

Program in Islamic Law

at HARVARD LAW SCHOOL

Lunch Talk

Tuesday, October 22

12:00 p.m. – 1:00 p.m. | Austin 102

MAYA SHATZMILLER:

***EQUITY AND EQUALITY: THE ECONOMICS BEHIND WOMEN'S
PROPERTY RIGHTS IN ISLAMIC LAW***



Maya Shatzmiller, Professor of Islamic History, Western University

Islamic law gives women and men identical property rights. With some modifications, these rights enable women to earn and acquire income and property, transact with it and consent to the practice of birth control. This paper argues and empirically demonstrates that equity was behind equality. It shows women's property rights were linked to a structural economic change in the Middle East that favored women's attachment to labor markets. This occurred in the aftermath of a demographic exogenous shock caused by the Justinian Plague that resulted in long-term manpower shortages.

Professor Shatzmiller uses a new database of women's property and employment income derived from archival records to quantitatively substantiate her argument. This information displays there was a shift in income distribution in favour of women, that their lifetime worth increased, and that it affected the combined household's income. Professor Shatzmiller suggests that the change in income generated new social norms, protecting these gains that were later translated into law. The literature shows that these were typical structures of an urban society with a larger percentage of female participation in the labour force. It suggests that an episode of economic growth in the Middle East, 700-1000, was behind women's empowerment in Islamic law.

Space is limited. RSVP by emailing pil@law.harvard.edu
Mediterranean lunch will be served.