

## FAMILY LIFE IN THE OTTOMAN MEDITERRANEAN

In writings about Islam, women, and modernity in the Middle East, family and religion are frequently invoked but rarely historicized. Accessibly written and based on a wide range of local sources spanning two centuries (1660–1860), this book shows that there is no such thing as a typical Muslim or Arab family. Rather, it reveals dramatic regional differences, even within the same cultural zone, in the ways that family is understood, organized, and reproduced. By concentrating on family life in the Ottoman Mediterranean, in particular in what is now Lebanon and Palestine, Beshara Doumani skilfully uses examples of family waqf endowments, lawsuits between kin, and other cases from the shari‘a courts to reconstruct the encounters between kin *and* court and kin *in* court. Through his comparative examination of the transformations of family, property, and gender regimes, Doumani offers a ground-breaking examination of the stories and priorities of ordinary people. By doing so, he challenges prevailing assumptions about modern Middle Eastern societies.

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FAMILY LIFE IN THE  
OTTOMAN  
MEDITERRANEAN

*A Social History*

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CAMBRIDGE  
UNIVERSITY PRESS

Cambridge University Press  
978-0-521-76660-9 — Family Life in the Ottoman Mediterranean  
Beshara B. Doumani  
Frontmatter  
[More Information](#)

CAMBRIDGE  
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
4843/24, 2nd Floor, Ansari Road, Daryaganj, Delhi - 110002, India  
79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.  
It furthers the University's mission by disseminating knowledge in the pursuit of  
education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)  
Information on this title: [www.cambridge.org/9780521766609](http://www.cambridge.org/9780521766609)  
DOI: 10.1017/9780511989605

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First published 2017

Printed in the United Kingdom by TJ International Ltd. Padstow Cornwall

*A catalogue record for this publication is available from the British Library*

ISBN 978-0-521-76660-9 Hardback  
ISBN 978-0-521-13327-2 Paperback

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## Contents

<i>List of Figures</i>	page vii
<i>List of Maps</i>	ix
<i>List of Tables</i>	x
<i>Preface and Acknowledgments</i>	xiii
1 Maryam's Final Word	I
1.1 A Copper Pot with Its Lid	6
1.2 Why Should We Care About Maryam 'Anklis?	16
1.3 Property Devolution and Family Life	21
1.4 The Geography of Modernity	24
1.5 The Political and Spiritual Economies of Difference	32
1.6 Historicizing the Encounter between Kin and Court	34
1.7 Methodological Choices	38
1.8 Chapter Overview	43
2 Hamida's Children Come of Age: The Shari'a Court and Its Archives	47
2.1 The Shari'a Court Registers as Communal Textual Memory	54
2.2 Hamida's Children Go to Court	64
2.3 Lawsuit Narratives	73
2.4 The Centrality of Waqfs	83
2.5 Conclusion	100
3 Husayn's and 'Abd al-Wahid's Designs: The Waqf as a Family Charter	102
3.1 Husayn's Design	105
3.2 'Abd al-Wahid's Design	117
3.3 Waqf Preferences in the Absence of a Male Heir	129
3.4 Conclusion	132
4 Good Deeds: The Family Waqf as a Social Act	134
4.1 Who?: Class, Kinship, and Gender	141
4.2 Why?: Disciplinary, Supplemental, and Constitutive Waqfs	152

4.3	Rise of the Baraka Family: The Social Life of a Constitutive Waqf	166
4.4	Conclusion	185
5	Who's In? Who's Out?: The Waqf as a Boundary Marker	188
5.1	Four Patterns: No More, No Less	193
5.2	Pattern Two	199
5.3	Pattern One	208
5.4	Patterns Three and Four	213
5.5	Conclusion	222
6	Property and Gender: The Political Economy of Difference	224
6.1	Legal and Spiritual Economies	228
6.2	The Family Firm in Nablus	234
6.3	Urban Agriculture in Tripoli	238
6.4	The Tree and the Worm	248
6.5	Silk, Power, and Class	253
6.6	Co-cultivation Contracts	259
6.7	'Atika's Options	264
6.8	<i>Bustān</i> vs. <i>Dār</i>	268
6.9	Conclusion	271
7	Fatima's Determination	275
7.1	What if Fatima Lived in Nablus?	280
7.2	Endowing Family, Litigating Kinship	283
7.3	Understanding Fatima's Determination	290
7.4	Challenges	294
	Appendix: Note on the Tripoli Shari'a Court Registers	301
	<i>Bibliography</i>	312
	<i>Index</i>	333

## Figures

1.1	Property devolution strategies of Maryam ‘Anklis, in order of appearance: family endowment ( <i>waqf dhurrī</i> )	page 8
1.2	Property devolution strategies of Maryam ‘Anklis, in order of appearance: acknowledgment ( <i>iqrār</i> )	9
1.3	Property devolution strategies of Maryam ‘Anklis, in order of appearance: gift ( <i>hiba</i> )	10
1.4	Property devolution strategies of Maryam ‘Anklis, in order of appearance: “auto-probate” ( <i>iqrār, hiba, mabarrāt</i> )	11
1.5	Maryam ‘Anklis waqf (TICR 31:103)	12
1.6	Maryam ‘Anklis waqf (TICR 31:104)	13
2.1	First lawsuit between the Za‘rur and Badawi families (litigants in bold)	49
2.2	List of disputed properties inherited by the widower and children of Hamida in 1706 (first lawsuit)	50
2.3	List of disputed properties in joint waqf by Nasir and Ibrahim Za‘rur in 1648 (second lawsuit)	51
2.4	Family tree of <i>awlād</i> (progeny of) Za‘rur (litigants in bold)	52
2.5	Original <i>hujja</i> : 1787 sale/purchase deed with additions	56
2.6	Original <i>hujja</i> : 1657 lawsuit	57
2.7	Copy of <i>hujja</i> : 1657 lawsuit	58
2.8	Notarized copy of a waqf (1638)	61
2.9	Notarized copy of a waqf endowed ten years earlier (1648/58)	62
2.10	Letter from Hasan Smadi to ‘Abd al-Fattāh Nimr, n.d.	75
3.1	Flow chart of the Husayni waqf, 1802	109
3.2	Husayni family tree according to the Husayni waqf, 1802	110
3.3	Khammāsh family tree	118
3.4	‘Asbiyya lawsuit, 1857	130
4.1	Baraka family tree	168
4.2	Baraka double lawsuit	183
6.1	Nablus, circa 1898: view from the south	240

6.2	Nablus, September 24, 1918: view from the west	241
6.3	Tripoli and environs, circa 1873	242
6.4	Tripoli and environs, circa 1906	243
6.5	Tripoli and environs, circa 1925	244
6.6	Orchards and olive groves: Tripoli, al-Mina, and Minya, circa 1925	245
6.7	Tripoli, circa 1930s: view to northwest from citadel	246
6.8	Tripoli, circa 1930s: view to southeast	247
6.9	Private <i>musāqāt</i> contract, Nablus, circa 1847	262
6.10	Tripoli, circa 1954: urban growth	272
6.11	Tripoli, circa 2015: urban growth	273
6.12	Nablus, circa 1994: urban growth	273
6.13	Nablus, circa 2000s: urban growth	274
7.1	Qalamoni family tree, according to an 1842 lawsuit	276

## *Maps*

1 Ottoman atlas, 1803: lands of Palestine and Syria	xxi
2 “Turkey in Asia,” 1851	xxi
3 Ottoman provinces in the Eastern Mediterranean, eighteenth century	xxii
4 Ottoman provinces and districts in the Eastern Mediterranean, 1896	xxiii
5 Ottoman administrative divisions in Bilad Al-Sham, 1914	xxiv
6 Shari‘a courts and qadi ranks in the Ottoman Empire, eighteenth century	xxv



## Tables

2.1	Types of lawsuits in the early eighteenth century	<i>page</i> 63
2.2	Types of lawsuits in the first half of the nineteenth century	64
2.3	Types of cases registered in the Nablus and Tripoli shari‘a court registers	76
2.4	Female participation in lawsuits during the early eighteenth century	77
2.5	Lawsuits between kin during the first half of the nineteenth century	78
2.6	Kinship relations between litigants in family lawsuits, early eighteenth century	79
2.7	Kinship relations between litigants in family lawsuits, 1800–60	80
2.8	Types of lawsuits between kin in the early eighteenth century	80
2.9	Types of lawsuits between kin in the first half of nineteenth century	81
2.10	Types of waqfs endowed in Nablus and Tripoli, 1660s–1730s, 1800–60	89
3.1	Differences in the waqfs of Nablus and Tripoli, 1660s–1730s, 1800–60	128
4.1	Status and male/female ratios of waqf endowers, 1660s–1730s	144
4.2	Male and female waqf endowers, 1660s–1730s, 1800–60	147
4.3	Holy days commonly listed in family waqfs for the enactment of good deeds (mabarrāt)	154
4.4	Family waqf endowments by males and females according to primary beneficiaries after and/or including self, 1800–60	162
5.1	Beneficiaries (aside from oneself) in family waqf endowments	191
5.2	Basic patterns in designating beneficiaries in family waqfs	194
5.3	Incidence of beneficiary patterns in family waqfs endowed by men and women in Tripoli and Nablus, 1660s–1730s	195

*List of Tables*

xi

5.4	Incidence of beneficiary patterns in family waqfs endowed in Tripoli and Nablus, 1800–60	196
6.1	Types of properties endowed in Tripoli and Nablus, 1660s–1730s	269
6.2	Types of properties endowed in Tripoli and Nablus, 1800–60	270
7.1	Qalamoni lawsuits	277
7.2	Qalamoni timeline	278
A.1	Comparison of original and photocopied registers of the Tripoli shari‘a court	302
A.2	Tripoli shari‘a court registers: photocopy collection, Qasr Nawfal	306
A.3	Nablus shari‘a court registers	310

## *Preface and Acknowledgments*

Debates on Islam, women, and modernity routinely invoke notions of family and shari‘a in support of this or that argument about the legacies of the past and the possibilities of the future. But the more family and shari‘a are ideologically mobilized, the less the relevance of historical knowledge to what these concepts are tasked with explaining. This is why we know far too little about the social history of family life and the instantiation of the shari‘a in daily legal practices, especially for the early modern period. Thus, the perennial questions in public discourse since the late nineteenth century: How (or should) the Arab or Muslim family be modernized? How (or should) the shari‘a be reformed? These questions assume the existence of a typical traditional family and of an authentic or uncontaminated shari‘a prior to the encounter with the “West.” By proving these assumptions false through rigorous empirical research, historicizing family and the shari‘a challenges positivist constructions of the past by the big “isms” (Orientalism, nationalism, and Islamism) and suggests new political possibilities. But how would one go about writing family and the shari‘a into history for the period before Western hegemony? And what larger narratives about the past would such an act enable or foreclose? These are the two questions that launched this project about eighteen years ago.

Once the journey began, it did not take long for a seemingly insurmountable hurdle to come into view: the centrality of the colonial encounter with Europe to the very epistemological and institutional developments of Middle East, Ottoman, and Islamic studies. Akin to the event horizon of a black hole, beyond which no light can escape, this encounter is what most scholarly works and their conceptual vocabularies revolve around, regardless of topic or approach. Is it possible, then, to construct historical narratives of family and shari‘a that serve a purpose other than to act as fodder for this or that argument about the promise or calamity of modernity? And what critical approaches would enable alternative stories about peoples, places, and temporalities? As it developed, this

project pressed against these two additional questions with increasing force. Consequently, the book lives between two discordant desires: a commitment to the emancipatory potential of materialist social history and its roots in large movements for justice and a skepticism towards positivist approaches to knowledge production, made all the more urgent by the vicissitudes of late capitalism. Fed by this productive tension, the book flourishes – to borrow a phrase from Cemal Kafadar – in the space between sun and shade.

Not long after the publication of my first book, *Rediscovering Palestine* (1995), Roger Owen said to me that some scholars are content to produce a mediocre second monograph for the purposes of career advancement. I resolved then and there to embark on a project more ambitious than my first. *Rediscovering Palestine* had attempted to write Palestinians into history prior to Zionist colonial settlement. Relying on locally generated sources, such as registers of the shari‘a court and family papers, it reconstructed the political economy and social transformations of the Nablus region during the first half of the nineteenth century by narrating the social lives of four things: textiles, cotton, olive oil, and soap. My second project, I decided, would write family and shari‘a into history using the same kinds of sources. But it would be expanded into a comparative analysis of two cities over a period of two centuries. Like the first book, it would focus on marginalized spaces, times, and actors: that is, propertied inhabitants in provincial regions prior to the mid-nineteenth century. This required command of a massive cache of unindexed and fragmented legal and personal documents relating to communities at the heart of the Ottoman world, but peripheral to its histories, most of which hover around the Empire’s large cosmopolitan cities. The scale of labor involved is perhaps one reason why, to my knowledge, such a comparative and long-term study based on local sources has not before been carried out.

This book, consequently, has been a long time in the making. After two summers of examining the shari‘a court registers of a dozen cities in the Eastern Mediterranean, I settled on Tripoli (Lebanon) and Nablus (Palestine) for my study, as they had a roughly comparable set of documents for the years 1660–1860. This was followed by several years of immersive reading and indexing of thousands of court cases, and of gathering family papers and other local sources. Meanwhile, I wrote a couple of preliminary articles and organized a conference, “Family History in Middle Eastern Studies,” at the University of California, Berkeley, in April 2000. The first of its kind in the United States, it resulted in an edited volume, *Family History in the Middle East: Household, Property, and Gender* (2003). I thank the

*Preface and Acknowledgments*

xv

participants in the conference – Iris Agmon, Soraya Altorki, Tulay Artan, Jamila Bargach, Beth Baron, Donald Cole, Ken Cuno, Colette Establet, Mary Ann Fay, Erika Friedl, Suad Joseph, Akram Khater, Lilia Labidi, Linda Lewin, Annelies Moors, Martha Mundy, Tomoki Okawara, David Powers, Barabara Ramusack, James Reilly, Martina Rieker, Reem Saad, David Sabean, and Carol Stack – for expanding my horizons concerning the possibilities of family history as I launched into this journey.

David Sabean, whose work has been an inspiration for this project throughout, kindly agreed to be a commentator for the conference and has been a generous and supportive colleague ever since. I only regret that I have not been able to keep up with his tireless efforts to advance social history and a global perspective on kinship via a variety of study groups, panels, and workshops, some of which I was able to participate in. The intellectual leadership, ethical stance, and principled political commitment of two other participants in the family history conference, Martha Mundy and Suad Joseph, continue to humble me. I have also learned from the works of Ken Cuno, whose paper for the conference is now an important book in the growing field of family history in the Middle East.

My point of entry for historicizing family and shari‘a was an examination of property devolution practices, especially as enacted in two types of legal transactions: family waqf endowments and lawsuits between kin. A pious act of subject formation, the family waqf embodied specific ideals about the self and the family in relation to God and the shari‘a. As such, it can be analyzed as a family charter that governs not only property relations between kin, but also the moral-disciplinary order of kinship. Lawsuits were fundamental to the (re)alignment of gender, generational, and property relations in light of changing economic realities, life cycles, and other circumstances. My methodological approach combined a quantitative analysis of patterns in waqfs and lawsuits over space and time with qualitative case studies of ordinary propertied individuals determined to perpetuate their name, pass their patrimony to the kin who counted, and secure a place in the afterlife.

The approach and methodology required more than a passing knowledge of Islamic legal history, a field in which I have had no formal training. Sensing some promise from an early paper I wrote on the family waqf, Baber Johansen invited me to deliver three lectures for a graduate seminar he taught at the École des hautes études en sciences sociales in May 2000. His rigorous and critical engagement with my work opened my eyes to the possibilities of socially embedded and theoretically sophisticated legal history. That this book has not engaged this field in a substantive way is

entirely due to my own shortcomings. I would be remiss here not to mention the sharp insights and warm hospitality of Maria-Pia Di Bella, who transformed specialized conversations between Baber and myself about contracts and juridical debates into broader and lingering conversations that cultivated a lasting friendship between our families.

At first, it seemed obvious that property devolution practices in two nearby cities within the same cultural zone of the Eastern Mediterranean and under the same umbrella of Ottoman rule would be similar. The idea was that data points from two urban centers would make for a more robust historical narrative and a stronger argument. But it slowly became apparent that instead of similarities, there were dramatic and systemic differences between Nablus and Tripoli in the ways that family was understood, organized, and reproduced, particularly when it came to female children. How can this be explained?

It is this puzzle that has animated and sustained this project despite many detours. I argue that entrenched differences in regional political economies and religious establishments account for the divergence in property devolution practices. It really mattered, for example, if an economy was based on privately owned urban agricultural lands facilitated by co-cultivation contracts or on extraction – facilitated by moneylending contracts – from the surplus of peasant cultivators of government-owned lands. Differences in the encounters between kin and court also mattered, for these were productive of local property and gender regimes over the centuries of Ottoman rule. The systematic and long-term divergences between Nablus and Tripoli challenge the notion of “typical” forms of family organization and property devolution. They also raise questions about narratives that emphasize rupture in the transition to modern times. Indeed, the more visible the diversity of pre- and subnational social spaces in the Eastern Mediterranean, the more apparent the vital and counterintuitive role these spaces played and continue to play in shaping the history of this region.

That I speak with some confidence about these findings is due to my long experience of working with the archives of shari‘a courts as both a source and an object of study. Much of that experience is a solitary one of reading, revelation, and reflection. After many years, a certain kind of intimacy and an intuitive sense develop that are difficult to describe. It is as if one can begin to see tiny imperfections in the fabric of the text that reveal a great deal about its making. Needless to say, intimacy and intuition must be balanced by equal measures of vigilance and skepticism. The latter, in turn, are informed by an appreciation of the shari‘a court as an Ottoman

*Preface and Acknowledgments*

xvii

state institution, of the power of Islamic legal traditions, and of the labor of fellow historians and archival anthropologists who work with similar texts.

The list of such scholars is long and distinguished. Brinkley Messick's innovative textual and visual analysis of legal documents, combined with an intimate and historical understanding of place and people, opened vistas and helped me sharpen my analytical tools. I would like to think that we have benefited equally from our conversations over the past few years on this and other topics, especially that of Palestinian studies, but I suspect that I have gotten the better part of the bargain. Most helpful to me were the papers and comments of participants in three workshops on the shari'a court organized by Cemal Kafadar and myself at Harvard University: "The Qadi Court" (2001), "Reading Strategies" (2008), and "The Scholar and the Archive" (2009). The discussions ranged from comparative histories of Ottoman shari'a courts from the Balkans to Yemen, to theoretical approaches and methodologies via detailed case studies. Cemal hosted the first two and the Radcliffe Institute funded the last, as an Advanced Studies Seminar. We learned a great deal from the participants, and planned to publish an edited volume featuring essays by a core group of intrepid and innovative readers of legal records: Boğaç Ergene, Khaled Fahmy, Zuhair Ghazzal, Rossitsa Gradeva, Brinkley Messick, Martha Mundy, and Najwa al-Qattan. But this project fell by the wayside, for most of my efforts since the turn of the millennium have been dedicated to more pressing political and institutional issues. For many years, I focused almost exclusively on the academic freedom of scholars of the Middle East through scholarship and activism. In 2004, I organized a conference on that topic at the University of California, Berkeley, and published an anthology, *Academic Freedom after September 11* (2006). Starting in 2008, I devoted more than two years to producing a development and strategic plan for the establishment of the Palestine Museum. Then, in 2012, I joined Brown University with an ambitious plan to establish a new kind of Middle East studies center. All came at a price.

Several substantially different drafts of this book were completed over this period, and the discerning reader may notice that this final version was not built with a single set of tools and architectural plans. Both changed over the years, and no amount of revisions can erase the traces of this book's many lives. The first draft was completed in 2008, but after a three-year hiatus, my questions shifted, and I wrote a second in 2011–12. After I settled at Brown, I decided that the manuscript needed more case studies, a more robust argument about the relationship between political economy

and family structures, and a history of Ottoman governance of the family waqf. It took three more years to complete the additional research and revisions. As it stood in early 2015, the manuscript was roughly 40 000 words longer than the present book. Over the past year, I made the difficult adjustments of removing a chapter and merging two others in order to reduce the size and provide a better flow. Ottoman governance of the waqf, the transformation of legal authority in the nineteenth century, and diachronic narratives of the histories of Nablus and Tripoli in their larger regional contexts are the three most important topics that were set aside. I can only hope that what you have between your hands has benefitted more than it has suffered from these detours and revisions.

It is impossible to account for all debts incurred over so many years. To the many fellow researchers I met and broke bread with along the way; to the employees in the shari‘a courts, archival institutions, libraries, and local bookstores who facilitated my research; and to the numerous residents of Nablus and Tripoli who shared memories, answered questions, and welcomed me into their homes – I offer sincere apologies for not listing all your names and, more importantly, for not detailing the many different ways that you made this book possible. To do so would take many pages. Suffice it to say that it was through everyday interactions with you that this book took shape.

Gabi Falakha, Huda Tawq, and their daughters Farah, Yara, and Reem were my family in Tripoli. Their love and support is a great gift that I shall always treasure. ‘Anan Atireh, Khaled Qadri, and their sons Yazan, Issam, and Sa‘d were my family in Nablus, as were ‘Anan and ‘Issmat’s siblings – ‘Abd al-Allah, ‘Issam, ‘Adalah, ‘Adnan, and ‘Abd al-Nasir – and their families. We grew up together over the past thirty-five years and learned to see the world through one another’s eyes.

Even though he had already moved on to greener pastures after many years of research and writing on the Tripoli shari‘a court, Khaled Ziade tolerated my endless questions on this topic and was unfailingly generous in his time and advice. Sa‘id al-Sayyid, head of the municipal library in Qasr Nawfal, infected me with his passion for the city. In our many long conversations, I learned from his ability to transform his deep sense of loss, familiar to anyone who has seen a beautiful city mutilated in the name of progress in the 1950s, into critical self-reflection and commitment to the social good. In the summer of 2000, I shared with Bari‘a Daher the thrill of “finding” five original registers, plus folio fragments of others, in the main offices and storage rooms of the shari‘a court. None were included in the photocopied collection that many researchers still rely on. As those who



*Preface and Acknowledgments*

xix

work at the coalface of knowledge production know all too well, archiving is a big part of what we do. Much of that summer was spent producing and making available a master document that mapped out the originals and compared them to copies at the Municipal Library and the Lebanese University, Third Branch.

Residential fellowships at the Woodrow Wilson Center, the Wissenschaftskolleg zu Berlin, and Harvard's Radcliffe Institute for Advanced Studies allowed me to concentrate on research and writing in genuinely stimulating intellectual environments. Halim and Hayat Barakat hosted me for countless dinners and nights in Washington, DC. Adonis, Marwan Qassab Bashi, Angelika von Schwedes, and David Sabean made Berlin, already a great city, even greater. Elizabeth Alexander, Nasser Hajo and Kathryn Silver, Baber Johansen and Maria-Pia De Bella, Cemal Kafadar, Gürlü Necipoğlu, Francis Kissling, and Judith and Gerard Vichniac did the same in Cambridge.

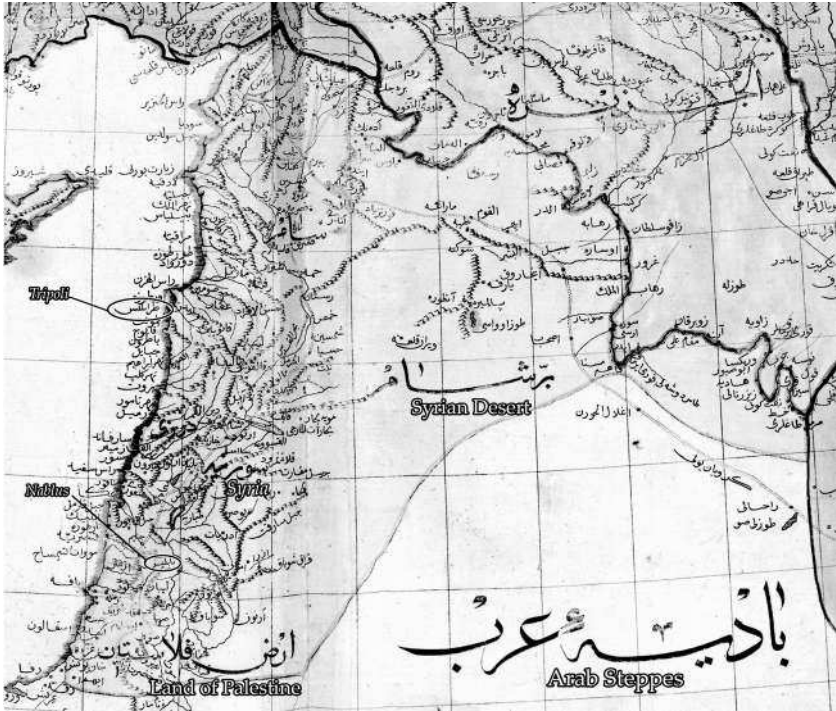
I am also thankful to the colleagues who helped me think about the larger stakes of my research on the political economy of family and the shari'a. In addition to those already mentioned, I sincerely thank Abdul Rahim Abu-Husayn, Engin Akarlı, Mohammad Hamdouni Alami, Stephan Astourian, Joel Beinin, Thomas A. Brady, Guy Burak, Judith Butler, Lee Cassanelli, Randi Deguilhem, Kate Gilhuly, Michael Gilsean, Chris Gratien, Rema Hammami, Charles Hirschkind, Lynn Hunt, Huri Islamoğlu, the late Yusuf Khuri, Kerwin Klein, Zachary Lockman, David Ludden, Saba Mahmood, Nada Moumtaz, Abdul Karim Rafeq, Stefania Pandolfo, Dana Sajdi, Sara Scalenghe, Aleksandar Shopov, Ramya Sreenivasan, Ann Stoler, Maysoun Sukarieh, Salim Tamari, Fawaz Tarabulsi, Meltem Toksöz, Judith Tucker, James Vernon, Stefan Weber, Max Weiss, and Elizabeth Williams.

I owe a great debt to my graduate students, who formed the core of the "sushi seminar" I hosted at UC Berkeley for many years: Faiz Ahmed, Nora Barakat, Murat Dagli, Hilary Falb, Heather Ferguson, Julia Gettle, Zoe Griffith, Amy Kallandar, Nick Kardahji, Osamah Khalil, Alan Mikhail, Lena Salaymeh, Julia Shatz, Melanie Tanielian, and Malissa Taylor. I learned from them more than they did from me, and I deeply value the friendship that has bloomed with many of them since they graduated. I especially thank Nora Barakat for her detailed comments on two versions of the book and for her extensive research on Ottoman governance of the waqf. Murat Dagli, Zoe Griffith, and Melanie Tanielian helped with translations from Ottoman, Turkish, French, and German sources.

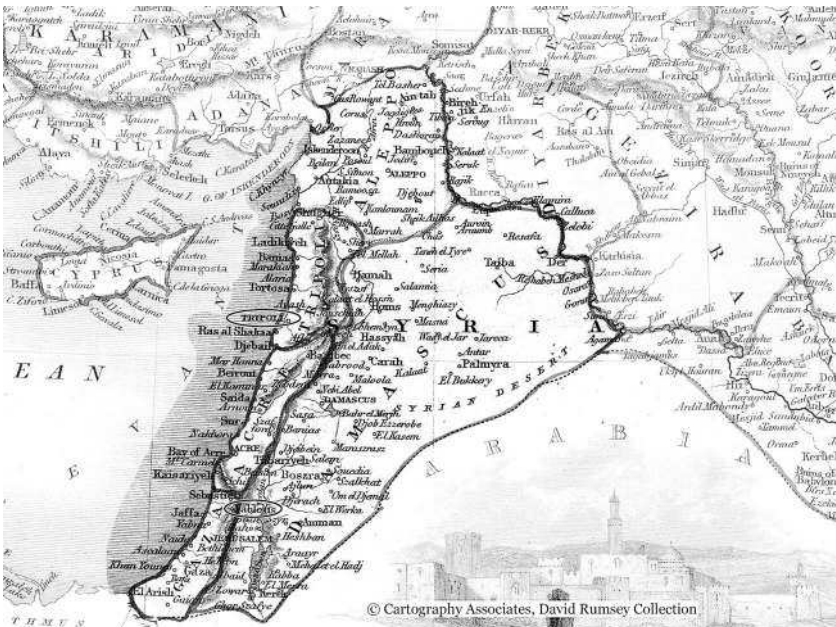
The manuscript was much improved by the insights of those who read earlier versions in whole or in part: Faiz Ahmed, Nora Barakat, Samuel Dolbee, Chris Gratien, Zoe Griffith, Georgina Manok, Brinkley Messick, Martha Mundy, David Sabeen, and Elizabeth Williams. Samuel Dolbee combed the book thoroughly for transliteration, assisted me with indexing, and made helpful copy-editing suggestions. His efficient and meticulous work improved the book and hastened its completion. Georgina Manok helped me with technical issues ranging from obtaining permissions for illustrations to compiling the bibliography and key words, and also made suggestions. Bruce Boucek helped in producing the maps. Two of my undergraduate students at Berkeley, Yaman Salahi and Rayan Nawal, spent a year working with me on a complicated archiving and digitizing project that involved 300 kilos of documents, hand-written index cards, and unpublished materials. Before that, I actually shipped all this material from place to place, including to Berlin and back. Yaman and Rayan's professionalism, rigor, and technical savvy set me free. Nour Kibbi, my undergraduate research assistant at the Radcliffe Institute, enthusiastically engaged with both the technical and the intellectual aspects of this project. Phil Lai helped design the cover and patiently worked with me on its many iterations. Over a decade ago, Issam Nassar shared the whimsical photograph we ultimately used for the cover and helped me locate the original. Marigold Ackland's friendship and patience drew me into the world of Cambridge University Press. Maria Marsh, Robert Judkins, and Anamika Singh oversaw the book's transformation into a material object. The sharp eye and gentle queries of Tim West made for a smooth and rewarding copy-editing process.

Malihe Razazan and Shahram Aghamir, Ursula Beimann, George and Jaleh Bisharat, Lee and Susan Cassanelli, Nasser Hajo and Kathryn Silver, Rema Hammami, Cemal Kafadar, Wael Salameh, and Maysoun Sukarieh kept me grounded with their friendship and support during this long journey. My mother, Mounifa Barakat; my uncle and aunt, Halim and Hayat Barakat; and my brothers, Amjad and John Doumani, have always been there for me. Hanna Doumani's absent presence has shaped who I am in ways that I still do not understand. No one felt the burden of this project more heavily than the loves of my life and sources of its meaning and substance: Issmat, Tala, and Yara.

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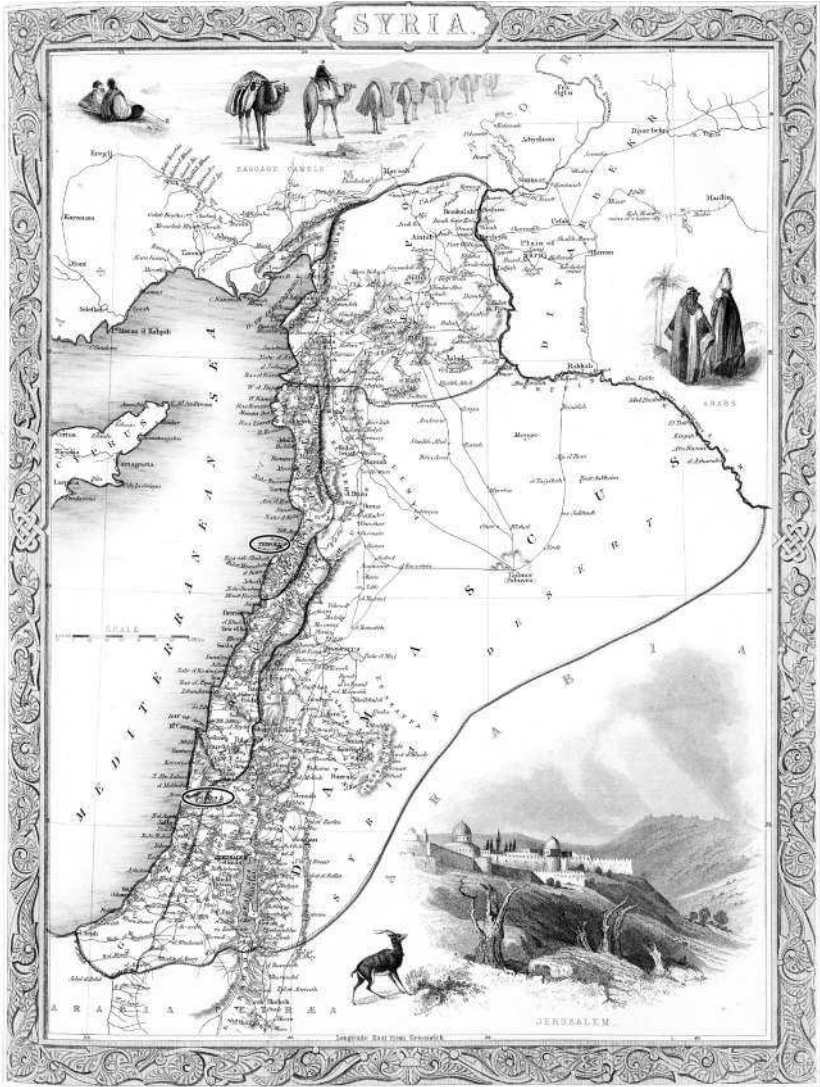


Map 1 Ottoman atlas, 1803: lands of Palestine and Syria



Map 2 "Turkey in Asia," 1851

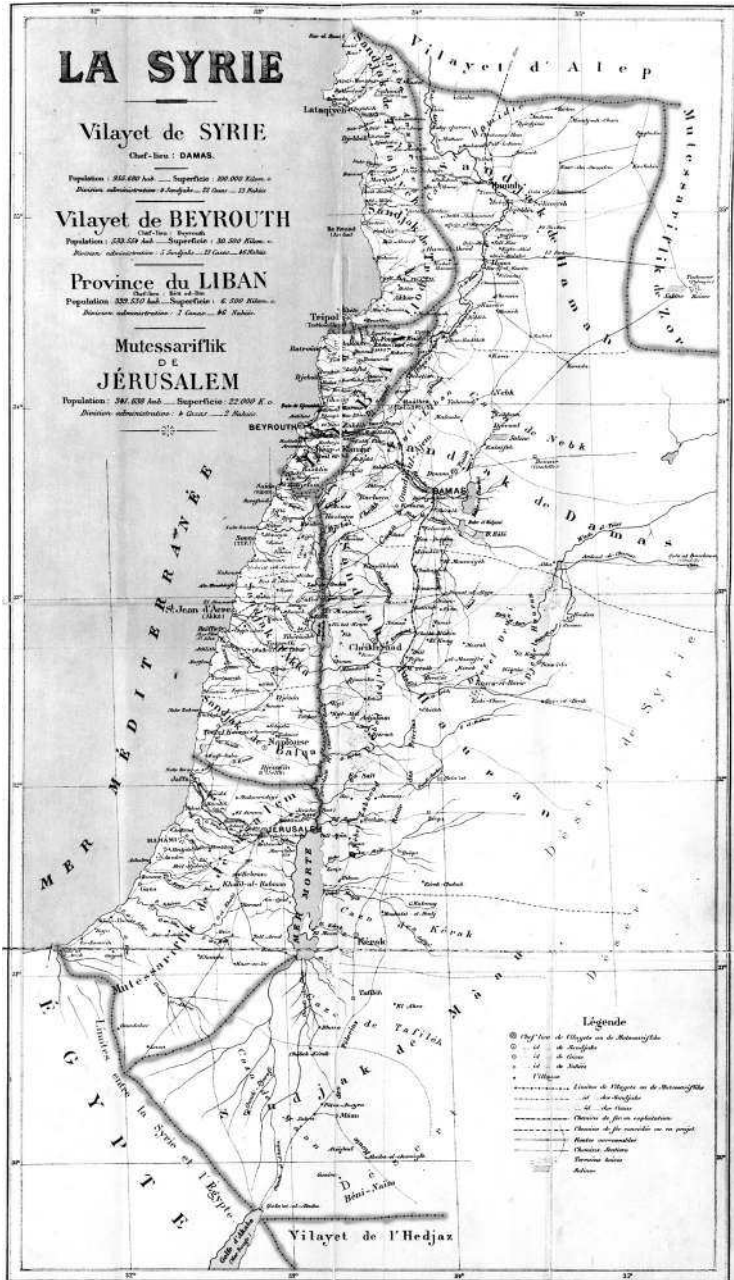
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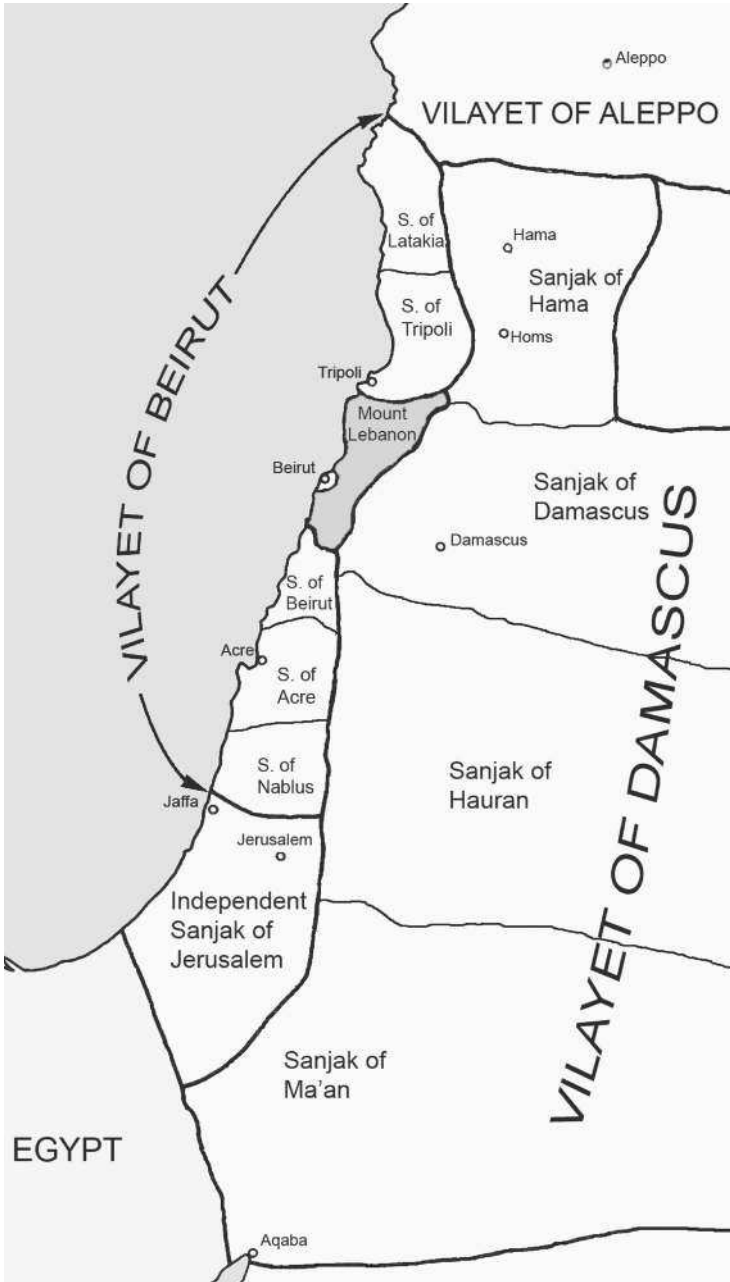
Map 3 Ottoman provinces in the Eastern Mediterranean, eighteenth century



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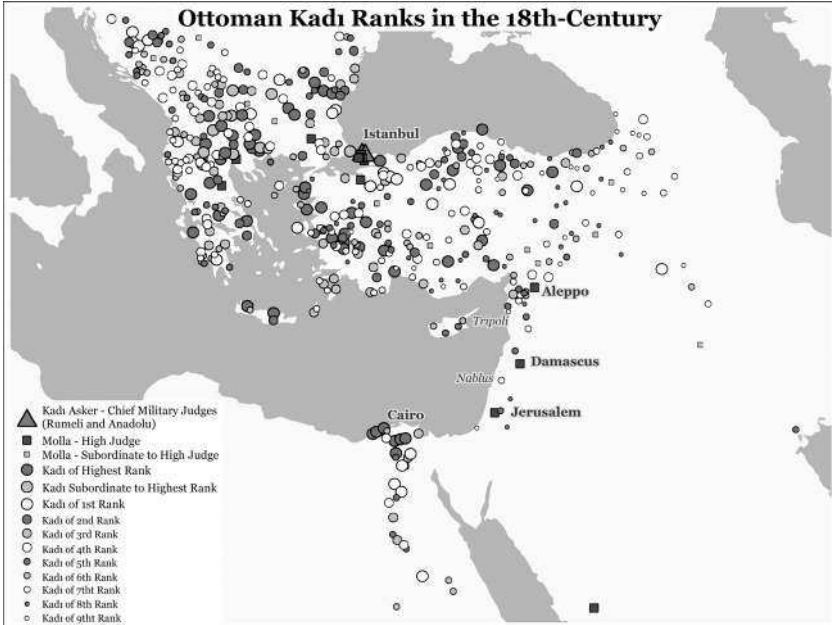


Map 4 Ottoman provinces and districts in the Eastern Mediterranean, 1896



Map 5 Ottoman administrative divisions in Bilad Al-Sham, 1914

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Map 6 Shari'a courts and qadi ranks in the Ottoman Empire, eighteenth century