Exploring Legal Frameworks and Social Realities: A Comparative Study of Ismāʿīlī Women in Fatimid Egypt and the Contemporary Dawoodi Bohra Community

Insiyah Adnan Husain

Centre For Humanities and Social Sciences

University of Wales Trinity St. David

This dissertation is submitted in partial fulfillment of the requirements of the award of Master by Research

September 2023

Declaration

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed .....Insiyah Adnan Husain..... (candidate)

Date 30/09/2023

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

Signed .....Insiyah Adnan Husain..... (candidate)

Date 30/09//2023

STATEMENT 2

I hereby give consent for my thesis, if accepted, to be available for deposit in the University's digital repository.

Signed .....Insiyah Adnan Husain..... (candidate)

Date 30/09/2023

Acknowledgement

I humbly offer my eternal gratitude to the 53rd *al-Dāʿī al-Muṭlaq* Syedna Aali Qadr Mufaddal Saifuddin for his boundless benedictions and benevolence. I acknowledge that whatever I am today is a result of his spiritual, intellectual, emotional, and physical nurturance. May Allah grant him a long and healthy life.

I am also deeply grateful to the rector of Aljamea-tus-Saifiyah, Shehzada Dr. Jaferussadiq bhaisaheb Imaduddin, for his invaluable guidance and inspiration. His insights and mentorship continue to deepen my knowledge and enrich my academic journey.

To Aljamea-tus-Saifiyah, my alma mater and my home, I owe a great debt of gratitude.

I am also profoundly grateful to Syedna's wife, Aaisaheba JoharatuSharaf baisaheba, and his daughter Shehzadi Ummehani baisaheba. They have not only taught me valuable lessons on serving our community and the wider society but have also generously provided me with numerous opportunities to put these teachings into practice.

I am sincerely thankful to my supervisor, Professor Gary Bunt, for his support and dedication throughout this process. His invaluable insights, unwavering patience, and meticulous guidance have been instrumental in shaping my academic experience.

To the librarians at University of Wales Trinity Saint David, thank you for a brilliant online library interface, and for your promptness in providing remote assistance.

To my husband, Adnan, my human library and constant source of support, thank you.

Thank you also to my children, my parents, my mother-in-law, my siblings and my friends. Your love, encouragement, and support have been an incredible source of strength and motivation.

TABLE OF CONTENTS

Chapter 1: Introduction……6

Chapter 2: Literature Review……15

2.1 The Qurʾān and gender…….....15

2.2 Islamic Law and Gender……..….17

2.3 The Fatimids……..……...20

2.3.1 Modern studies……...…21

2.3.2 Primary Sources…….....23

2.4 Women in the Fatimid Empire……..…24

Chapter 3: Methodology……...…28

Chapter 4: The *Kitāb Daʿāʾim al-Islām* and its centrality to Fatimid Law…….……...…….36

4.1 Al-Qāḍī al-Nuʿmān b. Muḥammad…….....36

4.2 Al-Qāḍī al-Nuʿmān's corpus of writings……...……39

4.3 *Kitāb Daʿāʾim al-Islām*: The book of the Pillars of Islam..……..41

4.4 The Continued Impact of the *Kitāb Daʿāʾim al-Islām* on Fatimid Jurisprudence…….……..42

4.5 *Kitāb Daʿāʾim al-Islām* and the Ṭayyibī Ismāʿīlīs..……...43

Chapter 5: Wisdom, Work, and Women: Education and Professions in Fatimid Egypt..…….……...…...45

5.1 Education……45

5.1.1 Religious Education…….46

5.2 Occupations and Professions……..47

5.2.1 Spinning, Weaving and Embroidery…….....……..53

5.2.2 Healthcare……...……...…….57

5.2.2a The Physician……...…….....58

5.2.2b The Midwife…….....59

5.2.2c Breastfeeding and the Wet Nurse……...61

5.2.3 Honouring the Dead……..65

5.2.3a Washing the Dead……....65

5.2.3b Mourning the Dead…….66

5.2.3c Mourning al-Imam al-Ḥusayn b. ʿAlī b. Abī Ṭālib……..…....68

Chapter 6: Women of the Dawoodi Bohra Community…….……..….73

6.1 History and Context…….…….…….....73

6.2 Education……..……...…….75

6.2.1 Religious Education…….……..76

6.3 Occupations and Professions…….……79

6.4 Muḥarram and Mourning al-Imam al-Ḥusayn b. ʿAlī b. Abī Ṭālib…81

Chapter 7: Conclusion…….84

Bibliography…….88

Index of Quranic Verses and Traditions of the Prophet and the Fatimid Imams.……....93

1. Introduction

'The more a man increases in faith, his love for women increases likewise.'[1]

Kitāb Daʿāʾim al-Islām was written by one of the greatest legists and scholars of the Fatimid Empire, al-Qāḍī al-Nuʿmān [2] (d. 363 AH [3]/974 CE [4]). This compendium of Fatimid law became the legal code of the Empire throughout its Cairene era. The aim of this dissertation is to investigate to what extent the Islamic teachings interpreted by Fatimid jurisprudential laws, as expounded by al-Qādi al-Nuʿmān in *Kitāb Daʿāʾim al-Islām*, are reflected in the lives of Ismāʿīlī women in Fatimid Cairo. The dissertation will also explore the enduring legacy of *Kitāb Daʿāʾim al-Islām* in shaping the lives of women in the Dawoodi Bohra community who trace their spiritual roots to the Fatimids in Egypt, with particular focus on the 20th and 21st centuries.

Notably, the Fatimid dynasty is the only Muslim dynasty that is named after a woman. The Fatimids trace their lineage to ʿAlī b. Abī Ṭālib (d. 40/661) cousin, son in law, and successor of Prophet Muḥammad (d. 10/632)—and to their eponym, Fāṭima (d. 10/632), the daughter of the Prophet. According to several Shīʿa and Ismāʿīlī narratives, the union of ʿAlī b. Abī Ṭālib and Fāṭima, the daughter of the Prophet, was a celestial union. Al-Qāḍī al-Nuʿmān narrates the account of their marriage in *Kitāb Sharḥ al-Akhbār,* his compendium of traditions of the virtues of *ahl al-bayt* (lit. the household of the Prophet). The marriage,

[1] Al-Qāḍī al-Nuʿmān b. Muḥammad quotes this Prophetic tradition: *"Kullama 'zdād al-marʾu imānan, izdād hubban li'l-nisāʾ"* Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Daʿāʾim Al-Islām*, Vol. 2 (Mumbai, India: Aljamea tus Saifiyah, 2022). Pg. 199.

[2] For details on the life and work of al-Qādī al-Nuʿmān, see Chapter 3 of this dissertation.

[3] Muslim dates are normally given according to the era of the *Hijra*, Prophet Muḥammad's emigration from Mecca to Medina in September 622 CE (Common Era). These dates are distinguished by the initials A.H. (Anno Hegirae). This era does not begin on the date of the Prophet's arrival at Medina, but on the first day of the lunar year in which that event took place, which is thought to coincide with the 16 July 622. For more on the Islamic calender, see F. De Blois et al., "Taʾrīkh," in *Encyclopaedia of Islam, Second Edition* (Leiden: Brill, 2012), X:257b.

[4] I will henceforth present all dates in the AH/CE format.

witnessed and celebrated by thousands of angels, was solemnised in heaven before it was performed on Earth.[5] This divinely ordained union, joining the excellence of Fāṭima with the excellence of ʿAlī, foretold the birth of a line of infallible Imams in their progeny.

The killing of the Prophet's grandson al-Ḥusayn b. ʿAlī b. Abī Ṭālib (d.61/680) at the hands of the Umayyad Yazīd b. Muʿāwiya (d. 64/683) marked the beginning of an era of persecution against the *ahl al-bayt* and the Shīʿa [6], first at the hands of the Umayyads [7] and later the Abbasids.[8] This persecution—and ensuing dissimulation—spanned more than two centuries, until ʿAbd Allāh al-Mahdī bi-llāh (d. 322/934) founded the Fatimid state and established the Caliphate in his name in Ifrīqīyyah (now eastern Algeria and Tunisia) in 297/909.[9]

The fourth Imam-Caliph al-Muʿizz li-Dīn Allāh (d. 365/975) extended the geographical and political reach of this empire in 358/969 when he established Cairo as its capital.[10] Fatimid rule, which lasted until the assassination of the 10th Imam-Caliph al-Āmir bi-

[5] Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Sharḥ Al-Akhbār*, Vol. 11 (Mumbai, India: Aljamea-tus-Saifiyah, 2005b). pp. 36-37. Translation from Delia Cortese and Simonetta Calderini, *Women and the Fatimids in the World of Islam* (Edinburgh: Edinburgh University Press, 2006). p. 175

[6] The name Shīʿa is derived from *shīʿat* ʿAlī, i.e., the party or partisans of ʿAlī. It came to refer to the movement upholding a privileged position of the Family of the Prophet (*ahl al-bayt*) in the religious and political leadership of the Muslim Community.

[7] *Banū Umayya*, the dynasty of caliphs which, from its centre in Syria, ruled the whole of the Arab Islamic territories from 41/661 to 132/750. All the caliphs during this period were descendants of Umayya b. ʿAbd Shams, a pre-Islamic notable of the tribe of Quraysh of Mecca.

[8] *Banu 'l-ʿAbbās*, the dynasty of Caliphs from 132/750 to 656/1258. The dynasty takes its name from its ancestor, al-ʿAbbās b. ʿAbd al-Muṭṭalib b. Hāshim, the paternal uncle of the Prophet.

[9] For a comprehensive narrative of early Ismāʿīlī activities and the founding of the Fatimid state by al-Mahdī bi-llāh, see Heinz Halm, *The Empire of the Mahdi* (Boston: Brill, 1996).

[10] For more on al-Muʿizz li-Dīn Allāh and his conquest of Cairo, see Shainool Jiwa, *The Founder of Cairo: The Fatimid Imam-Caliph Al-Mu'Izz and His Era: An English Translation of the Text on Al-Mu' Izz from Idris 'Imad Al-Din's 'Uyun Al-Akhbar*, Vol. 21 (London: I.B.Tauris, 2013).; Shainool Jiwa, *The Fatimids: 2. the Rule from Egypt* (London: I.B. Tauris, 2023).

Aḥkām-Allāh (d. 524/1130), saw Egypt flourish as an intellectual, cultural and economic centre.[11]

The Fatimids' spiritual authority, however, long preceded their political domination. What made the Fatimids unique from contemporary Muslim ruling dynasties—the Umayyads and the Abbasids—was their 'religious claim to the imamate in the Shīʿī sense of the term'.[12] To the Ismāʿīlī Shīʿa, the head of the Fatimid empire was not only a secular sovereign, but also the divinely appointed Imam. Each Imam was designated by his predecessor in an unbroken chain going back to ʿAlī b. Abī Tālib, the rightful successor of the Prophet. In Ismāʿīlī belief, the Imam is infallible and thus considered the final authority in worldly as well as religious matters. [13]

In Islam, even the women of the Prophet's household are deeply revered. His wives, daughters, and granddaughters are regarded as exemplars of moral character. Within Ismāʿīlī context, these women are esteemed for their excellent virtue and are considered the highest ideals as mothers, wives, daughters, and fighters for their rights.[14] Fāṭima, the Prophet's most beloved daughter, held a revered and unparalleled position in his heart, earning from him the profound agnomen 'the mother of her father'.[15] Numerous accounts from the Prophet's wives attest to his frequent proclamation to her, 'O Fāṭima, you are the mistress of the women of the world'.[16]

---

[11] Following the death in 524/1130 of the Fatimid Imam-Caliph al-Āmir bi-Aḥkām Allāh, who is recognised as the twentieth Imam of the Mustaʿlī Ismāʿīlīs, the Ṭayyibī Ismāʿīlīs rejected the claims of the Ḥāfiẓī *daʿwa* and acknowledged the imamate of al-Āmir's infant son al-Ṭayyib. Heinz Halm, "Fāṭimids," in *Encyclopaedia of Islam Three Online*, ed. K. Fleet and others (Leiden: Brill, 2014).
Al-Ḥāfiẓ and his successors are not acknowledged as Fatimid imams by the Ṭayyibī Ismāʿīlīs.

[12] Paul Walker, *Exploring an Islamic Empire: Fatimid History and its Sources* (London: I.B. Tauris, 2002). pp. 170-171.

[13] Farhad Daftary, *The Ismailis: Their History and Doctrines* (Cambridge: Cambridge University Press, 2007).

[14] Cortese and Calderini, *Women and the Fatimids in the World of Islam* (Edinburgh: Edinburgh University Press, 2006). p. 5.

[15] *Umm abīhā*

[16] Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Sharḥ Al-Akhbār*, Vol. 2 (Mumbai, India: Aljamea-tus-Saifiyah, 1990). p. 32.

Within Fatimid history, the legacy of reverence for women, particularly those associated with the Prophet's household, endured. It is noteworthy that the Fatimid era bears the names of several influential and powerful women, exemplifying the enduring importance of women's roles in shaping the course of history. The Fatimid princess Sitt al-Mulk is said to have wielded great political power during the reign of her brother, the sixth Imam-Caliph al-Ḥākim bi-Amr Allāh (d. 411/1021), and his son, the seventh Imam-Caliph al-Ẓāhir li-iʿzāz Dīn Allāh (d. 427/1036). She appears to have exerted so much political influence that she is celebrated by some as the woman who changed the course of Fatimid history, and by others as one of the most famous women of Islamic history.[17] Similarly, it is believed that Raṣad, consort of the seventh Imam-Caliph al-Ẓāhir and mother of his heir al-Mustanṣir billāh, had immense power at the Fatimid court during her son's reign.[18] Fatimid royal women were also patronesses of the arts and many were renowned for their tremendous wealth and philanthropy. Durzān, the mother of al-ʿAzīz, for example, is said to have been an eminent architectural patroness.[19]

Official correspondence to and from the Fatimid court, such as records compiled in the *Sijillāt Mustanṣiriyya,*[20], along with narratives in the authoritative *ʿUyūn al-Akhbār* by the Ṭayyibī Ismāʿīlī *al-dāʿī al-muṭlaq* Idrīs ʿImād al-Dīn[21] (d. 872/1468) record the accomplishments of the Ṣulayḥid queen Arwā bt. Aḥmad, the first female secular and

[17] Cortese and Calderini, *Women and the Fatimids*, pp. 117-126.
[18] For details on Fatimid royal women who are believed to have made their mark in court politics, see Fatima Mernissi, *The Forgotten Queens of Islam*, 4th ed. (Minneapolis: University of Minnesota Press, 2006). pp. 115-159, "Battleaxes and Formidable Aunties" in Cortese and Calderini, *Women and the Fatimids.* pp. 101-147, Taef El-Azhari, *Queens, Eunuchs and Concubines in Islamic History, 661–1257* (Edinburgh: Edinburgh University Press, 2019). pp. 197-252.
[19] For details on the wealth and philanthropy of Fatimid royal women, see chapter "Women of Substance in the Fatimid Courts" in Cortese and Calderini, *Women and the Fatimids.* pp. 148-181.
[20] *As-Sijillāt Al-Mustanṣiriyya L'Il-Mustanṣir Billāh Al-Fāṭimī*, ed. Abd al-Munʿim Mājidʿ (Cairo: Dār al-Fikr al-'Arabī, 1954).
[21] The 19th *al-dāʿī al-muṭlaq* (the 'absolute' or sovereign *dāʿī*) of the Ṭayyibī Ismāʿīlīs. He is considered the most celebrated historian of the Ismāʿīlī *daʿwa* or mission. His historical works are the main sources for the history of the Ismāʿīlīs from the 5th/11th century until the second half of the 9th/15th century.

religious leader in Islamic history. Not only was she instated by the Fatimid al-Mustanṣir as the monarch of the Sulayhid dynasty, but she was also elevated to the position of *hujja*, one of the highest positions in the religious hierarchy of the *daʿwa* (mission).[22]

Additionally, with reference to sub-elite women, al-Qāḍī al-Nuʿmān's *Kitāb Iftitāḥ al-Daʿwa* [23]—regarded the most authoritative Ismāʿīlī historical work on the early *daʿwa*—recounts how both men and women of the *Kutāma* [24] tribe participated in its establishment. Alongside men, there is also mention of Berber women who were elevated to high ranks in the hierarchy of the Ismāʿīlī *daʿwa.*

Delia Cortese and Simonetta Calderini's groundbreaking book *Women and the Fatimids in the World of Islam* opened a hitherto unopened window into the lives, status and influence of women in Fatimid society. [25] They address the paucity of references to non-elite women in the Fatimid empire by investigating official correspondence, archaeological findings and documentary evidence from the Geniza.

Moreover, narratives from al-Qāḍī al-Nuʿmān's compendium of Fatimid jurisprudence, the *Kitāb Daʿāʾim al-Islām,* offer important insights into the lives of women in this era. For example, a section recounting inducements to acquiring knowledge narrates the prophetic tradition that makes it obligatory upon both Muslim men and women to seek knowledge. Similarly, in the chapter that deals with marriage, much emphasis is given to marrying a woman not only for her beauty or wealth, but for her values and virtues. The woman, in these narratives, is cast as the creator and nurturer of future generations, and a whole section

[22] Daftary, *The Isma'ilis*, p. 228.
[23] Hamid Haji, *Founding the Fatimid State : The Rise of an Early Islamic Empire : An Annotated English Translation of Al-Qāḍī Al-Nu`mān's Iftitāḥ Al-Da`wa* (London: I.B. Tauris, 2006).
[24] As one of the great Berber tribes of North Africa, the *Kutāma* tribe played a major role in founding the Fatimid Empire and later in conquering Egypt.
[25] Cortese and Calderini, *Women and the Fatimids in the World of Islam* (Edinburgh: Edinburgh University Press, 2006).

is dedicated to the choosing of an appropriate life partner. Another section urges women to actively participate in generating an income for their family, and to put their skills and talents to use toward the betterment of their families and the society. Many laws and rulings across this book establish countless opportunities for Muslim women to flourish and thrive.

To bridge the gap between legal texts and documentary evidence, this study examines how specific laws from the *Daʿāʾim* related to women's education and occupations were applied in the lives of Muslim women in Fatimid Cairo, using documentary evidence to illustrate these real-life applications. This comparison is drawn to investigate to what extent those laws were reflected in these women's lives, and how they navigated their legal and social environments.

The results of this study helped answer my two main research questions:

1. To what extent did the lived realities of Ismāʿīlī women in Fatimid Cairo align with the official legal text of the Empire?

2. How far was the *Daʿāʾim al-Islām* responsible for shaping the lives of these women in Fatimid Cairo?

Many of the sources distinguish between Muslim women of the Fatimid period and their Christian and Jewish contemporaries, although they do not make that distinction between Ismāʿīlī women and women of other Muslim sects present in Fatimid society. With an awareness of the limitations in the sources, the research explores the lives of Muslim women, with a particular emphasis on Ismāʿīlī women in Fatimid Cairo. The absence of concrete evidence making a clear distinction between Ismāʿīlī and women from other Muslim schools underscores the challenge of definitively ascertaining the confessional persuasions of these historical figures.

The *Daʿāʾim*, a doctrinal manuscript central to Ismāʿīlī law, held a distinctive position within this layered context. The demographic makeup of the Fatimid empire allowed for a significant portion of the populace, irrespective of religious affiliations, to follow the rules outlined in the *Daʿāʾim* as a civic obligation to the existing government, or, in some cases, go against them. Recognising the dual nature of the *Daʿāʾim* as both a religious and civic code, this study aims to unveil its impact on the diverse population of Fatimid Cairo. For Ismāʿīlī women, it was a doctrinal beacon, shaping their spiritual and ethical outlooks. Simultaneously, for non-Ismāʿīlī women, the *Daʿāʾim* may have served as a legal framework, influencing their daily lives and guiding them in navigating civic responsibilities within a varied religious landscape.

Being a member of the Dawoodi Bohra community—and, by extension, a follower of the Ismāʿīlī Fatimid faith—places me in a distinctive position to draw parallels between the experiences of Muslim women during the Fatimid era and those of women within my own community. This is because the Dawoodi Bohra trace their spiritual roots to the Fatimids in Egypt. Moreover, the *Kitāb Daʿāʾim al-Islām* continues to serve as the primary and most authoritative legal text for our community, profoundly shaping our lives through its teachings and laws. In accordance with the teachings of the *Daʿāʾim*, the spiritual leader of the community, the 53rd and current Ṭayyibī[26] Ismāʿīlī *al-dāʿī al-muṭlaq*[27], Syedna Mufaddal Saifuddin—like his predecessors—places great emphasis on female education

[26] The Ṭayyibī Ismāʿīlīs are the only surviving branch of the Mustaʿlī Ismāʿīlīs.

[27] For the Ṭayyibī Ismāʿīlīs the *dāʿī muṭlaq* is the representative of the true line of Imams, themselves in *satr*, concealment. The *dāʿī* has full authority over all spiritual and temporal matters of the community. The Ṭayyibīs split more than once over his person; until the early twenty-first century, there were three factions: the Dawoodi Bohras, the Sulaymani Bohras and the Alavi Bohras. For more on the Ismāʿīlī *dāʿī*, see Paul Walker, "Dāʿī (in Ismāʿīlī Islam)," in *Encyclopaedia of Islam Three Online*, ed. K. Fleet and others (Leiden: Brill, 2012).
The demise of the 52nd *al-dāʿī al-muṭlaq* of the Dawoodi Bohras in 2014 saw the emergence of a claimant to the position of *dāʿī*, and his followers have come to be known by the majority of the Dawoodi Bohra community as the Qutbi Bohras, with reference to their *dāʿī* Khuzema Qutbuddin.

and encourages the women of his community to be innovative, entrepreneurial, and to develop skills that will help them generate income to contribute to their households, all while adhering to Islamic principles and religious values. He also stresses the importance of being engaged, productive, and useful members of the wider society. My capacity as lecturer in the Dawoodi Bohra's principal educational institute, Aljamea-tus-Saifiyah,[28] also provides me with the continued opportunity to study, analyse and understand the texts, contexts and complexities of primary Ismāʿīlī and Fatimid sources, and explore them with senior professors, colleagues and students. I am fortunate to be able to draw from the knowledge and wisdom of senior professors of Aljamea, as well as the research of colleagues who specialise in various areas of Fatimid studies. The wealth of data drawn from those texts and these interactions have been a key source of information while researching this topic. Thus, I am provided with a valuable perspective for comprehending and interpreting Ismāʿīlī legal texts within their specific religious and socio-cultural context.

However, in undertaking this research, it is crucial to critically examine my own positionality. As a researcher from within the Dawoodi Bohra community, I acknowledge the potential impact of my religious and cultural background on my interpretation of historical sources and narratives. My upbringing within a community that reveres the *Daʿāʾim* as a foundational text may inadvertently shape my lens, leading to a nuanced perspective that highlights its significance. A sense of affinity towards the *Daʿāʾim* might inadvertently influence my evaluation of its impact on broader Muslim societies in Fatimid

[28] Aljamea-tus-Saifiyah is the principal educational institute of the Dawoodi Bohra community. Its sole benefactor, His Holiness Dr Syedna Mufaddal Saifuddin, oversees and guides it in all its endeavours. The academy has been functioning from its present campus in Surat, India for over two centuries with a sister campus inaugurated at Karachi, Pakistan in 1404/1983. A third campus was established in Nairobi in 1432/2011 with the official inauguration taking place in 1438/2017. The latest campus in Mumbai, where classes commenced in 1434/2013 was inaugurated in 1444/2023. To know more about this institute, visit their official website https://www.jameasaifiyah.edu/.

Cairo. Additionally, my familiarity with the theological tenets and practices of the Dawoodi Bohra community could potentially introduce biases in how I perceive the historical dynamics within Fatimid Cairo.

To mitigate these influences, I have been committed to maintaining a reflexive stance throughout the research process. [29] This involves continually questioning my assumptions, engaging with diverse perspectives, and remaining open to alternative interpretations. By acknowledging the potential impact of my positionality, I aim to enhance the rigour and objectivity of my research, contributing to a more faceted understanding of the historical realities of Fatimid women in medieval Egypt.

This dissertation aims to demonstrate that the primary legal text of the Fatimids aligns closely with the social realities experienced by women during this era. It is significant to note that the Fatimid legal system was known for its relative gender equity compared to other Islamic legal systems, and consistently upheld these principles. This is evidenced not only in its historical records, but also in the experiences of women of a modern Muslim society, the Dawoodi Bohras.

[29] Reflexivity denotes 'sensitivity by the researcher to their cultural, political, and social context because the individual's ethics, personal integrity, and social values, as well as their competency, influence the research process…Reflexivity starts by identifying preconceptions brought into the project by the researcher, representing previous personal and professional experiences, pre-study beliefs about how things are and what is to be investigated, motivation and qualifications for exploration of the field, and perspectives and theoretical foundations related to education and interests'. Darwin Holmes and Andrew Gary, "Researcher Positionality- A Consideration of its Influence and Place in Qualitative Research: A New Researcher Guide," *Shanlax International Journal of Education* 8, no. 4 (2020), pp. 1-10.

2. Literature Review

To understand the relation between legal constructs and the lived experiences of Muslim women, it is necessary to comprehensively examine primary sources and the existing body of scholarship. This literature review endeavours to critically analyse and synthesise scholarship dedicated to the study of Fatimid society and the placement of women within this society. This includes works of diverse disciplines such as historical records, legal texts, and sociocultural studies.

Through a detailed review of the existing literature, this section aims to identify key themes, debates and gaps in the current corpus of knowledge. Within this context, the dissertation aims to contribute a new perspective by highlighting the complex relationship between the Fatimid empire's primary legal text, *Kitāb Daʿāʾim al-Islām,* and the social realities of Muslim women in Fatimid Cairo.

2.1 The Qurʾān and gender

The Qurʾān is the primary source of Islamic law and ethics. Understanding the intricacies of Quranic verses related to women provides the fundamental framework to study the religious, legal and social context of women in any Muslim empire. The verses that address or mention women can be grouped by themes which range from a woman's religious duties and status in the spiritual realm, to her financial autonomy and her modesty, to the relationship between a husband and wife.

Verses in the Qurʾān that mention the relationship between a husband and wife describe the marital relationship as a mutual one, and the rights and duties of both husband and wife are discussed.[30] There are also verses that show that women's work is valued, and that they

[30] See the Holy Qurʾān, *Sūra al-Baqara*: 187; *Sūra al-Rūm*: 21; *Sūra al-Shūrā*: 11.

retain what they have earned, not unlike their male counterparts.[31] Women are also shown in the Qurʾān to be independent economic individuals who may generate income and possess their own property.

Amina Wadud's scholarship has had a profound impact on challenging traditional interpretations and fostering a more inclusive understanding of Islam that acknowledges the rights and agency of women. In her book *Qur'an and Woman*, Wadud focuses on the Quranic verses that are traditionally interpreted to indicate that men are superior to women.[32] She argues that the Qurʾān cannot be construed to attribute lesser value to a woman than to a man, and that these ideas of qualitative differences seem to be inherited or appropriated from traditional Jewish and Christian views. She presents alternative interpretations that according to her are more in accordance with the egalitarian sensibilities of the Qurʾān and the understanding of how culture and context impact the development of religious understanding. When it comes to spirituality, she says, 'there are no rights of woman distinct from rights of man'.[33]

Another interesting approach is the one adopted by Bauer and Feras, who analyse the female subject in the Qurʾān.[34] They do this by tracing the key Quranic terms used for the female gender and the contexts in which women are mentioned, from the early Meccan revelations to the later Medinan revelations. Bauer and Feras observe that the subject of gender and women in the Qurʾān should be considered an important part of the Quranic narration, not sidelined as a separate subject.

[31] See the Holy Qurʾān, *Sūra Āl ʿImrān*: 195; *Sūra al-Nisāʾ*: 32.
[32] Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, 2nd ed. (New York: Oxford University Press, 1999), pp. 29-43.
[33] Wadud, *Qur'an and Woman*, p. 34.
[34] Karen Bauer and Hamza Feras, *An Anthology of Qur'Anic Commentaries- Volume II: On Women* (USA: Oxford University Press, 2021).

2.2 Islamic Law and Gender

This leads us to the discussion of gender as a central theme in Islamic studies. Kelly Pemberton, a scholar in religious studies with a focus on Islam, highlights the emergence of gender as a principal category of analysis in Western scholarship on Muslim societies.[35] Her work emphasises how this focus has evolved, particularly since the late nineteenth century, shedding light on the complexities of gender dynamics within Muslim communities.

In contrast, Margot Badran, a historian specialising in Islamic feminism and gender studies, examines the historical development of women's rights, gender roles and feminist movements within the Islamic world. Badran believes that the feminist movement that first took root in the late nineteenth century and extended to the twentieth century was homegrown. She counters the notion that feminism was an idea borrowed from the West, and argues that women participating in the feminist movement drew inspiration from religion in seeking restoration of the rights that Islam had given them.[36] Her research offers insights into how Muslim women have historically navigated societal expectations, religious teachings, and their own agency in the pursuit of gender justice.

Leila Ahmed, known for her contributions to Islamic and women's studies, delves into how legal structures and social institutions have been shaping the lived realities of women since the advent of Islam and contextualising the historical circumstances of women's position in Muslim society. She discusses the dominant Islamic discourses pertaining to women and gender in Arabia during the formative period of Islam. In her groundbreaking work *Women*

[35] Kelly Pemberton, "Gender," in *Key Themes for the Study of Islam* (New York: Oneworld Publications, 2014), pp. 141-160.
[36] Margot Badran, "From Islamic Feminism to a Muslim Holistic Feminism," *IDS Bulletin (Brighton. 1984)* 42, no. 1 (2011), pp. 78-87.; Margot Badran, *Feminism in Islam: Secular and Religious Convergences* (London: Oneworld Publications, 2013).

and Gender in Islam [37] Ahmed argues that there are two distinct voices in Islam that represent competing understandings of gender. The first is that of the Qurʾān, the authoritative text of Islam, which preaches an egalitarian vision of Islam and declares the moral and spiritual equality of men and women. The second is that of—what she calls — the rigid and dogmatic interpretation of the Qurʾān by early Islamic law makers who codified the law centuries after the demise of the Prophet. She advocates for the reinterpretation of Quranic verses related to women, arguing that historical legal codifications were context-specific and not necessarily normative for all times.[38] Ahmed's exploration of how legal structures and social institutions influenced women's lived realities offers valuable insights into the intersection of religious doctrine and societal practices.

Fatima Mernissi offers a critique of modern interpretations that attribute the oppression of women to early Islam and the Qurʾān.[39] She contends that such views misunderstand Islamic heritage and cultural identity. Mernissi asserts that the Qurʾān, as well as the Prophet's daily words and deeds champion women's rights and gender democracy, though many of these ideals were lost or distorted in subsequent years through selective and self-serving interpretation. Her emphasis on understanding the historical context and the Prophet's actions provides a varied perspective on women's status in early Islam. This contributes to a more comprehensive understanding of the intersection between religion, culture, and gender dynamics. Mernissi's critique of some *ḥadīth* is undoubtedly significant in the broader context of Islamic gender discourse, yet it falls outside the specific scope and objectives of my investigation. While acknowledging the contested nature of certain

[37] Leila Ahmed and Kecia Ali, *Women and Gender in Islam*, 2nd ed. (New Haven: Yale University Press, 2021). See Chapter 4 "The Transitional Age" pp. 64-78.
[38] Ahmed and Ali, *Women and Gender*, pp. 65-67.
[39] Fatima Mernissi, *The Veil and the Male Elite : A Feminist Interpretation of Women's Rights in Islam*, eds. Mary Jo Lakeland and American Council of Learned Societies (New York: Basic Books, 1991).

hadiths within the *Daʿāʾim al-Islām*, my research does not primarily delve into the intricacies of this theological debate. The focus lies on extracting valuable insights into the social realities of Fatimid women by examining the lived experiences shaped by the legal and ethical principles outlined in the *Daʿāʾim*.

Judith Tucker challenges the notion of an ahistorical and incomplete perspective of Islam's stance on gender.[40] She argues that the Islamic legal discourse was not isolated from a lived social world but reflected how Muslim thinkers responded to the society which they were a part of. Both Mernissi and Tucker consider the proceedings of Islamic courts throughout Islamic history to be indicative of how legal thought developed in reciprocation to gendered social relations. The study of court records presents the interaction between scholarly legal discourse and the lived experiences of Muslims and many non-Muslims as well.

It is important to underscore that the arguments of Ahmed, Wadud, Tucker and Mernissi predominantly draw upon Sunni Muslim legal systems. In contrast to Sunni Muslim legal systems, which allow for multiple legal interpretations by various scholars, Ismāʿīlī law, as exemplified in texts like the *Daʿāʾim al-Islām*, follows a singular, authoritative interpretation. Unlike the Sunni schools that involve multiple juristic opinions, Ismāʿīlī law adheres to a centralised and authoritative legal code. The absence of competing juristic opinions within Ismāʿīlī law contributes to a distinct legal identity, offering a unique perspective on the regulation of various aspects of life, including those concerning women. Understanding this characteristic of Ismāʿīlī law becomes crucial in deciphering the centralised nature of legal interpretations prevalent in Fatimid society.

[40] Judith E. Tucker, *Women, Family, and Gender in Islamic Law* (Cambridge: Cambridge University Press, 2008).

2.3 The Fatimids

The history of the Fatimids is intertwined with the history of the Ismāʿīlīs, as the Fatimids were a Shīʿa Ismāʿīlī dynasty. Several historians from different periods contributed to Fatimid history. Ismāʿīlī authorities like al-Muʿizz's Chief Justice al-Qāḍī al-Nuʿmān (d. 363/974), and five centuries later, the *Dāʿī* Idrīs ʿImād al-Dīn provide authoritative accounts of Fatimid history, while non-Ismāʿīlī works, such as Ibn Khaldūn's Prolegomena, offer broader perspectives. The Ismāʿīlī *daʿwa*'s efforts, especially by Ṭayyibī scholars, aimed to recover and preserve doctrinal and historical works. Histories from the Mamluk period, like Ibn Khallikān's biographical dictionary *Wafayāt al-Aʿyān*, Ibn Saʿīd al-Maghribī's *Kitāb al-Mughrib*, and Ibn al-Muyassar's *Taʾrīkh Miṣr*, continue to contribute. The later Mamluk historians, including al-Nuwayrī and Ibn al-Dawādārī, offer insights into Fatimid history.[41]

The emergence of modern Ismāʿīlī studies is credited to early scholars such as Wladimir Ivanow, A. A. Fyzee, and Abbas Hamdani. Ivanow published the first catalogue of Ismāʿīlī literature,[42] which led to a series of critical editions of Ismāʿīlī texts. The Institute of Ismāʿīlī Studies has also contributed significantly to the field of Ismāʿīlī scholarship by collecting manuscripts, cataloguing them, translating them, and conducting historical studies. Farhad Daftary, arguably the most prolific author in this discipline, has published many studies on different periods of Ismāʿīlī history.[43]

[41] Walker, *Exploring an Islamic Empire*, pp. 152-169.
[42]Wladimir Ivanow, *A Guide to Ismaili Literature* (London: The Royal Asiatic society, 1933).
[43] See Farhad Daftary, *Medieval Ismaili History and Thought* (Cambridge: Cambridge University Press, 1996).; Farhad Daftary, *A Short History of the Ismailis: Traditions of a Muslim Community* (United Kingdom: Edinburgh University Press, 1998b).; Daftary, *The Ismailis: Their History and Doctrines* (Cambridge: Cambridge University Press, 2007).; Farhad Daftary, "Ismaili History and Historiography:; Phases, Sources and Studies," in *A Short History of the Ismailis* (United Kingdom: Edinburgh University Press, 1998a), pp. 1-20.

2.3.1 Modern Studies

The Fatimid period is unique in the history of Islam because it marks the temporal and spiritual authority of a Shīʿa dynasty that traces its lineage to Prophet Muḥammad. The Fatimid era can be divided into two periods: the North African period, which saw the reign of al-Mahdī (d. 322/934), al-Qāʾim (d. 334/946), al-Manṣūr (d. 341/953) and the first part of the reign of al-Muʿizz (d. 365/975), and the Egyptian period which commenced with al-Muʿizz establishing Cairo as the Fatimid political capital. As discussed in the introduction, the common belief is that the Fatimid era ended with the rule of al-ʿĀḍid (d. 567/1171). However, the Ṭayyibī Ismāʿīlī denomination believe that the Fatimid era ended with the concealment (*satr*) of the 21st Imam al-Ṭayyib, the infant son of al-Āmir (d. 524/1130). The Ṭayyibī Ismāʿīlīs believe that the Imam appointed a *dāʿī* (lit. caller) as his vicegerent and awarded him total authority over the *daʿwa*, and that an unbroken chain of *dāʿīs* have represented and will continue to represent the Imam until the day the Imam of the time appears from concealment.[44]

The Fatimids are considerably understudied in comparison to contemporaneous Muslim empires such as the Umayyads and Abbasids, and even in comparison to empires that came after them such as the Mamluks. However, the last three decades have seen a rise in Fatimid scholarship. Paul Walker, a seminal scholar in Fatimid studies, discusses in his monograph a large number of primary and secondary sources for Fatimid history and reviews the progress of modern Fatimid studies.[45] Walker notes that the earliest scholarship (from the late nineteenth century to the early twentieth century) depended exclusively on non-Ismāʿīlī Sunni sources, most of which were hostile to the Fatimids. Recent decades have witnessed a shift in perspective, driven by the retrieval and examination of hitherto unexplored

[44] Daftary, *The Isma'ilis*, pp. 238-239.
[45] Walker, *Exploring an Islamic Empire: Fatimid History and its Sources* (London: I.B. Tauris, 2002).

authentic Fatimid texts. Since then, critical editions of many of these texts have now been published, and many secondary studies of numerous aspects of Ismailism have been produced.[46]

Ivanow provided translations of numerous Fatimid sources,[47] Heinz Halm presented pioneering research on Fatimid origins and their North African period,[48] and Michael Brett[49] stressed 'the centrality of sacred history in the dynasty's self-understanding and policies in the context of other Mediterranean empires'.[50] Shainool Jiwa explores Fatimid government policies and diplomatic activities of al-Muʿizz and al-ʿAzīz [51] while Halm discusses the Fatimid approach to education and Fatimid educational institutes in North Africa and Egypt.[52]

The works of scholars like Walker, Ivanow, Halm, Brett, Jiwa, and others are foundational to understanding not only the broader historical and contextual backdrop against which Fatimid women lived, but also provides a structural understanding of the society in which they navigated.

[46] See Farhad Daftary, *Ismaili Literature: A Bibliography of Sources and Studies*, 1st ed. (London: I. B. Tauris, 2004).
[47] Wladimir Ivanow, *Ismaili Tradition Concerning the Rise of the Fatimids* (New York: Oxford University Press, 1942).
[48]Halm, *The Empire of the Mahdi* (Boston: Brill, 1996).
[49] Michael Brett, *The Rise of the Fatimids* (Leiden: Brill, 2001).
[50] Khalil Andani, "A Survey of Ismaili Studies Part 1: Early Ismailism and Fatimid Ismailism," *Religion Compass* 10, no. 8 (2016), pp. 191-206.
[51]Shainool Jiwa, "Study of the Reign of the Fifth Fatimid Imam/Caliph Al-'Aziz Billah" (Phd, University of Edinburgh), .; Aḥmad Ibn-ʿAlī al Maqrīzī and Shainool Jiwa, *Towards a Shiʿi Mediterranean Empire*, Vol. 11 (London: Tauris, 2009).; Jiwa, *The Founder of Cairo: The Fatimid Imam-Caliph Al-Mu'Izz and His Era: An English Translation of the Text on Al-Mu' Izz from Idris 'Imad Al-Din's 'Uyun Al-Akhbar*, Vol. 21 (London: I.B.Tauris, 2013).
[52] Heinz Halm, *The Fatimids and their Traditions of Learning*, Reprinted ed. (London: I.B.Tauris, 2001).

2.3.2 Primary Sources

However, more important than these modern works are Fatimid primary sources, the first of which in importance is the *Kitāb Daʿāʾim al-Islām* 'The Book of the Pillars of Islam' by al-Qāḍī al-Nuʿmān b. Muḥammad. Ismāʿīlī law was codified in the time of the 4th Fatimid Imam-Caliph al-Muʿizz (d. 364H/975CE), by his chief justice al-Qāḍī al-Nuʿmān (d. 363H/974CE). The *Daʿāʾim al-Islām*, al-Nuʿmān's compendium of Fatimid law, was written circa 347AH/957CE in Ifriqīyyah. Al-Muʿizz commissioned the writing of the *Daʿāʾim* and made revisions, additions and omissions where necessary.[53] Holding the Imam's stamp of authority, the *Daʿāʾim* came to hold a cardinal position in Fatimid law, influencing contemporary and later Fatimid thought.[54]

Looking at the centrality of al-Qāḍī al-Nuʿmān and the *Daʿāʾim al-Islām* to Fatimid legal tradition, this book is the primary text for this dissertation. My primary focus revolves around exploring aspects of women's education, occupations, and professions in Fatimid law. I aim to examine the historical evidence to discern the extent to which the lived realities of Fatimid Muslim women were in alignment with these laws.

Another significant source of information is al-Qāḍī al-Nuʿmān's *Kitāb al-Majālis wa'l-Musāyarāt* [55] 'The Book of Sessions and Excursions', in which he provides eyewitness accounts of audiences with the Imam-Caliphs, most often al-Muʿizz. Al-Qāḍī al-Nuʿmān's eyewitness reports provide the official Fatimid viewpoint on several issues and constitute

[53] Idrīs ʿImād al-Dīn, *Uyūn Al-Akhbār*, ed. Mustafa Ghalib, 2nd ed., Vol. 6 (Beirut: Dār al-Andalus, 1984). p. 42.
[54] Adel Allouche, "The Establishment of Four Chief Judgeships in Fāṭimid Egypt," *Journal of the American Oriental Society* 105, no. 2 (1985), pp. 317-320.; Farhad Daftary, "The Ismāʿīlīs and their Traditions," in *Handbook of Islamic Sects and Movements*, eds. Muhammad Upal and Carole Cusack (London: Brill, 2021), pp. 235-254.
[55] Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Al-Majālis Wa'L-Musāyarāt* (Mumbai, India: Aljamea-tus-Saifiyah, 2013).

accounts of the Imam as he carries out his duty of receiving his followers, providing counsel and ruling on diverse matters including those related to women. These accounts give direct insight into the context and ethos of Fatimid times, which in turn inform the characteristics of the legal system in question and its stance toward women.

The seven-volume *ʿUyūn al-Akhbār*, authored by the Ismāʿīlī Ṭayyibī *dāʿī* and historian Idrīs ʿImād al-Dīn (d. 872/1468), is the principal history of the Ismāʿīlī Imams and the Ismāʿīlī movement, starting from as far back as the time of Prophet Muḥammad. As the only surviving medieval Ismāʿīlī work documenting the history of the Fatimid dynasty, the *ʿUyūn al-Akhbār* is among its principal primary sources.

2.4 Women in the Fatimid Empire

Cortese and Calderini's *Women and the Fatimids in the World of Islam* prompted me to contemplate the potential for investigating Fatimid women and their societal circumstances within the context of the official Fatimid legal text.[56] The authors argue that one of the reasons that so little has been written about the lives of these women is that historians contemporaneous to the Fatimids were more interested in writing about the sovereigns and their political history, as well as the elites in the caliphal court. Another reason was that the histories were penned by men who were neither interested in the personal lives of women nor had access to them. Consequently, what we *do* have is the documented history of influential women of the caliphal court, and women who were attached in some way to the men who made it to the history books. Cortese and Calderini attempt to construct a coherent story from the scarce historical evidence available by augmenting it with information interspersed within doctrinal, literary and other narratives. They have, at times, also made

[56] Cortese and Calderini, *Women and the Fatimids in the World of Islam* (Edinburgh: Edinburgh University Press, 2006).

use of references to al-Qāḍī al-Nuʿmān and the Fatimid laws documented in the *Da'ā'im al-Islām* to substantiate their deductions.

Although Fatima Mernissi's *The Forgotten Queens of Islam* does not discuss the lives of common Muslim women, her research on the role of the exceptional women in Islamic political history sheds light on the status accorded to women in Islam. [57] More specifically, her narration of the lives and legacy of the two queens of the Fatimid era, Asmā' bt. Shihāb and Arwā bt. Ahmed highlights the positive status of women in the Fatimid Empire and the remarkable achievements they attained.

A comprehensive examination of the everyday lives of common people during the Fatimid era would be inadequate without an exploration of the Cairo Geniza. Moreover, the broad scholarly impact of S.D. Goitein's seminal work *A Mediterranean Society*, based primarily on the Geniza documents, has been significantly influential in the study of Jewish and Middle Eastern history and the history of the Mediterranean world. [58] Goitein believes that the Arabic adage '*al-nās bi-azmānihim ashbah minhum bi-aslāfihim'* (people resemble their contemporaries more than their own ancestors) applies to the study of the Muslim and Christian contemporaries of the Geniza people.[59] He states that it is safe to assume that certain practices described in the Geniza were general to the Muslim and Christian communities of the time, even if no Muslim or Christian parallel was found to ascertain this. He finds this particularly applicable to the economic activities and societal customs of the Geniza people.[60]

[57] Mernissi, *The Forgotten Queens of Islam*, 4th ed. (Minneapolis: University of Minnesota Press, 2006).
[58] S. D. Goitein, *A Mediterranean Society. Volume 1 : The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza: Economic Foundations* (Berkeley: University of California Press, 1967).
[59] 'Geniza people' is the term used by S.D. Goitein to describe the people of the Jewish community who have been mentioned in the Geniza documents.
[60] Goitein, *A Mediterranean Society,* Vol. 1. p. 70

Ahmed, Cortese and Calderini support this view and apply it especially to *women* in the Geniza documents, to find glimpses of the social, intellectual and economic lives of Fatimid Muslim women. Leila argues that the Geniza documents not only reflect the lived realities of Muslim women in the Fatimid era but also of Muslim women after the Fatimid era (15th-19th centuries CE).[61] Based on the same argument, Cortese and Calderini have made deductions regarding Fatimid Muslim women and their money; from how they earned, to their shopping habits and their share in the inheritance. In *Coming of Age in the Medieval World,* Eve Krakowski's findings also suggest that Geniza Jews' legal practices did not set Geniza women apart from their Muslim and Christian counterparts.[62]

While it is sensible to consider the experiences of Jewish women in the Geniza as reflective of the realities faced by Muslim women, it is also important to exercise caution, especially when these observed realities appear to contradict the laws outlined in the *Daʿāʾim.* I will discuss this further in the coming chapters, particularly in the section on women's occupation in the Fatimid Empire.[63]

In summary, this literature review has explored the existing body of scholarship on the relation between legal constructs and the lived experiences of women in Fatimid society, emphasising the central role of the *Daʿāʾim al-Islām* and the importance of primary sources in understanding this relationship. By examining the contributions of various scholars across disciplines, this chapter has identified significant themes, debates, and gaps that will inform the subsequent analysis. The insights drawn from the literature, especially in relation to the Quranic framework, Ismāʿīlī law, and the historical context of the Fatimids, lay the groundwork for the dissertation's exploration of how legal texts and societal realities

[61] Ahmed and Ali, *Women and Gender.* pp. 103-104.
[62] Eve Krakowski, *Coming of Age in Medieval Egypt* (Princeton: Princeton University Press, 2017). p. 4.
[63] See Chapter 5, pp. 51-52, 53-54.

intersected for women in Fatimid Cairo. The following chapters will delve deeper into these intersections, focusing on the specific areas of women's education, occupations, and professions as regulated by Fatimid law and as evidenced in historical records.

3. Methodology

As I was formulating the hypothesis of my dissertation, I deliberated on a recurring theme in modern scholarship—the question of the relationship between Islamic legal theory and actual practice. Udovitch proposes that in classical Islamic law, practices of ritual, family and inheritance law have adhered most closely to *Sharīʿa* [64], while constitutional, criminal and fiscal laws have diverged the farthest.[65] Commercial practices, according to Udovitch, 'fall somewhere between the two extremes'. While writing about partnership and profit in the medieval world, Udovitch suggests that 'the ideal way to study any institution of commercial law' is comparing the information contained in legal texts to evidence of its application in economic life.[66] This methodological approach serves to establish a connection between legal texts and documentary evidence, thereby narrowing the divide between them.

This approach—of comparing the legal code to the material evidence in the study of the social and economic lives of Muslim women in Fatimid Cairo—has been applied in the dissertation. Thus, concurring with Udovitch, I believe an ideal way to study the lived realities of Muslim women in Fatimid Cairo is to compare laws regarding women in the primary Fatimid legal text, the *Kitāb Daʿāʾim al-Islām*, with documentary evidence of the practical application of these laws in the lives of these women.

To contextualise the importance of this legal text in a discussion about Muslim women in Fatimid society, the initial step involved explaining the significance of the *Daʿāʾim* in

[64] Within Muslim discourse, *Sharīʿa* designates the rules and regulations governing the lives of Muslims, derived in principle from the Qurʾān and *ḥadīth.* N. Calder and M. B. Hooker, "Sharia," in *Encyclopaedia of Islam, Second Edition* (Leiden: Brill, 2012), IX:321a.
[65] Abraham L. Udovitch, "Theory and Practice of Islamic Law: Some Evidence from the Geniza," *Studia Islamica*, no. 32 (1970b), pp. 289-303. See pp. 289-290.
[66] Abraham L. Udovitch, *Partnership and Profit in Medieval Islam* (Princeton, NJ: Princeton University Press, 1970a). p. 3.

Fatimid law. This has been demonstrated by understanding the circumstances in which this text was written and how it came to be the official legal code of the empire. The research is based on a variety of primary sources, from legal and historical texts written in the Fatimid era, to later Ismāʿīlī expositions on Ismāʿīlī law. Secondary scholarly works focusing on the Fatimid empire and its religious, political, social, and economic institutions unanimously assert the central importance of al-Qaḍī al-Nuʿmān and the *Kitāb Daʿāʾim al-Islām* within the Fatimid legal framework.

Having extracted narratives from the *Daʿāʾim* that pertain to women in their day-to-day life, the research further focussed on accounts that illustrated legal aspects of women's occupations and professions. Subsequently, a comparison was conducted between the laws outlined in the *Daʿāʾim* and the evidence of their application in the lives of these women.

Aristocratic women of the Fatimid empire are found to be more frequently mentioned in history books than those of the lower strata of society. This seems to be a direct result of their familial association with the Fatimid rulers and consequently their influence on state politics and Cairene culture. Familial ties with the Imam-Caliphs have seen the histories of mothers, sisters, wives, daughters and the *umm al-walad* [67] intertwined with the history of their sons, brothers, husbands, fathers and masters.

By comparison, there is a paucity of references regarding ordinary women, i.e., outside the Fatimid palace. For this reason, Goitein's methodological approach has been utilised: He argues that it is safe to assume that many practices chronicled in the Geniza, particularly economic and social habits, were also representative of the Muslim and Christian communities of the time.[68] As mentioned in the literature review, this method is

[67] In classical Islamic law, *umm al-walad*, 'mother of the child' denotes a slave-girl who has borne her master a child.
[68] Goitein, *A Mediterranean Society*, Vol.1, pp. 70-74.

corroborated by Cortese and Calderini in their groundbreaking book on women in the Fatimid era.[69] Cortese and Calderini have employed various primary and secondary sources to explore the lives, status and influence of these women. Besides historical work, they have also established their research using official correspondence, archaeological findings, chronicles and other documentary evidence from the Geniza documents.

Krakowski argues that the Geniza documents are 'prismatic' and erratic in their illumination of distinct demographic groups within the Geniza populace.[70] While that may be the case, it is also important to bear in mind that these documents span almost three centuries and can enhance our understanding of how society evolved during Fatimid rule and after its decline. Additionally, these documents were written by individuals living in distinctly varied geographical and social conditions, which allow us to examine similarities and differences across the Fatimid Empire. However, while one must appreciate the merits of obtaining important data on Muslim society from chronicles of the Geniza society, caution has been exercised in relying excessively on studies from the Geniza, especially in instances where there appears to be conflict between the Geniza documents, the material evidence and Ismāʿīlī law as documented in the *Daʿāʾim al-Islām*.

Although sources suggest that al-Qāḍī al-Nuʿmān authored the *Daʿāʾim al-Islām* in Ifrīqiyyah during his tenure as Chief Justice of the Fatimid state, it remained the principal legal text of the Fatimid Empire throughout the Cairene era. Remarkably, it continues to hold this central role today within the Ismāʿīlī Ṭayyibī community of the Dawoodi Bohras, to which I belong. For the Dawoodi Bohras, the *Daʿāʾim* is considered the greatest authority on Ismāʿīlī law and remains the source of supreme authority in the community's legal

[69] Cortese and Calderini, *Women and the Fatimids*. p. 189.
[70] Eve Krakowski, "Female Adolescence in the Cairo Geniza Documents" (Ph.D., The University of Chicago), . p. 7.

matters. This thesis is therefore also a reflexive practice into understanding the implications of this medieval Muslim legal text that has been profoundly influencing the lives of the Dawoodi Bohra community for almost a millennium. As a faculty member of the community's principal educational institute, Aljamea-tus-Saifiyah, I have insight into the religious, social, and professional lives of many women in my community, allowing me to observe firsthand the role the Fatimid legal text plays in shaping their realities. My background in Ismāʿīlī and Fatimid studies, combined with my societal perspective, provides me with a solid understanding of the character of Fatimid creed and culture, as well as the role of women within this contemporary Fatimid society. An interpretivist approach[71] to this study highlights my unique position as a Dawoodi Bohra woman, allowing me to understand these women 'from the inside—through empathy, shared experiences and culture'.[72]

In this respect, while interpretivists call for researchers to 'unlearn' and 'suspend' their own cultural assumptions to learn the characteristics of the culture they are studying, I use my own Fatimid Ismāʿīlī Muslim background to my advantage to analyse the lived realities of these women. This is because understanding, and more pertinently, existing in the distinctive cultural character of a people and observing emically how they developed over time, is crucial to being able to make sense of their world. However, as discussed in the introduction[73], it is imperative to critically assess my own positionality. As a member of the Dawoodi Bohra community, my religious and cultural background may influence my interpretation of historical sources. While my reverence for the *Daʿāʾim* may enhance my

[71] The interpretivist approach in research focuses on comprehending the social world through the perspectives and experiences of those involved, aiming to uncover how individuals create and maintain their social realities. Egon G. Guba and Yvonna S. Lincoln, "Competing Paradigms in Qualitative Research," in *Handbook of Qualitative Research* (London: SAGE Publications Ltd., 1994), 105-117.
[72] Uwe Flick, *The SAGE Handbook of Qualitative Data Collection* (London: SAGE Publications Ltd, 2018).
[73] Introduction, pp. 13-14.

appreciation of its importance, it also poses challenges, potentially introducing biases in evaluating its broader impact. To address this, I am committed to consistently questioning assumptions, embracing diverse perspectives, and ensuring an objective exploration of the historical dynamics in Fatimid Cairo.

The last chapter of my dissertation on the social realities of women of the Dawoodi Bohra community aims to accentuate a degree of social parallelism between women in Fatimid Cairo and the women of my own community, that connects a modern South Asian Muslim minority community in the 15th/21st century with the Muslim populace of medieval Egypt.

To conclude, this research adopts a multi-disciplinary framework, integrating textual analysis, historical inquiry, ethnographic investigation, and social science methodologies to comprehensively explore the lives of Fatimid women. This approach allows for a nuanced understanding of women's education, occupations, and professions within Fatimid society. Textual analysis of the *Daʿāʾim al-Islām* reveals formalised regulations governing women's lives, while historical analysis uncovers lived realities through archival records and narratives. Ethnographic research captures contemporary perspectives, bridging past and present contexts. Additionally, social science methodologies examine broader societal dynamics. Moreover, the comparative angle with Dawoodi Bohra women offers insights into similar and divergent experiences across these two different historical and cultural contexts.

Notes on translations:

The English translations of verses of the Qurʾān are taken from *The Study Quran: A New Translation and Commentary*.[74]

The first and second volumes of *Kitāb Daʿāʾim al-Islām* were translated into English by A.A. Fyzee in 1980 and revised and annotated by I.K. Poonawala in 2002 and 2007 respectively.[75] Poonawala reports multiple inaccuracies and stylistic inconsistencies in Fyzee's translation which he says he has since then revised.[76] Poonawala's revisions notwithstanding, it was essential to thoroughly examine the original text to ensure a more accurate and nuanced translation that faithfully represents the source material. In this respect, unless otherwise stated, all English translations of *Kitāb Daʿāʾim al-Islām* are done from the original text by the author of this dissertation. Similarly, this approach has been adopted for the translation of other Arabic texts cited in this work.

[74] Seyyed Hossein Nasr et al., *The Study Quran : A New Translation and Commentary*, 1st ed.HarperOne, 2015).
[75] Fyzee, *The Pillars of Islam*, Vol. 1 & 2.
[76] Fyzee, *The Pillars of Islam*, Vol. 1, pp. vi-vii.

Notes on transcription:

a. For transliteration, I have used the IJMES transliteration system for Arabic as seen in the tables below:

CONSONANTS

ء	ʾ	ش	Sh	ع	ʿ
ث	Th	ص	ṣ	غ	Gh
ح	ḥ	ض	ḍ	ق	Q
خ	Kh	ط	ṭ	ة	a, and in construct state: at
ذ	Dh	ظ	ẓ		

VOWELS

Long	ا or و	Ā
	ـو	Ū
	ي	Ī
Doubled	ـِيّ	iyy (final form ī)
	ـُوّ	uww (final form ū)

b. Diacritics have been omitted from commonly used words such as 'imam' and anglicised terms like 'Quranic' and 'Fatimid' for the sake of readability and consistency with common usage in English-language scholarship.

c. The Arabic word for ‘son’ (pronounced *(i)bn* or *bin*), when occurring between the name of a person and that of his father, is always abbreviated as b. Similarly, the Arabic word for ‘daughter’ (pronounced *ibna* or *bint*), is always abbreviated as bt.

4. The *Kitāb Daʿāʾim al-Islām* and its centrality to Fatimid law

This chapter demonstrates that the *Kitāb Daʿāʾim al-Islām* is the most authoritative legal compendium of Fatimid Ismāʿīlī law, and that historically, all initiates of the Ismāʿīlī *daʿwa*, both male and female, were obligated to adhere to the laws set forth within it. Additionally, as the state law of the Fatimid Empire, all subjects, regardless of their faith, were required to follow its rules.

This section studies the author, the text, and their centrality to Fatimid law. A look at al-Qāḍī al-Nuʿmān's accomplishments in the service of the Fatimid Imam-Caliphs explain his authority as a legal scholar, while the events that took place around the writing of this book explain how and why it came to be the pre-eminent jurisprudential code of the Fatimid empire.

4.1 Al-Qāḍī al-Nuʿmān b. Muḥammad (d. 363/974)

Very little is known of al-Qāḍī al-Nuʿmān's early life. He was born in Qayrawān (in present-day Tunisia) to Muḥammad b. Ḥayyūn al-Tamīmī. The renowned Islamic historian Ibn Khallikān writes that al-Nuʿmān's father was a Mālikī[77] jurist who adopted the Ismāʿīlī faith before the advent of the Fatimids.[78] As for al-Qāḍī al-Nuʿmān's religious persuasion, Ibn Khallikān writes that he, too, used to be of Mālikī affiliation before he adopted the Ismāʿīlī faith.[79] Madelung goes so far as to say al-Qāḍī al-Nuʿmān 'never received formal

[77] The Mālikiyya are a juridical-religious group of orthodox Islam which formed itself into a school (*al-madhhab al-mālikī*) after the adoption of the doctrine of the Sunni Imam Mālik b. Anas (d. 179/795). This sect is one of the four major Sunni schools of Islamic jurisprudence, which today predominantly exists in North Africa. N. Cottart, "Malikiyya," in *Encyclopaedia of Islam, Second Edition* (Leiden: Brill, 2012), VI:278a.

[78] Asaf A. A. Fyzee, "Qadi an-Nu'Man the Fatimid Jurist and Author," *Journal of the Royal Asiatic Society of Great Britain and Ireland*, no. 1 (1934), pp. 1-32.

[79] Fyzee, "Qadi an-Nu'man", pp. 8-9

training in Shiite *hadith* [80] or *fiqh*'.[81] However, Poonawala—who annotated and edited Fyzee's English translation of the *Daʿāʾim al-Islām*[82]—maintains that al-Qāḍī al-Nuʿmān was 'raised and educated as an Ismāʿīlī'.[83] Given that al-Qāḍī al-Nuʿmān is considered a pillar of the Ismāʿīlī faith, as well as the founder of the Ismāʿīlī legal system, it comes as no surprise that the *Dāʿīʿ* Imād al-Dīn does not discuss the question of al-Qāḍī al-Nuʿmān's *madhhab*[84] in his authoritative *ʿUyūn al-Akhbār*, indicating that the question about his original association was considered irrelevant.

Al-Qāḍī al-Nuʿmān served four Fatimid Imam-Caliphs in his lifetime: ʿAbd Allāh al-Mahdī bi-llāh (r. 297-322/909-34), Muḥammad al-Qāʾim bi-Amr Allāh (r. 322-34/934-46), Ismāʿīl al-Manṣūr bi-Naṣr Allāh (r. 334-41/946-53) and Maʿadd al-Muʿizz li-Dīn Allāh (r. 341-65/953-75). He began his life of service to the Imams in 313/925. Al-Qāḍī al-Nuʿmān writes, 'I served al-Mahdī in the last 9 years of his life and served al-Qāʾim through the duration of his reign. My role was to deliver to them both news of the court'.[85] In these early years of his service, he was also the keeper of the palace library, his chief duty being the collection, preservation and copying of books. Although there is no documentation of his date of birth or his age, Fyzee conjectures that if al-Qāḍī al-Nuʿmān was inducted into the service of al-Mahdī at 20 years of age, he would most likely have been born in the last

[80] *Hadīth* is the term used for 'Tradition', being an account of what the Prophet said or did, or of his tacit approval of something said or done in his presence. J. Robson, "Hadith," in *Encyclopaedia of Islam, Second Edition* (Leiden: Brill, 2012), III:23b.
[81] Wilferd Madelung, "The Sources of Ismāʿīlī Law," *Journal of Near Eastern Studies* 35, no. 1 (1976), 29-40. p. 30.
[82] Al-Qāḍī al-Nuʿmān b. Muḥammad, *The Pillars of Islam: Da'ā'im Al-Islām of Al-Qaḍī Al-Nu'mān Volume 1*, ed. Ismail K. Poonawala, trans. A. A. Fyzee (New Delhi: Oxford University Press, 2002).; Al-Qāḍī al-Nuʿmān b. Muḥammad, *The Pillars of Islam: Da'ā'im Al-Islām of Al-Qaḍī Al-Nu'mān Volume 2* , ed. Ismail K. Poonawala, trans. A. A. Fyzee (New Delhi: Oxford University Press, 2007).
[83] Al-Qaḍī al-Nu'mān, *The Pillars of Islam: Daʿāʾim Al-Islām*, p. xxvii
[84] Pl. *maḏhāhib*, inf. n. of *ḏh-h-b*, meaning "a way, course, mode, or manner, of acting or conduct or the like" (Lane, 1872, i, 983b); as a term of religion, philosophy, law, etc. "a doctrine, a tenet, an opinion with regard to a particular case"; and in law specifically, a technical term often translated as "school of law".
[85] Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Al-Majālis Wa'L-Musāyarāt* (Mumbai, India: Aljamea-tus-Saifiyah, 2013). p. 42.

decade of the third century (around 903 CE). In a life of service spanning five decades and four sovereigns, he would have lived to be 70 years old.[86]

Al-Qāḍī al-Nuʿmān commenced his career as a judge in the Fatimid empire with his appointment by al-Qāʾim in Tripoli in 336/948, and soon ascended to the highest office of *qāḍī al-quḍāt* (supreme judge). In 337/948, after al-Manṣūr shifted the caliphal capital to al-Manṣūriyyah, he appointed al-Qāḍī al-Nuʿmān the *qāḍī al-quḍāt* of al-Manṣūriyyah, Qayrawān, al-Mahdiyyah and other towns and provinces of Ifrīqiyyah. This appointment was made public through a solemn investiture by the Imam and a grand procession where he was escorted by the officers of the guard to the mosque in Qayrawān for the Friday prayers.[87] By this appointment, all the judges of the realm came under his authority and were to issue judgement according to his instructions. Furthermore, they were instructed to draw from al-Qāḍī al-Nuʿmān's vast knowledge of jurisprudence in their dealings.

When al-Muʿizz ascended the throne, he confirmed al-Qāḍī al-Nuʿmān in the post of chief judge, and in 343/954 also issued a royal decree entrusting al-Qāḍī al-Nuʿmān with the *maẓālim*[88] 'grievance proceedings' throughout the Fatimid realm.[89] After al-Muʿizz's conquest of Egypt, al-Qāḍī al-Nuʿmān accompanied him to Cairo. The *Dāʿī* ʿImād al-Dīn narrates how al-Muʿizz made al-Qāḍī al-Nuʿmān's high status known on the momentous day that he set foot in his newly established capital, Cairo. Al-Qāḍī al-Nuʿmān was one of

[86] Fyzee, "Qadi an-Nu'man", p.7.
[87] Al-Qāḍī al-Nuʿmān, *Al-Majālis Wa'L-Musāyarāt*, pp. 370-371.
[88] At an early stage in the development of Islamic institutions of government, *maẓālim* came to denote the structure through which the temporal authorities took direct responsibility for dispensing justice.
[89] Farhad Daftary, "Al-Nu'Man, Al-Qadi (D. 363 AH/ 974 CE)," in *The Biographical Encyclopaedia of Islamic Philosophy*, ed. Leaman. Oliver, 2010), 165-167.

only two people who rode into Cairo with the Imam while everyone else, presumably even members of the Imam's family, walked in front of the Imam's mount. [90]

In Cairo, al-Qāʾid Jawhar[91] had appointed Abū Ṭāhir Muḥammad b. Aḥmad as chief judge, and al-Muʿizz confirmed this appointment. However, Abū Ṭāhir was instructed to consult al-Qāḍī al-Nuʿmān in all his ordinances and present his cases to him and carry out his decrees according to al-Qāḍī al-Nuʿmān's opinion on the matter.[92] This illustrates that the appointment of a new chief justice did not diminish al-Qāḍī al-Nuʿmān's role as the final judicial authority of the empire.

Al-Qāḍī al-Nuʿmān's biographical narratives in *al-Majālis wa'l Musāyarāt* reveal that along with being a key figure in the Fatimid *daʿwa* and *dawla* (state), al-Qāḍī al-Nuʿmān was a confidant to the Imams he served and on intimate terms with al-Muʿizz even before he ascended the throne. When al-Qāḍī al-Nuʿmān passed away in 363/974, al-Muʿizz personally led his funeral prayers.[93] His sons and grandsons came to be distinguished judges of the Fatimid empire and held the position of chief judge for approximately half a century.

4.2 Al-Qāḍī al-Nuʿmān's corpus of writings

Al-Qāḍī al-Nuʿmān was a great polymath, a man of high moral qualities and distinctive intelligence. The *Dāʿī* ʿImād al-Dīn succinctly illustrates his excellent virtues and outstanding qualities by quoting al-Muʿizz who said: 'He who brings forth one hundredth

[90] ʿUslūj b. al-Ḥasan also remained mounted, but he rode behind the Imam-Caliph while al-Qāḍī al-Nuʿmān rode alongside him. ʿImād al-Dīn, *Uyūn Al-Akhbār*, ed. Ghalib, 2nd ed., Vol. 6 (Beirut: Dār al-Andalus, 1984). Idrīs ʿImād al-Dīn, *ʿUyūn Al-Akhbār*, Vol. 2, p. 192.
[91] Al-Qāʾid Jawhar b. Abd Allāh was the Sicilian Fatimid commander-in-chief who led the conquest of Maghrib and subsequently the conquest of Egypt for the 4th Fatimid Imam-Caliph al-Mu'izz li-Dīn Allah.
[92] Idrīs ʿImād al-Dīn, *ʿUyūn Al-Akhbār*, Vol. 2, p. 195.
[93] Ismail K. Poonawala, "The Chronology of Al-Qāḍī L-Nuʿmān's Works," *Arabica* 65, no. 1 (2018), 84-162.

of what al-Nuʿmān has brought forth, I guarantee *janna* (paradise) for that person'.[94] Ibn Khallikān in his *Wafayāt* quotes Ibn Zūlāq[95] as he pays a glowing tribute to al-Qāḍī al-Nuʿmān. He writes that al-Qāḍī al-Nuʿmān was, among his other qualities, 'deeply versed in the Quran', 'skilled in the systems of jurisprudence' and 'distinguished for intelligence and equity'. [96]

Al-Qāḍī al-Nuʿmān is considered one of the great scholars of his time and his judicial duties extended into a higher didactic function. At the directive of the Imam, he undertook the promulgation of knowledge in public sessions known as the *majālis* or *durūs al-ḥikma* (sessions or lessons of wisdom). While sessions for the exoteric sciences were held publicly in the mosque, private sessions inside the palace were held for esoteric knowledge. Al-Qāḍī al-Nuʿmān recounts how al-Muʿizz gave him books containing esoteric knowledge and instructed him to read them upon the believers every Friday in a room inside the palace. Soon, he narrates, the gathering grew so large it filled the designated room and a portion of the palace courtyard, so much so that his voice could not be heard at the back of the gathering. [97]

Al-Qāḍī al-Nuʿmān also devoted himself to composing jurisprudential, historical and esoteric treatises. His oeuvre consists of over 40 extant treatises on Islamic history and jurisprudence, on the allegorical interpretation of the Qurʾān and esoteric philosophical discourses. Among his large corpus of books, he authored seven multi-volume Fatimid legal texts alone, one of which is his seminal *Daʿāʾim al-Islām.*

[94] ʿImād al-Dīn, *ʿUyūn Al-Akhbār*, p. 49. *'Man atā bi ʿushr ʿashir mā atā bih al-Nuʿmān, ḍamint lah ʿala Allah al-janna'.*

[95] Ibn Zūlāq or ibn Zawlāq, Egyptian historian contemporaneous to the Fatimids and author of a number of biographical, historical and topographical works on Egypt in the time of the Ikhshīdids and early Fāṭimids. Although his works are almost entirely lost, they are quoted in many subsequent historiographical works relating to this period.

[96] Fyzee, "Qadi an-Nu'man", p. 13.

[97] Al-Qāḍī al-Nuʿmān, *Al-Majālis Wa'L-Musāyarāt*, p. 419.

4.3 *Kitāb Daʿāʾim al-Islām*: The book of the Pillars of Islam

The complete title of this book is *Daʿāʾim al-Islām wa dhikr al-Ḥalāl waʾl-Ḥarām waʾl-Qaḍāyā waʾl-Aḥkām,* 'The Pillars of Islam on What is Permitted and What is Forbidden and about Legal Cases and Ordinances'. Al-Qāḍī al-Nuʿmān gives a detailed account of how this book came into being. He and a group of *duʿāt* (sg. *dāʿī*, lit. 'missionaries') were gathered at al-Muʿizz's court one day when the conversation turned to the differences in reported prophetic traditions, the fabrications and innovations that were made, and the subsequent rise of opposing sects and opinions, which had caused disunity in the *umma* (Muslim community). Al-Muʿizz in response narrated the tradition of the Prophet where he foretold a time when opposing factions would divide the *umma*. The Prophetic tradition states that when that happened, it was imperative for learned men to make manifest their knowledge.[98] Al-Muʿizz then looked at al-Qāḍī al-Nuʿmān and said, 'You are the one intended in that [prophetic decree] in these times O Nuʿmān'.

Thereafter, al-Muʿizz commissioned him to write the *Kitāb Daʿāʾim al-Islām,* expounding for him the principles and branches of Islamic jurisprudence and relating to him authentic traditions of the Prophet on the authority of his forefathers, the Ismāʿīlī Imams. Al-Qāḍī al-Nuʿmān wrote the *Daʿāʾim* as outlined by the Imam and presented it to him chapter by chapter for approval. The Imam would retain what was correct, correct what was unsound and remove any deficiencies that remained.[99]

The first volume of the book begins, after a brief introduction by al-Qāḍī al-Nuʿmān as to the reason for writing it, with the foremost pillar of Islam according to Ismāʿīlī belief: faith and *Walāya*—love and loyalty for the Prophet and the Imams from *ahl al-bayt.* This is

[98] Al-Qāḍī al-Nuʿmān, *Al-Majālis Wa'L-Musāyarāt*, p. 322.
[99] ʿImād al-Dīn, *Uyūn Al-Akhbār*, Vol. 6, p. 42.

followed by individual chapters dedicated to laws regarding *Ṭahāra*—ritual purity, *Ṣalāt*—prayers, *Zakāt*—alms tax, *Ṣawm*—fasting, *Ḥaj*—the pilgrimage to Mecca, and *Jihād*—holy war, which together constitute the seven pillars of Islam.

The second volume addresses what is permitted and what is prohibited in Islam in business transactions, food and drink, marriage and divorce, inheritance and other matters of human interaction. Thus, the *Daʿāʾim* incorporates the exoteric laws of the *Sharīʿa*, which constitute the legal basis of daily life for Muslims. In the subsequent chapters, I shall cite many accounts from the *Daʿāʾim* to further elucidate this point.

The *Daʿāʾim* was proclaimed the official code of the Fatimid state soon after it was composed. To make the teachings of the *Daʿāʾim* known to the public, al-Muʿizz directed al-Qāḍī al-Nuʿmān to hold weekly public teaching sessions after the Friday prayers at noon, when the largest possible gathering would have congregated in the mosque. Al-Qāḍī al-Nuʿmān also recounts how the Imam made the *Daʿāʾim* available for people in the caliphal court to 'listen to, read, copy, study from and become educated on'.[100] The Imam not only made the book available but required the people of his court to learn from it, even inspecting their progress. Al-Qāḍī al-Nuʿmān narrates an interesting anecdote he was privy to, in which one courtier encouraged his peers to study the *Daʿāʾim,* lest the Imam, if he examined their expertise of it, found their knowledge to be inadequate.[101]

4.4 The continued impact of the *Kitāb Daʿāʾim al-Islām* on Fatimid jurisprudence

The *Daʿāʾim*'s religious authority was proclaimed throughout the Fatimid Empire and remained so under the auspices of the *qāḍī*s from al-Qāḍī al-Nuʿmān's family. It was

[100] Al-Qāḍī al-Nuʿmān, *Al-Majālis Wa'L-Musāyarāt*, pp. 322-324.
[101] Ibid.

required that all courts, regardless of religious school or sect, observe the stipulations of the *Daʿāʾim.*[102]

Yaʿqūb b. Killis (d. 380/991), the famous Fatimid vizier of the fifth Imam-Caliph al-ʿAzīz, wrote a book of jurisprudence called *Muṣannaf al-Wazīr* wherein he used the *Daʿāʾim* as a basis for his writing, and even imitated al-Qāḍī al-Nuʿmān's methods and style. The *Dāʿī* ʿImād al-Dīn highlights the pivotal position that the *Daʿāʾim* holds in Ismāʿīlī jurisprudence by saying if there were any accounts or ordinances in the *Muṣannaf* that contradicted the *Daʿāʾim*, the reader must fall back on what is stated in the *Daʿāʾim*. The sixth Imam-Caliph al-Ḥākim also reiterated the *Daʿāʾim*'s authority across the Fatimid realm when he wrote to his *dāʿī* in Yemen, Harūn b. Muḥammad: "And your legal opinions regarding *ḥalāl* and *ḥarām* must be according to the *Daʿāʾim*".[103]

4.5 *Kitāb Daʿāʾim al-Islām* and the Ṭayyibī Ismāʿīlīs

Just as the *Daʿāʾim* was pivotal in the formation of Fatimid law, it remains of great importance to the Ṭayyibī Ismāʿīlī faith. Poonawala observes that the *Daʿāʾim* has been 'copied diligently, studied assiduously and transmitted from one generation to another' by the Ṭayyibī branch of the Ismāʿīlīs.[104] The Dawoodi Bohras, a prominent Ṭayyibī Ismāʿīlī community, have not only retained the *Daʿāʾim* as one of the fundamental books of their educational curriculum, but also as the legal basis of their daily life. According to the beliefs of the Dawoodi Bohras, the Imam, who went into concealment (*satr*), delegated religious knowledge to the Ṭayyibī Ismāʿīlī *dāʿīs*, who in turn focused on 'transmitting the

[102] Michael Brett, *The Fatimids and Egypt*, 1st ed. (United Kingdom: Routledge, 2019). p. 7.
[103] ʿImād al-Dīn, *Uyūn Al-Akhbār*, ed. Ghalib, 2nd ed., Vol. 6 (Beirut: Dār al-Andalus, 1984). p. 302.
[104] Al-Qāḍī al-Nuʿmān b. Muḥammad, *The Pillars of Islam: Da'ā'im Al-Islām of Al-Qaḍī Al-Nu'mān Volume 1*, ed. Poonawala, trans. Fyzee (New Delhi: Oxford University Press, 2002). p. v (Preface)

intellectual tradition that originated with the Fatimids'.[105] I shall further discuss this community's adherence to the *Daʿāʾim al-Islām* and its impact on their lives in my last chapter.

To, conclude, this chapter demonstrates the pre-eminence of *Kitāb Daʿāʾim al-Islām* and its author al-Qāḍī al-Nuʿmān in Fatimid state law, which makes its narratives an essential source for the social, religious, intellectual and economic lives of Ismāʿīlī women of this period. In my next chapter, I have compared selected Fatimid jurisprudential laws regarding women's occupations and professions that are written in the *Daʿāʾim* with documentary evidence of the application of these laws in the lives of Ismāʿīlī women in Fatimid Cairo. This comparison is drawn to investigate to what extent these laws were reflected in these women's lives.

[105] Aslisho Qurboniev, "Traditions of Learning in Fāṭimid Ifrīqiya (296-362/909-973): Networks, Practices, and Institutions" (Phd, University of Cambridge), .p. 163.

5.Wisdom, Work, and Women: Educational Paths and Professions in Fatimid Egypt

This chapter aims to uncover the multifaceted dimensions of Fatimid women's socio-economic engagement in medieval Egyptian society. It sheds light on the varied educational, professional, and occupational pursuits of women, revealing their agency, resilience, and contributions to the vibrant cultural and economic landscape of Fatimid Cairo.

5.1 Education

According to Ismāʿīlī belief, knowledge (*ʿilm*) and wisdom (*ḥikma*) are gifts from Allah to humankind, revealed to them through His chosen Prophets.[106] The final of these Prophets is Muḥammad, who proclaimed to the people of his age the *Sharīʿa* of Islam, an exoteric law containing commandments and prohibitions, ritual obligations, and legal definitions. The *Waṣī*, or legatee of the Prophet, ʿAlī b. Abī Ṭālib, and the Imams of the Prophet's progeny hold the keys to the esoteric meanings of these obligations and commandments. On his chapter in *Kitāb Daʿāʾim al-Islām* on 'The Desirability of Knowledge, the Incentives to Acquire it, and the Merits of its Seekers'[107], al-Qāḍī al-Nuʿmān explains the pivotal role of the Imams in the dissemination of knowledge. He says Allah has 'appointed them its (knowledge) custodians, its treasurers, its protectors and its conveyors'. al-Qāḍī al-Nuʿmān goes on to report the merits of obtaining knowledge directly from the Imams, and of learning from them and from those who teach on their instruction. This inducement toward knowledge and learning is not limited to the men of the Muslim community. The Prophet says, 'The pursuit of knowledge is obligatory upon every Muslim man and woman.'[108]

[106] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol.1, p. 169.
[107] Ibid., pp. 138-145.
[108] Ibid., p. 144.

5.1.1 Religious Education

Halm explores the presence of women in the Fatimid circles of learning in North Africa and later in Fatimid Cairo. An account of al-Mahdī's *dāʿī* Aflaḥ b. Hārūn al-Malūsī is one of the earliest reports of the education of women in the Fatimid empire. The *dāʿī* was known for his teaching methods and pedagogical skills in connecting with different audiences. His student narrates how, to expound his teaches in sermons designated for women, he would use analogies such as jewellery, spinning and weaving, hairstyles, wardrobes and other adornments.[109] Halm finds it remarkable that the teachings of the Ismāʿīlī *daʿwa* were disseminated to women so matter of factly.

Al-Qāḍī al-Nuʿmān personally held both public and private sessions of teaching on Fridays. As described in chapter 3, he taught *Sharīʿa* law according to the Ismāʿīlī school of jurisprudence in the mosque after the Friday prayers—when the largest possible number of worshippers were present, and these sessions were accessible to all Muslims.[110] The *majālis al-ḥikma* (s. *majlis*, lit. sessions of wisdom) however, were only accessible to initiates of the Ismāʿīlī *daʿwa*. These sessions were held to educate initiates on the esoteric meanings of the *Sharīʿa* and were convened within the privacy of the Fatimid palace walls. During the period of al-ʿAzīz and al-Ḥākim (15th and 16th Imams) and much of the fifth/11th century H/AD, the *majālis* were held on Thursday and Friday in the al-Azhar mosque as well as the Caliphal palace, where men and women attended separate assemblies. In the first half of al-Ḥākim's reign, these *majālis* became so popular that they were held as often as five times a week, each for a different audience. Separate groups were created for commoners, women of the palace, elite men, travellers, and outsiders, respectively. Even though some non-Ismāʿīlīs attended these sermons, they were primarily for the edification of the Ismāʿīlīs.

[109] Halm, *The Fatimids and their Traditions of Learning*, Reprinted ed. (London: I.B.Tauris, 2001). p. 27
[110] See pp. 40, 42.

Al-Azhar, the primary centre of knowledge in the Fatimid empire, was chosen as the venue for the public sessions for women.[111]

Ibn al-Ṭuwayr (d. 617/1220), an Egyptian official and historian, describes how the *dāʿī al-duʿāt* held sermons on the jurisprudence of the *ahl al-bayt.* Public sessions for women were held in the hall of the *dāʿī* (*majlis al-dāʿī*), while the sessions for men were held in the great hall (*al-īwān al-kabīr*). Women received the same sermons as men, which were commissioned by the Imam and bore his signature. 'When he (the *dāʿī*) had completed his recitations to the faithful of both sexes, they would present themselves before him and he would touch them on the head with the part of the document on which was the signature [of the Imam]'.[112]

Thus, the educational landscape in Fatimid Egypt reveals a remarkable integration of women into intellectual circles and centres of learning. The account of al-Mahdī's *dāʿī* Aflaḥ b. Hārūn underscores the early and inclusive approach to disseminating Ismāʿīlī teachings, with a specific focus on women. Moreover, hosting public sessions for women in the al-Azhar Mosque, a paramount centre of knowledge, showcases a deliberate effort to integrate women into the intellectual fabric of Fatimid society. The formalised structure, where women received identical sermons as men, authenticated by the Imam's signature, reflects the Fatimid commitment to gender-inclusive education.

5.2 Occupations and Professions

At the time of the conquest by the fourth Imam-Caliph al-Muʿizz, Egypt was facing one of the worst economic crises it had seen in over a century. The low rise of the Nile successively for many years had caused famines and droughts, which also resulted in the onslaught of

[111] Paul Walker, "Fatimid Institutions of Learning," *Journal of the American Research Center in Egypt* 34 (1997), pp. 179-200. See p. 184.
[112] Halm, *The Fatimids and their Traditions of Learning*, p. 48.

plagues and epidemics.[113] Jawhar, the commander-in-chief, focused his attention on alleviating this crisis and repairing the economy.[114] His missive of *amān* (peace) to the Egyptian people as he peacefully took over the government of Egypt on behalf of al-Muʿizz in 358/969, is a testament to his early efforts to bring financial safety and stability. To the people of Egypt, he announced that 'the Imam did not send his armies except to fight for your fortification and protection. This war is against the infidels to protect you and all Muslims of the Eastern region'.[115] Jawhar promised the people of Egypt safety and protection in return for their submission to al-Muʿizz, the representative of Allah on earth.

The *Dāʿī* ʿImād al-Dīn narrates how, when an Egyptian contingent arrived to ask for the reinstatement of this peace pact, Jawhar sent one of his eminent men with them to Cairo. Jawhar's representative carried a white banner with the name of al-Muʿizz inscribed on it. As the group walked through the streets of Cairo, they reassured the people of their safety and Jawhar forbade his armies from looting and plundering. As the people calmed down, they opened their homes and shops, and market activities resumed. True to his word, Jawhar and his army of over a hundred thousand men entered Cairo peacefully, and no person or establishment was harmed or looted.[116] This first interaction set the tone for the future state of economic affairs in the empire.

In the first century of the reign of the Fatimids and largely due to their internal and external policies, Cairo grew into a flourishing intellectual, cultural and economic hub. The Fatimids harnessed the economic potential of Egypt's fertile land and strategic location to promote agriculture and trade between Asia, Africa and Europe. Furthermore, owing to policies that

[113] Maqrīzī and Jiwa, *Towards a Shiʿi Mediterranean Empire*, Vol. 11 (London: Tauris, 2009). p. 15.
[114] Ayman Fuad Sayyid, *Al-Dawla Al-Fatimiyya Fī Miṣr: Tafsīr Jadīd* (Cairo: Al-Dar al-Masriah al-Lubnaniah, 1992). p. 80.
[115] Idrīs Imād al-Dīn, *Uyūn al-Akhbār*, Vol. 6, p. 146.
[116] Idrīs Imād al-Dīn, *Uyūn al-Akhbār*, Vol. 6, pp. 146-149.

fostered inclusivity and tolerance, Christian and Jewish minorities also actively participated in economic life.

This is not to say that the economic status of Egypt remained unchanged throughout the Fatimid era. A complex interplay of political, social and economic factors resulted in periods of prosperity and growth, as well as times of instability and decline. However, changes in the economic landscape notwithstanding, Fatimid efforts to bring economic security included espousing the values taught by Islam in ethical business dealings. This is reflected in the chapter on business and financial dealings (*Bāb al-Buyūʿ)* in the empire's official legal text, the *Daʿāʾim*. Consistent with his narrative style, al-Qāḍī al-Nuʿmān draws from the teachings and rulings of the Qurʾān, Prophet Muḥammad, ʿAlī b. Abī Ṭālib and the Ismāʿīlī Imams to discuss Islamic business ethics. Essentially, the *Daʿāʾim* states that striving to earn a livelihood is a means to access the blessings bestowed by Allah, and Muslims are encouraged to endeavour in this pursuit. In Ismāʿīlī tradition, labouring to earn a *ḥalāl* (lawful) livelihood is equated with acts of worship. This is illustrated in many traditions recounted in al-Qāḍī al-Nuʿmān's works, of which I will discuss two examples.

The first example is a report by al-Qāḍī al-Nuʿmān of an incident during the battle of Tabūk. The Prophet's Companions saw a robust youth leading a train of camels and commented that it would have been preferable for the young man to expend his and his camels' strength in the way of Allah, i.e., in *Jihād* or 'holy war'. [117] When the Prophet asked him the purpose of his camels, the youth replied that he used the camels to practise his trade, so that he could earn a living and clear his debts. He strove also to provide for his family and prevent them from having to stand in need of others. The Prophet told his Companions: 'Indeed, if he is truthful [in what he said], he [in striving to earn a lawful living] will earn the same reward

[117] Al-Qāḍī al-Nuʿmān, *Daʿāʾim Al-Islām*, Vol. 2. pp 4-5.

as the one who engages in *Jihād*, and the one who performs *Ḥaj*, and the one who performs *ʿUmra*'.[118]

The second example is from al-Qāḍī al-Nuʿmān's historical work *al-Manāqib wa'l-Mathālib,* where he recounts an interaction between the Ismāʿīlī Imam Muḥammad b. ʿAlī and Muḥammad b. Munkadir, a prominent *tābiʿī* [119] and *ḥadīth* transmitter. The latter reports that he once saw the Imam returning from one of his agricultural lands, leaning on two servants, tired and sweating from the heat of the sun. Ibn al-Munkadir thought it an opportune moment for him—a scholar—to offer advice to Imam Muḥammad b. ʿAlī. 'I said: [you are] a venerable elder (*sheikh*) from among the leaders of the Quraysh.[120] At this hour, you put yourself in this position in the pursuit of worldly wealth (*dunyā*). Have you considered [what] if death befalls you while you are in this state?'. Imam Muḥammad b. ʿAlī replied, 'If it [death] befalls me while I am in this state, it would indeed have befallen me while I was performing an act of obedience for Allah; such an act that prevents me from [standing in need of] people'.[121]

In both narratives, we see the common perception that overt religious acts are inherently more valuable, while the pursuit of a livelihood was viewed as merely a mundane or 'worldly' endeavour, thus less spiritually rewarding. Those expending their resources and abilities to earn were advised to redirect them to loftier pursuits, i.e., acts of devotion. By contrast, in both accounts, the central spiritual authority, the Prophet and the Imam

[118] The *ʿUmra* is the 'minor' pilgrimage to Mecca, which unlike the *Ḥaj*, need not be performed at a particular time of the year.
[119] *tābiʿī*, pl. *tābiʿūn* or *tābiʿīn*, The *tābiʿūn* is the name given to the generation of Muslims who followed the companions (*ṣaḥāba*) of Prophet Muḥammad, and thus received theProphet's teachings second-hand. A *tābiʿī* knew at least one *ṣaḥābī* and, according to Sunni Muslims, played an important part in the development of Islamic thought and knowledge.
[120] Quraysh was the ruling tribe of Mecca at the time of the birth of the Prophet Muḥammad. The Prophet belonged to the Banū Hāshim clan of this tribe.
[121] Al-Qāḍī al-Nuʿmān, *Al-Manāqib Wa'l-Mathālib.* p. 383.

respectively, make it clear that striving to earn a lawful living is, in fact, an act of worship. The young man's dedication to earning a lawful living and supporting his family is framed by the Prophet as equally commendable and capable of yielding rewards comparable to those earned in *Jihād*, *Ḥaj*, and *ʿUmra*'. Similarly, the Imam's response to Ibn al-Munkadir underscores that performing one's worldly duties with the intention of avoiding reliance on others and supporting one's family can also be an act of piety.

Drawing an analogy between the act of earning a livelihood and acts of worship, particularly in terms of the potential spiritual merit inherent in such endeavours, likely served as a motivating factor for the Muslim populace to actively participate in various businesses and professions, and to allocate their time and resources towards constructive and beneficial pursuits. Such anecdotes help to legitimise and elevate the status of economic endeavours within the framework of Islamic law. By portraying the pursuit of lawful earnings and the management of personal affairs as acts of piety, the *Daʿāʾim al-Islām* encourages a positive view of economic activities and integrates them into the broader religious and ethical context.

It is in this thriving economic environment of Fatimid Cairo, which fostered active entrepreneurial participation, that businesswomen and female professionals flourished. Strikingly, both the legal provisions and ethical standards governing Islamic commerce make no distinction between Muslim men and women. We can see an example of this in the chapter on *ijāra* (hiring/engaging in services). Al-Qāḍī al-Nuʿmān stresses the importance of paying for services rendered, and not cheating people out of their wages. This injunction applied whether one hired 'a man, or a woman, or a beast of burden, or a slave or a slave girl, to render a specified service'.[122] He goes further to warn those who

[122] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 2. p. 69.

treat a hired person unjustly or deny him or her their wages, quoting the Imam Muḥammad b. ʿAlī: 'Cursed is he who denies a workman or labourer his wages'. This condemnation of wage theft, in addition to demonstrating the establishment of a stringent moral environment, allows us to infer that even women in the Fatimid empire were less likely to suffer wage discrimination.

However, Cortese and Calderini say 'one can safely assume' that women in the Fatimid era were among the 'lowest-paid labourers', and that 'women earned much less than their male counterparts'.[123] They base this deduction on the fact that lower wages for women were a reality in other medieval societies. However, this statement raises questions. How can one safely assume that women were paid less than men in Fatimid Cairo based on evidence of financial dealings in other medieval societies, which were not only culturally but also religiously far removed from the Muslims in Egypt? Moreover, it is unclear how a direct comparison can be drawn between men's and women's wages, and whether women were really paid less for equivalent work, skill and expertise. Furthermore, historical accounts and documentary evidence indicate that men and women in this period seldom worked in the same spheres. Thus, both the moral and cultural contexts of Fatimid Egypt make such generalizations about wage disparities less plausible.

To investigate the social realities of Fatimid women, I have analysed both the available historical narratives and material evidence related to occupational practices. This investigation is contextualised by examining what the *Daʿāʾim al-Islām* says about women and their means of earning a living. By contextualising these sources, we gain a comprehensive understanding of how women engaged in various forms of economic

[123] Cortese and Calderini, *Women and the Fatimids*. p. 200.

activity and how these practices were perceived and regulated within the framework of Fatimid Islamic law.

5.2.1 Spinning, weaving and embroidery

The most common occupations for women in Fatimid Cairo were spinning, weaving and embroidery. Krakowski remarks that spinning being 'women's work' is a motif that has endured since antiquity in Near Eastern culture and is embedded in both Jewish and Muslim religious literature.[124] Cortese and Calderini observe that in Fatimid times, women of all social strata, from 'princesses to pauper women' were involved in spinning and weaving.[125] They spun and wove either for personal or family use by producing garments and household furnishings, or as a means to earn income. According to Cortese and Calderini, evidence that Jewish women engaged in spinning and embroidering like their Muslim and Christian counterparts is found in wedding trousseau lists from the Geniza. They presume that the many plain textiles mentioned in these lists were meant to be embroidered by the bride after her marriage.[126]

An interesting parallel maybe drawn here to highlight one difference between Jewish and Muslim ethical thinking regarding women and work. As discussed by Hofmeester, the *Mishneh Torah*, a central Jewish ethics text by Maimonides, quotes the Talmud as saying 'her food against the work of her hands'. This indicates that while the husband is obligated to provide for his wife, she is expected to surrender her income to him in return for the food and clothing that he provides for her.[127] In Islam however, the woman is given financial

[124] Krakowski, *Female Adolescence*, p. 55.
[125] Cortese and Calderini, *Women and the Fatimids*, p. 200.
[126] Ibid., p. 190.
[127] Hofmeester, *Jewish Ethics*. p. 144

autonomy: The money earned by a woman is regarded as her property, and she maintains full control over her possessions.

Hofmeester observes that between the tenth and fifteenth centuries,[128] the textile industry 'became the largest, most specialised, and most market-oriented industry in Muslim cities'.[129] Fatimid Cairo was no exception; its economic prosperity and increasing demand for textiles contributed to a burgeoning industry that produced fine textiles such as silks and brocades. Through these centuries, Egypt also saw the increased participation of women in the labour force within urban areas, which resulted in their predominant presence in the textile industry.[130] Women came to hold a monopoly over key artisanal skills including spinning, embroidery and dyeing. 'Women spun threads of every fibre', namely flax, cotton, wool and silk.[131] They also wove brocades and carpets, often with their children working alongside them. Women were also entrusted with the important (if unenviable) task of incubating the silkworms, which included carrying them on their own bodies to provide sufficient warmth![132]

Generally, vocational training for this craft was informal. Girls learnt to spin and embroider in their natal homes from their mothers or other female relatives. Evidence of this home-based instruction is found in responsa within the Geniza documents. In one case concerning divorce and child custody, a Jewish religious authority notes that daughters must remain in their mother's custody. Among the reasons cited is that a mother teaches her daughter essential skills 'such as weaving and supervising the needs of the household'.[133]

---

[128] The reign of the Fatimids in Egypt spanned the 10th to the 12th centuries CE.
[129] Karin Hofmeester, "Jewish Ethics and Women's Work in the Late Medieval and Early Modern Arab-Islamic World," *International Review of Social History, Suppl. the Joy and Pain of Work: Global Attitudes and Valuations* 56, no. S19 (2011), pp. 141-164. See p. 154.
[130] Ibid.
[131] Maya Shatzmiller, *Labour in the Medieval Islamic World* (Leiden: BRILL, 1994).p. 351.
[132] Ibid., p. 349.
[133] Krakowski, *Female Adolescence*. p. 56.

Women working in the textile industry were commissioned by traders, brokers or tax-farmers. In turn, they sold their finished products via brokers or, as Shatzmiller concludes, in special markets reserved for women and their products.[134] In addition to conducting trade from their homes, women also engaged in commercial activities through these specialised markets. Geniza documents reveal that women sold commodities such as perfumes and comestibles such as vinegar, olive oil and spices.

Interestingly, spinning and weaving are the occupations that the Prophet has praised as the best occupation for a woman believer: 'Truly, an excellent occupation for the believing woman is the spinning wheel'.[135] Al-Qāḍī al-Nuʿmān has cited this tradition in his chapter on marriage, in a section entitled "The Chapter on Leading Women to their Husbands' Homes and Consorting with them". This *ḥadīth* is cited between a series of traditions that encourage women to guard their modesty and men to ensure that their women's modesty is protected.

The 17th century Dawoodi Bohra jurist Ibrahīm al-Saifī (d. 1236 /1821) wrote a book named *Kitāb al-Najāḥ*, which he devoted to a commentary of the chapter on marriage in the *Daʿāʾim*. He analyses in his book the reason why the Prophet has praised the spinning wheel as an excellent occupation for women. He draws an interesting analogy between the parts of the spinning wheel and the components of the cosmos.[136] The woman, in this analogy, is cast as a creator who, by utilising this intriguingly simple device, and through a series of seemingly simple yet repetitive movements, turns fibre into a fabric made up of complex weaves and patterns. Moreover, he says that working on a spinning wheel allows a woman to engage in productive activity with the added benefit of remaining in the security

[134]Shatzmiller, "Women's Labour," p. 359.

[135] The Prophet says, "*Neʿma al-shughl li-l marʾa al-muʾmina al-mighzal".* Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām,* p. 228.

[136] Ibrahīm al-Saifī, *Kitāb Al-Najāḥ* (Mumbai, India: Aljamea-tus-Saifiyah, 2006). Pp. 343-344.

of her home. Along with guarding her modesty, it deters her from sitting idle in her home, for idleness invites caprice. Furthermore, by earning a living in the comfort of her home, she can ensure that both her modesty and her responsibilities towards her household are not compromised.[137] This Prophetic tradition informs us that women are encouraged to be engaged and become productive members of the household and the larger society. The analogy of the spinning wheel can be taken in a much wider context today to include any occupation that is aligned with the teachings of Islam, that encourages creativity and entrepreneurship, allows a woman productive use of her time, protects her modesty and does not compromise the well-being of her home.

Thus, examining the involvement of women in activities such as spinning, weaving and embroidery, from the perspective of Islamic teachings found in the *Daʿāʾim* reveal the additional dimension of religious and spiritual merit. Interestingly, within the same social context, Jewish women who supported their families faced social stigma. The fact that a Jewish woman worked for remuneration was perceived as an indication that the men in her household could not adequately provide for the family. Cortese and Calderini link this Jewish social belief to Islamic law, which permits a woman to seek divorce if her husband fails to provide for her. While this law is indeed established, the association is misleading, as it wrongly implies that Islamic law also disapproves of women earning money. As has been demonstrated through the inducement to earn and the analogy of the spinning wheel, Islamic law not only permits but also encourages both men and women to earn their livelihood through lawful means.

Women also made a living by working in what we would today call the tertiary or service sector. The Geniza documents reveal professionals in healthcare through evidence of

[137] al-Saifī, *Kitāb Al-Najāḥ*, p. 342.

doctors, midwives and wet nurses in Fatimid Egypt. There were also professionals who prepared brides for their weddings, and those who washed the dead before their burial. Rarely but surely, one also encounters female teachers in these chronicles. Accounts in the *Daʿāʾim*, which are discussed below, provide valuable insights into the occupations and professions of these women and how their situations corresponded to the official legal framework of the Empire.

5.2.2 Healthcare

Many women in Fatimid Egypt earned their living by practicing healthcare, the most prominent of whom were the midwives and the wet nurses. However, the traditional role of a woman as carer goes much further back in early Arab and Islamic history and culture, where the women would accompany their men in battle to incentivise the soldiers and tend to them, and to care for the wounded. They also played an essential role in making sure the soldiers were well provisioned.

Cortese and Calderini observe that even in the early Fatimid *daʿwa*, the most recurrent acknowledgment of women is as healers and carers.[138] In his account of the early Fatimid mission, al-Qāḍī al-Nuʿmān speaks of women in the early *daʿwa* who cooked meals for the injured and weak, doing it only in the pursuit of recompense in the hereafter.[139] Among them was the wife of Yaḥyā b. Yūsuf who cooked food for the soldiers and the weak and for those who took refuge in her family's home, until her hands bled from grinding wheat and cooking food. Al-Qāḍī al-Nuʿmān says that there are so many accounts of women like

[138] Cortese and Calderini, *Women and the Fatimids*, p. 218.

[139] In his book *Iftitāḥ al-Daʿwa*, al-Qāḍī al-Nuʿmān chronicles the events that led to the advent of the Fatimids and the rise of the Fatimid Empire. Haji, *Founding the Fatimid State : The Rise of an Early Islamic Empire : An Annotated English Translation of Al-Qāḍī Al-Nuʿmān's Iftitāḥ Al-Daʿwa* (London: I.B. Tauris, 2006).; Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Iftitāḥ Al-Daʿwa*, ed. Farhat Dashrawi, 2nd ed. (Tunis: al-Sharika al-Tunisiyyah li'l Tawzeeʿ, 1986). pp. 131-132.

her who served the believers, treated the ill and tended to the injured that mentioning all of them would lengthen his book.[140]

A passage in the *Kitāb Mukhtaṣar al-Āthār* acknowledges this service by women. In the chapter on *Jihād,* he says: 'If a woman wishes to go forth (into battle) with her husband or a close male relative (*maḥram*) to treat the ill and the injured, and to cook for the soldiers, and to assist in any way she can, then there is no objection to it, and if she is married, she should not go without her husband's permission'.[141] These historical accounts and legal texts highlight Muslim women's vital contributions in healthcare. The acknowledgment of their service, whether through providing meals, tending to the wounded, or supporting soldiers, underscores the valued place of their contributions in both historical and religious contexts.

5.2.2a The Physician

In matters concerning healthcare for women, the *Daʿāʾim* permits female patients to be treated by male physicians if no other options are available. The Imam Jaʿfar b. Muḥammad was asked: If a woman is inflicted with an illness in her body, could she be treated by a man? He replied that if she is compelled to do so then there is no objection.[142] Al-Saifī explains this 'compulsion' to be the absence of women who could treat the female patient.[143] This caveat suggests that typically, one could find competent female physicians who would be able to make the same diagnosis and administer the same treatment as their male counterparts.

[140] Ibid., p. 131.
[141] Al-Qāḍī al-Nuʿmān, *Mukhtaṣar Al-Āthār*, Vol. 1, pp. 334-335.
[142] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 2, p. 148.
[143] al-Saifī, *Kitāb Al-Najāḥ*, pp. 358-359.

This raises the question of the availability of women doctors in Fatimid Cairo. Cortese and Calderini think that the female doctor was an exception, and women working as carers and midwives appear more frequently in medieval Muslim sources.[144] However, the frequent occurrence of the term *rayyisa* in Geniza documents may serve to demonstrate the contrary. Goitein believes that *rayyisa* denotes a female physician, in line with male doctors in the Geniza who were addressed as *rayyis* (chief), denoting their position as chief of a department in a hospital.[145] Despite the presence of female physicians, they appear to be from the lower strata of society, which, according to Goitein, suggests that their knowledge and skills were obtained through tradition, rather than 'the expensive apprenticeship of scientific medicine'.[146]

5.2.2b The Midwife

Along with physicians, midwives played a prominent role in medieval Cairene society. Midwifery, though primarily intended as assistance in child delivery, extended beyond this function. A midwife (*qābila*) would be called for to physically examine a female patient or child, and to apply medications when needed. Ibn Khaldūn, the fourteenth-century Muslim historian and philosopher, testifies to the midwives' skills in his *Muqaddima* (Prolegomena):

> 'We likewise find midwives better acquainted than a skilful physician with the means of treating the ills affecting the bodies of little children, from the time they are sucklings until they are weaned.'[147]

[144] Cortese and Calderini, *Women and the Fatimids*, p. 218.
[145] Goitein, *A Mediterranean Society*, Vol.1, p. 498.
[146] Ibid., pp. 127-128.
[147] Franz Rosenthal and Bruce Lawrence, "On the various Aspects of Making a Living, such as Profit and the Crafts." in *The Muqaddimah*, ed. N. Dawood, Abridged ed. (Princeton: Princeton University Press, 2005), 297-332.

Midwives provided essential services across all levels of society and have secured a position of respect in the *Daʿāʾim.* Evidence of this is found in the ritual of the *ʿaqīqa*, the Islamic tradition involving the sacrificial offering of a sheep when a newborn's hair is first cut. The Prophet has said, 'Whoever sacrifices an animal by way of *ʿaqīqa* of his child, should give the midwife the hind leg [of the animal]'.[148] It is possible that this ritual offering was instituted to strengthen the bond between the *qābila* and the child. Further proof of the sanctity of the relationship between the midwife and the baby is that she becomes his or her *maḥram* (a degree of consanguinity that precludes marriage), akin to his or her closest female relatives.

Echoing Goitein's argument regarding the source of the female physician's knowledge and skills [149], Cortese and Calderini say that it remains uncertain whether midwives received formal medical training.[150] However, a passage in al-Qaḍī al-Nuʿmān's *Kitāb Mukhtaṣar al-Āthār* conveys confidence in the midwife's skills and prowess as a professional. A graphic description of how a midwife can save the life of the mother or child, or both, during childbirth is given in the chapter on burials and graves:

> 'If a woman dies while her child is alive in utero, there is no objection for the midwife to insert her hand and cut [the umbilical cord of] the baby and pull it out if she can. If she is unable to do so, there is no objection that she cut open the mother's womb and remove the baby. If the midwife is unable to carry out this procedure, a capable male should do it. Similarly, if a child dies in the mother's womb, and there is risk to the mother's life, the midwife should insert her hand to remove the foetus.'[151]

[148] Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Daʿāʾim Al-Islām*, Vol. 2 (Mumbai, India: Aljamea tus Saifiyah, 2022).; Al-Qāḍī al-Nuʿmān b. Muḥammad, *The Pillars of Islam: Da'ā'im Al-Islām of Al-Qaḍī Al-Nu'mān Volume 2* , ed. Poonawala, trans. Fyzee (New Delhi: Oxford University Press, 2007). p. 171.
[149] See pg. 59.
[150] Cortese and Calderini, *Women and the Fatimids*, p. 220.
[151] Al-Qāḍī al-Nuʿmān, *Mukhtaṣar Al-Āthār*, Vol. 1, p. 191.

Although this may not serve as conclusive evidence of a formal professional training, it certainly attributes to her a level of skill and expertise in line with the description provided by Ibn Khaldūn.[152]

Another important role entrusted to the midwife is that of a witness in legal cases. The testimony of a reliable midwife alone, in lieu of the required two witnesses, is deemed sufficient in 'those [matters] that only women are privy to'.[153] These matters include, but are not exclusive to, childbirth. The midwife's testimony would bear importance in the unfortunate event of a baby's death. She would be called upon to testify to whether the child was stillborn or died after it was born. This testimony would have implications over the inheritance of the child and its relatives, the details of which are beyond the scope of this dissertation. Suffice it to say, the midwife's role as a legal witness greatly widens the range of services she may have provided.

5.2.2c Breastfeeding and the wet nurse

Another prominent figure in healthcare was the wet nurse. Shatzmiller observes that although the profession of a wet nurse features only rarely in the Geniza documents, it was common in medieval Islam. The role of the wet nurse dates back to pre-Islamic times, where it was customary in Arab society for children of noble families to be sent to live with Bedouin tribes and be nursed by women renowned for their strength and purity of language. This tradition carried over into early Islamic times, with Prophet Muḥammad himself being famously nursed by Ḥalīma al-Saʿdiyyah, a wet nurse from the Banū Saʿd tribe.

Shatzmiller notes that in the medieval Muslim world, women from rural areas, and notably from the lower economic strata, would hire themselves out to nurse the newborns of

[152] See pg. 59
[153] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 2, p. 624.

middle-class women.[154] Cortese and Calderini believe that this was a common profession in medieval Cairo because of the 'high percentage of mothers dying at childbirth', and the fact that Islamic law does not legally compel a mother to breastfeed her infant if she does not wish to.[155] Both the high maternal mortality rate and the perceived flexibility in Islamic law regarding infant breastfeeding, as understood by many legal scholars, may have contributed in creating a demand for wet nurses.

The prevalence of this profession can be corroborated by the frequent mention of the *murḍiʿa* in Islamic legal aspects. The term *murḍiʿa* denotes a woman who nurses (*arḍaʿat*) an infant, and it is used interchangeably in the *Daʿāʾim* for both the breastfeeding mother and the wet nurse, while the term used exclusively for a wet nurse is *ẓiʾr.* In the chapter on marriage in the *Kitāb Daʿāʾim al-Islām*, an entire section is devoted to breastfeeding and fosterage. It deals with a large variety of aspects, ranging from the rights of a breastfeeding mother to the legal relationship between an infant and his or her wet nurse, to the moral qualities to look for in a wet nurse.[156]

Both the birth mother and a woman who nurses a child other than her own are mentioned in the Qurʾān. The Qurʾān stipulates the duration of nursing to be 'two full years, for such as desire to complete the suckling'.[157] Exhibiting mercy and tenderness, the Quranic verse goes on to direct the father of the child to provide the mother with provision and clothing while she is nursing his child. This directive is for both, the married man and one who has divorced his wife before or after childbirth. Further the verse states: 'Let no mother be harmed on account of her child, nor father on account of his child'.[158] In a section regarding

[154] Shatzmiller, "Women's Labour," p. 354.
[155] Cortese and Calderini, *Women and the Fatimids*, p. 220.
[156] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 2, pp. 261-267.
[157] The Holy Qurʾān, *Sūra al-Baqara*: 233.
[158] Ibid.

the obligation to provide maintenance to wives, al-Qāḍī al-Nuʿmān elucidates on this Quranic verse by saying that harm is caused to the father when the mother, despite being able to, refuses to nurse their child. Likewise, harm is caused to the mother when the father arranges for another woman to nurse the child, even though the mother is willing to do so.[159]

This Quranic verse seems to underscore the physiological and psychological benefits of breastfeeding for both mother and child. As added incentive, the mother is also rewarded for this act in the hereafter. The Prophet has said that for each mouthful of milk the infant draws while nursing, Allah will record one good deed for that child's mother and erase one misdeed.[160]

Care for a nursing woman is also described in the *Daʿāʾim*. In the chapter on fasting for example, the pregnant woman and the one who is nursing are directed not to fast in the holy month of Ramadan if they feel unable to do so. They can make up for their missed fasts at a later date when they are able to, much like an ill person is permitted make up for their missed fasts after their health is restored.[161]

While the mother is encouraged to breastfeed her child, the wet nurse is also acknowledged in the Qurʾān, as explained in the *Daʿāʾim*. After all, she provides essential care and sustenance for a child whose mother has died or is unable or unwilling to nurse him. As if to applaud her service, the Qurʾān addresses the wet nurse as a mother to her ward. The verse recounting the *maḥram* (in this case the close women relatives that a man may not marry), names the wet nurse and her daughters among them by saying: 'your milk-mothers

[159] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 2, pp. 283-284.
[160] Ibid., p. 198.
[161] Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Daʿāʾim Al-Islām*, Vol. 1 (Mumbai, India: Aljamea-tus-Saifiyah, 2014). pp. 473-474.

and milk-sisters'.[162] By calling her a mother, the Qurʾān alludes to the fact that the wet nurse's milk not only provides physical sustenance to the child, but also contributes to his moral and social development.

Prophet Muḥammad said: *al-riḍāʿ* (or *al-raḍāʿ*) *yughayyir al-ṭibāʿ* (nursing influences nature). This is exhibited in the *Daʿāʾim* through what is prescribed and, more tellingly, what is proscribed while choosing a wet nurse. The *Daʿāʾim* narrates the following traditions: the Prophet forbade hiring a woman born out of wedlock as a wet nurse. The Imams ʿAlī b. Husain and Muḥammad b. ʿAlī permitted the hiring of Jewish, Christian and Magian women, all of whom are considered in Islam as the *ahl al-kitāb* or People of the Book. The Imam Jaʿfar b. Muḥammad adds to this by saying that if one hires a woman of *ahl al-kitāb*, one should prohibit her from drinking alcohol and eating what is *ḥarām* (unlawful) to eat. He then warns against hiring a *nāṣiba* to be a wet nurse.[163] A *nāṣib* (masculine) or *nāṣiba* (feminine) is one who professes hatred for the *ahl al-bayt* and the Ismāʿīlī Imams. While this underscores the importance of religious and ideological alignment when choosing wet nurses to care for infants, it also depicts Fatimid society as an open and cosmopolitan one.

Even though the provision and maintenance owed to a wet nurse is not dealt with directly in the *Daʿāʾim*, it can be inferred from the reference to the provision and maintenance owed to the divorcee if she should continue to nurse her child. Al-Qāḍī al-Nuʿmān states on the authority of ʿAlī b. Abī Ṭālib that he said about the man who divorces his wife while she is nursing their child: The wife is most suitable to nurse her child if she wishes, and she should be given what the wet nurse would have been given (in provision and maintenance).[164]

[162] The Holy Qurʾān, *Sura al-Nisāʾ*: 23
[163] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 2, pp. 266.
[164] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 2, p. 284.

Al-Saifī elucidates on this by saying that the child should not be taken away from the mother if she wishes to nurse him or her, and she should be given what a wet nurse would have been given as fees, not less than that. Now if the mother of the child asks for more in maintenance than what the wet nurse would be owed conventionally, the father of the child is given a choice: He could, if he wanted, let the mother continue to nurse the child and give her what she asked. Or he could hire a wet nurse who is willing to nurse the child for less.[165]

The acknowledgment of both biological mothers and wet nurses demonstrates that Islamic law ensures that all caregivers, whether biological or hired, are treated with fairness and respect. The roles of wet nurses and the provisions surrounding their employment in Fatimid society further reflect a nuanced understanding of caregiving and compensation within the framework of Ismāʿīlī law.

5.2.3 Honouring the Dead

5.2.3a Washing the Dead

Another essential service that women provided was the *ghusl* (ritual washing) of female corpses. The importance of this is illustrated in the emphasis it is given in Islamic *fiqh* texts. Goitein writes that in Fatimid Egypt, the treatment of dead bodies before burial was 'confided to a specialist'.[166] Undoubtedly, the detailed technical instructions for this ritual washing provided in *fiqh* texts such as the *Daʿāʾim* suggest that performing it requires considerable expertise.[167] This, combined with the fact that this *ghusl* is one of the final religious rites for a believer in the temporal realm, allows us to deduce that the body of the

[165] al-Saifī, *Kitāb Al-Najāḥ*, pp. 815-816.
[166] Goitein, *A Mediterranean Society*, Vol. 1, p. 129.
[167] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 1, pp. 386-391

deceased would be entrusted only to someone with the necessary skills and experience to perform this important rite. Washing the dead is considered a noble deed in Islam, and those who perform this rite are promised that all their sins will be forgiven, making them 'devoid of sins'.[168]

5.2.3b Mourning the Dead

On the other hand, another female profession involving the deceased that seems widespread in Fatimid Cairo yet regularly condoned by Fatimid law is *niyāha* (being hired to mourn and lament the dead). In fact, the Prophet foretold that, despite it being abhorred and proscribed, people would not give up this pre-Islamic ritual 'till the Hour [of Judgement] rises'.[169]

Niyāha, or mourning rites, of the ancient Near East include loud weeping—usually with the help of professional wailing women—gashing and scratching the arms, hands and face, as well as strewing dirt over the head.[170] Herodotus describes the mourning rites of the Egyptians to contain rituals such as smearing the body with mud and parading the city with exposed breasts.[171] The Prophet prohibited such exhibitions of grief in Islam.

In his chapter on funerals, al-Qāḍī al-Nuʿmān reports many accounts on the authority of the Prophet and the Imams which forbid overt expressions of lamentation and mourning. ʿAlī b. Abī Ṭālib said that the oath the Prophet took from women included the condition that they would not engage in loud lamentation and mourning for their dead.[172] The Prophet

[168] Al-Qāḍī al-Nuʿmān, *Mukhtaṣar Al-Āthār*, Vol. 1, p. 181.
[169] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 1, pp. 384-385
[170] Saul M. Olyan, *Biblical Mourning: Ritual and Social Dimensions* (Oxford: Oxford University Press, 2004). pp. 29-31
[171] William Smith and J. M. Fuller, "Mourning," in *Encyclopaedic Dictionary of the Bible* (India: Logos Press, 2005).
[172] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 1, p. 384.

also said that Allah abhorred two sounds: wailing at the time of calamity and noise at the time of happiness. Al-Qāḍī al-Nuʿmān explains this to mean the sounds of loud lamentation and music respectively.[173]

Two reports of the death of the Prophet's young son illustrate that exercising forbearance and maintaining composure in the face of a calamity is better suited to the believer, because it demonstrates his or her resignation to the will of Allah. However, the natural expression of bereavement is not frowned upon. ʿAlī b. Abī Ṭālib narrates that the Prophet wept on seeing his son Ibrahim laid in his grave.[174] The Muslims, on seeing the Prophet cry, wailed so loudly that 'the voices of the men exceeded the voices of the women'. The Prophet forbade them from wailing and said, 'the eyes are tearful, and the heart is saddened, but we do not say that which angers the Lord'. ʿAlī also reports that when the Prophet cried at the death of one of his sons, he was told: 'you cry while you forbid us from crying [for our deceased]?' The Prophet replied that he did not forbid them from crying, but from loud lamentation and wailing. Then he said: 'indeed this (crying) is [a sign of] sympathy and mercy… indeed Allah will have mercy on those among his servants who are merciful'.[175]

Al-Qāḍī al-Nuʿmān was personally involved in the admonishment and punishment of professional mourners found pursuing their occupation in Cairo during the reign of al-Muʿizz. In a detailed account in his *Majālis*, al-Qāḍī al-Nuʿmān narrates that the Imam directed him to prohibit professional female mourners from mourning and lamenting the dead, reminding him that the prohibition came from the Prophet himself.[176] Al-Qāḍī al-Nuʿmān said he took it upon himself to prohibit this practice and warn against it and announce the consequences. Subsequently, he apprehended a group of professional female

[173] Ibid., p. 385
[174] Ibid., pp. 380-381
[175] Ibid., p. 382
[176] Al-Qāḍī al-Nuʿmān, *Al-Majālis Wa'L-Musāyarāt,* pp. 606-613.

mourners, subjecting them to punishment and imprisonment until they showed remorse. Thereafter, more women known to practice mourning came forward and expressed remorse. Al-Qāḍī al-Nuʿmān recounts that he released them only after they pledged under oath not to return to this practice. Evidently these women remained restrained for a long while until it was reported to al-Qāḍī al-Nuʿmān that they had resumed their practice clandestinely. Upon investigation, it was revealed that they had bribed the officer appointed to monitor them. On being informed of this development, al-Muʿizz sent a stern reply, underlining the gravity of the matter. He ordered al-Qāḍī al-Nuʿmān to add more personnel to the task force to arrest the women and take punitive measures if needed.

There are several points to note from this anecdote. The most striking is the direct involvement of al-Muʿizz in law enforcement and al-Qāḍī al-Nuʿmān's dedication to its preservation. Furthermore, it seems that these mourners had accrued enough wealth and societal support to make them undeterred by law, even after having been identified and imprisoned. Moreover, they appear to operate as an organisation, with enough influence to have formed a nexus with the 'police'. Additionally, the fact that these women continued their practice despite the Imam-Caliph's formal condemnation suggests that they may not have been Ismāʿīlī women, as such defiance would likely be unthinkable for adherents of the *daʿwa*. In summary, the Imam-Caliph's formal condemnation of professional mourners did not deter them from persisting with their work and they continued to be hired at funerals to eulogise the deceased and to perform wailing and lamentations.[177]

5.2.3c Mourning al-Imam al-Ḥusayn b. ʿAlī b. Abī Ṭālib

As discussed above, the *Daʿāʾim* firmly prohibits pre-Islamic forms of lamentation, and forbids generating an income through this activity. While this is the general injunction, al-

[177] Cortese and Calderini, *Women and the Fatimids*, p. 202.

Qāḍī al-Nuʿmān says that lamenting and mourning the Imams, or those who are revered by the Imams, is permissible.[178] This is corroborated by the events after the martyrdom of Ḥamza b. ʿAbd al-Muṭṭalib in the battle of Uḥud.[179] Ḥamza was the Prophet's paternal uncle and also his brother through nursing. Al-Qāḍī al-Nuʿmān narrates that the Prophet heard the women of the *Anṣār*[180] mourning their dead after the battle of Uḥud and said: 'But Ḥamza has no mourners!'.[181] When the women of the *Anṣār* learnt of the Prophet's statement, they rushed to Ḥamza's house and mourned him. The Prophet, upon knowing what they did, commended the women. Al-Qāḍī al-Nuʿmān goes on to say that this then became a tradition in Medina; whenever the women of a household mourned their dead, they began by lamenting Ḥamza.

Similarly, lamenting and mourning the martyrdom of the Prophet's grandson al-Ḥusayn b. ʿAlī b. Abī Ṭālib and congregating for the remembrance of the tragedy of Karbala is an integral component of Shīʿa ideology. This practice was kept alive in Fatimid times in the first ten days of Muḥarram[182] and especially on the day of *ʿĀshūrāʾ*.[183] Al-Maqrīzī reports that the Fatimids observed the solemn day of *ʿĀshūrāʾ* in Egypt every year until the decline of their empire. The Imam-Caliph would don clothes of mourning and forgo his throne to sit on a straw mat, and would spend the day in remembrance and mourning for his grandfather al-Ḥusayn.[184]

---

[178] Al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, Vol. 1, pp. 385-386

[179] Uḥud is a rocky, plateau-topped mountain that lies about 5 kms north of Medina, and the site of an important battle between Prophet Muḥammad and the Meccans in the year 3 AH.

[180] *Al-Anṣār*- 'the helpers', the usual designation of those men of Medina who supported the Prophet Muḥammad, compared to the *Muhājirūn* or 'emigrants' i.e., his Meccan followers.

[181] Al-Qāḍī al-Nuʿmān, *Al-Majālis Wa'L-Musāyarāt*, pp. 71-72.

[182] *Muḥarram* is the first month of the Islamic calender, and al-Ḥusayn was martyred on the 10th of this month in 61 AH/October 680 CE in Karbala, Iraq.

[183] The 10th day of *Muḥarram* is the anniversary of the martyrdom of al-Ḥusayn b. ʿAlī b. Abī Ṭālib at the hands of Yazīd b. Muʿāwiya, and therefore a great day of mourning for the Shīʿa.

[184] Taqiyy al-Dīn al-Maqrīzī, *Ittiʿāẓ Al-Ḥunafā Bi Akhbār Al-Aʾimma Al-Faṭimiyyīn Al-Khulafā*, ed. Muhammad Hilmī Ahmad, Vol. 3 (Cairo: Lajnat Iḥyāʾ al-Turāth al-Islāmī, 1996).

The day of *ʿĀshūrāʾ* saw huge gatherings of officials and common folk in Cairo and across Egypt. Market activities would be suspended on the day, shops would remain closed, and a great procession would proceed to al-Azhar mosque. The gathered people would listen to the reciters of the Qurʾān, after which poets would recite elegies in remembrance of the tragedy of Karbala. As they recited, the voices of weeping and lamentation would rise. This was followed by a specially prepared meal symbolic of the sombreness of the day, at which all who were present took part.[185] Women actively participated in this ceremony, and it is very likely that they even attended special sessions of lamentation where the recitation and lamentation was conducted by women. A precedent for such sessions is found in Medina in the second/seventh century immediately after al-Ḥusayn was killed.

Al-Qāḍī al-Nuʿmān quotes Imam Jaʿfar b. Muḥammad who said that for a whole year after the martyrdom of al-Ḥusayn in Karbala, sessions of mourning and lamentation were held in Medina each morning and night. After the first year, these sessions of mourning were held on the day of *ʿĀshūrāʾ* for three consecutive years. These congregations were held by the women of Banū ʿAbd al-Muṭṭalib[186] in the presence of ʿAlī b. al-Ḥusayn Zayn al-ʿAbidīn, al-Ḥusayn's son and heir to the imamate. Even though women led these sessions of lamentation, men from the Prophet's Companions and the *tābiʿūn* who were alive attended them, listened to the women wail, and cried with them.[187]

Pre-Islamic mourning rituals were prohibited in the *Daʿāʾim* and forbidden in Fatimid Cairo, and punitive measures were taken to curb the activities of professional mourners.

[185] Taqiyy al-Dīn al-Maqrīzī, *Ittiʿāẓ Al-Ḥunafā Bi Akhbār Al-Aʾimma Al-Faṭimiyyīn Al-Khulafā*, ed. Muhammad Hilmī Ahmad, Vol. 3 (Cairo: Lajnat Iḥyāʾ al-Turāth al-Islāmī, 1996). p. 97.
[186] The clan of ʿAbd al-Muṭṭalib. ʿAbd al-Muṭṭalib was the paternal grandfather of the Prophet and the fourth chief of the Quraysh tribal confederation.
[187] Al-Qāḍī al-Nuʿmān, *Al-Majālis Wa'L-Musāyarāt*, pp. 381-382.

However, mourning al-Ḥusayn b. ʿAlī b. Abī Ṭālib was a religious rite that was encouraged by the state, and women participated in public and private sessions of mourning.

The involvement of women in such rituals, along with their broader participation in the economy and society, demonstrates a level of congruence between the laws set out in the *Daʿāʾim* and the lived experiences of Muslim women in Fatimid Cairo. Women were encouraged to develop skills that were beneficial to themselves, their families and the broader community. They were also urged to earn a livelihood aligned with Islamic law and were provided with opportunities to do so. However, the Prophet indicated that providing for her family was not the woman's primary duty when he clearly demarcated the marital responsibilities of newly wed ʿAlī and Fāṭima. Al-Qāḍī al-Nuʿmān narrates that the Prophet ordained that Fāṭima was responsible for all matters inside the house, while ʿAlī was responsible for all matters outside of it.[188] Al-Saifī explains that the responsibility of matters outside the house include providing for and protecting the people in it.[189] Thus, while providing for her family is not primarily the woman's duty, helping the men of the family by contributing to the household's income is looked upon favourably. However, the sole caveat, often overlooked in many contemporary societies, was that women should not lose their intrinsic femininity in the pursuit of societal standards of success, and the spinning wheel remains a poignant reminder of this principle.[190]

The next chapter explores the lives of Dawoodi Bohra women, shedding light on the enduring impact of the *Kitāb Daʿāʾim al-Islām* within a contemporary Muslim community with spiritual ties to the Fatimids in Egypt. It explores how this foundational text continues to shape the cultural and legal fabric of the Dawoodi Bohra community, providing insights

[188] Al-Qāḍī al-Nuʿmān b. Muḥammad, *Kitāb Mukhtaṣar Al-Āthār*, Vol. 2 (Mumbai, India: Aljamea-tus-Saifiyah, 2001). p. 218.
[189] al-Saifī, *Kitāb Al-Najāḥ*, pp. 384-385.
[190] See pp. 55-56.

into the continuity of certain practices, beliefs, and social norms from the historical Fatimid era to the present day.

6.Women of the Dawoodi Bohra Community

What do the women of a modern Muslim community originating from India have in common with the Fatimid women of medieval Egypt?

This chapter examines the social parallels between Fatimid women in medieval Egypt and women of the Dawoodi Bohra community in the 20th century and today. It aims to explore how far the latter's adherence to Ismāʿīlī law, as articulated in the *Kitāb Daʿāʾim al-Islām*, shapes their lives and—in some respects—mirrors the social realities of Muslim women in Fatimid Egypt. When drawing parallels between these two groups of women, it is important to avoid oversimplifying or overlooking the complexities of an ever-evolving Muslim society. One must acknowledge the limitations of cultural and societal evolution, varying political and economic structures, changing legal and judicial systems and technological advancements when drawing comparisons between women of the medieval Fatimid society and a modern Muslim society originating in South-East Asia. This chapter focuses on highlighting the resilience, agency, and religious identity that persist across temporal and geographical boundaries by delving into the experiences of Dawoodi Bohra women.

6.1 History and Context

The Dawoodi Bohras trace their roots to the Fatimids in Egypt. A relatively small community—numbering approximately one million people, they are a Muslim Shīʿa Ismāʿīlī sect who believe that the progeny of ʿAlī b. Abī Ṭālib and Fāṭima, the daughter of the Prophet, represent the legitimate line of Imams. When the 20th Fatimid Imam-Caliph al-Āmir's infant son al-Ṭayyib went into concealment in 526/1132, al-Āmir's *ḥujja*, the Yemeni queen al-Ḥurra al-Malika Arwā bt. Aḥmad, appointed the *Duʿāt* (sg. *dāʿī*) who would serve as the Imam's vicegerents until the eventual manifestation of the 'Imam of the age'.

Ṭayyibī Ismāʿīlī literature speaks of this queen with great reverence, not only as the sovereign who built a flourishing empire marked by justice and economic stability,[191] but also as someone who was elevated to the highest spiritual rank in the *daʿwa* by the Imam of her time. That the 'Imam of the Age' held al-Ḥurra al-Malika in high regard is evident in the honorific titles by which the 20th Imam, al-Āmir bi Aḥkām Allāh, addressed her in official correspondence. The *Dāʿī* ʿImād al-Dīn describes her excellent virtue, her knowledge and piousness, and concludes that she was a woman who surpassed the most learned men in her excellence.[192] She is also regarded as the 'mother' of the Ṭayyibī Ismāʿīlī *duʿāt*; the one who established the line of *duʿāt* to act as representatives of the Imams during the period of *satr* (concealment).

Syedna Mufaddal Saifuddin is the current and 53rd *al-dāʿī al-muṭlaq*, the spiritual and temporal leader of the Dawoodi Bohra community. In 1435/2014 he succeeded his illustrious father, the late 52nd *dāʿī*, Syedna Mohammed Burhanuddin, who was the spiritual and temporal leader of the Dawoodi Bohra community for over 50 years. Syedna Mufaddal Saifuddin shares the honorific title of his illustrious grandfather, the 51st *dāʿī* Syedna Taher Saifuddin, who for 53 years, steered the thriving Dawoodi Bohra community. In the past century, under the guidance of these three *dāʿī*s, the Dawoodi Bohra community has risen from strength to strength. As his predecessors before him, Syedna Mufaddal Saifuddin continues to lead his followers in the age of modernisation to live lives characterised by a total commitment to Islam, to embrace the modern without losing sight of tradition and value.

[191] Haider al-Karbalā'i and Fātin Kāmil al-Ghānimi, *Nisā' Al-Balāt Al-Sulayhi Wa Atharuhunna Fi'l Hayāt Al-Siyāsiyya* (Baghdad: Ganadel Publications, 2017). pp. 233-234.
[192] Ayman Fuad Sayyid, Paul Walker and Maurice Pomerantz, *The Fatimids and their Successors in Yaman: The History of an Islamic Community. Arabic Edition and English Summary of Volume 7 of Idris 'Imād Al-Dīn's 'Uyūn Al-Akhbār* (London: I. B. Tauris, 2002).

6.2 Education

In accordance with the teachings of Islam, education holds immense significance within the Dawoodi Bohra community. A high literacy rate serves as a testament to the community's dedication and its leadership's commitment to nurturing an environment that provides ample opportunities for community members to acquire both religious and secular knowledge.[193] In the realm of education, Dawoodi Bohra women stand on equal footing with their male counterparts in terms of opportunities and academic performance, even occasionally outperforming them.[194]

In several countries where Dawoodi Bohra members reside, educational institutes have been established to provide an education encompassing both secular and religious subjects.[195] These institutions are also equipped with systems designed to offer financial aid and scholarships to students in need. Additionally, in select educational hubs in India and elsewhere, hostels have been constructed to offer comfortable accommodation to students who migrate to pursue graduate and postgraduate degrees.

A significant portion of women within the community pursue advanced degrees across a wide range of fields. Among these accomplished individuals, numerous choose to establish themselves in professions such as teaching, medicine, law, engineering, literature, science and the arts.

[193] Jonah Blank, *Mullahs on the Mainframe* (Chicago: University of Chicago, 2001). p. 126.
[194] For example, see my note on the memorisation of the Holy Qurʾān below, p. 75.
[195] For details on the various subjects taught in these community-run schools, see https://dawatehadiyah.org/departments/department-of-education/

6.2.1 Religious Education

As Muslims, the Dawoodi Bohra community gives utmost importance to the memorisation and study of the Qurʾān. Mahad al-Zahra (pronounced Maʿhad al-Zahrāʾ),[196] an institution dedicated to the study of Quranic sciences and Qurʾān memorisation, was originally founded within the premises of Aljamea-tus-Saifiyah in Surat, India, in the year 1395/1975. Since then, branches of this institute have been founded in various cities, where individuals of all ages, both male and female, memorise the Qurʾān study its sciences. According to the official Mahad al-Zahra website, as of February 2023, the community had a total of 7,589 individuals who have successfully memorised the entire Qurʾān, with 3,914 being female, slightly outnumbering the male *ḥuffāẓ* (sg. *ḥāfiẓ*, those who have memorised the entire Qurʾān).[197]

A discernible trend that has emerged from this enthusiasm for Qurʾān memorisation is the substantial involvement of women who contribute significantly to the promotion of *ḥifẓ* (memorisation) in the community and engage in becoming *ḥāfiẓ* themselves. This contribution often takes the form of mothers assuming either the primary or secondary support role in their children's Qurʾān memorisation journeys. Remarkably, children as young as five years old have successfully committed the entire Qurʾān to memory from within the confines of their homes with the assistance of both parents, and in many instances, mothers play a more prominent role. Even for children who attend formal classes at Mahad al-Zahra, mothers frequently serve as the supplementary support system, managing logistical aspects, such as transporting children to and from classes and aiding them with revision at home.

[196] Institute of al-Zahrāʾ, or the Radiant One, an appellation used to refer to Fāṭima, the Prophet's daughter.
[197] See https://www.mahadalquran.com/memorising/hifz-statistics/.

In addition to establishing institutions and providing facilities for *ḥifẓ*, Syedna consistently praises and recognises the achievements of the *ḥuffāẓ* in his sermons, where he acknowledges that memorising the Qurʾān is a remarkable accomplishment.[198] His vision is for a future where every Dawoodi Bohra household will have at least one member who has successfully memorised the entire Qurʾān, emphasising the importance of this spiritual achievement within the community.

A significant number of *ḥuffāẓ* are students and alumni of Aljamea-tus-Saifiyah. Aljamea-tus-Saifiyah (pronounced *al-Jāmiʾa al-Saifiyya*) is the community's premier educational institute and embodies the educational legacy of the Dawoodi Bohra community. Both male and female students undergo an eleven-year programme encompassing instruction in both theological and secular subjects. This curriculum guides them from the study of fundamental exoteric texts to more advanced esoteric literature. In line with the educational system in Fatimid Cairo, many of the extant corpus of exoteric and esoteric books of al-Qaḍī al-Nuʿmān are part of the curriculum. The centrality of *Kitāb Daʿāʾim al-Islām*, discussed in Chapter 4, is evident in Aljamea's syllabus. The *Daʿāʾim* is taught twice during the eleven-year course, once in the formative years and once in the specialisation phase.

The *Daʿāʾim al-Islām* is also a fundamental part of the religious course offered to male and female members of the community besides Aljamea students. Alongside it, they study other works by al-Qaḍī al-Nuʿmān in Fatimid history, philosophy and jurisprudence, as well as Arabic literature authored by Ṭayyibī Ismāʿīlī *duʿāt*. These educational sessions, known as *ḥalqa* or *sabaq*, are conducted by the local representative of Syedna, along with other

[198] See for instance Aliasgar Kalimuddin, *Jawāhir Al-Kalim Al-Ghāliya*, Vol. 4 (Mumbai, India: Kalimuddin, 2013). p. 170.

knowledgeable individuals who have received authorization from the Syedna to teach these courses.

The format of these sessions can vary. Some *ḥalqas* are of mixed gender, with both men and women participating in sessions led by a male teacher. Others are segregated by age, where individuals aged 17-25 attend one session, while older community members attend another. Just as the *dāʿī* Aflaḥ b. Ḥārūn used to tailor his addresses to suit the understanding of his audience in the early Ismāʿīlī *daʿwa*, teachers customise their discussions derived from the *Daʿāʾim* to align with the particular requirements and relevance appropriate to each age group.[199] This further emphasises that the *Daʿāʾim* serves as more than just a text for study; it contains constitutional laws and a code of conduct essential for the community. Furthermore, there are sessions exclusively designed for women, which are taught by either a male or female teacher, depending on the circumstances and availability of educators. The demographics of each session are contingent on the local community's strength and the number of teachers available through the *Dāʿī*'s local representative. Attendance also varies based on the interest and participation of community members in these educational gatherings.

An example of how this community embraces modernity while preserving tradition is the modern version of the *ḥalqas* that was launched during the Covid-19 pandemic. When many Indian cities were under strict lockdown, preventing people from attending in-person sessions, the leadership was committed to ensuring that the lockdown did not hinder members of the community from acquiring knowledge. In compliance with local regulations, they approved the launch of virtual sessions. The popularity of these online sessions caused a significant increase in participation, with learners logging in from various

[199] See pg. 46.

parts of the world. Notably, mothers of young children and caregivers greatly benefited from these sessions as they were not able to leave their responsibilities to attend in-person sessions in the past. After the pandemic subsided and restrictions were lifted—even as online sessions continue—there has been a notable surge in attendance at in-person sessions.

Special sessions are also held for women to study the *Kitāb al-Najāḥ*, which is an extrapolation of a chapter from the *Daʿāʾim al-Islām* by the 17th century jurist Syedi Ibrahīm al-Saifī. These interactive sessions serve as a platform for women to unlearn misconceptions often propagated in mainstream discourse about a woman's status in Islam. Furthermore, they focus on comprehending the meanings of the teachings, rulings, inducements and prohibitions of the Prophet and the Ismāʿīlī Imams. The discussions revolve around the practical application of these teachings in a woman's life in the modern world where participants are invited to contemplate whether it is feasible and beneficial to uphold tradition while also embracing modernity. Since their establishment in 1439/2017, I have been a member of the core team of educators who travel to different cities worldwide to conduct these sessions for female members of the community. The insights I share here were gleaned from these intensive 30-hour sessions with each group of women, as well as from years of social interactions with these women in both cultural and religious contexts. These interactions have provided me with valuable understanding of how the women of this thriving community perceive their role in the modern world and how they harmonise their religious identity with this role.

6.3 Occupations and Professions

Male and female members of the community, under the guidance of the *Dāʿīs*, are engaged in a wide spectrum of businesses, ranging from small enterprises to larger industrial

ventures. In pursuit of improved prospects, many have emigrated from India. Women play an active and significant role in their family businesses and have also ventured into establishing their independent enterprises. They own and manage shops, workshops, and even operate small-scale home industries.[200]

In recent years, there has been a notable rise in online businesses thanks to the exceptional skills, strong business ethics and adept marketing strategies of women entrepreneurs within the community. These businesses encompass diverse sectors, including the manufacture and import of apparel and home accessories, as well as the operation of home-based bakeries among others. It is worth noting that the Prophet's teachings emphasise the value of craftsmanship and the importance of perfecting one's craft, a principle upheld and applied by these industrious individuals.

The analogy of the spinning wheel, which the Prophet has praised, serves as a profound illustration of the value of creativity.[201] It encourages both men and women to be innovative and enterprising contributors to society, inspiring them to establish businesses that are trendsetters in their own right. Furthermore, women are encouraged to embrace their unique feminine nature and recognise the incredible power of creativity it unleashes.

In this analogy, as explained by al-Saifī, the spinning wheel represents a microcosm of the universe—a fascinatingly simple machine in which fibres are transformed into yarn by a revolving wheel, and subsequently woven into complex patterns to create fabric. This intricate process, involving the diligent repetition of straightforward steps, evolved from hand spun wheels to motorised machines and, eventually, to modern-day devices that follow algorithmic computation. Yet, despite these advancements, the fundamental

[200] *Being and Becoming* (Mumbai, India: Department of the Wellbeing of Women and Children, 2021).
[201] See Chapter 5, pp. 55-56.

principle remains the same: the transformation of fibres into yarn and yarn into fabric through the persistent repetition of simple actions embodies the transformative potential of creativity when it is combined with continuous effort and dedication.

6.4 Muḥarram and Mourning al-Imam al-Ḥusayn b. ʿAlī b. Abī Ṭālib

While creativity and enterprise are celebrated as vital aspects of societal contribution, the Dawoodi Bohra community also upholds the profound spiritual practice of remembrance and mourning al-Imam al-Ḥusayn—a reflection of the deep respect for historical and religious legacy that shapes their values. This is particularly evident during Muḥarram, when the community congregates to honour the sacrifice of al-Ḥusayn and his household and companions in Karbala—a commemoration that is a cornerstone of the Dawoodi Bohra faith. Every year in Muḥarram, thousands of community members flock to where the Syedna holds his annual Muḥarram sermons, from the second day of Muḥarram until the tenth day—*ʿĀshūrāʾ*. Sermons are also held in local Dawoodi Bohra mosques and community halls, led by specially appointed representatives of the *Dāʿī*.

During this period, they temporarily close their businesses and request leave from educational institutions and workplaces to demonstrate their unwavering commitment to the cause of al-Ḥusayn and the profound sacrifices he made for the betterment of humanity. They hold a steadfast belief that, although the Prophet forbade excessive loud mourning and lamentation for the deceased, he pledged paradise (*janna*) to those who grieved for his grandson al-Ḥusayn.

Reflecting the importance given to these days in Fatimid Cairo[202], preparations for Muḥarram commence well in advance and encompass a range of activities. Both men and women play essential roles in preparing the venue for the sermons. These preparations

[202] See Chapter 5, pp. 69-70.

involve thorough cleaning of the premises, necessary maintenance and adorning the venue with dignified motifs reminiscent of the tragic events of Karbala. Women in particular take pride in dedicating time to create banners and bannerettes adorned with Quranic verses, the names of the *ahl al-bayt* and elegiac prose and poetry authored by the Ṭayyibī Ismāʿīlī *duʿāt.* In addition to these preparations, men and women are also deeply involved in the immense task of feeding the congregation. This effort, spanning the nine days of Muḥarram, includes the systematic planning, preparation, cooking, and serving of meals to ensure that all attendees are well-cared for.

Furthermore, the parents, typically led by mothers, engage in conversations with their young children regarding the significance of the upcoming days. They narrate the tragic events of Karbala and introduce their children to new vocabulary they might encounter during the sermons. This ensures that even the youngest members of the community have a basic understanding of the messages being conveyed. These efforts are reinforced by educational institutes within the Dawoodi Bohra community, which incorporate these preparations into their curriculum.

The Dawoodi Bohras view attending these sermons—particularly those conducted by the *Dāʿī* himself—and mourning al-Imam al-Ḥusayn b. ʿAlī b. Abī Ṭālib as an integral part of their education and their children's upbringing. This is because these gatherings serve as an important platform for imparting religious and historical knowledge, reinforcing the community's values and teachings. This deep connection between communal practices and religious education underscores the continued relevance of Fatimid traditions within the Dawoodi Bohra community, where the teachings of *Kitāb Daʿāʾim al-Islām* remain central to both individual and collective identity.

To summarise, the legacy of Fatimid law, as preserved in its most authoritative compendium, *Kitāb Daʿāʾim al-Islām* has transcended the constraints of time and place, enduring as the central legal text of the Dawoodi Bohras, a modern Muslim community. Women of the community strive to mould themselves according to the teachings of the *Daʿāʾim* as taught to them by their spiritual leader, the 53rd *al-Dāʿī al-Muṭlaq* Syedna Mufaddal Saifuddin.

The diligent pursuit of both secular and religious education by these women, their active endeavours to contribute to the economic advancement of their community and the broader society, all while adhering steadfastly to the principles of modesty and recognising their inherent roles as nurturers, collectively epitomises the profound teachings espoused by the *Daʿāʾim*. This multifaceted commitment embodies a harmonious fusion of tradition and modernity, where women are not merely passive participants but dynamic agents of progress.

7. Conclusion

The *Kitāb Daʿāʾim al-Islām*, authored by the renowned legal scholar of the Fatimid Empire, al-Qāḍī al-Nuʿmān, served as the legal foundation for the Empire during its Cairene era. This dissertation has explored:

1. the extent to which Islamic principles, as interpreted through the jurisprudential laws of the Fatimids and articulated in al-Qāḍī al-Nuʿmān's comprehensive work on Fatimid law, corresponded with the daily lives of Ismāʿīlī women residing in Fatimid Cairo and,
2. The extent to which the *Daʿāʾim al-Islām* continues to serve as the primary and most authoritative legal text for the Dawoodi Bohra community, thereby significantly influencing their lives, particularly Dawoodi Bohra women, through its doctrines and regulations.

Examining historical, legal and societal norms concerning the education, professions and occupations of women during the Fatimid era and comparing these with the lived experiences of Muslim women in Fatimid Cairo reveals a remarkable congruence between the two. Within the context of Fatimid Cairo, it becomes apparent that Muslim women enjoyed agency and financial autonomy, actively engaging in a diverse array of trades and professions. One striking point of alignment between the *Daʿāʾim al-Islām* and the historical context of Fatimid Cairo lies in the commendation of the spinning wheel by the Prophet and the prevalence of spinning, weaving and embroidery as women's activities. According to the *Daʿāʾim al-Islām*, the Prophet praised the spinning wheel as a 'truly excellent occupation for believing women'. It is worth noting that spinning and weaving were not exclusive to Muslim women; Jewish and Christian women in the region also engaged in these activities, as demonstrated by the Geniza documents. However, the

commendation given to it by the Prophet himself, along with the religious merit associated with productive labour, particularly the inducement to avoid idleness and to pursue a lawful living, may have been a significant factor in encouraging Muslim women to choose spinning and weaving as a means of livelihood.

Significantly, while women were not prohibited from leaving their homes, they were urged to preserve their modesty by minimising unnecessary interactions with men who were not part of their immediate family. These guidelines aligned with the prevailing social structures in Fatimid Cairo, which accommodated their participation in trade by establishing separate, gender-specific arrangements. Domestic environments conducive to working within the comfort of their homes and specialised markets designed exclusively for women served as a testament to this consideration. These segregated spaces facilitated the participation of women in economic activities while respecting the values of Fatimid tradition.

While the spinning wheel serves as a metaphorical representation of the celebration of a woman's creative abilities, other professions recognised by the *Daʿāʾim al-Islām* reflect a distinct appreciation for a woman's femininity. The acts of caring, healing and nursing are inherently intertwined with a woman's nature and are acknowledged as praiseworthy occupations in Fatimid legal texts such as the *Daʿāʾim*. The *Daʿāʾim*, by recognising professions that are often associated with caregiving and nurturing, underscores the value of these qualities within the context of femininity. While some feminists may argue that emphasising such intrinsic traits perpetuates stereotypes or limits women's choices, it is equally valid to perceive these laws as a celebration of the diverse ways in which women contribute to society.

However, there was one profession, explicitly condemned by the Prophet and prohibited by the *Daʿāʾim*, that proliferated in Fatimid Cairo: the professional female mourners. These mourners offered their services to grieving families to lament and mourn the deceased. This practice, despite efforts by the highest legal authorities, as documented in the narrative by al-Qāḍī al-Nuʿmān, persisted without abatement. The prevalence of professional female mourners, despite being denounced by both religious teachings and legal decrees, is a complex phenomenon. Al-Qāḍī al-Nuʿmān's account portrays the persistent challenge faced by the highest legal authorities in suppressing this practice effectively.

These historical insights invite a deeper exploration of the interrelationship between religious, legal and societal factors in shaping the lives of women in Fatimid Cairo. They emphasise the significance of considering both legal documents and lived experiences when examining the status and agency of women in historical contexts. Furthermore, the coexistence of sanctioned and proscribed occupations within the same society highlights the intricate interplay between religious doctrine, legal authority and societal practices in shaping the lives of women in the Fatimid Empire.

Beyond their participation in occupational activities, women in Fatimid Cairo played a pivotal role in weaving the fabric of society through their roles as nurturers within their families. While these women were indeed encouraged to pursue professional activities, they were also consistently reminded of their primary responsibility as the guardians and nurturers of the family unit, along with the obligation to uphold their modesty. This nuanced approach reflects a societal acknowledgment of the multifaceted roles women assumed during this period.

Furthermore, the manifestation of these norms and values within a contemporary Muslim community in the 21st century serves as evidence of the legacy of the Fatimids and the

enduring influence of their Ismāʿīlī legal framework. Women of the Dawoodi Bohra community are educated, productive members of the community and the wider society, who embrace modernity while firmly holding on to their Fatimid tradition and culture. They play an essential role as carers and nurturers in their homes, often simultaneously exploring professional opportunities in diverse fields such as education, health and nutrition, design and fine arts, science and technology, as well as commerce. Building on their heritage of being a trading community, these women have established successful businesses and enterprises physically and in the virtual sphere, contributing to economic growth and development both within their community and the wider society. Their business acumen and dedication exhibit women's potential to excel in the professional world without compromising their religious and cultural values.

In conclusion, the congruence between the *Daʿāʾim al-Islām* and the experiences of Muslim women in Fatimid Cairo offers a compelling perspective on the complex nature of women's roles and opportunities in a historical context. The *Daʿāʾim*, as a primary legal text, not only mirrored but also influenced the lived experiences of women, promoting their agency and economic participation while emphasising their roles as nurturers. The enduring legacy of these norms is evident in the contemporary Dawoodi Bohra community, where women continue to balance professional aspirations with cultural and religious values. This ongoing relevance underscores the lasting impact of the Fatimid legal framework and its progressive approach to women's roles, providing valuable insights into the intersection of faith, law, and gender in Islamic history.

Bibliography

As-Sijillāt Al-Mustanṣiriyya L'Il-Mustanṣir Billāh Al-Fāṭimī 1954., edited by Abd al-Munʿim Mājidʿ. Cairo: Dār al-Fikr al-'Arabī.

Being and Becoming 2021. Mumbai, India: Department of the Wellbeing of Women and Children.

Ahmed, Leila and Kecia Ali. 2021. *Women and Gender in Islam*. Veritas Paperbacks. 2nd ed. New Haven: Yale University Press.

al-Karbalā'i, Haider and Fātin Kāmil al-Ghānimi. 2017. *Nisā' Al-Balāt Al-Sulayhi Wa Atharuhunna Fi'l Hayāt Al-Siyāsiyya*. Baghdad: Ganadel Publications.

Allouche, Adel. 1985. "The Establishment of Four Chief Judgeships in Fāṭimid Egypt." *Journal of the American Oriental Society* 105 (2): pp. 317-320.

al-Maqrīzī, Taqiyy al-Dīn. 1996. *Ittiʿāẓ Al-Ḥunafā Bi Akhbār Al-Aʾimma Al-Faṭimiyyīn Al-Khulafā*, edited by Muhammad Hilmī Ahmad. Vol. 3. Cairo: Lajnat Iḥyāʾ al-Turāth al-Islāmī.

Al-Qāḍī al-Nuʿmān b. Muḥammad. 1986. *Kitāb Iftitāḥ Al-Da`wa*, edited by Farhat Dashrawi. 2nd ed. Tunis: al-Sharika al-Tunisiyyah li'l Tawzeeʿ.

———. 2013. *Kitāb Al-Majālis Wa'L-Musāyarāt*. Mumbai, India: Aljamea-tus-Saifiyah.

———. 2022. *Kitāb Daʿāʾim Al-Islām*. Vol. 2. Mumbai, India: Aljamea tus Saifiyah.

———. 2014. *Kitāb Daʿāʾim Al-Islām*. Vol. 1. Mumbai, India: Aljamea-tus-Saifiyah.

———. 2005a. *Kitāb Mukhtaṣar Al-Āthār*. Vol. 1. Mumbai, India: Aljamea-tus-Saifiyah.

———. 2001. *Kitāb Mukhtaṣar Al-Āthār*. Vol. 2. Mumbai, India: Aljamea-tus-Saifiyah.

———. 2005b. *Kitāb Sharḥ Al-Akhbār*. Vol. 11. Mumbai, India: Aljamea-tus-Saifiyah.

———. 1990. *Kitāb Sharḥ Al-Akhbār*. Vol. 2. Mumbai, India: Aljamea-tus-Saifiyah.

———. 2002. *The Pillars of Islam: Daʿāʾim Al-Islām of Al-Qaḍī Al-Nuʿmān Volume 1*. Translated by A. A. Fyzee, edited by Ismail K. Poonawala. New Delhi: Oxford University Press.

———. 2007. *The Pillars of Islam: Daʿāʾim Al-Islām of Al-Qaḍī Al-Nuʿmān Volume 2* . Translated by A. A. Fyzee, edited by Ismail K. Poonawala. New Delhi: Oxford University Press.

al-Saifī, Ibrahīm. 2006. *Kitāb Al-Najāḥ*. Mumbai, India: Aljamea-tus-Saifiyah.

Andani, Khalil. 2016. "A Survey of Ismaili Studies Part 1: Early Ismailism and Fatimid Ismailism." *Religion Compass* 10 (8): pp. 191-206.

Badran, Margot. 2013. *Feminism in Islam: Secular and Religious Convergences*. London: Oneworld Publications.

———. 2011. "From Islamic Feminism to a Muslim Holistic Feminism." *IDS Bulletin (Brighton. 1984)* 42 (1): pp. 78-87.

Bauer, Karen and Hamza Feras. 2021. *An Anthology of Qur'Anic Commentaries- Volume II: On Women*. Qur'Anic Studies Series. USA: Oxford University Press.

Blank, Jonah. 2001. *Mullahs on the Mainframe*. Chicago: University of Chicago.

Brett, Michael. 2019. *The Fatimids and Egypt*. Variorum Collected Studies. 1st ed. United Kingdom: Routledge.

———. 2001. *The Rise of the Fatimids*. Leiden: Brill.

Calder, N. and M. B. Hooker. 2012. "Sharia." In *Encyclopaedia of Islam, Second Edition*, IX:321a. Leiden: Brill.

Cortese, Delia and Simonetta Calderini. 2006. *Women and the Fatimids in the World of Islam*. Edinburgh: Edinburgh University Press.

Cottart, N. 2012. "Malikiyya." In *Encyclopaedia of Islam, Second Edition*, VI:278a. Leiden: Brill.

Daftary, Farhad. 2010. "Al-Nu'Man, Al-Qadi (D. 363 AH/ 974 CE)." In *The Biographical Encyclopaedia of Islamic Philosophy*, edited by Leaman. Oliver, 165-167.

———. 1998a. "Ismaili History and Historiography:; Phases, Sources and Studies." In *A Short History of the Ismailis*, pp. 1-20. United Kingdom: Edinburgh University Press.

———. 2004. *Ismaili Literature: A Bibliography of Sources and Studies*. 1st ed. London: I. B. Tauris.

———. 2007. *The Ismailis: Their History and Doctrines*. Cambridge: Cambridge University Press.

———. 2021. "The Ismāʿīlīs and their Traditions." In *Handbook of Islamic Sects and Movements*, edited by Muhammad Upal and Carole Cusack, pp. 235-254. London: Brill.

———. 1996. *Medieval Ismaili History and Thought*. Cambridge: Cambridge University Press.

———. 1998b. *A Short History of the Ismailis: Traditions of a Muslim Community* . United Kingdom: Edinburgh University Press.

De Blois, F., B. Van Dalen, R. Humphrey, M. Marin, A. Lambton, C. Woodhead, M. Athar Ali, J. Hunwick, G. Freeman-Grenville, and I. Proudfoot. 2012. "Taʾrīkh." In *Encyclopaedia of Islam, Second Edition*, X:257b. Leiden: Brill.

El-Azhari, Taef. 2019. *Queens, Eunuchs and Concubines in Islamic History, 661–1257*. Edinburgh: Edinburgh University Press.

Flick, Uwe. 2018. *The SAGE Handbook of Qualitative Data Collection*. London: SAGE Publications Ltd.

Fyzee, Asaf A. A. 1934. "Qadi an-Nu'Man the Fatimid Jurist and Author." *Journal of the Royal Asiatic Society of Great Britain and Ireland* (1): pp. 1-32.

Goitein, S. D. 1967. *A Mediterranean Society. Volume 1 : The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza: Economic Foundations*. Berkeley: University of California Press.

Guba, Egon G. and Yvonna S. Lincoln. 1994. "Competing Paradigms in Qualitative Research." In *Handbook of Qualitative Research*, 105-117. London: SAGE Publications Ltd.

Haji, Hamid. 2006. *Founding the Fatimid State : The Rise of an Early Islamic Empire : An Annotated English Translation of Al-Qāḍī Al-Nu`mān's Iftitāḥ Al-Da`wa*. Ismaili Texts and Translations Series, 6. London: I.B. Tauris.

Halm, Heinz. 1996. *The Empire of the Mahdi*. Boston: Brill.

———. 2014. "Fāṭimids." In *Encyclopaedia of Islam Three Online*, edited by K. Fleet, G. Krämer, D. Matringe, J. Nawas and D. J. Stewart. Leiden: Brill.

———. 2001. *The Fatimids and their Traditions of Learning*. Ismaili Heritage Series. Reprinted ed. London: I.B.Tauris.

Hofmeester, Karin. 2011. "Jewish Ethics and Women's Work in the Late Medieval and Early Modern Arab-Islamic World." *International Review of Social History, Suppl. the Joy and Pain of Work: Global Attitudes and Valuations* 56 (S19): pp. 141-164.

Holmes, Darwin and Andrew Gary. 2020. "Researcher Positionality- A Consideration of its Influence and Place in Qualitative Research: A New Researcher Guide." *Shanlax International Journal of Education* 8 (4): pp. 1-10.

Ivanow, Wladimir. 1933. *A Guide to Ismaili Literature*. Prize Publication Fund. London: The Royal Asiatic society.

———. 1942. *Ismaili Tradition Concerning the Rise of the Fatimids*. Series (Islamic Research Association). New York: Oxford University Press.

Jiwa, Shainool. 2023. *The Fatimids: 2. the Rule from Egypt*. London: I.B. Tauris.

———. 2013. *The Founder of Cairo: The Fatimid Imam-Caliph Al-Mu'Izz and His Era: An English Translation of the Text on Al-Mu' Izz from Idris 'Imad Al-Din's 'Uyun Al-Akhbar*. Ismaili Texts and Translations Series. Vol. 21. London: I.B.Tauris.

———. 1989. "Study of the Reign of the Fifth Fatimid Imam/Caliph Al-'Aziz Billah." Phd, University of Edinburgh.

Kalimuddin, Aliasgar. 2013. *Jawāhir Al-Kalim Al-Ghāliya*. Vol. 4. Mumbai, India: Kalimuddin.

Krakowski, Eve. 2017. *Coming of Age in Medieval Egypt*. Princeton: Princeton University Press.

———. 2012. "Female Adolescence in the Cairo Geniza Documents." Ph.D., The University of Chicago.

Madelung, Wilferd. 1976. "The Sources of Ismāʿīlī Law." *Journal of Near Eastern Studies* 35 (1): 29-40.

Maqrīzī, Aḥmad Ibn-ʿAlī al and Shainool Jiwa. 2009. *Towards a Shiʿi Mediterranean Empire*. Ismaili Texts and Translations Series. Vol. 11. London: Tauris.

Mernissi, Fatima. 2006. *The Forgotten Queens of Islam*. 4th ed. Minneapolis: University of Minnesota Press.

———. 1991. *The Veil and the Male Elite : A Feminist Interpretation of Women's Rights in Islam*, edited by Mary Jo Lakeland, American Council of Learned Societies. New York: Basic Books.

Nasr, Seyyed Hossein, Caner K. Dagli, Maria Massi Dakake, Joseph E. B. Lumbard, and Mohammed Rustom. 2015. *The Study Quran : A New Translation and Commentary*. 1st ed. HarperOne.

Olyan, Saul M. 2004. *Biblical Mourning: Ritual and Social Dimensions*. Oxford: Oxford University Press.

Pemberton, Kelly. 2014. "Gender." In *Key Themes for the Study of Islam*, pp. 141-160. New York: Oneworld Publications.

Poonawala, Ismail K. 2018. "The Chronology of Al-Qāḍī L-Nuʿmān's Works." *Arabica* 65 (1): 84-162.

Qurboniev, Aslisho. 2020. "Traditions of Learning in Fāṭimid Ifrīqiya (296-362/909-973): Networks, Practices, and Institutions." Phd, University of Cambridge.

Robson, J. 2012. "Hadith." In *Encyclopaedia of Islam, Second Edition*, III:23b. Leiden: Brill.

Rosenthal, Franz and Bruce Lawrence. 2005. "On the various Aspects of Making a Living, such as Profit and the Crafts." In *The Muqaddimah*, edited by N. Dawood. Abridged ed., 297-332. Princeton: Princeton University Press.

Sayyid, Ayman Fuad. 1992. *Al-Dawla Al-Fatimiyya Fī Miṣr: Tafsīr Jadīd* . Cairo: Al-Dar al-Masriah al-Lubnaniah.

Sayyid, Ayman Fuad, Paul Walker, and Maurice Pomerantz. 2002. *The Fatimids and their Successors in Yaman: The History of an Islamic Community. Arabic Edition and English Summary of Volume 7 of Idris 'Imād Al-Dīn's 'Uyūn Al-Akhbār*. London: I. B. Tauris.

Shatzmiller, Maya. 1994. *Labour in the Medieval Islamic World*. Leiden: BRILL.

Smith, William and J. M. Fuller. 2005. "Mourning." In *Encyclopaedic Dictionary of the Bible*. India: Logos Press.

Tucker, Judith E. 2008. *Women, Family, and Gender in Islamic Law*. Cambridge: Cambridge University Press.

Udovitch, Abraham L. 1970a. *Partnership and Profit in Medieval Islam*. Princeton, NJ: Princeton University Press.

———. 1970b. "Theory and Practice of Islamic Law: Some Evidence from the Geniza." *Studia Islamica* (32): pp. 289-303.

Walker, Paul. 2012. "Dāʿī (in Ismāʿīlī Islam)." In *Encyclopaedia of Islam Three Online*, edited by K. Fleet, G. Krämer, D. Matringe, J. Nawas and D. J. Stewart. Leiden: Brill.

———. 2002. *Exploring an Islamic Empire: Fatimid History and its Sources*. Ismaili Heritage Series 7. London: I.B. Tauris.

———. 1997. "Fatimid Institutions of Learning." *Journal of the American Research Center in Egypt* 34: pp. 179-200.

ʿImād al-Dīn, Idrīs. 1984. *Uyūn Al-Akhbār*, edited by Mustafa Ghalib. 2nd ed. Vol. 6. Beirut: Dār al-Andalus.

Index of Quranic Verses and Traditions of the Prophet and the Fatimid Imams

(mentioned or translated in the dissertation)

Quranic Verses	Page number
هُنَّ لِبَاسٌ لَّكُمْ وَأَنتُمْ لِبَاسٌ لَّهُنَّ ۗ	16
وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَاجًا لِّتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُم مَّوَدَّةً وَرَحْمَةً إِنَّ فِي ذَٰلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾	16
جَعَلَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَاجًا	16
فاسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنكُم مِّن ذَكَرٍ أَوْ أُنثَىٰ ۖ بَعْضُكُم مِّن بَعْضٍ	17
لِّلرِّجَالِ نَصِيبٌ مِّمَّا اكْتَسَبُوا ۖ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا اكْتَسَبْنَ ۚ	17
۞ وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ ۖ لِمَنْ أَرَادَ أَن يُتِمَّ الرَّضَاعَةَ ۚ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۚ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَّهُ بِوَلَدِهِ ۚ وَعَلَى الْوَارِثِ مِثْلُ ذَٰلِكَ ۗ فَإِنْ أَرَادَا فِصَالًا عَن تَرَاضٍ مِّنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۗ وَإِنْ أَرَدتُّمْ أَن تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُم مَّا آتَيْتُم بِالْمَعْرُوفِ ۗ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٢٣٣﴾	61
وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ	62

Prophetic Traditions	Page number
قال رسول الله صلع "كلما ازداد العبد إيمانا ازداد حبا للنساء"	6
قال رسول الله صلع لفاطمة ع م " فدتك نفسي أنت سيدة نساء العالمين"	9
قال رسول الله صلع "طلب العلم فريضة على كل مسلم ومسلمة"	44
قال رسول الله صلع "لئن كان صادقا إن له لأجرا مثل أجر الغازي وأجر الحاج وأجر المعتمر"	48
قال رسول الله صلع "نعم الشغل للمرأة المؤمنة المغزل"	54
قال رسول الله صلع "من عقّ عن ولده فليعطِ القابلة رجل العقيقة"	59
قال رسول الله صلع " فإذا وضعت كتب الله لها بكل مصة (يعني من الرضاع) حسنة ومحى عنها سيئة"	62
قال رسول الله صلع "الرضاع يغير الطباع"	63
قال رسول الله صلع "ثلاث من أعمال الجاهلية لا يزال الناس فيها حتى تقوم الساعة : الاستسقاء بالنجوم، والطعن في الأنساب، والنياحة على الموتى"	65
قال رسول الله صلع "صوتان ملعونان يبغضها الله ، إعوال عند مصيبة وصوت عند نعمة"	65
قال رسول الله صلع " تدمع العين ويحزن القلب ولا نقول ما يسخط الرب"	66
"بكى رسول الله صلع عند موت بعض ولده، فقيل له: يا رسول الله تبكي وأنت نهانا عن البكاء؟ فقال: لم أنهكم عن البكاء، وانما نهيتكم عن النوح العويل، وانما هذه رقة ورحمة يجعلها الله تبارك وتعالى في قلب من يشاء من خلقه، ويرحم الله من يشاء، إنما يرحم الله من عباده الرحماء"	66
قال رسول الله صلع "لكن حمزة لا بواكي له"	67

Traditions of the Fatimid Imams	Page number
قال الإمام المعز ص ع "من أتى بعشر عشير ما أتى به النعمان ضمنت له على الله الجنة"	39
قال الإمام المعز ص ع "أنت المعني بذلك في هذا الأوان يا نعمان"	40