

WOMEN AT SEA: MODESTY, PRIVACY, AND SEXUAL
MISCONDUCT OF PASSENGERS AND SAILORS
ABOARD ISLAMIC SHIPS

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The article deals with the attitude of Islamic law towards the carriage of women by water and how Muslim judicial authorities viewed their presence on ships. It discusses the conditions under which women were carried, accommodated and treated, in addition to their personal and social behavior in ships. To apply Islamic religious ethics and navigational regulations during maritime journeys, jurists instructed owners of ships, crews, and passengers how to act in the event of immoral behavior on the part of both or either party. Women could protect themselves against temptation and sexual harassment by dressing modestly, behaving properly, and traveling with *mahrams*. Even though this work focuses on the Islamic Mediterranean, the article briefly describes the punishment of sexual misconduct as established in the thirteenth century C. E. in Islamic Malay. Lastly, it touches the Islamic legal position on the transportation of Muslims aboard Christian ships.

Keywords: Islamic Law; Women; Navigational regulations; Maritime journey; Sexual misconduct

Este artículo trata de la actitud de la ley islámica acerca del transporte marítimo de las mujeres y de cómo las autoridades jurídicas musulmanas consideraban su presencia en los barcos. Discute las condiciones bajo las cuales las mujeres eran acomodadas y tratadas en los barcos así como el comportamiento personal y social que se esperaba de ellas. Con el fin de aplicar la ética islámica y las normas marítimas, los juristas informaban a los armadores, tripulaciones y pasajeros de cómo actuar en el caso de comportamiento inmoral por alguna o varias de las partes. El trabajo se centra en el Mediterráneo Islámico, pero trata brevemente el castigo de la conducta social ofensiva en la Malasia islámica del siglo XIII. Por último, considera también la posición legal islámica sobre el transporte de musulmanes en barcos cristianos.

Palabras clave: Ley islámica; Mujeres; Regulaciones náuticas; Viajes marítimos; Moral sexual

Women constituted an inseparable part of Islamic society during the classical era. They played an integral role in the domestic economy as in the shipping business and overseas trade. The scant documentary evidence we derive from the Cairo Geniza records reveals that a few women associated with governmental circles even owned commercial vessels: the trading vessels of al-Sayyida, the aunt of *Zirid* governors of Ifriqiya al-Mu'izz Ibn Bādis (406-454/1016-1062),

sailed between Tunisian, Sicilian, and Egyptian seaports.¹ On Muslim women involved in overseas trade we learn from a twelfth century maritime loan contract. An Italian moneylender named Ser Guglielmo made a short term maritime loan to Sicilian Muslim entrepreneurs—a woman called Ghafṣa and her brother ‘Abd Allāh—on condition that they repay it at a fixed interest rate on the date specified, or bear all financial consequences.² The recent discovery of such historical evidence clearly confirms that Islamic law permitted women to play a part in the day-to-day economic life of the society so long as the religious principles and social norms were observed.

Troubles and misfortunes including sheer want, religious motives, the pursuit of learning and the need to make a living all provided incentives for travel around the Mediterranean. These motivated women as well to travel, despite the risks of water transport. An eleventh century Geniza letter describes how a vessel bound for Alexandria was wrecked off Salqāṭa/Salyāṭa, in the Catania province of Sicily, and twenty souls, women and men, perished. The writer’s emphasis on the women who died in this shipwreck indicates that women in those days traveled less than men.³ This letter does not, however, portray how women behaved and were treated onboard this particular ship. The conditions under which women were accommodated and treated remain vague, as does their personal and social behavior on river and seagoing vessels. An attempt will therefore be made throughout the following discussion to shed light on the attitude

¹ Ben-Sasson, M., *The Jews of Sicily 825-1068: Documents and Sources*, Jerusalem, Ben-Zvi Institute, 1991, (in Hebrew), 276, 277, Bodl. MS Heb. c 28, f. 61 v., ll. 7, 22, 23; 370-371, Bodl. MS Heb. c 3, f. 13, ll. 39-40; Gil, M., *In the Kingdom of Ishmael*, Tel Aviv, 1997, (in Hebrew), vol. II, 600, TS 12.325, l. 18; vol. III, 155-157, TS 12.339r. ll. 4, 19 v., l.2; vol. III, 311, BM Or 5544, f. 6, l. 5; vol. III, 836, Bodl. MS Heb. d 66, f.81, l.8; vol. III, 919, 920, Bodl. MS Heb. c 28, f.61v., ll.7, 22; vol. III, 940, Bodl. MS Heb. a 3, f. 13, ll. 39-40; vol. IV, 435, INA D 55, f. 14v., l. 2; vol. IV, 632, TS 12.28, l. 10; ‘Aodeh, Ṣ., “Types of Vessels and their Ownership as Seen in the Cairo Geniza Documents,” in *Mas’at Moshe: Studies in Jewish and Islamic Culture Presented to Moshe Gil*, E. Fleischer et al. (eds.), Jerusalem, 1998, (in Hebrew), 291. On the involvement of Roman women in water transport and ship owning, consult Scott, S. P., *The Civil Law*, Cincinnati, 1932, vol.IV, 202, *Digest XIV*, 1, 1, 16.

² Cusa, S., *I Diplomi greci ed arabi di Sicilia*, Palermo, 1868-1882, I, 502-504; Bresc, H., “Le marchand, le marché et le palais dans la Sicile des X^e-XII^e siècles,” in *Mercati e mercanti nell’alto medioevo: l’area euroasiatica e l’area mediterranea*, Spoleto, 1993, 307-308.

³ Goitein, S. D., *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*, Berkeley, 1967, vol. I, 322.

of Islamic law towards carrying women by water. It will focus on views of Muslim jurists and *muhtasibs* (market superintendents) on the presence and transportation of female travelers in ships. How did Muslim judicial authorities instruct the owners of ships, crews, and passengers as regards immoral behavior on the part of both or either party? How could women protect themselves against temptations and sexual harassments? Where punishments were meted out, on land or aboard ship? And what was the captain's jurisdiction?

Modesty

Guidelines for appropriate behavior generally follow the concept of avoiding potential temptation. Much advice was based on the premise that physical attraction was an important precursor to relationships leading to a desire for physical intimacy; the emphasis here on minimizing factors that promoted physical attraction. To ensure wholesome relationships between the sexes, passengers and crews had to observe four basic principles: (a) respectful behavior that would enable Muslims to interact in a productive and blameless manner; (b) maintain purity in a social context (avoiding provocative behavior such as flirtation, unnecessary physical contact, ogling or harassment);⁴ (c) avoid situations of seclusion (*khalwa*);⁵ and (d) dress

⁴ Māwardī, 'Alī Ibn Muḥammad Ibn Ḥabīb, *al-Rutba fī Ṭalab al-Ḥisba*, Cairo, 2002, 356; Ibn 'Abdūn, Muḥammad Ibn Aḥmad al-Tujībī, *Seville Musulmane au debut du XII^e Siècle, Le Traité d'Ibn 'Abdūn*, traduit par E. Lévi-Provençal, Paris, 1947, 64, this treatise was primarily published by Lévi-Provençal, E., "Un document sur la vie urbaine et les corps de métiers à Séville au début du XII^e siècle: Le traité d'Ibn 'Abdūn," *Journal Asiatique* (1934), especially p. 247; *idem*, *Trois traités hispaniques de Ḥisba*, Caire, 1955, 56-57; Ibn Mājid, Shihāb al-Dīn Aḥmad, *Kitāb al-Fawā'id fī Uṣūl 'Ilm al-Baḥr wal-Qawā'id*, Damascus, 1971, 245.

⁵ Nawawī, Muḥyī l-Dīn, *Nuzhat al-Muttaqī*, Beirut, 1996, vol. II, 338-340; Nasā'ī, Aḥmad Ibn Shu'ayb, *Kitāb al-Sunan al-Kubrā*, Beirut, 2001, vol. VIII, 282-287, *Ḥadīths* nos. 9171-9182. One *Ḥadīth* states: «no person (man) should be alone with a woman because Satan (Devil) will be the third party»; another says: «whenever a man and a woman come together, then Satan is their third one [*lā yakhluwanna rajulun bi-imra'a, fa-inna al-Shayṭāna thālithuhumā*].» See also Ibn Anas, Mālik, *Al-Muwaṭṭa' of Imām Mālik Ibn Anas*, trans. by A. Bewley, London, 1989, 411-412: «*Shayṭān* (Devil/Satan) concerns himself with one and two. When there are three, he does not concern himself with them.» Another tradition says: «One rider is a *Shayṭān*. Two riders are two *Shayṭāns*, and three are a riding-party.» This series of Prophetic traditions is compatible with the *Holy Qur'ān* (IV, 83) and aims at avoiding seclusion of unmarried couples. They were admo-

modestly in order to be recognized as a decent person, and to avoid harassment.⁶

Modest dress and behavior that exhibited self-control and dignity was of utmost importance when interacting with the same and opposite sex, as a means of protecting women from unwanted advances and harassment. Appropriate clothing consisted of an undergarment, a body shirt, a long dress, gown, or tunic, and an outer garment such as a mantle, coat, or wrap, shoes or sandals, and a head covering.⁷ As for the crews, tenth century literary evidence from Egypt shows that Islamic maritime customs seem to have required shipowners to outfit their crew and staff with uniforms called *jibāb* (sing. *jubba*, a long outer garment, open in front, with wide sleeves),⁸ or *tubbān* (drawers or briefs),⁹ to distinguish them from shippers and passengers.

Muslim doctors of law viewed transporting women on rivers and by sea negatively because it necessitated some degree of interaction, and their concern over propriety (*'awra*)¹⁰ made them unwilling to permit women to sail. As a result, the *Shari'a* forbade carrying

nished against spending time in seclusion, where they would be likely to act on their feelings.

⁶ *The Meaning of the Holy Qur'an*, translated by 'A. Y. 'Alī, Brentwood, 1991, XXIV, 30-31: «Tell the believing men to lower their gaze and be mindful of their chastity: this will be most conducive to their purity, verily, God is aware of all that they do. And tell the believing women to lower their gaze and to be mindful of their charms (*zāna*) (in public) beyond what may (decently) be apparent thereof; hence, let them draw their head-coverings (*khimār*) over their bosoms. And let them not display more of their charms (*zāna*) to any but their husbands, or their fathers, or their husbands' fathers, or their sons, or their husband's sons, or their brothers, or their brothers' sons, or their sisters' sons, or their womenfolk, or those whom they rightfully possess, or such male attendants as are beyond all sexual desire, or children that are as yet unaware of women's nakedness (*'awra*); and let them not swing their legs (in walking) so as to draw attention to their hidden charms.» Most jurists agree that clothes that do not accentuate a woman's figure or reveal the skin are most appropriate. Many Muslims have adopted a manner of dress, which includes a head-covering.

⁷ Stillman, Y. K., *Arab Dress from the Dawn of Islam to Modern Times: A Short History*, Leiden, 2000, 9-28.

⁸ Tanūkhī, Abū 'Alī Muḥassin Ibn Abī l-Qāsim, *al-Faraj ba'd al-Shidda*, Cairo, 1955, vol. I, 388.

⁹ Stillman, *Arab Dress*, 50.

¹⁰ *'Awra*: lit. modesty zone. It must be covered before everybody but a spouse; for men this is from navel to knee, for women the *'awra* extends from her wrists to her neck to her ankles. It may also be used to refer to what women must conceal before non-related men. See Ibn Rushd, Abū al-Walīd Muḥammad Ibn Aḥmad, *al-Bayān wal-Taḥṣīl wal-Sharḥ wal-Tawjīh wal-Ta'līl fī Masā'il al-Mustakhrāja*, Beirut, 1984, vol. II, 434-435.

women by water unless the ships contained separate sections for females, or the sexes were segregated.¹¹ It recommended that women sail on vessels of several decks¹² on the condition that their husbands or *maḥrams*¹³ accompanied them, regardless of whether the female travelers were Muslims or *dhimmīs*. To ensure that travelers observe Islamic socio-religious ethics, every one ought to have a passport (*jawāz*),¹⁴ and additional identification documents when necessary. An early thirteenth century Geniza letter describes how a man from Ceuta was imprisoned in the port city of Bijāya (Bougie) and his cargo confiscated merely because he could not present identification papers for a woman accompanying him:

Furthermore, I inform you that I long and yearn for you. I also inform you that someone arrived here and told us that your son Nissīm traveled from Ceuta to Bijāya, where the governor of the town found that a woman was in his company. He asked him: How is this woman related to you? He answered: She is my wife. However, when he was asked for the (marriage) certificate, he replied that she had none. Upon this the governor took all his goods and put him in prison. Nothing remained in his possession. By God, do not tarry.¹⁵

¹¹ Māwardī, *al-Aḥkām al-Sulṭāniyya wal-Wilāyāt al-Dīniyya*, Beirut, 1978, 257: «If they (shipowners) carry both men and women, a partition should be installed between them»; Ibn Rushd, *al-Bayān wal-Taḥṣīl*, vol. II, 434-435: «I dislike women sailing on the *hajj* (pilgrimage to Makkah)... for fear that they may reveal themselves improperly [*aw-ratihunna*]»; Ibn al-Ukhuwwa, Muḥammad Ibn Muḥammad, *Ma'ālim al-Qurbā'ī Aḥkām al-Ḥisba*, Cairo, 1976, 324, writes: «If they (ship owners) carry women, they must set a partition between them and the men»; Minhājī, Muḥammad Ibn Aḥmad, *Jawāhir al-'Uqūd wa-Mu'īn al-Quḍāt wal-Muwaqqi'īn wal-Shuhūd*, Cairo, 1374/1955, vol. I, 95.

¹² Minhājī, *Jawāhir al-'Uqūd*, vol. I, 95.

¹³ *Maḥram* literally means everything that is entitled to reverence, respect, honor, or defense, in the character and appartenances of a person. In Islamic law the term signifies a degree of consanguinity precluding marriage; this includes father, brother, paternal and maternal uncle, son-in-law, father-in-law etc. On women traveling with their *maḥrams*, see Qushayrī, Muslim Ibn Ḥajjāj, *Ṣaḥīḥ Muslim*, ed. and trans. 'A. Ṣiddīqī, Lahore, 1971-1975, vol. II, 675-677; Ibn Anas, *al-Muwaṭṭa'* of Imām Mālik, 411-412: «It is not *ḥalāl* for a woman who believes in Allāh and the Last Day to travel the distance of a day and night without a man who is her *maḥram*.»

¹⁴ Fahmy, A. M., *Muslim Naval Organisation in the Eastern Mediterranean from the Seventh to the Tenth Century A. D.*, Cairo, 1966, 113-114. It is reported that slaves, be they males or female, who accompanied their masters and traders could not move from one territory or province to another without a separate passport for each one. For instance, during the reign of Aḥmad Ibn Ṭūlūn (254-270/868-884) a trader accompanied by his slave could not pass through the customs of al-'Arīsh, a coastal frontier town between Palestine and Egypt, unless the governmental authorities there obtained an official instruction from Fustāt.

¹⁵ Goitein, S. D., *Letters of Medieval Jewish Traders*, Princeton, 1973, 339.

Identity and Character of the Crew and Passengers

Some Muslim jurists warned their fellow passengers to learn about the vessel's owner/s and crews as well as about accommodation onboard. Al-Kindī (d. 557/1162) writes: «Whoever intends to travel on a ship must learn with certainty about the shipowner, but not from people who are in frequent contact with him.»¹⁶ This rule, which seemed to have been known to Mediterranean polities from ancient times, was officially instituted in the imperial legal codices of Rome and Byzantium,¹⁷ and remained effective in the Islamic Mediterranean.¹⁸ An objective impression of the personal background of the shipowner was to be obtained from outside sources, *i.e.* from people who were not in frequent contact with him; information about the shipowner's reputation from his own circle was considered unreliable. It behooved the passenger to assess the character and skills first of the owner/s, and then of the crews before they could feel assured in endorsing the contract of hire.¹⁹ Assurance apparently meant believing that no misbehavior on the part of the captain or crew would lead to unpleasant consequences during the maritime voyage.

Jurists cautioned sea travelers against sailing with dishonest and ill reputed shipowners and sailors, especially on the high seas. Unusual testimony to their immoral behavior is presented by al-Māwardī (364-450/974-1058), who states:

As for the owners of seagoing vessels, they are absolutely devoid of credibility except for an insignificant number because they counterfeit (damage) the

¹⁶ Kindī, Ahmad Ibn 'Abd Allāh Ibn Mūsā, *al-Muṣannaḥ*, Maṣqaṭ, 1983, vol. XVIII, 53: *man arāda rukūb al-safīna wa-lā ya 'rif ṣāhibahā illā bi-khabar man lā ya 'rifauhu...*

¹⁷ Scott, *Civil Law*, vol. IV, 200, *Digest* XIV, 1, 1, urges those who intend to travel on a ship to be reliably informed the character of the shipowner. Article III:11 of the Rhodian Sea Law states: «When merchants are hiring ships, let them make precise inquiry from the other merchants who sailed before them before putting in their cargoes, if the ship is completely prepared, with a strong sail-yard, sails, skins, anchors, ropes of hemp of the first quality, boats in perfect order, suitable tillers, sailors fit for their work, good seamen, brisk and smart, the ship's sides staunch. In a word, let the merchants make inquiry into everything and then proceed to load.» See Alexander, J., *A General Treatise of the Dominion of the Sea*, London, 1724, 94; Ashburner, W., *The Rhodian Sea Law*, Oxford, 1909, 91-92; Freshfield, E. H., *A Manual of Later Roman Law: The Ecloga*, Cambridge, 1927, 197-198; Dareste, R., "La *Lex Rhodia*," *Revue de Philologie*, 29 (1905), 11.

¹⁸ Ibn 'Abdūn, *Le Traité*, 64; Lévi-Provençal, "Le traité d'Ibn 'Abdūn," 247.

¹⁹ Kindī, *al-Muṣannaḥ*, vol. XVIII, 53.

goods of merchants and steal their textiles. There are those who carry women aboard their vessels to fornicate with them. When arriving at some coastal place they call upon the men: “go ashore to repair the vessel.” Afterward, they float the ship on the high sea where they rape women [who happened to be onboard] and do unmentionable things. Perhaps, they might make an assignation with a woman who is jealous of her husband or in dispute with him. They arrange for a rendezvous with her from one town to another. As a result, the market superintendent (*muhtasib*) must commit them by an oath not to conduct such immoral acts. God knows best.²⁰

Al-Māwardī calls our attention to two noteworthy elements. Firstly, women should not be left alone with men because «Satan could be their third party.» Such seclusion may tempt them to fornication or other illicit acts with or without their consent.²¹ Then too, the sailor’s sexual misconduct could be linked to the distance between the destination and his homeport. Al-Māwardī seems to have distinguished between foreign and local mariners, *i.e.* between those who navigate on inland waters and those who sail the high seas. Since coastal and inland waters —rivers, lakes and harbors— were under the full legal jurisdiction of the state, the government regulating navigation on these waters was responsible for the safety of passengers and their property. Dishonest and unprofessional behavior by sailors and/or their employers would bring them into conflict with the law. In most cases, government authorities captured foreign and in particular local mariners who transgressed with their passengers within the state’s maritime jurisdiction.²² Occasionally, however, foreign mariners on short stopovers in overseas ports were characterized as dishonest, wicked, and behaving outrageously toward their female passengers at remote destinations.²³ The foreign group might escape justice especially if they did not return to the scenes of their shameful acts.

Shipowners and captains had to supervise and assess the passengers’ behavior throughout the journey so as to avoid serious consequences. The twelfth century Andalusian jurist Ibn ‘Abdūn warned

²⁰ Māwardī, *al-Rutba fī Ṭalab al-Ḥisba*, 356.

²¹ See above, note 5.

²² Khalilieh, H., *Islamic Maritime Law: An Introduction*, Leiden, 1998, 141-148.

²³ Ibn al-Mujāwir, Jamāl al-Dīn Yūsuf Ibn Ya’qūb Ibn Muḥammad, *Ṣīfat Bilād al-Yaman wa-Makka wa-Ba‘z al-Ḥijāz al-Musammā Ta’rīkh al-Mustabshir*, Leiden, 1951, vol. II, 268, describes how elderly female pimps of the island of Socotra arranged young prostitutes for pirates.

them not to transport suspicious passengers, particularly mercenaries of barbarian origin, black slaves and people of ill repute.²⁴ Similar cautions are emphasized in Arabic pilot books and navigation literature as well. The famous Arab pilot Ibn Mājid (840-906/1436-1500) cautioned masters and captains of commercial ships to «look thoroughly at all the passengers and the crew and assess them carefully,» in order to recognize and preempt any evil in them.²⁵

Privacy

Assigning shipboard accommodation was the prerogative of the shipmaster or his representative. A passenger could not choose his/her own except if the leasing terms specifically allowed it; some leasing contracts might authorize the passenger to designate his/her own space.²⁶ On a small or a medium-sized ship with one deck, females had to be segregated from males; segregation between the sexes applied to male and female slaves as well even if they were transported on the same level of the ship. To minimize interactions between male and female passengers, al-Māwardī strongly urged *muhtasibs* to ensure that large, roomy ships have separate toilets for women «so that they are not exposed to view when they need to use them.»²⁷ The desire to avoid mingling arose from fears of encouraging illicit sexual conduct. Large ships with several decks seem to have had special sections for women. For instance, the middle floor of the *Cocca* and the *Qarqūr*, two luxurious types of commercial ships, had private cabins and lavatories, and were designed to accommodate women, including maidservants and slaves.²⁸ One surmises that an upper class woman accompanied by her husband or her *maḥram*, could hire first-class accommodation that would include a lavatory, a

²⁴ Ibn ‘Abdūn, *Le Traité*, 64; Lévi-Provençal, “*Le traité d’Ibn ‘Abdūn*,” 247.

²⁵ Ibn Mājid, *Fawā'id*, 245.

²⁶ Ṭahāwī, Aḥmad Ibn Muḥammad, *Kitāb al-Shurūṭ al-Ṣaghīr*, Baghdād, 1992, vol. I, 266-267; Qarāfī, Shihāb al-Dīn Abū l-‘Abbās Ibn Idrīs, *al-Dhakhīra*, Beirut, 1994, vol. I, 355; Minhājī, *Jawāhir al-‘Uqūd*, vol. I, 95; Khalilieh, *Islamic Maritime Law*, 26.

²⁷ Māwardī, *al-Aḥkām al-Sulṭāniyya*, 257.

²⁸ Minhājī, *Jawāhir al-‘Uqūd*, vol. I, 95; Nuwayrī, Muḥammad Ibn al-Qāsim, *Kitāb al-Ilmām bil-‘Ilām fī-mā Jarat bi-hi al-Aḥkām wal-Umūr al-Maqḍiya fī Waq‘at al-Iskandariyya*, Hyderabad, 1969, vol. II, 234-235.

closet for her personal belongings and occasionally a projecting balcony.²⁹

The exact space assigned for a traveler on Islamic commercial ships is not defined. But the shipmaster, however, had to allocate a space for each traveler to sleep, store belongings and victuals for daily consumption, and pray. Muslim jurists required shipowners to allot enough room for prayer; passenger space designated on Islamic freighters is, thus, associated with body size, regardless of age or sex.³⁰ They emphasized that Muslim worshippers should perform their religious duties properly if at all possible: women were to stand behind the men or be segregated from them, space permitting.³¹ Other than that, assigned passenger space was associated with the ship's structure and capacity, the total number of passengers, quantity of cargo, and distance to be traveled.³² Fewer passengers, less cargo, a longer distance between ports of origin and destination, and a well-designed roomy vessel could increase the space allocated to a traveler and his/her supplies.³³

²⁹ Baghdādī, 'Abd al-Laṭīf, *al-Ifāda wa'l-I'tibār*, translated into English and edited by K. H. Zand *et al.*, London, 1965, 183. Accommodation onboard was probably linked to the passenger's socio-economic status and personal relationship with the owner, who could allot comfortable places for permanent patrons and affluent shippers.

³⁰ Ibn Rushd, *al-Bayān wal-Taḥṣīl*, vol. I, 444-445; Ibn al-Ukhuwwa, *Ma'ālim al-Qurba*, 324; Shamarānī, 'A., *Is'āf Ahl al-'Aṣr bi-Aḥkām al-Baḥr*, Riyād, 1999, 207-21, 222-228; Khalīlieh, *Islamic Maritime Law*, 163. The average space for worshipper onboard ship is six feet in length and two feet in breadth (180 × 60 cm). This space allowance is similar to that fixed in Article II:9 of the Rhodian Sea Law.

³¹ Shamarānī, *Is'āf Ahl al-'Aṣr*, 139-249 covers the prayer issue aboard Islamic ships extensively.

³² Save for transoceanic vessels, oversized vessels, cruisers, and special ferries for pleasure and entertainment, which had cabin compartments, promenades, baths, and lounges, most freighters had a deck or two. Passengers were, as a result, accommodated either in the open or under temporary shelters. Baghdādī, *al-Ifāda wal-I'tibār*, 183; Minhājī, *Jawāhir al-'Uqūd*, vol. I, 95; Nukhaylī, D., *al-Sufun al-Islāmiyya 'alā Hurūf al-Mu'jam*, Alexandria, 1974, 101; Casson, L., *Ships and Seamanhip in the Ancient World*, Baltimore, 1995, 180-181.

³³ The Rhodian Sea Law allocates a space of three cubits by one cubit for a shipper and casual free-passenger, who was allowed to bring two men-servants onboard if he paid their passage. The Rhodian treatise degrades women travelers by assigning a one-cubit place for each woman; a child not fully grown is entitled to a half a woman's space. See Ashburner, *Rhodian Sea Law*, 59-61, Articles II:8, 9, 13; Justice, *General Treatise*, 80-81; Freshfield, *Manual of Later Roman Law*, 206; Dareste, "Lex Rhodia," 28-29; Rougé, J., *Recherches sur l'organisation du commerce maritime en Méditerranée sous l'Empire romain*, Paris, 1966, 263. *Digest* XIX, 2, 19, 7, relating to the status of an infant born onboard, absolves the parents from paying a fare, though the child occupies a certain space. See Scott, *Civil Law*, vol.V, 86.

Religious principles and ethics, manifesting one's faith in God, influenced the behavior of Muslims traveling by water. Interacting with others, they had to follow the guidelines of the *Qur'ān* and *Sunna*. The *Qur'ān* includes among the essential components of all personal relationships: respect, kindness, honesty, tolerance, self-restraint, patience, forgiveness and compassion.³⁴ Muslims religious ethics discourage socializing between men and women, so that all persons onboard had to obey navigation regulations and socio-religious ethics. On one occasion al-Māwardī plainly states that on large ships there should be open places for women where they would not display their charms before men.³⁵ In another he orders shipowners and captains not to delay sailing for personal and financial considerations especially if there are women onboard. He instructs all *muhtasibs* to be vigilant against interaction between the two sexes. He writes:

Do not permit [owners of ships] to press their services on people against their will. Most of them try to attract people onboard, spending long hours waiting and trying to recruit more [passengers/shippers]. This might prove harmful to [those onboard]. Or, should the shipowner cause a delay, it might tempt men and women to come together in discourse due to their gathering in the vessel, so they are attracted to each other, inclining toward immorality. Such contacts are reprehensible actions and forbidden; Allāh (alone) whose help can be sought.³⁶

Primary historical and legal sources also reveal that certain types of ferries were built for carrying passengers for pleasure and entertainment exclusively; al-Maqrīzī (766-845/1364-1442) refers to them as *marākib al-nuzha wal-tafarruj*.³⁷ Since excursions at sea and on rivers were accompanied very often by interactions between the sexes, especially if the participants were wealthy, the servants, slaves, singers and dancers who accompanied them were not expected to

³⁴ *Qur'ān* IX, 71: «And as for the believers, both men and women, they are close unto one another: they (all) enjoin the doing of what is right and forbid the doing of what is wrong, and are constant in prayer, and render the purifying dues, and pay heed unto God and His Apostle»; *Qur'ān* XXX, 21: «And among his wonders is this: He creates for you mates out of your own kind, so that you might incline towards them, and He engenders love and tenderness between you: in this, behold there are messages indeed for people who think.»

³⁵ Māwardī, *Al-Aḥkām al-Sulṭāniyya*, 257.

³⁶ *Idem*, *Al-Rutba fī Ṭalab al-Ḥisba*, 356.

³⁷ Maqrīzī, Taqīyy al-Dīn Aḥmad Ibn 'Alī, *Al-Mawā'iz wal-I'tibār fī Dhikr al-Khiṭaṭ wal-Āthār*, Cairo, 1967, vol. II, 143, 145, 150-151.

dress in conformity with Islamic religious ethics.³⁸ Hence we occasionally come across remarks like those addressed by *muhtasibs* like Ibn ‘Abdūn of Seville, ordering shipowners and sailors to avoid carrying women and freaks aboard their vessels for the pleasure of the exposition of their charms (*mutabarrijāt*).³⁹ He warns city authorities against allowing shipowners to ferry women who bore immoral and vicious characteristics across the Guadalquivir; if a shipowner intended to do so, he had to inform the port superintendent.⁴⁰ At the same time, he instructs the overseer to prevent women and wanton persons from promenading along the Wādī in order not to display their charms and beauties.⁴¹

Sexual Misconduct

According to the *Qur’ān*, a woman and a man found guilty of adultery or fornication must each be flogged with a hundred stripes.⁴² In several *Ḥadīth* collections, death by stoning is prescribed for adulterers. This difference is significant because stoning caused death while flogging did not. The *Qur’ān* does not distinguish between fornication and adultery but uses one word, *zinā* for both. Belief in the *Qur’ān* as the final word would indicate that death by stoning instead of flogging is inappropriate.⁴³

³⁸ Baghdādī, *al-Ifāda wa’l-I’tibār*, 183.

³⁹ *Tabarruj* (b.r.j.) signifies a woman’s exposed neck and face. See Lévi-Provençal, “Le traité d’Ibn ‘Abdūn,” 247-248.

⁴⁰ Ibn ‘Abdūn, *Trois traités hispaniques de hisba*, 56-57: *yajib an lā yujawwiz al-nawātiya imra’atan yazharu ‘alayhā simat al-fujūr wa an yu’arrifa bihā al-amīn ‘alā al-wādī*.

⁴¹ *Ibid.*

⁴² *Qur’ān*, XXIV, 2; Raffles, S., “The Maritime Code of the Malays,” *Royal Asiatic Society of Great Britain and Ireland; Malayan Branch*, 1879, 82: «If the parties are not slaves and both unmarried, they shall be punished with one hundred stripes each, and afterwards obliged to marry... and if necessary, be forced to do so, after which the woman’s fault shall be forgotten.» Winstedt, R. and P. E. de Josselin, “The Maritime Laws of Malacca,” *Journal of the Malayan Branch of the Royal Asiatic Society - Singapore*, 29, no. 3 (1956), 51: «The punishment for adultery onboard ship is death to both offenders. If the offenders are both unmarried, fornication is punished by a hundred lashes, and the offenders are obliged to marry. If the man is unwilling to do so, he is fined 1 ¼ tale of gold.»

⁴³ Indeed a *Ḥadīth* in Bukhārī states that a transmitter of one of the stoning *Ḥadīths* did not know if stoning was practiced before or after the revelation of the above *Qur’ānic* verse. Interestingly, Bukhārī reports a *Ḥadīth* transmitted by Ibn ‘Abbās who narrated

Although the divine canon remained unchanged for centuries, regardless of whether the fornicator committed the act at sea or on land, some Islamic countries introduced laws that applied to sexual intercourse at sea. These laws distinguished between fornication between freemen and freewomen, a freeman and a female slave, and male and female slaves. The maritime code of Islamic Malaya —dated from 695/1296— established that a freeman committing adultery with a sailor's wife must be put to death.⁴⁴ As to the wife, her husband could put her to death; if he did not wish to do so, she became the captain's irredeemable slave.⁴⁵ If a freeman fornicated with a female slave, he had to pay a fine equal to the slave's price. This ruling is compatible with Mālik's edict that if a man is convicted of rape, he receives the punishment mentioned for *zinā* and also must pay a *mahr* (bride-price) to the victim.⁴⁶ He further states that if an unmarried woman is pregnant and claims to have been raped, unless there is physical evidence, she is presumed guilty of fornication and therefore punished.⁴⁷ But if this was a female slave so long in her master's possession that she was like his wife, the master could claim either a fine or the death penalty.⁴⁸ In all cases, the woman was made to suffer for a crime committed by another because the focus was on the sexual act and not on rape as violence. Lastly, if a male and female slave committed fornication, they were to be whipped in public.⁴⁹ If a woman

that 'Umar Ibn al-Khaṭṭāb feared that in future times Muslims would not use stoning as punishment because it is not mentioned in the *Qur'ān*. But he confirmed the obligation to do so in proven cases of adultery. See Bukhārī, Muḥammad Ibn Ismā'īl, *Ṣaḥīḥ al-Bukhārī*, trans. by Muḥammad Muḥsin Khān, Beirut, 1985, vol. VIII, 536-537, chapter 816; Māwardī, *al-Aḥkām al-Sulṭāniyya*, 340-344.

⁴⁴ Due to the lack of explicit laws on fornication aboard Islamic ships in the Mediterranean, material from Islamic Far East has been introduced.

⁴⁵ Raffles, "Maritime Code of the Malays," 82; Winstedt and Josselin, "Maritime Laws of Malacca," 52.

⁴⁶ Ibn Anas, *al-Muwaṭṭa' of Imām Mālik*, 303, chapter 36.16: «What is done in our community about the man who rapes a woman, virgin or non-virgin, if she is free, is that he must pay the bride-price of someone like her. If she is a slave, he must pay what he has diminished of her worth. The *ḥadd* punishment in such cases is applied to the rapist, and there is no punishment applied to the woman raped. If the rapist is a slave, that is against his master unless he wishes to surrender him.»

⁴⁷ Ibn Anas, *al-Muwaṭṭa'*, 347, chapter 41.4.

⁴⁸ Raffles, "The Maritime Codes of the Malays," 82; Winstedt and Josselin, "Maritime Laws of Malacca," 52.

⁴⁹ Winstedt and Josselin, "Maritime Laws of Malacca," 52. The law remains silent as to the penalty for fornication between a male and a female slave. Al-Māwardī, however,

accused a man of raping her and he denied it, she was in essence confessing to illicit sexual contact and therefore punishable, in the very likely event that she had no evidence to support her testimony. Since the captain served as a judge onboard, he supervised the punishment, usually administered by the crew.⁵⁰

Far more common were incidents of rape and sexual harassment against war captives. Young and beautiful female captives of war aboard Islamic military vessels were occasionally exposed to sexual harassment by senior commanders, as in the case of the Four Captives. Here four Jewish sages were captured by an Andalusian flotilla commandeered by ‘Abd al-Raḥmān Muḥammad Ibn Rumāḥis fleet admiral of the Umayyad caliph ‘Abd al-Raḥmān al-Nāṣir.⁵¹ The admiral had set out to capture Christians ships, and the towns near Spain. The ships sailed as far as the coast of Palestine and swung about into the Greek Sea.⁵² They encountered and captured a ship carrying five Jewish sages from the city of Sefastin on their way to a Yerhei Kallah assembly⁵³ and took prisoner the four sages —R. Ḥushiel, R. Moses, R. Shemariah, and a fourth unidentified rabbi as well as R. Moses’ wife and son. The narrator describes the capture of a Christian commercial ship carrying four Jewish sages as follows:

The commander of a fleet, whose name was Ibn Rumāḥis,⁵⁴ left Cordova, having been sent by the Muslim king of Spain ‘Abd al-Raḥmān al-Nāṣir. This com-

rules that slaves incur only half the penalty decreed for the freeborn «because of their diminished status as slaves.» See Māwardī, *al-Aḥkām al-Sulṭāniyya*, 341.

⁵⁰ Raffles, “The Maritime Codes of the Malays,” 82.

⁵¹ ‘Abd al-Raḥmān al-Nāṣir was born in Ramaḍān 277/January 891 and was the first caliph and greatest ruler of the Umayyad dynasty of Spain. He reigned as hereditary emir (prince) of Cordova from 300/912 and took the title of caliph in 317/929 until his death in 350/961.

⁵² The Mediterranean Sea, referred to in Islamic sources as Baḥr al-Rūm (Roman or Greek Sea) or Baḥr al-Shām (Syrian Sea) as opposed to Baḥr al-Maghrib (Sea of Islamic West). The last two terms differentiate between the eastern and western Mediterranean basins.

⁵³ A scholars’ convention held in Babylonian academies from the early Amoraic period, in the Hebrew months Ab and Elul, where day and night are devoted to Torah study.

⁵⁴ ‘Abd al-Raḥmān Muḥammad Ibn Rumāḥis’s naval activity, as described by the Jewish narrator, corresponds with the historical evidence in classical Arabic literature. For further details, consult Lirola Delgado, J., *El poder naval de Al-Andalus en la época del Califato Omeya*, Granada, 1993, 186, 196-197, 208-211, 243, 258-261, 273-275, 278, 286; Sālem, S. and A. ‘Abbādī, *Ta’rīkh al-Baḥriyya al-Islāmiyya fī l-Maghrib wal-Andalus*, Beirut, 1969, 187-188; Sālim, S., *Ta’rīkh Madīnat al-Mariyya al-Islāmiyya: Qā’idat Usṭūl al-Andalus*, Beirut, 1969, 38-53.

mander of a mighty fleet set out to capture the ships of the Christians and the towns close to the coast. They sailed as far as the coast of Palestine and swung about to the Greek sea and the islands therein. [Here] they encountered a ship carrying four great scholars traveling from the city of Bari to the city called Sefastin, and who were on their way to a Kallah assembly. Ibn Rumāḥis captured the ship and took the sages prisoner. One of them was R. Ḥushiel, the father of Rabbenu Ḥananel; another was R. Moses, the father of R. Ḥanokh, and R. Ḥanokh who was taken prisoner with his wife and his son, (who at the time was but a young lad); the third was R. Shemariah b. R. Elḥanan. As for the fourth, I do not know his name. The commander wanted to violate R. Moses' wife, inasmuch as she was exceedingly beautiful. Thereupon, she cried out in Hebrew to her husband R. Moses and asked him whether or not those who drown in the sea will be quickened at the time of the resurrection of the dead. He replied unto her: «The Lord said: I will bring them back from Bashan; I will bring them back from the depths of the sea». Having heard his reply, she cast herself into the sea and drowned...⁵⁵

The wife of rabbi Moses preferred to cast herself into the sea rather than having her honor violated through sexual contact outside marriage. Since illicit sexual intercourse was viewed as a sin in Judaism, the rabbi's wife opted to sacrifice herself to the point of suicide over submission to rape. Needless to say that Muslim jurists viewed the legal status of war captives differently from ordinary alien passengers who enjoyed a safe-conduct (*amān*). As long as captives of war, including women, have not been granted that pledge of security, they could be taken prisoners, enslaved or killed, and their property confiscated.⁵⁶ In consequence, the punishment for rape in Islamic law did not apply to alien and non-*dhimmi* women captured by Islamic navies except if the admiral or his representative granted them the *amān* pledge at scene.

Muslims Aboard Christian Vessels

By the late fourth and early fifth centuries A. H./eleventh century C. E., Muslim sea power had declined. The Fāṭimīd dynasty in Egypt and Umayyad dynasty in Andalusia were weakened and affected, as Ibn Khaldūn puts it, by "infirmity."⁵⁷ As a result, Christian naval

⁵⁵ Cohen, G. D., "The Story of the Four Captives," *Proceedings of the American Academy for Jewish Research* 29 (1960-1961), 56-60.

⁵⁶ Khalilieh, *Islamic Maritime Law*, 116-127.

⁵⁷ Ibn Khaldūn, 'Abd al-Raḥmān Ibn Muḥammad, *Kitāb al-'Ibar wa-Dīwān al-*

forces took possession of the Mediterranean. In the early sixth century A. H./twelfth century C. E., as the eastern Mediterranean basin fell under Christian domination, the Almohads controlled only the western basin. Hence some Muslim pilgrims, including women and *qādīs*, preferred to sail aboard Christian ships from the Maghrib to Alexandria.

It appears that Muslim jurists held contradictory opinions as regards sailing in Christian ships. One opinion discouraged Muslim pilgrims, males and females alike, from doing so. The second permitted it for religious and educational purposes, and the third allowed it if passengers were assured that they would not be harassed nor humiliated en route, and if the Muslim governor at the embarkation port was powerful enough for Christian powers to respect his authority in case of mistreatment and threats to his co-religionists.⁵⁸ For that reason, given the mutual interest of western Christian ship owners and Muslim travelers, owners, as reported by Ibn Jubayr, reserved places for Muslims separate from Christian shippers, pilgrims, and passengers. Onboard the Genoese vessel which sailed from Acre on Saturday the 28th of Jumādā II, 580 (6th October, 1184) to Messina were 50 Muslim and more than 2,000 Italian pilgrims (*belghriyyīn = pellegrini*).⁵⁹

Why, then, did Muslim pilgrims, merchants and passengers (including women) sail on Christian commercial ships, when some of their maritime practices and religious laws contradicted Islamic prin-

Mubtada' wal-Khabar fī Ayyām al-'Arab wal-'Ajam wal-Barbar, Beirut, 1961, vol. I, 447-454: «Then, the naval strength of the Muslims declined once more, because of the weakness of the ruling dynasties. Maritime habits were forgotten under the impact of the strong Bedouin attitude prevailing in the Maghrib and as a result of the discontinuance of Spanish habits... The Muslims came to be strangers in the Mediterranean. The only exceptions were a few inhabitants of the coastal regions. They ought to have had many assistants and supporters, or they should have had support from the dynasties to enable them to recruit help and work toward the goal of [increasing seafaring activities].»

⁵⁸ Wansharīsī, Abū al-'Abbās Aḥmad Ibn Yaḥyā, *al-Mi'yār al-Mu'rib wal-Jāmi' al-Mughrib 'an Fatāwā Ahl Ifrīqiya wal-Andalus wal-Maghrib*, Beirut, 1401/1981, vol. I, 432-436; Khalilieh, H., "The Legal Opinion of Mālikī Jurists regarding Andalusian Muslim Pilgrims Travelling by Sea during the Eleventh and Twelfth Centuries C. E.," *Mediterranean Historical Review* 4 (1999), 59-69; Bazzāz, M. A., "Ḥawl Naql al-Baḥriyya al-Masīhiyya li-Ḥujjāj al-Gharb al-Islāmī," in *L'occident musulman et l'occident chrétien au Moyen Âge*, ed. M. Ḥammām, Rabat, 1995, 81-92.

⁵⁹ Ibn Jubayr, Muḥammad Ibn Aḥmad, *Riḥlat Ibn Jubayr*, Beirut, 1981, 255; Bazzāz, "Ḥawl Naql al-Baḥriyya al-Masīhiyya li-Ḥujjāj," 89-90; Gateau, A., "Quelques observations sur l'intérêt du voyage d'Ibn Jubayr pour l'histoire de la navigation en Méditerranée au XII^es," *Hespéris* 36 (1949), 293-294.

principles? Declining Muslim sea power, increasing pirate attacks, Christian supremacy over the shipping lanes, and commercial and diplomatic treaties between North African governors and Christian Europe⁶⁰ all motivated Muslims to lease Christian ships. By the early twelfth century, Muslim maritime traffic was restricted to the North African coast, while the trans-Mediterranean traffic had fallen under the control of the Italian city states whose ships plied the Levantine waters as far south as Egypt. Moreover, most pirates who infested the sea-lanes were Christian corsairs and privateers, and their commissions made it clear that their primary targets were Muslim ships. Thus Ibn Jubayr traveled on a Genoese ship because it was more convenient to sail on Christian ships, which used the safer and quicker trunk routes.⁶¹

Conclusions

Theoretically, Muslim authorities seemed to have been out to discourage women from sailing. They were not allowed to travel by themselves, and had to be accompanied by their husbands or *mahrams*, this too conditional on identification papers establishing their relationship with the latter. Our documentary, literary, and legal sources prove that women did in fact join wealthy holiday makers on their luxury river or sea-going vessels. Due to their immoral behavior, authors of *hisba* manuals frequently cautioned those in charge of moral behavior, *i.e.*, *muhtasibs*, to prevent freaks and dishonest women from sailing for pleasure, business, or otherwise. If they happened to be onboard, captains had to look thoroughly at their personal behavior and movements in order to recognize any evil in them and protect the privacy of other passengers until they arrived safely at their destination/s.

⁶⁰ On the Medieval international treaties between the Islamic Maghrib and the Christian West, consult Amari, M., *I Diplomi Arabi del Archivio Fiorentino*, Firenze, 1863; Mas Latrie, M. L., *Traité de paix et de commerce et documents divers concernant les relations de Chrétiens avec les Arabes de l'Afrique Septentrionale au Moyen Age*, New York, 1960.

⁶¹ Pryor, J., *Geography, Technology, and War; Studies in the Maritime History of the Mediterranean 649-1571*, Cambridge, 1992, 135-159.

«The most wicked among the people in the sight of God on the Day of Judgment,» Prophet Muḥammad says, «is the man who goes to his wife and she comes to him, and then he divulges her secret.»⁶² The principles outlined in this tradition forbids Muslims to discuss matters related to their conjugal lives with others; divulging the secrets of the sex life of a married or unmarried couple, and describing the woman's physical features to another was and is still prohibited by law. By keeping sexual matters private, the couple ensure mutual respect and avoid risks of violating trust by revealing personal tastes and practices to others. A licit sexual intercourse of a married couple was thus legitimate even in public places such as aboard ship, inasmuch as their privacy was protected there and others onboard were not aroused or tempted. Sex with one's marriage partner was obviously permissible but had to be carried out with discretion and in private. Therefore, Muslims were advised to observe these restraints whether at sea or on land. Evidently Muslim scholars transferred to the sea the religious traditions and ethics covering this aspect of life on land.

⁶² Abū al-Ḥusayn Muslim Ibn al-Ḥajjāj, *Ṣaḥīḥ Muslim*, Beirut, 2001, 539, chapters 3369-70.