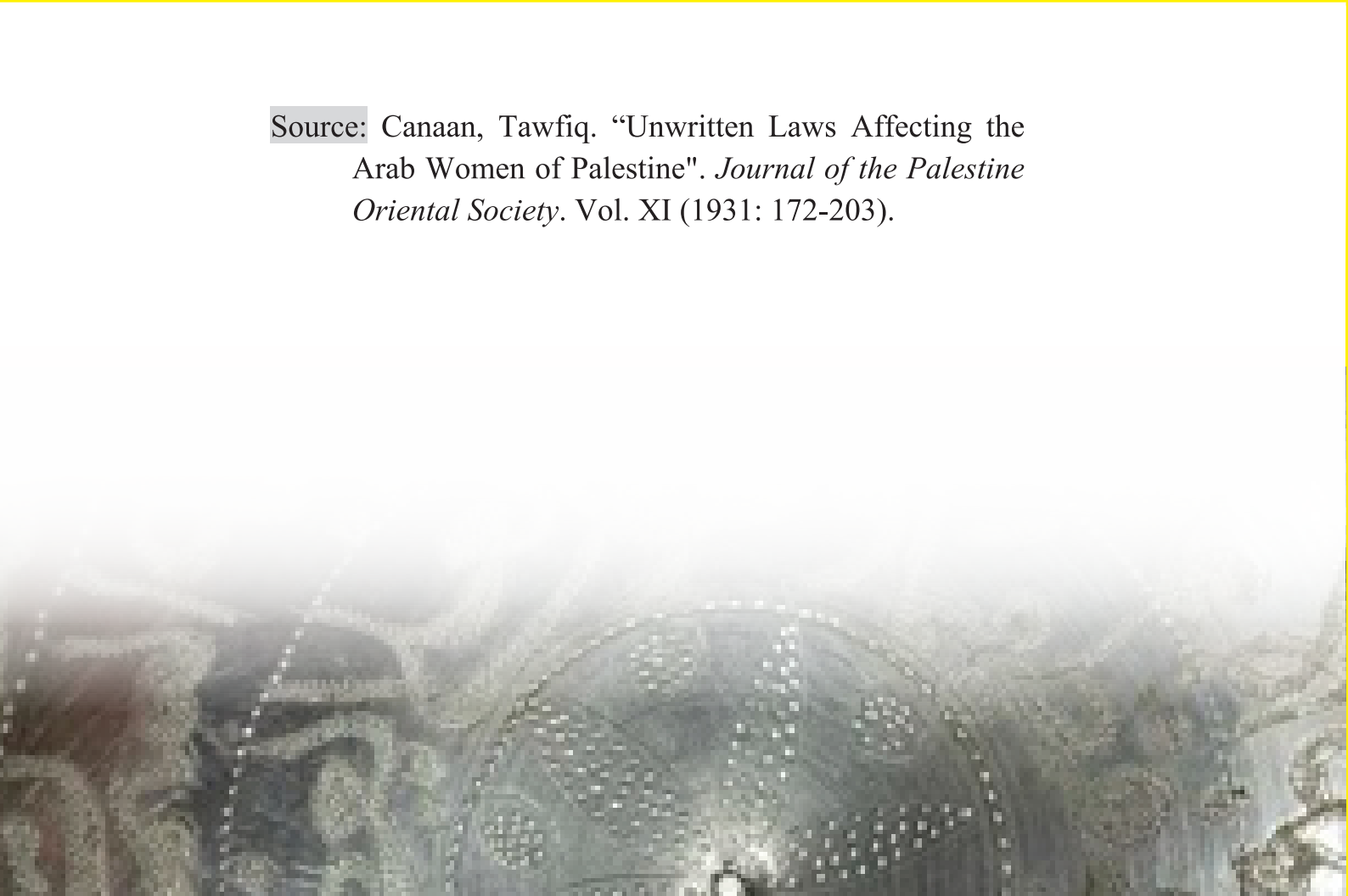


# مجموعة توفيق كنعان

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## UNWRITTEN LAWS AFFECTING THE ARAB WOMAN OF PALESTINE<sup>1</sup>

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(JERUSALEM)

The aim of this paper is to describe the unwritten but well-known laws governing the life of the Palestinian woman. Most of these rules have their origin in wide-spread customs which have been rigidly observed. Immutability is the most striking characteristic of eastern life, and the inhabitants of the Near East may not and dare not deviate from the traditional path of their ancestors. These customs (*'ādeh*, pl. *'awāyd*) became inflexible laws<sup>2</sup> and of the most binding character. Their authority was paramount among the ancient Semites and they still are more powerful in Palestine than those grafted on to modern society by mere popular fashions.<sup>3</sup> The unwritten laws are practised more strictly among the Bedouin than among the peasants, for the former are bound together within the tribe with strong ties of "brotherhood" (relationship), whereas the villagers have through their long settled condition lost more or less these intimate bonds of clanship, and local unions have taken their place. This social change is still more apparent among the *madaniyeh*, the city dwellers, who could with greater facility break loose from the restraints of custom.

<sup>1</sup> This paper was read on March 26, 1931, before the Anthropological and Ethnological Society of the American University, Beirut.

<sup>2</sup> CHEYNE AND SUTHERLAND BLACK, *Encyclopedia Biblica*, s. v. LAW

<sup>3</sup> Passages pointing to unwritten laws among the Israelites can be traced back very far. Some examples are: "It ought not to be done in Israel" (II Sam. 13<sup>17</sup>); "... folly in Israel . . . . which thing ought not to be done" (Gen. 34<sup>7</sup>). Cf. also Joshua 7<sup>18</sup>; Judg. 19<sup>28</sup>; 20<sup>10</sup>.

In Palestine these regulations are kept more strictly in some districts than in others. The fact must be emphasized that many of them are at present less practised than they were fifty years ago; while others which were once universal are met with, in our period, only in few villages.

### I. LAWS BASED ON A BELIEF IN WOMEN'S INFERIORITY.

In many phases of life women are treated as inferior to men. Expressions such as *el-marrah min dal' er-ridjdjal*,<sup>1</sup> "The woman is from a rib of man"; *en-niswân ilhum nuṣṣ 'aql*, "Women have but half a brain,"<sup>2</sup> emphasize this belief. A weak and cowardly man is dubbed *miṭl el-marrah*, "like the woman."<sup>3</sup>

At the birth of a boy there is joy, while the birth of a girl is greeted by the disappointed murmur, *bass bint*, "Only a girl!" Some may even curse her for having caused the mother such pain and anxiety. The only consolation the mother hears is, *mâ tiz'alîš inša'allah hitzainihâ ib'arîs*, "Be not sorry (lit. angry)! Perchance God may suffer you to adorn her with a bridegroom" (meaning a son).<sup>4</sup> The father is told of the birth of a son with the words *el-bšârah el-bšârah 'adjâk 'arîs*, "Good tidings! a son is born to thee."<sup>5</sup> If a daughter is born the news is broken to him by the formula

<sup>1</sup> Gen. 2<sup>21</sup>. Another expression is, *dal' el-marrah qaštr*.

<sup>2</sup> Another saying is, *el-marrah ndqšit el-'aql*.

<sup>3</sup> A proverb describes unreliable men with the words, *er-rdjal 'ind ḥadjithum niswân*, "Men are when needed (as ineffective as) women."

<sup>4</sup> CANAAN, *The Child in Palestinian Arab Superstition*, JPOS, VII, 160 ff.; KLEIN, *Mitteilungen*, usw., ZDPV, VI, 63. Cf. John 16<sup>21</sup>; I Sam. 4<sup>20</sup>. In some cases the mother is told that a son is born and the real truth is only broken to her gradually.

<sup>5</sup> The same expression is used in Luke 2<sup>20</sup>.

*imbârak el-sarîs*, "Blessed be the bride," referring to the time<sup>1</sup> when, at her marriage, he will receive the bride-price. (*mahr*).<sup>2</sup> In pre-Islamic times, new-born girls were often left to die. Sûrah xvi 60 reads, "And when any one of them is told the news of the birth of a female his face becomes black (clouded with confusion and sorrow) and he is deeply afflicted; he hideth himself from the people because of the ill-tidings which have been told him, considering within himself whether he shall keep it with disgrace or whether he shall bring it under the dust."<sup>3</sup> Many a woman will wear a talisman while she is pregnant, believing that it ensures the delivery of a son. When, however, a family has many sons but no daughters a new-born girl is welcomed and well treated. She is usually named *wahîdeh* (the "only daughter") or *sitt ihwethâ* (the "lady of her brothers").

It is believed that a girl tries not to be born, since she knows the conditions of life awaiting her.<sup>4</sup> Girls are less pampered and more neglected than boys and set to work at an earlier age.<sup>5</sup> A proverb runs, *dîr el-banât harâbât*, "Houses (full) of girls are houses in ruin," for in the spreading and perpetuation of the family name, in the holding of property and in the defending of the interests of the clan, it is sons alone who count as an asset. Other proverbs expressing a like idea are: *el-banât ghalabât*, "Girls are burdens"; *môt el-banât sutrah*, "The death of girls is a blessing";<sup>6</sup> *hamm el-banât lal-mamât*, "Anxiety about girls lasts till (their and their father's)

<sup>1</sup> In pre-Islamic times it was customary for friends to congratulate a father on the birth of a girl, for the daughter was welcomed as an addition to her father's wealth, "because when he gave her in marriage he could add to his own flocks and camels, those paid to him as her *mahr*."   
 وكانت عرب الجاهلية اذا ولد لاحدهم بنت   
 وتقول "هنيئاً لك النافجة" اي المعظمة لالاك لان اباهما كان ياخذ مهرها (محيط المحيط وجه ٢١٠٤)

<sup>2</sup> See DALMAN, PJ, xiii (1917), p. 30.

<sup>3</sup> See also Sûrah vi 152; xvii 33.

<sup>4</sup> CANAAN, JPOS, VII, 163.

<sup>5</sup> A similar spirit is apparent in the Old Testament, Ps. 172<sup>3,5</sup>. In the Revised Version we read "children" instead of "sons." The American as well as the Jesuit Arabic translations of the Bible give بنون.

<sup>6</sup> Really "a concealment of shame and difficulty." An old Arabic proverb is موت البنات من المكرمات.

death"; *mátat wlátak<sup>1</sup> min şafáwit nítak*, "Your girl died because of your good character"; *tikbar haiyeh walá tdjib bnáiyeh*, "May she grow to be a serpent<sup>2</sup> and not give birth to a girl"; *el-bint imma djabrhá willá qabrhá (kas(i)rhá)*, "Either a girl is treated well (and married) or interred (broken)";<sup>3</sup> *el-walad in li<sup>2</sup>ib fi haráb el-fáydeh min waráb*, "A boy—even if he plays with his own dirt<sup>4</sup>—gain issues from him."<sup>5</sup>

To have no children was the greatest misfortune which could befall the father, and still more the mother, for it was not until she had become the mother of a son that the wife attained her full dignity in the household,<sup>6</sup> and was in some degree protected against the hardships of polygamy. By sons alone is the family continued; daughters are lost to father and family through their marriage. The word *ibn* (son) has the same root as *baná* (to build). Building<sup>7</sup> is figuratively applied to having male children in several passages in the Bible.<sup>8</sup> When a peasant intends to marry he is often heard to say "I would like to open a house,"<sup>9</sup> meaning, as it did with the old Semites,<sup>10</sup> "I intend to build a family." "May God make your house prosper"<sup>11</sup> is an expression wishing prosperity to a house by the increase of its male children.

<sup>1</sup> A polite term for a Mohammedan woman (Hava).

<sup>2</sup> The serpent is the symbol of cunning. Demons often take the shape of serpents (Gen. 3<sup>1</sup> ff.).

<sup>3</sup> The proverb *şabāh eš-şuqq haqq şabūh eš-salabeḥ ghalabeḥ*, "The morning of the girl (lit. "slit," i. e. vagina) is a good omen, while the morning of the boy (lit. "thread," i. e. penis) means difficulty," tries to improve the miserable condition of the female sex.

<sup>4</sup> It is believed that only insane children play with their own dirt.

<sup>5</sup> There are also proverbs which point to the contrary, but they are few: *umm el-banāt bīmšī 'ala labāt; niyāl man ghaḏalat kittānbā uljabat banāthā qall şubyānbā; riżq el-banāt aklar min riżq eš-şubyān*.

<sup>6</sup> I Sam. 1<sup>6</sup> ff.; Gen. 16<sup>4</sup>; 30<sup>1</sup> ff.

<sup>7</sup> *banā 'alā 'arūsibi* means to have intercourse with his bride (*muḥīl* p. 131), probably because he builds through this act his house, his name. *Muḥīl* gives another explanation. *Lēlatu binā'ibā* means the wedding night.

<sup>8</sup> Ruth 4<sup>11</sup>; I Sam. 2<sup>36</sup>; II Sam. 7<sup>27</sup>; I Chron. 17<sup>10-11</sup>; I Kings 11<sup>18</sup>.

<sup>9</sup> *biddī aštaḥ bēt*.

<sup>10</sup> Gen. 18<sup>18</sup>.

<sup>11</sup> *Allah i'ammir bēlak*.

In case a childless woman intends to adopt a child she passes the child through the upper slit of her shirt, while another woman receives the child from below, simulating in this way the act of delivery. This custom was formerly more prevalent in Palestine than at present. I have found knowledge of it in northern, central and southern Palestine.

In vowing a fourth, or a half, or a whole boy to a *weli*, the fourth, half or whole value of the *diyeh* (blood-price) must be paid to the saint; but with a girl, her price is reckoned not on the basis of the *diyeh* but on the *mahr* (the bride-price) which is much less. The wedding of the girl cannot take place until the vow is fulfilled.<sup>1</sup>

A father is advised to settle his daughters before the sons are married. Sayings expressing this idea are: *dauwir labintak qabl ma (i)tdauwir la'ibnak*, "Search out (a husband) for your daughter before you look (for a bride) for your son"; *zauwidj ahl ed-dâr qabl er-râjâl*, "Marry the inhabitants of the house (that is the daughters) before the men (sons)." A girl has no right to choose her husband or to refuse the one found for her, for "if a girl is left to choose her husband according to her own judgement she will either take a drummer or a piper."<sup>2</sup>

While a man marries to perpetuate the family's name, honour and influence, a girl is married to relieve her family of care and responsibility. Of a girl who is betrothed it is said, *alla ithannan 'alêhâ*, "God had mercy with her." Similar ideas were prevalent among the ancient Hebrews and Arabs.<sup>3</sup> As of old (cf. Leah and Rachel) fathers prefer to give first their eldest daughters in marriage, and certain families adhere strictly to this rule.

Brides are still bought.<sup>4</sup> Among the lower class the word

<sup>1</sup> CANAAN, *Mohammedan Saints and Sanctuaries*, p. 183.

<sup>2</sup> *in dâssarûl-bint 'ahâ'irhâ yâ btâhud tabbâl yâ zammâr.*

<sup>3</sup> A *hadîth* says '*asrârukum 'uzzâbukum*, "Your most wicked are the unmarried." See also I. GOLDZIHNER, *Vorlesungen über den Islam*, p. 187 (n).

<sup>4</sup> The same custom is revealed in the Old Testament: Deut. 22<sup>28, 29</sup>; Ex. 22<sup>16, 17</sup>; Ruth 4<sup>9, 10</sup>. For the conditions in Arabia see W. R. SMITH, *Kinship and Marriage*, Chapter III.



*haqqhá*<sup>1</sup> (her price) is used instead of *mahr*. A girl is the property of the whole family. If she is sought in marriage the father may decide for her, for as a maiden she is—and this was true of all Semites—under his sole control. If the father is dead the girl's eldest brother gathers together all near male relatives, and her marriage depends on their decision,<sup>2</sup> and to this she must submit. Her consent is asked, but this is only a formality and usually her views carry no weight. Mosaic law attached no importance to the girl's preferences and recognized (Ex. 21<sup>7</sup>) the father's right to sell his daughter into bondage, with the evident intention that she should become the wife of her master or her master's son.<sup>3</sup> The girl's consent is, however, nowhere suggested.<sup>4</sup> The father or guardian has the right to give again in marriage a widow or a divorced woman. It often happens that at birth a girl was designated as the bride of a boy, generally a relative. This was done either directly or during the act of cutting her umbilical cord. The former is known under the name of *'aṭiyet ed-djôrah*, "the gift of the (delivery) pit,"<sup>5</sup> the second as *maqtâc şurrethâ 'ala ismuh*, "her umbilical cord is cut on his name."<sup>6</sup> In reading the *fâtîḥah* the future of the girl was sealed;<sup>7</sup> she was no longer free and had no other alternative than blindly to accept her destiny. Nobody dared to ask for her hand until her "birth-bridegroom" set her free.<sup>8</sup>

<sup>1</sup> See also KLEIN, l.c., p. 89.

<sup>2</sup> O. S. EL-BARGHUTI, *Judicial Courts among the Bedouin of Palestine*, JPOS, II, p. 59.

<sup>3</sup> *Jewish Encycl.*, vol. XII, Woman. See Deut. 22<sup>16</sup>; Gen. 21<sup>21</sup>; 24<sup>2ff.</sup>; 29<sup>22</sup>; 34<sup>12</sup>; 38<sup>6</sup>; Judg. 14<sup>1ff.</sup>; I Kings 2<sup>17</sup>; Matth. 22<sup>30</sup>; Mark 12<sup>26</sup>; Luke 20<sup>35</sup>. Consult also *Jewish Encycl.*, Daughter.

<sup>4</sup> *Encycl. Biblica*, p. 2942.

<sup>5</sup> *Ed-djôrah*, (the delivery pit), which is unknown in this sense to *mūḥit*, is the space between the body of the delivering woman, who is sitting on a special chair (the delivery chair), and the ground.

<sup>6</sup> This custom was known in Palestine as well as in Syria.

<sup>7</sup> Reading the *fâtîḥah* is not only the religious part of the official betrothal ceremony, but it seals the whole action.

<sup>8</sup> CANAAN, *Die Brautwahl in Palästina*, Das Heilige Land, vol. 75, pp. 24 ff. As I had no opportunity of looking over any proofs of this article, several mistakes in the transcription were left uncorrected.

The right of a young man to marry his paternal cousin is an old Oriental custom.<sup>1</sup> An Arabic proverb says, "The cousin takes (the bride) down from the mare,"<sup>2</sup> which means that if she should be given to a stranger, a cousin has the right even at the last moment to take her down from the mare during the wedding procession and marry her himself. The Bedouin say, "Her binding and release are in the hands of her cousin."<sup>3</sup> Another proverb teaches: *illi biḥarrābā ibn ʿammā (i)biḥram ʿal-gharīb*, "The girl who is desired by her paternal cousin is forbidden (in marriage) to a stranger."<sup>4</sup>

Some families will give their daughters only to members of certain families, to those of the same social standing, and never to a strange family. Such are *ʿAbd el-Hādi*, the *Barāghḫī* and the *Djaiyāyseh*<sup>5</sup>. The *Barāghḫī* (pl. of *Barghūḫī*) give their daughters to members of the *Djaiyāyseh*, to the chiefs (*ʿumarā*) of *el-Masāʿid* (of *Ghōr el-Fārʿah*) and *el-ʿUeisāt* (in *Bir Maʿin* and *el-Burdj*) Bedouin, to the *šūḫ* of *Abū Kišk* (near Jaffa) of *ʿarab el-Uḥḫādāt* (near Gaza) and of *ʿarab Banī Djarm* (near Jaffa). The most honourable family of *el-Barāghḫī*, *Dār Zāhir*, will not marry their daughters to any stranger whatsoever, not even to any one of their kin.<sup>6</sup>

Some Bedouin tribes on the eastern boundary of Trans-Jordan and in the Sinai Peninsula have a custom by which the young man, having first gained the girl's consent, then asks the consent of the father. As a rule the father enquires only whether the daughter is willing, and after the question of the *maḥr* is settled the young man is free to take his bride. No religious ceremony takes place. The girl runs away and is followed by her lover. When he catches

<sup>1</sup> Gen. 24<sup>4</sup>; 28<sup>2</sup>.

<sup>2</sup> *iln el-ʿamm biḥaiyḥ ʿan el-faras*. See also EL-BARGHUTI, l.c., p. 69.

<sup>3</sup> *ʿaqdā u ḥallā ʿibīd ibn ʿammā*. See also MUSIL, *the Manners and Customs of the Rwala Bedouins*, p. 137

<sup>4</sup> Still another proverb used in the same sense is: *ez-zēt ʿiḏā iḥarrūb aḥlub biḥram ʿadj-djāmi*, "The oil which is wanted by its owners is forbidden to be given to the mosque."

<sup>5</sup> Klein, ZDPV, vi, 85, gives the families *Tōqān*, *Abū Ghōs* and *Samḥān*.

<sup>6</sup> I owe this information to the kindness of Mr. O. S. B.

her a simple wedding ceremony takes place between them alone and, in the words of the ceremony, before God who is their witness. She sits upon a stone while he takes his place upon a heap of earth. She addresses him.

*aná qâ'id 'alâ ḥadjar                    ušhad yâ rabb el-bašar*  
*inni 'ôhid li ḍakar                    'alâ sinnit allah u rasûlub*

"I sit on a stone! and be thou, O Lord of the human race, witness that I take to myself a male, according to the laws of God and His prophet."

The young man answers:

*waná qâ'id 'alâ t-tarâ                    ušhad yâ rabb el-warâ*  
*inni mâhid li marah                    'alâ sinnit allah u rasûlub*

"And I sit on the earth; and be thou, O Lord of the universe, witness that I take to myself a wife according to the laws of God and His prophet."

The pair then break into two parts a piece of straw (*qašaleh*). This act has been thought to be symbolic of unity, for since the broken straw cannot be made whole, neither can their union be severed. In reality they are not yet united, for if the young man cannot perform his marital function the girl is free to return to her father's house.<sup>1</sup>

A wife must greet her husband in respectful terms, such as *yâ sidi* (O my Lord, master), *yâ ibn 'ammî* (O my cousin, i.e. husband), *yâ abî NN.* (O father of NN.). On the other hand a husband may greet his wife in one of two ways: using a dignified term as *yâ bint 'ammî*, *yâ umm NN.*, or in a more casual fashion as *yâ bint en-nâs* (O daughter of people), *yâ marah* (O wife) and *wali*. The

<sup>1</sup> This last condition is seldom fulfilled. In the Ḥanâdjreh tribe (Gaza) the following is the customary procedure in returning a wife to her parents. The husband who, because of his impotence is forced to divorce his wife, agrees with his father-in-law on the sum of money which must be paid to him. A trustworthy person must guarantee the payment. The respective parties gather in the tent of the *šêḥ*. The husband or his legal representative throws a piece of straw on the *šêḥ* with the words, "Take O *šêḥ*! this is the *qašaleh* of the girl." The *šêḥ* throws the same to the father of the girl, repeating the same words. The wife is now free to go back to her father's house.

last expression is one of contempt. Still more vulgar are the expressions used by the lower class and Bedouin when they speak of their wives, *ib'id 'annak* (*adjall šanak, adjall qadrak, i'izzak*) *marati*, all mean the same thing, namely, "my wife who is below your honour, dignity." Some politer terms are *ahl bēti* (the dweller of my house), *umm 'awlādi* (the mother of my children), *marati* (my wife),<sup>1</sup> *ḥarīmī* (my woman),<sup>2</sup> (*i*)*'iāli*, *'aylti* or *'ēlti*, (my families, family). The expressions *es-sitt* (the lady) and *uḥti* (my sister)<sup>3</sup> in referring to a wife are rare. The male members of the three above-named families speak of their wives as *es-sēḥāt* (pl. of *es-sēḥah*).

The married woman is completely under her husband's control. She becomes his property.<sup>4</sup> In some places we still hear the expressions *māli*, *ḥalālī* (my property, my granted right), used for the wife because the husband acquired her by purchase.<sup>5</sup> The words *'amlak*, *'imlāk*, for "marry, marriage," are derived from the same root, which means "to possess, to become the owner, to rule over."<sup>6</sup> A proverb says, "He who pays his money can have the Sultan's daughter for his bride."<sup>7</sup> The money given at betrothal is the purchase-money paid to the former proprietor, the father. The father's and husband's authority was and still is supreme; the life and the property of all the members of the family are in their hands and they are accountable to no one for their actions. They alone have the right to chastise.<sup>8</sup>

<sup>1</sup> The expression *ḥawḍjati*, *qarinati* (my wife), *šarikat ḥayāti* (the partner of my life) are used only by educated people and in literature.

<sup>2</sup> Women subject to one man (Hava, 112).

<sup>3</sup> I vividly remember how an old Christian peasant of Bêt Djâlâ became angry with my father for calling my mother *yā uḥti*. He argued, "What God made lawful to you do not declare unlawful."

<sup>4</sup> See BERTHOLET, *Kulturgeschichte Israels*, p. 113. For the conditions in Arabia before and after Islam see W. R. SMITH, l.c. 76, 77. Consult also Sûrah, iv 33.

<sup>5</sup> Although *مصدق* and *مهر* are, after the rise of Islam, used more or less as synonyms, they had different meanings in pre-Islamic times; W. S. SMITH, *Kinship and Marriage*, p. 76.

<sup>6</sup> *Mubīt*, p. 2004; Hava, p. 726.

<sup>7</sup> *illī biḥuḥḥi ḥāsub bint es-sultān 'arūsib*. See also Gen. 34<sup>12</sup>.

<sup>8</sup> By this immemorial law Abraham was free to kill his son, the King of Moab to cause several children to be burned to Moloch, and Jephthah to offer his daughter to the Lord. Gen. 21<sup>10</sup>; Judg. 11<sup>34-40</sup>; II Chron. 28<sup>3</sup>; 33<sup>6</sup>.

Certain proverbs recommend kindly treatment of womentolk: "Woman is a good and precious trust";<sup>1</sup> "Kindness to girls is better than forsaking them"; "None save the filthy beats a woman."<sup>2</sup>

Women perform the lowliest duties. Thus in the villages grinding wheat is done by women, and in the towns it is the duty of the humblest and youngest female servant.<sup>3</sup> Women fetch the water in the villages;<sup>4</sup> in the towns the male water-carriers belong to the lowest class. While *fellâhât* carry their burdens on the head, Bedouin or semi-Bedouin women consider this degrading and carry their loads on the back.<sup>5</sup> With rare exceptions the man rides while his wife walks behind, carrying her load.

Woman's inferiority is well seen in her rights of inheritance and dowry, the value given to her testimony and in matters of divorce. Conditions are different in the spiritual sphere. A careful study of the position of woman in the earliest periods of Islam, and in the teachings of its founder, reveals no real obstacles to the religious development of woman. In the spiritual life there could be neither male nor female. *Awliâ* belong to both sexes, though male saints are the more numerous. The development of mysticism (Sufism) within Islam gave women their great opportunity to attain the rank of sainthood. Among the Palestinian shrines which I have visited and examined personally, 13.2 per cent. were dedicated to female saints.<sup>6</sup> Of these, 60 per cent enjoy a great reputation as compared with 31 per cent of the males.<sup>7</sup> *Darwîsât* are still known

<sup>1</sup> It may also be translated: "The woman is a (precious) trust (in the hands) of the good man."

<sup>2</sup> *el-marâh udâ'it el-haiyer; adjr el-banât walâ hadjrhum; mâ buḍrub el-marâh illa-l-harâ.*

<sup>3</sup> The utter humiliation of the virgin daughter of Babylon is portrayed by the command, "Take the millstone and grind meal; uncover thy locks, make bare thy leg, uncover thy thigh." Is. 47<sup>2</sup>. Compare also Judg. 16<sup>21</sup>; Lam. 5<sup>18</sup> where men are humiliated by doing such work (JPOS, XI, 17 f.).

<sup>4</sup> Gen. 24<sup>14,17</sup>; John 4<sup>7,16</sup>.

<sup>5</sup> The Bedouin tribe et-Turkmân is an exception to this rule.

<sup>6</sup> In Biblical times one also met with "inspired" women: Ex. 15<sup>20</sup>; Judg. 4<sup>4</sup>; II Kgs. 22<sup>14</sup>; Neh. 6<sup>14</sup>; Luke 2<sup>36</sup>.

<sup>7</sup> CANAAN, *Mohammedan Saints and Sanctuaries in Palestine*, pp. 235 ff.

in Palestine. They are respected and their orders executed. These facts do not justify Kobelt's and Perron's statements that among the Arabs there are no female saints, or only very few.<sup>1</sup>

The same applies to the evil spirits. It is interesting to notice that in a list of 120 springs drawn up by the present writer 57 are supposed to be inhabited by females. If we omit cases of holy men whose spirits still haunt springs and cases where the sex is not specified, we find that 80 per cent of the spirits are female.<sup>3</sup>

Another exception to the rule of woman's inferior status is the naming of a person, a family or a sub-tribe after some outstanding woman. The Qoran, Sûrah xxxiii 5, ordains, "Call such (as are adopted) the sons of their (natural) fathers."<sup>4</sup> Many exponents of the Qoran believe that this verse applies not only to adopted children out to children generally, and therefore they argue that the name of the father and not that of the mother should be connected with the names of the children. A married Palestinian woman will, as a rule, to the last moment of her life, call herself by the name of her father and not by that of her husband; e.g. Fâtmeḥ 'Abdallah, 'Abdallah being the name of her father and not Fâtmeḥ Moḥammed, if her husband's name is Moḥammed. The reverse applies in magic rites and the writing of talismans, where a person's name must be written or uttered together with that of his mother and not with that of his father. The reason for this is the Oriental belief that only the mother can be determined with absolute certainty.<sup>5</sup> This belief is not peculiar to Palestinians but was familiar among the ancient Babylonians, Egyptians and Hebrews.<sup>6</sup>

Occasions where women gave their names to persons, families

<sup>1</sup> See the references in GOLDZIEHER, *Mohammedanische Studien*, II, 299.

<sup>2</sup> To this group belong three springs which are believed to be inhabited by female saints.

<sup>3</sup> CANAAN, *Haunted Springs and Water Demons*, JPOS, I, 162,

<sup>4</sup> After Sale.

<sup>5</sup> CANAAN, *Aberglaube und Volksmedizin in Lande der Bibel*, 105, 106.

<sup>6</sup> FRAZER, *The Golden Bough*, part VI, *Adonis, Attis, Osiris*, pp. 384 ff. 395 ff.; SMITH, *Lectures on the Religion of the Semites*, pp. 52-66.

and sub-tribes are well known throughout Arabic history.<sup>1</sup> Such women played an important part in the history of that person or tribe. Examples showing the continuation of this custom at the present time are:

<i>Members of the tribe</i>	<i>Appellation</i>
el-Maşâlḥah (near Nablus)	ʾaḥû Sabḥah
ed-Daʿdjeh (near ʿAmmân)	„ Ḥaşfah
eş-Şâleh, a subtribe of el-ʿEdwân	„ Şêḥah
en-Nimr, „ „ „ „ „	„ Muhrah
el-Ḥâmid, „ „ „ „ „	„ ʿAmšah
el-Ḥersân, „ „ „ Banî Şaḥr	„ Falwâ
el-Ḥwêtât tribe	„ Şâlḥah
es-Sirdiyeh tribe	„ Dîbeh
Banî Aṭraş (Druses of Ḥaurân)	„ Baldjâ
The inhabitants of eḍ-Dâhriyeh	iḥwet Naşrah
el-ʿAzâzmeh tribe (Negeb)	ʾaḥû Şîrah

Such women were as a rule the sisters of leading *sîrh*. Whenever the warriors of a tribe go to a *ghazâ* they boast about such women saying “ʾanâ ʾaḥû...”. Not only among the Bedouin, but also among the peasants and town-dwellers we meet with family and personal names derived from female names. Such are the families: Nazhah, Qarʿah, Qassisiyeh, Sârah, Raḥîl (all in Jerusalem), Ḥasnâ (Jerusalem and Şaffâ), Zarîfeh, Abû Ḥaḍrah (Jaffa), el-ʿÎdeh (Ramallah and Bîr Zêt), Manneh (Haifa), Abû Sârah, Abû ʿÂiŝeh, (Mazraʿet banî Murrâh), Ḥaḍrâ (Şafad, ʿËn ʿArik), Abû Ḥîlweh (Mazâreʿ banî Zêd), Abû Mdallaleh (ʿAnnâbeh), Abû Ḥamdiyeh (Abû Qaşş), Wardeh (ʿËn ʿArik, Bîr Zêt), Abû Şubḥiyeh (Dêr Ibzaʿ), ʿAnşarah (Rafidiâ).

It is customary in Dêr Ghassâneh and in some other villages to call every coward “Abû Lêlah.”

<sup>1</sup> In pre-Islamic times we meet with the king ʿAmr, who was called “the son of Hind.” The *ḥalîfeh* ʿOmar ibn el-Ḥaṭṭâb and Maʿâwiah ibn abû Safiân were called ʿOmar ibn Ḥantamah and Maʿâwiah ibn Hind respectively. Ibrâhim the son of the *ḥalîfeh* el-Mahdi was known as Ibrâhim ibn Şaklah. Other examples are Tamîm abû Ruqyah (for Tamîm ed-Dâri), al-Miqdâd ibn Zurʿah (al-Miqdâd ibn Maʿdi Karib), Masrûq abû ʿÂiŝeh (Masrûq ibn el-Adjdaʿ).

## II. LAWS OF SECLUSION

While the *fellâhât* and the Bedouin women move freely about and do not hide or veil themselves, the Mohammedan women of the cities (*madaniyât*) have their special quarters which no strange man may enter. This also used to be a rule with most Christians but it was never strictly observed. The windows, particularly those of rooms assigned to the women, looking towards the street have wooden lattices (*šacâri*) to prevent inquisitive outsiders from seeing anything within. Balconies and especially flat roofs are surrounded with parapets from one to one-and-a-half metres high, made of clay tubes.<sup>1</sup> If a strange man would enter a house he must knock on the door and call out several names of God (*yâ hâfiż, yâ laîf, yâ sallâr, yâ sâtîr*) adding the words "give way" (*dastûr a'îlî tarîq*) as a warning to women within. He must then wait a little until the way is clear; and he is then called in.<sup>2</sup> The present writer knows men who boast, "My wife never left the house except to be carried (to her grave)."<sup>3</sup> A proverb says, "Her youth is gone in her seclusion."<sup>4</sup> Some believe that the duties of a women end at the threshold of the door<sup>5</sup> (*atbet el-bêt*).<sup>6</sup>

A Bedouin tent is usually divided into two parts: one for the men (the reception room for public entertainment, *eş-şuqqah*) and the other reserved for the women, *el-mahram*. They can hear and, by peeping over the dividing curtain, *es-sâbah*, can often see what is going on in the men's section.<sup>7</sup> The same conditions seem to have prevailed in the time of Abraham.<sup>8</sup>

<sup>1</sup> Judg. 5<sup>28</sup>; Cant. 2<sup>9</sup> and probably II Kings 1<sup>2</sup>.

<sup>2</sup> Originally this only held good for the wives of the Prophet, Surâh xxxiii 53.

<sup>3</sup> *Maratî 'umrîhâ mâ tarkat el-bêt illâ mahmûleb*. See also *tahrîr el-mar'ah*, p. 17.

<sup>4</sup> *râh şibâhâ fî mahbâhâ*.

<sup>5</sup> *tahrîr el-mar'ah*, p. 27.

<sup>6</sup> In Biblical times women often had their own quarters in the innermost part of the house, to which no man had access (Judg. 15<sup>1</sup>; 16<sup>9</sup>). Among the more wealthy and influential people, women had a separate house (Sam. 13<sup>7</sup>; I Kings 7<sup>6</sup>; II Kings 24<sup>15</sup>; Esth. 2<sup>3,14</sup>).

<sup>7</sup> The Bedouin et-Turkmân, who live between Haifa and Nazareth, afford an exception to this rule.

<sup>8</sup> Gen. 18<sup>9,10</sup>.



Noteworthy is the strictness with which the women of the families el-Barâghî, 'Abd el-Hâdî and edj-Djayâyseh used to be guarded.<sup>1</sup> Until fifty years ago a women of these families was born, lived and died without ever leaving the region of her house in the daytime. In such cases women did not need veils (*burqu'*) or an *'izâr*. When they wished to visit their female relatives or a sick member of the family, they left the house late in the evening when darkness had already set in and the roads were deserted. Even then they covered their heads with the cloak (*'abîyeh*) of their husbands. In these villages men never mentioned the names of girls or women, but referred to them as "the eldest sister (or daughter) of. . .," "the wife (or widow) of. . ."

When a Mohammedan townswoman leaves the house she must wear the *'izâr*<sup>2</sup> and veil<sup>3</sup> (*mandil*).<sup>4</sup> Thirty years ago girls in towns wore an *'izâr* when but seven years old. The rule is not now enforced before the thirteenth year. A proverb heard in Nablus says, "The woman is judged (whether good or bad) by her *'izâr*, and the year by its *'adâr*, the month of March."<sup>5</sup> Another saying is,<sup>6</sup> "She that has no *'izâr* should slit a wrapper (and use the sheet as an *'izâr*)." <sup>7</sup>

<sup>1</sup> Although these families live in villages they are, as a rule, not called *fullâhin* but *qarawiyin*, for they do not engage in agriculture.

<sup>2</sup> While the *'izâr* is cut of one piece of white sheeting, the *mlay(eh)* is made of two pieces of black cloth, sewn together behind.

<sup>3</sup> I cannot understand why modern and highly educated writers (like es-sayid el-'amîr 'Alî el-Hindî) still speak so highly of the veil.

<sup>4</sup> The following different types of veil were formerly used:

- a. *mandil ghaḩā widj* hangs down from the head and covers the face.
- b. *mandil laḩneh* was worn in cold weather to cover the head. It was fastened below the chin.
- c. *mandil qunduq ('undu')* covered also the head but was fastened behind the neck. It is called by some *mandil ṣaḩḩab* or *qamḩah*.

The last two types were not real veils. The black veil used at present is known as *baṣa*.

<sup>5</sup> CANAAN, *Der Kalender des palästinenischen Fellachen*, ZDPV, XXXVI, 266-300; *el-marab ib 'izârḩā uis-saneḩ ib 'adârḩā*.

<sup>6</sup> *illî māḩḩā 'izâr btuṣtuq el-maḩḩafeḩ*.

<sup>7</sup> The veil was known in ancient times, but was probably worn as an occasional ornament (Cant. 4<sup>1,2</sup>; 6<sup>7</sup>) by betrothed maidens in the presence of their future husbands (Gen. 24<sup>65</sup>) or when concealment of the features served dubious ends (Gen. 28<sup>14</sup>).

In some towns (e.g. Gaza) the veil hangs down from the eyes to the chest. At times a moustache-like nose-veil suffices. Such veils, which are especially common among the Bedouin, are occasionally adorned with silver coins. In the villages around Nablus the *fellahât* wear a *qumbâz* (*qunbâz*) over their clothes. It hangs down from the head, covering the entire body; and, when speaking with a strange man, a woman must keep her hands hidden beneath it.<sup>1</sup> Only the face is to be seen. This *qumbâz* takes the place of an *'izâr*. Some use an *'abâyeh*, cloak, instead. Till about forty years ago Christian women living in cities were also compelled to veil themselves.

Peasant women enjoy greater privileges of movement and freedom, using neither the veil nor the *'izâr*. Exceptions are the families of 'Abd el-Hâdî ('Arrâbeh), el-Barâghî (Dêr Ghassâneh), ed-Djayâiseh (Kûr) and Abû Ghôš (Qariyt el-'Inab<sup>2</sup>) who muffle and conceal their women. It is improbable that Hebrew women wore *'izârs* either before or after marriage, since they seem to have been recognizable in public like the present-day *fellahât*.<sup>3</sup>

The actual Moslem religious laws were not so strict, and the women of the earlier periods of Islam enjoyed considerable freedom; but unwritten laws, arising out of established custom and habit, are exceptionally severe. The writer has witnessed the insulting of veiled women (both in Hebron and Nablus) because their fingers were visible. Unless he has an important reason a man may never speak to a strange woman: if he breaks this rule, he is usually rebuked and rebuffed. If he is forced to do so, e.g., in order to ask his way to someone's house or to the village guest-house, he must hail her as "my grandmother" (*yâ siltî*), "my mother" (*yâ ummî*), my aunt (*yâ 'amtî*, *yâ hâltî*), "my sister" (*yâ uhtî*), or "my daughter" (*yâ bintî*),<sup>4</sup> expressions signifying blood-relationship, and therefore

<sup>1</sup> The Qôran does not enjoin these rigid regulations. See Sûrah xxiv 31; AMIN QASIM, *tahrîr el-mar'ab*, p. 66 ff., gives many proofs from the *hadîl* to support and explain this verse.

<sup>2</sup> These villages were the capitals of former districts, ruled by these families.

<sup>3</sup> Gen. 12<sup>14</sup>; I Sam. 1<sup>12</sup>. The Hebrew women of Biblical times seen, in general, to have been as restricted as their sisters of to-day.

<sup>4</sup> Some say, *yâ mastûrah*, *yâ w(a)liyyeh* or *yâ hûrmeh*.

respect and untouchability. It is a punishable offence for a stranger to enter the women's apartment of a tent.

It is unseemly for a stranger to go directly to another's house in a strange village. The person he seeks may be away. The stranger must go first to the guest-house where, after being served with coffee, he enquires about the person he wishes to see. This man is called and may, if he wishes, take the guest to his house. On the other hand no decent female stranger will go to the guest-house. As soon as she enters the village whoever meets her takes her to his house where the women take care of her. This rule, now no longer strictly observed, was especially true of the villages to the north of Ramallah. Those lying to the south differ in that the housewife may accept and entertain the guest in her husband's absence.<sup>1</sup> She offers him coffee and prepares food. In some districts the woman must take the first morsel in the presence of the stranger, who follows her example. This act is to ensure *el-`amān lal-ḥaram (ḥarim)*, that is, keeping the laws of morality and respect.<sup>2</sup> When the stranger has finished his meal he is sent to the *maḍāfeh* (guest-house) to spend the night.

When guests come to a *Rwāla* Bedouin and find him absent, his wife says, "See, O guests, the shepherd (i.e. lord) of the house is absent."<sup>3</sup> She takes them into the section of the tent reserved for the men, and when the guests are seated fuel and burning coals are brought. They are given the canister, coffee beans, water and the coffee pots. Then, without entering into any conversation, the woman returns to her own compartment.<sup>4</sup>

Among certain tribes the laws of hospitality give the wife of the Bedouin whose turn it is to entertain the guests, permission to fulfil this obligation even in his absence, for to entertain a stranger

<sup>1</sup> *Nawar*, gypsies, and *el-Barāmkeh*, who are regarded as the lowest class of society, go to the *maḍāfeh*.

<sup>2</sup> Partaking of food is also called *mālaha*, "to partake in eating salt," viz. to come together in friendship. A proverb says, *in mālaha ṣālah*, "As soon as he partakes of salt (i.e. food) he makes peace."

<sup>3</sup> *tarākum yā ḍiūf ri'i l-bēt mā hū ḥāḍir*.

<sup>4</sup> See also A. MUSIL, *The Manners and Customs of the Rwāla Bedouins*, p. 232.

is an honourable duty which no Bedouin will evade. No sooner does such a woman hear of the arrival of a guest than she goes to the main tent and addresses the *šēh* or *qādi* with the words, "May you have good health" (*djātak el-āfēh*).<sup>1</sup> He answers "May God keep the comers in good health" (*ḥaiy allāh el-lāfi*).<sup>2</sup> She replies, "What do you say of a girl whose husband is absent, but whose turn it is to honour the guests? By God! no one takes the food except myself, else I shall be divorced from the head of my husband."<sup>3</sup> She goes to prepare food, and the young men of the tribe, her children or servants, carry it to the common tent. If she has any sons the eldest one present carries the bread, for the bread is always brought by the host himself. When the food is served by the host himself it is the duty of the most important or the oldest guest to take the best part of the meat, namely, the upper part of the thigh (*eš-šadāb*), put it between flat cakes and hand it to the father of the house with the words, "This is for the lady<sup>4</sup> of the house."<sup>5</sup> If the guests fail to pay her this honour, the housewife looks upon it as an insult or unpardonable negligence. This custom once ruled throughout Palestine, but it is found now only in some villages in the Hebron district and among some Bedouin in the Negeb.

A peasant girl, whether Mohammedan or Christian, once she is betrothed may neither speak to her betrothed nor meet him on the road.<sup>6</sup> If he visits her parents and she has not had sufficient warning to leave the room, she must jump out of the window; this is easy, since most of the village houses are low and one-storied.<sup>7</sup>

In Hebron the young married and betrothed girls go on *ḥamīs*

<sup>1</sup> *Kaṭīr el-āfēh* means also "receiving many guests," i. e. generous (Hava, 477).

<sup>2</sup> A Bedouin salutation.

<sup>3</sup> *mā qōlak fī fatāt ba'lhā ghāyb ua ikrām ed-dēf min dōrbā uallah mā yāḥuz el-āšā gheirī uillā 'akūn (i)mtallaqah min rās djōzī.*

<sup>4</sup> Literally, "the shepherd (f.)."

<sup>5</sup> *ḥāḍih larā'yt el-bēt.*

<sup>6</sup> Gen. 24<sup>66</sup>.

<sup>7</sup> Among the *Rwāla* and *Fuqarā*, the young bridegroom may visit his sweetheart and talk to her (MUSIL, JAUSSEN, SAVIGNAC).

*el-'amwât*<sup>1</sup> ("the Thursday of the Dead")<sup>2</sup> to the cemetery of eš-Šuhadâ and dance. Unmarried men are allowed to look on at a seemly distance.<sup>3</sup> In family festivals, such as weddings and circumcisions, the village women assemble and dance among themselves,<sup>4</sup> but never with the men.<sup>5</sup> An exception to this rule is seen in certain villages of the Acre district, especially in el-Baṣṣah, where women may dance with men. In some Bedouin tribes a girl, who must be agile and supple,<sup>6</sup> dances and leads a row of men with a sword, setting the rhythm. The men try to touch her and so be-shame her (*i'aisybû 'aléhá*); while she has the right to hit the aggressor with her sword, even if it wounds him. Among the Bedouin of the Jaffa district, if the girl's clothes are touched by one of the men and she fails to strike him, she is replaced by another girl.

Professional female dancers are a feature of the luxurious town life and were formerly unknown among the villages. Dancing girls are, therefore, looked down upon and their profession is not considered respectable.

Even in funeral processions women may not mix with men. They join in the funeral dance, which is held in the cemetery, at a seemly distance from the men. When the latter withdraw they assemble around the grave, lament, dance and cry aloud. When the burial is over the women assemble alone in the house of the deceased. In visiting the tomb in the following days, as well as on *hamis el-'amwât*, they always go alone.

<sup>1</sup> Also called *hamis el-béq*.

<sup>2</sup> This falls fourteen days before the Good Friday of the Eastern Church.

<sup>3</sup> *Mohammedan Saints and Sanctuaries in Palestine*, p. 217.

<sup>4</sup> GUSTAV ROTHSTEIN, *Moslemische Hochzeitsgebräuche in Listā bei Jerusalem*, PJ, VI, 117.

<sup>5</sup> The probability is that the same custom held among the ancient Hebrew women when with song and dance (Ex 15<sup>20</sup>, Judg. 16<sup>27</sup>; 21<sup>10</sup> ff; I Sam. 18<sup>6</sup> ff.) they played their part on occasions of public rejoicing; they danced together in groups as the *fellāḥit* still do in the *ṣaffeh* of the bridegroom, without mixing among the men.

<sup>6</sup> Called *ḥāṣiyeh*. See also DALMAN, PJ, XIV, 44-47.

## III. LAWS OF ETIQUETTE

A woman should never precede a man or enter a house before him. She must not take a more honourable seat.

A woman may cut her hair only in case of a spreading disease of the scalp; for the ornament of a woman is her hair (*ẓinet el-marāh ǰaʿrḥā*).

She should never uncover her hair (*ilfarriʿ*) in a man's presence. A married Bedouin woman may not let a stranger see her mouth.

No woman should suckle her child in the presence of a stranger: It is believed that even wild animals are ashamed to look on a woman whose breasts are exposed. If a tiger attacks a woman and she exposes her breasts with the words, "I am a woman, O Abū Moḥammed,"<sup>1</sup> it will turn aside in shame and go away.

She may never lie down or stretch herself in a man's presence, not even before her father or brother.

A respectable woman should never accept a gift from a stranger. An Arabic proverb says,<sup>2</sup> *el-bint el-ghaddāy aḥsan min el-walad el-laqqā*, "The girl who loses (what is given to her, especially money) is better than the boy who (continually) finds (money or other objects)," for a girl who pretends that she is continually finding objects of value is probably trying to hide the fact that she is receiving gifts from strangers.

On no account may she wander alone at night beyond the limits of the village. Even during the day she is never permitted to leave the village alone unless on the way to adjoining vineyards or gardens.

Formerly a *fellāḥah* while journeying was not allowed to ride on a donkey, mule or horse, but only on a camel. The Banî Zêd follow this rule, but elsewhere it is almost obsolete.<sup>3</sup>

A bride should on no account mount a stallion during her wedding procession. She may not laugh or even speak during the wedding ceremony. She should not raise her eyes to look at the

<sup>1</sup> *ḥurmeh* (or *ḥrēmeh*) *yā abū Muḥammed*. *Abū Muḥammed* is one of the tiger's names. Tiger stands here for any wild animal.

<sup>2</sup> *el-ghaddāy* is not known in this sense in *muḥīṭ el-muḥīṭ*.

<sup>3</sup> I owe this information to the kindness of Mr. O. S. B.

bridegroom when he lifts up the veil from her face. On this occasion she must wear clothes chosen by her relatives: she is permitted no choice.

A woman is not allowed to slaughter an animal<sup>1</sup> (sheep, goat, cow, etc.<sup>2</sup>).

It is a disgrace for a peasant woman to smoke.<sup>3</sup> Bedouin women, on the other hand, may smoke a pipe or cigarettes, and those of the city the *'arkileh*.

In some places we find laws imposing a rigid distinction between the dress of girls and married women. In Bethlehem, Bêt Djâlâ and Bêt Şâhûr only married women wear the *şaṭueh*.<sup>4</sup> The girls of most villages of the Ramallah district wear at times a *quḍleh* (sometimes called *'irueh*). This is a large piece of silver or a gold coin hanging in the centre of the forehead and fastened to the edge of the *'râqiyeh*, the head cap. After marriage they replace this coin with a row of other coins (*şaffeh*) fastened along the edge of the head cap. They also wear a *znâq*, a silver chain with coins fastened to both sides of the head-dress above or on one side of the ears, hanging down to the chest.<sup>5</sup> In the same district the girls used formerly to wear more often a *şakkeh* instead of a *quḍleh*. While the coins of the *şaffeh* are of the size of a Turkish *medjideh* and are fastened close to each other and perpendicularly, those of the *şakkeh* are smaller and lie flat and loose. In the villages of the Nablus district the row of coins of the *şaffeh* hangs down to the chest from the head-cap in two rows, each one lying in front of an ear. In the villages of the Ramallah district they come only as far as the ears.

<sup>1</sup> I owe this information to the kindness of Mr. O. S. B.

<sup>2</sup> Chickens were formerly killed by circumcised women, but this custom has disappeared. Previously, many of the girls coming from Egypte were circumcised. To-day this practice has also died out.

<sup>3</sup> An exception to this rule are *al-darwîşât* and *es-şebât* who may sometimes be seen smoking.

<sup>4</sup> It is a stiff cylindrical head-dress covered with coloured cloth and decorated with one or several rows of silver or gold coins.

<sup>5</sup> This *znâq* is also worn by the married women of the Bethlehem district. It hangs down the chest and is fastened to two projections of the *şaṭueh*.

Among the Bedouin the girls, as a rule, wear no veil, while married women wear a complete veil which hangs down to the chest leaving only the eyes uncovered. A widow (*'azabeh'*) should not wear any ornaments; but if she wishes to remarry she is free to put on ornaments and wear fine clothes.

A respectable woman conceals from every man her necessity of performing natural needs, as well as her state of impurity. Although a menstruant is allowed by religious law to break her fast during the month of Ramaḍān, she will still abstain from food in the presence of a stranger in order to hide her condition.

She will not take any food in the presence of a strange man.<sup>2</sup> In some Bedouin tribes she is not even allowed to take food until the male members of the family have finished their meal.<sup>3</sup>

Only on occasions of great sorrow and lamentation, such as the death of a near relative, should a woman let her hair hang loose.

If a man has two wives each of them possesses him one day in turn. Each has the sole right (*haqqhā*) to cook for him on her appointed day.<sup>4</sup>

Every man is expected to visit his female relatives (sisters, father's sisters, mother's sisters, the daughters of his brother and those of his sisters) on every important feast. To visit his male relatives on such occasions is not so important.

Wearing nose-rings and tattooing lips and chin are characteristic only of women.<sup>5</sup>

The bride, in some Bedouin tribes of Transjordan, must run off as soon as the people of the bridegroom arrive to take her. She pretends again to run away when the procession reaches the "wedding tent" of the bridegroom. He follows and brings her back. If the bride does not act according to this custom she is des-

<sup>1</sup> In colloquial Arabic *'azab* (or *'azbah*) stands for a man (or a girl) who is not married, while in classical Arabic it means one who has no wife (or husband) whether unmarried or a widower (or a widow). The above expression *'azabeh* stands for a widow.

<sup>2</sup> See also DALMAN, PJ, XIII, (1917), p. 30.

<sup>3</sup> OASIM 'AMIN, *tahrir el-mar'ah*, p. 16.

<sup>4</sup> *léleh hón u léleh hón*, "One night here and one night there."

<sup>5</sup> Men are never seen with such ornaments or marks.



pised and called *rabûgh*,<sup>1</sup> that is, "drunken in her passions and love." This dramatic act of simulated resistance by the bride and the bringing of her back by the bridegroom<sup>2</sup> is doubtless a remnant of the marriage by capture<sup>3</sup> common among the pre-Islamic Arabs.<sup>4</sup>

A dead woman should not be buried until her male relatives, even if they live in another village, have been notified.

#### IV. LAWS GOVERNING THE PROPERTY OF WOMEN

Girls and wives, as we have seen, are the property of their fathers or husbands. Whatever is brought to the home by the husband is his own property. His wife has the free use of all things but cannot dispose of anything except for what is needful for the upkeep of the house or for daily food. She must ask for every penny required for buying her clothes, and the like. An old saying is *el-âqleh uil-madjnâneh ind djôzbâ bil-mânih*, "The intelligent and the foolish (wives) are (kept) by their husbands for their daily food." Another proverb is *hidimtik (i)bluqmetik*, "Your service is for your morsel."

Nevertheless there are customs illustrating the fact that a woman can acquire property and be protected in her ownership by law. Everything which the bride brings with her from her father's house, her portion of the dowry, her wedding presents, *(i)nqût*, remain her own property. No one, not even her husband, may touch them. Therefore, following the wisdom of a proverb, a bride tries to get all she can from her paternal home, for "whatsoever comes not with the bride will not follow her" (*illi mâ biyîla<sup>c</sup> ma<sup>c</sup> el-*arûs* mâ bilhaqhâ*).

<sup>1</sup> *rubagha* means to lead a luxuriant life.

<sup>2</sup> BURCKHARDT describes a similar custom among the Bedouin of the Sinaitic Peninsula.

<sup>3</sup> Judges 24<sup>10,19</sup>; Deut. 21<sup>10</sup>ff.

<sup>4</sup> See *المراة العربية في جاهليتها واسلامها*, عبدالله عفيفي, II, p. 32.

<sup>5</sup> Gen. 20<sup>16</sup>.

If a young man breaks off his engagement, the betrothed girl may, if she wishes, keep all his presents. She may also keep the wedding clothes made up to that time and paid for from the small part of the money given to her by her father, a sum originating from the "purchase money" paid.

Everything earned by girls and women by their own initiative is also theirs. They are usually very diligent and industrious, doing needlework and peasant embroidery, keeping chickens, goats or a cow, selling eggs or milk, cultivating vegetables, and doing services for others.<sup>1</sup>

The Mohammedan religious law gives the bride the right to take all the *mahr*, but custom deprives her of the greater part of it. Peasants and Bedouin usually allow their daughters only a quarter of the "purchase money."<sup>2</sup> According to the old Hebrew practice, the daughters received nothing of the *mahr* even when the father was wealthy.<sup>3</sup>

Women generally lose their right of inheritance. In many villages sisters are appeased by presents from their brothers. This is generally settled when the girl leaves the paternal home at her marriage, and is called *raḍweh* and *mrāḍāh*. Among the Bedouin the right of inheritance belongs only to the sons, no family property falls to the widow or daughters. Whenever a Bedouin divorces his wife and sends her home he gives her a camel and sometimes, if she is pregnant or has a child, he adds a sack of flour.

<sup>1</sup> The same custom existed in Biblical times, for women appear to have been treated as minors, especially in matters of property. Apart from their female slaves, who were given to them by their fathers (Gen. 20<sup>16</sup>), women held little or no property. The presents they received from the bridegroom formed the nucleus of the small personal property they were able to gather (Gen. 16<sup>1</sup>; 24<sup>63, 69</sup>; 29<sup>24, 29</sup>; 34<sup>17</sup>).

<sup>2</sup> JPOS, II, p. 59.

<sup>3</sup> Gen. 9<sup>4</sup>; 31<sup>16</sup> ff.; Ex. 17<sup>11, 14</sup>.

## V LAWS GOVERNING WOMEN DURING THEIR MONTHLY PERIOD

A widespread belief is that the soul of every animal is in the blood. In Deuteronomy 12<sup>23</sup> we read, "The blood is the life."<sup>4</sup> Therefore blood in general and human blood in particular has supernatural powers and is dangerous. If a person loses some of his blood he loses also a part of his soul. This idea was deeply rooted in Semitic belief and religious procedures. Many customs observed by the present inhabitants of Palestine can be explained by this belief.

During menstruation and after childbirth a woman is said to be impure (*wishah*, *nidjseh*)<sup>1</sup> and therefore dangerous. This idea was shared by most nations of antiquity. At such a time a woman is surrounded by injurious demons, through whom she may consciously or unconsciously do much harm. It is beyond the scope of this paper to go into all details connected with the dangers of menstrual blood, yet the consuetudinary laws regulating the conduct of such a woman should be described. After childbirth a woman should not enter any holy place (shrine, mosque or church) until forty days have elapsed. The Biblical law regards the mother as unclean for forty days after the birth of a boy and eighty days after the birth of a girl. Only after the expiration of the period of uncleanness could she make her offering of purification.<sup>2</sup> This varying degree of impurity is still recognized by some inhabitants of Palestine: after the birth of a son the mother is considered to be impure for forty days, and after that of a girl for sixty days. The Djaiyâseh isolate a woman in a room after childbirth. All utensils used by her, dishes, spoons, knives, towels, and the like are not used by others and she is not allowed to do any work.<sup>3</sup>

According to Palestinian practice no such woman is allowed to visit another woman in child-birth or any sick person, until forty days

<sup>1</sup> Menstrual (Lev. 15<sup>19, 20</sup>; 25<sup>90</sup>; Is. 30<sup>29</sup>) as well as puerperal flow (Lev. 12) was regarded as unclean.

<sup>2</sup> Lev. 12<sup>1</sup> ff.

<sup>3</sup> Both customs are nearly extinct.

after childbirth have elapsed. If two such women chance to meet, they should not speak to one other unless the forty days are expired : otherwise she who speaks first runs the risk of losing her child.<sup>1</sup> If these rules are broken the illness of the sick person is aggravated, for she is said "to press upon him" (*btikibsub*).<sup>2</sup> No coitus should take place during this period or the child begotten will be leprous<sup>3</sup> (*bitdjarḏam*). During her period of uncleanness no respectable woman will step over the clothes of a child, for the child will become ill and begin to waste away. Formerly no woman was allowed to mount an animal while unclean. If she was obliged to do so she should place a small sack of earth on the animal's back before mounting.

A middle-aged woman after her menopause is free from bleeding and so is said to be clean (*tābrāh*). Such a *qāṭ'āh* plays an important role in popular medicine as well as in folklore.

It may be added here that women in general are believed to be much more dangerous than men. Thus every woman with blue eyes or teeth set apart is thought to possess an evil, injurious eye. Old women are, as a rule, also dangerous. A proverb says, "The slyness of women has conquered the cunningness of *ghilān*."<sup>4</sup>

## VI. LAWS GOVERNING WOMEN IN RAIDS AND FIGHTS

A woman has, as a rule, no right to carry or handle such weapons as swords, daggers (*slāḥ 'abiad*) or fire-arms (*slāḥ nāri*), but whenever quarrels occur she may be found spurring on the men of her party with fierce words or songs. The attacking men boast and shout, "I am the (or your) brother, O . . ." (giving the name of the sister). "For your eyes, O . . ." (the sister's name).<sup>5</sup>

<sup>1</sup> EIJUB ABELA, ZDPV, VII, No 44, p. 88.

<sup>2</sup> CAI 'AN, *Aberglaube und Volksmedizin in Lande der Bibel*, 36 ff.

<sup>3</sup> The same belief exists in the Talmud (PREUSS, *Biblisch-Talmudische Medizin*, 139).

<sup>4</sup> *ḥial en-niswān ghalbat ḥial el-ghilān*.

<sup>5</sup> Generally a famous woman of the tribe is meant, who gave her name to the tribe.

She often takes an active part in the fight by throwing stones at the enemy. No man is on any account allowed to attack or strike a woman: if he breaks this rule he is despised as a coward. The women of a besieged party are allowed to move freely, carrying food and water even through the lines of the enemy. A proverb says, *taridet el-qóm lá titsáhá walá titláhá*, "The fleeing woman of the enemy is neither fought with nor spoken to."

The custom of *el-utfeh* still exists among some Bedouin tribes. In raids the noblest and most courageous girl of the tribe mounts a camel and takes a central position in the camp. The young men and warriors, all fully armed, pass and ask her to lead the raid. She remains motionless and silent until the most valiant group of the tribe arrives, which group she chooses as her protector (*haiyálet el-utfeh*). The camel is allowed to rise and the girl rides on, stimulating her party by fiery songs and speeches. As soon as the place of battle is reached the camel sits on the ground, the rider upon its back continuing to excite her people. Should her division retreat, she reproaches them with cowardliness and blames them with scorching words for leaving her to fall a captive in the hands of the enemy.<sup>1</sup> A tribe whose *utfeh* is once captured has no longer the right to replace her. At present only the Rwalá, a Bedouin tribe of Syria, has an *utfeh*. In the *ghazú* (raids) most of the Bedouin do not capture women, although they plunder everything they may find in and around the tents. If women are ever carried away they are not imprisoned or enslaved,<sup>2</sup> but are subsequently sent back to their people with due respect. Marriages with such captives take place only with their consent.

<sup>1</sup> Such a girl is also called *'utfet el-höladj*, since the camel on which she mounts has a domed litter. The Liätneh Bedouin assured me that some Bedouin tribes of Transjordan still have an *'utfeh*.

<sup>2</sup> See also JAUSSEN and SAVIGNAC, *Contumes des Fuqara*, p 40.

## VII. LAWS CONCERNING IMMORALITY

The Arabs of the Near East are renowned for their high moral character. This is especially true of the inhabitants of villages and of the Bedouin.<sup>1</sup> Bauer is wholly mistaken when he writes that the Orientals do not trust in the morality of their wives and men.<sup>2</sup> Purity of character is nowhere so marked as among the *fellāhin* and Bedouin. Dalman<sup>3</sup> supports this judgement. How deeply a husband is afflicted whose wife is alleged to be unfaithful is shown by the proverb,<sup>4</sup> "O, if I had only gone on a journey and were wounded (and killed) by weapons, that I might not hear people say: your beloved has gone to others."<sup>5</sup> Old and well-known customs protecting woman's honour have become inflexible laws. Should a woman fail or fall in any way, strict measures are taken by the male members of the family to "guard their honour" (*yhmū šarafhum*). If a man worked side by side with a strange woman, or met her on a journey or was forced to spend the night with her in the same place, he "entered into fraternal relation with her" (*bitḥawū*). This was done in the following way. He addressed her: "Thou art my sister as (entered) in a treaty with God (i.e. God's protection). May God be the opponent (the enemy) of the treacherous one."<sup>6</sup> She then repeats the same words.<sup>7</sup> No one

<sup>1</sup> If a Bedouin surprises his daughter, sister or wife doing an unlawful act he kills her on the spot. No one will reproach him, nor is he punished.

<sup>2</sup> *Volksleben in Lande der Bibel*, p. 101.

<sup>3</sup> *Der palästinische Islam*, PJ, XIII (1907), p. 29. See also الحوري بولس, عوائد العرب, ص 109.

<sup>4</sup> *yā rētnī ruḥi safrāh uinḍarabt slāḥ walā iqūlū ḥabibak 'ind ghērak rāḥ.*

<sup>5</sup> There are several proverbs instilling respect for a woman's honour; e.g. 'iksir *djāh miyeh walā tiksir djāh weliyeh*, "Break the dignity (honour) of a hundred (men) but do not break the dignity of a girl!" *il'ab u 'āšir uil-'arḍ miš dāšir*, "Play and frequent (visit in a friendly way) but (do not forget that) the honour (of a girl) is not free (and left unprotected)!" *illī bitiqā'ad mā bituā'ad*, "The girl who sits in company (with men) does not make rendez-vous."

<sup>6</sup> *'intī 'uḥtī fī 'ahd allah uil-ḥāyn qabiluh allah.*

<sup>7</sup> The woman naturally says *'ahūyé* instead of *uḥtī*.

would ever break the laws of morality after such a "fraternity bond," and the woman was absolutely protected. In case they had to spend the night in close proximity, a sword was placed between them. It pointed to the fact that blood would be shed if the man committed any immorality. The peasants formerly used a sword or a gun.

The parents of the bride do not feel at ease until the honour of their daughter, that is, her virginity, has been established. In some parts of the country this used to be declared the first morning after marriage by hanging on the door of the bride's room a handkerchief or her shift stained with the blood<sup>1</sup> issuing after the first coitus.<sup>2</sup> In other districts the bridegroom announces the successful completion of the first act to his friends who are assembled outside the house. These declare the honour of the bride and the potency of the bridegroom by prolonged shouting.<sup>3</sup> Disgrace befalls the bride who is not found to be a virgin. Early in the morning she is sent back to her parents. The relatives, who are greatly dishonoured, have then one paramount duty—to wash away this shameful stain as quickly as possible. The ways in which this is done are described later.

Whenever it was ascertained that a girl had had unlawful relations with a man, she was put to death. Only if the girl was raped will her relatives spare her. In that case the violator and child are killed.<sup>4</sup> Although the Turkish law stringently forbade such an action, it was nevertheless practised till about fifteen years ago. The father, brothers and husband of the victim would hold a family council to decide formally upon her fate. I have heard of several cases where death was pronounced and executed. Only the shedding of the victim's blood washes away the stain and atones

<sup>1</sup> Often the parents of the bride keep the blood-stained cloth as a token and proof of their daughter's virginity.

<sup>2</sup> Cf. Deut. 22<sup>17</sup>, "And, lo, he hath given occasion of speech against her saying, I found not thy daughter a maid; and yet these are the tokens of my daughter's virginity; and they shall spread the cloth before the elders of the city."

<sup>3</sup> Sometimes a white flag is hoisted as a sign of the bride's virginity. See CANAAN, *Light and Darkness in Palestine Folklore*, JPOS, XI. No 1.

<sup>4</sup> Cf. Deut. 22<sup>28, 29</sup>.

for the great humiliation suffered by the family.<sup>1</sup> The woman who defiled the name and honour of the family was, if possible, put to death. Such a sentence was formerly very common, especially if the girl belonged to an important and influential family.

There are other ways of reconciliation.<sup>2</sup> A man who accuses a woman of unchastity and fails to give conclusive evidence is punished very severely. In some Bedouin tribes<sup>3</sup> he may forfeit his hand. If he seeks and in good time finds the protection of some influential person, he is forced to give ten camels to the girl or woman whom he has insulted.<sup>4</sup>

If a man meddles with a girl he is required to swear that he did not touch her and to prove the truth of his oath by the testimony of five credible witnesses known as *din u hamseh*, "religion (ceremony) and five." Moreover he must pay the father fifty pounds<sup>5</sup> on entering (*dableh*) as well as on leaving (*hardjeh*) his house. If the girl was of a low social rank, a smaller amount was paid. In case of rape the man was condemned to pay double the amount of the girl's dowry and to take her as his wife. If, however, she was of a better family he had to beg for forgiveness (*djahah u wadjahah*) and provide from two to four girls for the men of his victim's family. Such girls, given as ransom and without any dowry, are, as a rule, treated very badly and are continually humiliated (*yudallu*). Instead of girls, however, their respective dowries may be offered. If a girl in Transjordan offers herself to a man, the latter must bring a witness to testify that he did not touch her until after formal marriage, and he must pay her dowry. With some Bedouin the man may in such a case escape punishment, but the girl, who is called *dalihah*,<sup>6</sup> is killed as soon as she is caught. In Palestine she

<sup>1</sup> The Old Testament also orders death in such cases (Deut. 22<sup>20, 21</sup>; Ez. 16<sup>40</sup>; John 8<sup>5-7</sup>).

<sup>2</sup> See also EL-BARGHUTI, *Judicial Courts among the Bedouin of Palestine*, JPOS, II, pp. 57, 58.

<sup>3</sup> Rwalá Bedouin.

<sup>4</sup> See also MUSIL, l. c., p. 240.

<sup>5</sup> Practically less is paid, although negotiations begin always on the basis of fifty pounds.

<sup>6</sup> Or *lamuh*.



used to be killed by her relatives. The ravishing of a widow is generally punished in proportion to the importance and social standing of her family. The attacker must pay her dowry and marry her.

If a man assaults a woman in broad daylight or near human habitation and she calls for help (*šebet ed-duhá, šaiyáhet ed-duhá*), the life of the offender is at the mercy of her relatives for three and one third days. If he escaped death the following punishments were customary, though at present they are much less strict:

1. He must surrender all his weapons.
2. He must give as many camels or sheep as could be set in a row from the place of rape to the girl's house. His friends and the elders of the village act as arbitrators and the number of animals is reduced until it is brought within his capacity of payment.
3. Four girls or their dowries must be handed over.
4. A *djábah u wadjábah*<sup>1</sup> must be offered, and
5. He must leave the village for a number of years.

If the offender could prove that he did not touch the girl until after a legal union, he was allowed to marry her and the girl was said to be *tóbbá qadid u ħarazhá badid*, "Her garment is torn and her pearls are scattered." Still worse is the *hadjseh*, when a man attacks a woman in the night. Among some Bedouin, the ravisher was compelled to pay two hundred camels, three girls and four men. The latter could be released by their respective *mahr*.

#### VIII. LAWS CONCERNING THE MURDER OF WOMEN

Many unwritten laws among the Palestinian Bedouin and peasants still prevalent aim at protecting the life of the woman. Any stranger who dares to touch a woman is despised and considered a coward. The fact has been repeatedly mentioned that women are regarded as "untouchable." This is especially true of their "honour" and life.

<sup>1</sup> For the explanation of the Arabic expressions see EL-BARGHUTI, l. c.

An unintentional murder of a woman used always to be avenged, still more an intentional murder. When a woman kills a man his relatives try to kill a male member of the woman's family, but not a woman. Blood can be atoned for only by shedding blood (*mā biymhī ed-damm illā ed-damm*)<sup>1</sup> and therefore the custom of 'ahd et-tār still prevails in Palestine. A person who does not avenge the murder of a relative, male or female, loses his dignity and is regarded by the members of his tribe or village as having no self-respect. A proverb teaches, "Only a person whose uncle (the brother of his mother) is bad leaves the tār unavenged" (*mā biutruk et-tār illā radiy el-hāl*). This blood revenge, however, is disappearing in proportion as the authority of the government is increasing. Some families regard a dead member, whether a man or woman,<sup>7</sup> as equal to four members of the murderer's family, whatever its social position may be. Such families are el-Barāghī and el-ʿAmrī (Dûrah).<sup>2</sup> The delivery of four brides or their dowries by the murderer's people saves the life of the culprit. The "blood-price," *ed-diyeh*, is paid by the murderer and his male relatives. It is distributed among the men of the murdered person's family. Women are concerned neither in paying a *diyeh*, nor in taking any part of it, not even if the murderer or the victim is a woman. The murder of a pregnant woman imposes upon the murderer a twofold *diyeh*, that of the woman and that of the child.<sup>3</sup>

A murderer may go to the house of an important person and enter directly into the women's apartment, imploring the protection of the most influential one among them, and putting his ʿqāl around her neck. The male members of such a family are bound to offer the fugitive every help and support. If a man in a fight or *ghazā* killed one or more men of the family of a rival tribe and he seeks full protection for his life, he throws himself at the feet of the most influential woman of that family, covering his body with her

<sup>1</sup> An Arabic verse runs:

بسفك الدماء يا جارتى تحقن الدماء وبالقتل تنجو كل نفس من القتل  
<sup>2</sup> The Bedouin of Transjordan have the same custom; الحوري بولس سيور البولسي، الحوري، عوائد العرب، p. 154.

<sup>3</sup> Heard from the Bedouin of Transjordania.

clothes. No person whatever can then do him any harm.<sup>1</sup> The Bedouin call such a person *manqûs* (pl. *manâqîs*).<sup>2</sup> He loses his honour.

To conclude: The women of the East, who, on the one hand, are relegated by custom to a lower plane than men and consequently suffer many injustices, enjoy, on the other hand, by virtue of the same body of traditional law, a great measure of respect and protection, and many of the unwritten laws which have grown up around her serve effectively to protect her honour, personal property and life.<sup>3</sup> This dual function of the traditional law affecting women seems to be a legacy from the earliest days of Semitic civilization.

<sup>1</sup> Jael's action in killing Sisera (Judg. 4<sup>th</sup> ff.) after he had put himself under her protection is thus quite inexplicable in the light of present Palestinian customs. The only possible explanation, if we assume any correspondence between the customs then and now, is that, driven by national enthusiasm, Jael deliberately transgressed Oriental laws.

<sup>2</sup> Originally this act meant, doubtless, that the refugee put himself under the protection of the woman's most sacred parts, her generative organs.

<sup>3</sup> H. RATTRAY, *Country Life in Syria*, 1876, p. 49, is mistaken in saying that the aged, the sick, mothers and grand-mothers are, as a rule, treated very badly. In reality, the respect paid to the aged and the sympathy shown to the sick are characteristics strongly developed among Oriental peoples. The affection between mother and children grows intensely strong. In her son, the mother finds steadfast support. By him she is loved with the truest and most reverential affection. A proverb expresses filial love in the beautiful words, "May a hundred eyes weep, but not one eye of my mother" (*mit 'ên tibki uald 'ên immi*). It is therefore easy to understand what a calamity it is to an Oriental wife if her children, and especially her sons, die or if she is childless (Gen. 30<sup>1-2</sup>; I Sam. 1<sup>o</sup>).