ranges a bit earlier and later, from the earlier tenth century to the end of the thirteenth).<sup>55</sup> But I have also sought to benefit as much as possible from recent work on smaller subcorpora and its implications by paying close attention to formulas and conventions used within documents of different genres. Many of the arguments that I advance in the following pages developed from attempts to understand these formulas, by comparing them to each other and against Jewish and Islamic texts of other kinds. This approach often helps to clarify not only why the letters and legal documents cited here look as they do, but also what they were supposed to accomplish for the people who wrote and received them.

Geniza documents can be difficult to class by type, since some merge features from multiple genres. Nonetheless, most of the documents discussed in the following pages fall into four basic categories.<sup>56</sup>

First, I rely on legal documents produced by rabbinic courts, some issued to litigants, and others that court officials kept for their own records. Because of the book's partly legal focus, these documents' features, functions, and development are discussed at length in the following chapters, especially in Chapters 2 and 7. For reasons addressed in Chapter 2, Geniza legal documents are extremely variable and thus especially difficult to classify. But among them, those cited most frequently throughout the book revolve around marriage

54. See on this point Krakowski and Rustow, "Formula as Content."

55. Some of my material also ranges into regions beyond the edge of Fatimid control, particularly eleventh-century Zirid North Africa and Seljuq Syria.

56. This list is nearly exhaustive of the Geniza's major genres, but not entirely. I have made little to no use of certain document types that proved to contain no evidence relevant to my subject, e.g., Arabic-script Fatimid state documents preserved in surprisingly large numbers within the Geniza chamber, or Jewish administrative records listing communal funds and property, or commercial accounts and lists. State documents: see Khan, *ALAD*; Marina Rustow is currently working on a book about this material. Administrative records: see Gil, *Pious Foundations*. Accounts and lists: see Goldberg and Udovitch, "Lists."

and its attendant financial transactions: marriage contracts proper (that is, *ketubbot*), engagement and betrothal documents, dowry lists, and reconciliation agreements between husbands and wives. Besides marriage documents, some of my evidence also comes from wills and legal testimonies about young women's property.<sup>57</sup>

Second, a different group of legal sources cited throughout the book falls into a no-man's land between documents and prescriptive texts: legal queries sent to elicit responsa and almost always preserved alongside them. The book draws both on queries and responsa that survived individually within the Geniza, and on others contained within the literary responsa collections discussed above, as evidence both for the situations that the queries portray and for the juridical reasoning that the responsa reflect. Although they are not legal documents, responsa often describe cases that unfolded within the same courts that produced our documents, and so illuminate them from another angle.<sup>58</sup>

The third group comprises personal letters sent between relatives and business and social associates and by poor men to their charitable patrons (or hoped-for patrons). Because Geniza people rarely wrote to each other for the sheer pleasure of communicating their thoughts, but rather for immediate practical purposes, Geniza letters are most easily described by the reasons for which they were written. Those I discuss most often include brief charity petitions sent by poor Jewish men to wealthier ones, framed either as third-party recommendations or as direct appeals, usually written by professional scribes and following conventions borrowed from petitions to the Fatimid state;<sup>59</sup> commercial letters exchanged by merchants, mainly to give instructions, share market information, and share information about their own and other merchants' business activities, but also containing bits of communal, family, and personal news;<sup>60</sup> and personal letters of other kinds, most often between family members, both men and women, which vary more in their length and content.<sup>61</sup>

57. On these genres and the work done on them to date, see below, Chapters 1, 2, 7, and 8, and Krakowski, "The Geniza and Family History."

58. Many studies of medieval Jewish communities in Europe and the Middle East draw evidence from responsa, but they have rarely been studied as instruments in their own right. For an exciting step in this direction, see Zinger, "Towards a Social History of Responsa."

59. These are discussed in detail in Cohen, *Poverty and Charity*, and idem, *Voice of the Poor*. See also idem, "Four Judaeo-Arabic Petitions."

60. Most of the eleventh-century commercial letters were published by Gil, *Ishmael*; their forms and uses are closely analyzed in Goldberg, *Trade and Institutions*, "The Use and Abuse of Commercial Letters," "Friendship and Hierarchy," and "Mercantile Letters." Commercial letters from the twelfth century have not been as carefully studied as a corpus, but many have been published: Goitein/Friedman, *India Book*.

61. In contrast, private noncommercial letters have not been studied systematically as a group, although 100–150 such letters sent by or to women are now being prepared for publication; see above, n. 7.

Fourth and finally, I have relied on administrative letters and records written by or to Jewish communal officials, mainly in Fustat. Here I draw most often on four subtypes. First, there are communal appeals by poor men and women meant to be read aloud in synagogue, asking for financial help or—more often in the case of women—for help obtaining a divorce or other legal rights (these are more common in the early eleventh century than after).<sup>62</sup> Second, there are petitions to communal officials, including the Heads of the Jews (which largely replaced these communal appeals in the mid–eleventh century), sent by poor men and especially poor and socially struggling women. Again, these ask both for money and for social assistance of other kinds; like private petitions, they were written mainly by scribes and modeled on *mazālim* petitions submitted by individuals to the Fatimid state.<sup>63</sup> Third, there are letters exchanged between officials or between officials and people working on their behalf, about legal cases, public charity, and communal crises and affairs.<sup>64</sup> And fourth, there are records of the Jewish communal charity funds of Fustat, especially lists of poor men and women who had received bread or clothing from the communal dole.<sup>65</sup>

Working with this range of sources has been illuminating but also daunting. The same breadth that makes the Geniza richer than most smaller or more orderly collections also creates major interpretive problems. Some of these come from the state of the texts themselves, which are often fragmentary and faded. Others have to do with first-order interpretation: Many cannot be dated with any precision. Some passages are not self-evident even at a semantic level. Others can readily be translated but remain inexplicable anyhow, since the people who wrote and originally read them took for granted an entire social universe closed to modern readers—a problem that even the closest attention to their conventions and idioms cannot always solve.

But even when Geniza documents can be confidently dated, deciphered, translated, and parsed, they pose other historical difficulties when used as a group. Not only do they describe people spread over three centuries and across more than 2,000 miles, but they describe them irregularly, in two ways. First, the corpus is spread unevenly across time and space. Eleventh-century

62. These appeals have not been systematically studied either, but see preliminarily Goitein, *Med. Soc.*, 2:169–170, and Ben Sasson, “Appeal to the Congregation.”

63. See again Cohen, *Poverty and Charity*, and idem, *Voice of the Poor*. On these petitions’ parallels with Fatimid state petitions, see Rustow, “Diplomatics of Leadership,” Goitein, *Med. Soc.*, 2:34–35, Cohen, *Jewish Self-Government*, 245.

64. On some of these letters’ material features and their parallels with Fatimid state documents, see Rustow, “The Diplomatics of Leadership.” Examples appear in many published Geniza collections focused on Jewish communal leadership, e.g., Friedman, *Polygyny*, and Bareket, *The Jews of Egypt*, but they have not otherwise been assessed as a genre.

65. These, too, are discussed most thoroughly in Cohen, *Poverty and Charity*, and idem, *Voice of the Poor*.

Geniza documents come mainly from Egypt and Syria and occasionally the Maghrib and Fatimid Sicily. But the political map of the Middle East shifted in the mid–eleventh century. In the west, Bedouins invaded across Ifrīqiyya and the Maghrib; in the east, Seljuq Turks toppled Islamic states and populations from Central Asia to Syria. These upheavals collapsed communications among Middle Eastern Jews, isolating Fatimid Jewry more than it had been before. The corpus reflects these changes; many more documents from the twelfth and thirteenth centuries are from Egypt alone.<sup>66</sup>

Second, Geniza documents are also spread unevenly across social and economic strata. In one respect the Geniza is consistent: almost all the people who appear in it lived in cities or sizable towns rather than the countryside. But here the consistency ends. The corpus covers nearly the full range of urban classes that can be imagined—from elite courtiers attached to the Fatimid and Ayyubid states to merchants great and petty, to craftsmen, tradesmen, and masses of the indigent poor—but does so erratically.<sup>67</sup> This lumpy distribution is most obvious in the case of personal letters. Perhaps the section of the Geniza to have attracted the most attention from scholars in other fields is a group of some 750 commercial letters sent by an interconnected group of eleventh-century Mediterranean merchants. Nearly all were exchanged among a group of around fifty men, half of them members of just six extended family networks.<sup>68</sup> In contrast, few letters written by merchants connected to Iraq or Andalusia survive (possibly because these merchants would have been attached to the “Babylonian,” that is, Iraqi-rite, synagogue of Fustat rather than

66. A relatively smaller but still significant number of twelfth- and thirteenth-century documents come from Syria. See Goitein, *Palestinian Jewry*, 229–343, Prawer, *Latin Kingdom*, and Goldman, “Jews in the Latin Levant.”

67. It is easier to identify Geniza people by occupation than to untangle the class and status categories that they implicitly or explicitly recognized. The most comprehensive attempt to do so remains Goitein, *Med. Soc.*, 1:75–126, who suggests five economic strata (the uppermost elite, including courtiers and major communal officials; a broad “middle class” of merchants, professionals, and artisans, further divided into upper and lower sections; an urban lower class; and a rural peasant class). See also *ibid.*, 2:61–65, 3:418–420, 5:526. Cf. Gil, *Ishmael*, 597–606. (For a comparative account of occupations by sector derived from medieval Islamic literature, see Shatzmiller, *Labour*, 369–398.) But these were not rigid categories, and in any case class seems not to have been merely a function of prosperity (as is clear from Cohen’s eloquent description of the “respectable” shame-faced poor, *Poverty and Charity*), but something closer to what Roger Bagnall describes for fourth-century Egypt: “a combination of group identity and a relational sense, combining in a consciousness of one’s standing in the world” (*Egypt in Late Antiquity*, 226).

68. Most are edited in Gil, *Ishmael*, and *idem*, *Palestine*. The six families are those of Nahray b. Nissim, the Tāhīrtī, Tustarī, and ibn ‘Awkal families, and the relatively less densely represented Khalīla and Qābīsī families. See Gil, *Jews in Islamic Countries*, 663–722, and the literature cited there; I identified these six families as figuring in about half of all Geniza commercial letters based on Gil’s edited corpora.

the “Palestinian” one that housed the Geniza chamber)—much less by the textile workers who processed the flax that any of these merchants dealt in.<sup>69</sup> No other related group of letters is this large, but several other subcorpora from the twelfth and thirteenth centuries likewise cluster around particular individuals and families whose bundled papers seem to have been deposited wholesale in the Geniza chamber.<sup>70</sup> It can be difficult to judge whether differences in these letters’ tone and in the behaviors that they capture reflect broad social and cultural changes over these centuries, or narrower differences between the particular circles of (literate and well-connected) men whom they happen to describe.

Legal and administrative documents and petitions reveal a wider swath of men and women, rich and poor, who used rabbinic courts and sought help from communal officials and private patrons. These texts often tell us more about these people’s private lives than do commercial letters. But they are limited in a different sense, because the people whom they describe rarely appear in the corpus more than once. This means that aside from clues internal to a given document—the places and the sums of money it names, the story it tells, and the honorifics it employs—the people who appear in it can rarely be placed within a known social setting. These sources are rich in breadth but poor in depth, revealing a complex social landscape whose internal geography we cannot map precisely.

In sum, “Geniza Jews” were not a single population so much as several overlapping segments of several overlapping ones, united mainly by the find-spot of the documents that describe them—that is, by the fact that they or their descendants happened to discard their papers in the disposal room of the Palestinian-rite synagogue of Fustat. How then can this collection be used as a unified historical source, and why attempt to do so?

Approaching the Geniza as a corpus yields rewards different from those achieved by chopping its contents into discrete subcorpora. Addressing the frustrations created by fourth-century Egyptian papyri, Roger Bagnall notes that in the case of fragmentary and isolated texts, “a thousand points of light do not of themselves add up to illumination.”<sup>71</sup> But in Geniza research as in papyrology, some of these points do create wider trails of light once they are brought together, revealing patterns that otherwise we might not see.

69. As suggested by Goitein, *Med. Soc.*, 20–22, although see the questions raised by Goldberg, “Methodology.”

70. These include a different group of merchants active across both the Mediterranean and the Indian Ocean in the twelfth century, and in the early thirteenth century, the children and associates of the Rabbanite judge Eliyyahu b. Zekharya. See Goitein/Friedman, *India Traders* and the Hebrew *India Book* volumes, and Motzkin, “Judge Elijah.”

71. *Egypt in Late Antiquity*, 10.

For all its chaos and complexity, the corpus itself suggests that the populations who produced it were socially and culturally coherent in important ways. “Geniza Jews” may have been widely and unevenly dispersed, but they shared a common set of Jewish and Islamic institutions, spoke a common language, and lived in a coterminous region across which many individuals regularly traveled. It is therefore no surprise that in many cases they also shared a common set of social codes, expectations, and dispositions rooted in this common landscape—what Bourdieu termed a shared *habitus*.<sup>72</sup> To reconstruct this shared world and the people in it without losing sight of their diversity, I have tried wherever possible to identify regional and social variations in my evidence and to trace changes in institutions, practices, and ideas over time. In many cases I must admit that my evidence has resisted these efforts, allowing me to discern fine-grained differences between individual cases (or groups of cases) but not to explain them systematically. In all cases, moreover, diachronic developments within communal institutions have proven easier to detect than changes in ideas and practices surrounding young women, marriage, or kinship; and the lives of wealthy and well-connected girls easier to see from multiple angles than those of poorer ones—whom we hear about mainly through their suffering. Most centrally, however, I have sought throughout the book to handle these problems by avoiding broader claims for my data than it can reasonably support. In the end I am hopeful that it can support quite a bit. Some of the analysis that follows rests on thin or negative evidence, as I note in presenting it. But the basic cruxes of my argument—Geniza Jews’ ideas of kinship, and the conservatism of their forms of rabbinic legal practice—appear consistently enough in a broad enough range of sources that I trust that they are meaningful.

The book is divided into three main parts. Part I introduces the two institutions that I argue made the greatest difference to Geniza women’s lives: the family and the rabbinic legal system. Chapter 1 addresses Geniza kinship and family structures, while Chapter 2 examines Geniza courts and the Islamic legal environment in which they functioned.

The rest of the book develops the arguments introduced in these two opening chapters through a close study of women’s coming-of-age. Part II examines how Geniza Jews understood and managed adolescence as a stage of women’s lives. Chapter 3 defines “adolescence” itself as a legal and social category, focusing on women’s age at first marriage and the sexual ethics surrounding marriage timing. Chapter 4 discusses adolescent girls’ economic position and activities: their access to personal property, vocational training and labor, and sources of economic support, and addresses how Geniza Jews’ dowry regime

72. Bourdieu, *Logic*, 53, *Outline*, 72; for the phrase “shared *habitus*,” see e.g., Bourdieu, *Homo Academicus*, 3.

affected young women's financial lives both before they married and after. Chapter 5 examines the social control of adolescent girls, especially their virginity and physical mobility.

Part III focuses on women's transition to early adulthood through first marriage, its roots in and impact on their kin and social networks, and how it did and did not change their practical legal position. Chapter 6 focuses on endogamous and exogamous marriage choices in law and practice and the ideas about kinship that they reflect. Chapter 7 examines young women's marriage agreements as legal instruments—the rights that they afforded different women, and the kin support on which these rights depended—through a corpus of over 100 Geniza marriage documents from the twelfth and early thirteenth centuries that contain personal stipulations about both spouses' behavior within marriage. Chapter 8 follows young wives into the marital household, focusing on the expanded social universe that they inhabited as wives connected to their husbands' relatives as well as their own kin. The Conclusion briefly sums up the book's main findings and notes some of their implications for the history of the family and of Jewish law in the medieval Middle East.