

**CUSTOMARY LAW IN ARABIA
AN ETHNOHISTORICAL PERSPECTIVE**

Saad A Sawayan, King Saud University

Preamble

It is easy to misunderstand the preoccupation of the bedouin with litigation. Writing on the *Cuqaydât* tribe in eastern Syria, Richard Trench says that "Like all Arabs they are fond of litigation and as it is an amusement they can now indulge in cheaply it forms one of their pastimes" (Trench 1996, I: 708). Another British officer wrote of the Sinai bedouin that "he has no amusements, pastimes, or interests in life except lawsuits" (Jarvis 1932: 24-5). John Bagot Glubb said the very same thing about *ġazuw*; he wrote "war sometimes seemed little more than a sport, which provided the color and excitement needed to counteract the monotony of the pastoral life" (Glubb 1960: 30). We can accept these observations to show the extent to which such activities as raiding and litigation predominate in bedouin society, but the explanation they give for this predominance is too naive and simplistic to be useful and acceptable. We have to ask: Is litigation really just an amusement? Or is it, as Frank Stewart says "a serious business" (Stewart 2006: 239)? To answer this question and help rehabilitate our conception of customary law, we have to look at it as a functioning social institution and put it in its wider cultural and historical context. Furthermore, we have to look at it as a key element in the constant tension between *baduw* and *ḥaḍar*, and the chronic conflict between tribe and state. We have to keep reminding ourselves that customary law was originally formulated in a purely tribal setting, so, it is only natural that it would look unfit and superfluous when the tribe is assimilated into a state organization.

When we look into the legal institutions of tribal society, we have to be cognizant of the fact that tribal culture is predominantly oral. At the oral stage of human cultural development, the various institutions comprising the total sociocultural complex tend to intertwine with each other in a way that would help memory deduce and recall the whole through daily encounters with the various individual components. Appendices and additional that are not strongly glued to and fused into the cultural totality are not recalled frequently enough and soon drop from public memory and disappear from verbal circulation. This tight integration projected on the cultural ground mirrors the interconnectedness of oral mnemonic structure. We cannot subject tribal modes of organization which tend towards amalgamation to the standards of scriptural values and norms of urban state societies with their tendency to differentiate and separate even the inseparable, from the separation of the continuous sound of oral speech into discrete separate letters up to the dissection of the cell and splitting of the atom, let alone social institutions and political functions.

The intricate interconnectedness of the various socio-politico-economic institutions of tribal existence makes tribal culture appear, to someone foreign to it and looking at it from the outside, like a disorderly formless mass. Such form of cultural organization makes it difficult to disentangle the various cultural components and separate them into well bounded and clearly demarcated independent organs. The enmeshment of socio-politico-economic aspects in tribal organization makes it quite a delicate operation to separate legal from other institutions, and this would be an impossible task to perform without considering, at least in the back of one's mind, the whole tribal cultural setting. If you were to write up a comprehensive and coherent tribal legal code, you really have to cull it in bits and pieces from the various components of tribal culture and tribal lore. This is specially true since every aspect of bedouin life, according to Frank Stewart, "is -or was until recently- regulated by customary Law" (Stewart 2006: 240). We need the trained eyes and methodological tools of the

specialists to extricate the various institutions and analyze the rules of tribal living, just as a linguist, through his linguistic methods, can discover the rules of tribal dialects from a linguistic corpus. We have to train ourselves and retrace our mental steps back to that sociocultural stage when social organization was tightly knit and the whole cultural inventory was committed to memory through oral communication, when every cultural bit, through mutual connections, justifies and explains the other bits. As learned urbanites, we need mentally to cross the cultural divide separating our scriptural settled culture from the nomadic oral culture and we must transcend the taboos and biases accumulated through the centuries by written state history and inculcated into the thinking of urban masses by their very own way of settled existence and system of education. Furthermore, we have to keep in mind that human behavior, no matter how disorderly it looks on the surface to the untrained eye, is in fact rule governed in its deeper structure. The trick is how to discover the underlying rules of this deeper structure and how to fit them together.

šarī^cah and farī^cah

The difference between *baduw* and *ḥaḍar* is not just a difference between pastoral mode of production and agricultural or commercial mode. It is an incompatibility between oral and written modes of thought and, above that, a difference between tribal organization and state organization. The conflict between tribe and state is bolstered by writing and consolidated by religious ideology. Urban mentality sees in desert life only disorder and lawlessness in every respect. To someone trained in grammar school, for instance, tribal dialects are considered deformities in that they do not adhere to the rules of the written *fuṣḥa* of the holy Quran as synthesized by the ancient grammarians. By the same train of thought, oral tribal customary laws are evaluated against the standards of scriptural theological canons of settled communities, the *šarī^cah* rules as formulated by the *fuqahā⁹*. Furthermore, it is clear from examining some provisions in customary law that in its pristine conception it was meant to operate under the living conditions of migratory nomadic tribes. If we look, for example, to the provision of *majla* which demands, in the case of a serious offense, the quitting of the offender and his group to a distant foreign tribe, or the provision of *wsâgih* which means the distraint of the herds of an offender, we can see that such stipulations cannot operate in a settled community with fixed abodes and fixed assets.

The difference between tribe and state is no more apparent than in their respective legal systems, which reflects the tension between these two modes of organization. Countries where bedouins constitute a significant percentage of the population, as is the case, for example, of Saudi Arabia, and, consequently, tribal authority presents a major challenge to state authority, the tendency is toward an outright rejection of tribal customary law. On the other hand, countries where the bedouin population is marginal, as in Mesopotamia and the Levant, there seems to be a sort of *modus vivendi* between tribal law and state law (Stewart 2006: 270ff). However, there are still some practices in customary law like giving asylum *dxâlih* or distraint *al-wsâgih* which contradict the principle of state authority and the rule of law. In the tug of war between state and tribe over the centuries, when the state gains ground it applies the *šarī^cah* throughout its domain. But at times when the state disintegrates, tribal law extends even to settled agricultural communities who reassert their tribal affiliation and revert back to tribal customary law. At such times of political vacuum resulting from state disintegration, the commercial elites of the settled communities knew

tribal laws well enough to negotiate peacefully their commercial roots, which intertwine tribal territories (see the appendix). The *ʿilâf* paid by the Quraishi merchants to the nomadic tribes in the ancient times before the establishment of the Islamic state is the same as the *xuwwah* paid later by the 'Uqayl and Qaṣîmi merchants through the office of the tribal *refîg, xawiyy*, a prominent member in his lineage who guarantees safe passage of strangers through his tribal territory for a fee.

In the political sphere, the state is supposed to supersede the tribe and in the legal sphere the *šarî^cah*, with its source in sacred written texts, is supposed to abrogate tribal customary law, with its source in oral secular precedents. Tribal practices condemned by the *šarî^cah* are condoned by customary law and considered legitimate and proper subjects for litigation. These include, among other things, raiding and booty from raiding, precluding women from inheritance, marriage by elopement, the *taḥjîr* of *bint al-^camm*, marrying a divorced woman right after divorce without allowing for the passing of the *iddah* period, not to speak of collective responsibility and collective liability which violate the quranic dictum: *wa-la tazirû wâziran wizrâ^ouxra*. Tribal judges are not called by the respectable name of *awârif* or *quḍât* by state judges. They are called *ṭawâgîṭ* because they judge not according to God's laws *yaḥkumûna bi-ġayri ma anzala allâh*.

Politically, it is thought legitimate for a city state to subjugate and extend its hegemony over neighboring tribes, but it is thought irregular that a tribe should control villages in the neighborhood of its territory and exchange with the villagers military defense for submission. The state calls its wars *jihâd* but calls tribal wars *ġazuw*, and justifies itself in extracting taxes from people, by calling such taxes *zakât*, while, at the same time, it is thought illegitimate for the tribe to levy *xuwwah* and other tributes on people passing through tribal territory and benefiting from the services of the tribe and the resources of its territory. The state, in its ideological struggle with the tribal mode of political organization, tries to codify and accumulate such biases into writing which gives them permanence, sanctity, authority and moral force.

Just as the state differs from the tribe with regard to the basis from which each draws the legitimacy of its political authority and power, so does *šarî^cah* and *farî^cah* (i. e. *urf*) differ from one another with regard to the preparation of judges and the ultimate source from which each draws its legal authority. Preparation for the office of *šarî^cah* judges takes place formally in religious schools, while the office of tribal judge is usually hereditary in the same family, such as ibn Jandal, al-Ga^cgâ^c, and ibn Duġmi in al-jlâs group and aṭ-Ṭayyâr in the beni Wahab group of the ^canazah confederacy and ibn Šwêṭ from az-Zefîr. Furthermore, in customary law, there are specialists whose judicial proficiency is circumscribed to certain types of cases only, such as *manâġ^c ad-damm* who judge in cases related to murder and physical injuries or *manâšid* who judge in cases related to honor and sexual offences and there are specialists who judge in *mgallidât* cases, i. e. disputes related to women and horses (^cabbâdi 1982: 265-72, ^cârîf 2004: 59-64, abu Ḥassân 1987: 96-108, 115-9, Šuqayr 1916: 398-400). In customary law, a case with no precedent is said to be *tâlfih ma laha sâlfih* or *hamîlih ma laha miṭîlih*. Not any judge can adjudicate a case of this kind. Only higher rank judges called *manâhi*, *manâšid*, *migâṭ^c al-ḥagg* or *gẓât al-galṭih* are authorized to judge novel cases and thus establish precedents. This merging of the legislative and the judiciary is one of the unique features of customary law (^cabbâdi 1982: 264-5, Ḥasanayn 1967: 325, abu Ḥassân 1987: 110).

Customary Law is Secular and Ritualistic

Tribal law differs from *šarī^Cah* in that it is purely secular, yet it is more ritualistic in its procedures. First of all, the initial presentation of the case by both plaintiff and defendant as well as oaths and final judgment are usually stated in rhythmic formulaic language. For example, to ask someone to tell the truth you address him thus: *ḥaṭṭaha fi šilīlik w-ma ja min ḥalīlik w-fi bišark w-ma ja min dikark w-fi l-bil zēnāt al-ḥalīb wa-l-xēl nattārāt as-sibīb w-ba-l-mirih w-ma tijīb* "I ask you by your garment and what your spouse begets, by your skin and what comes out of your penis, by the camels with nourishing milk and the horses which spread out the hair of their tails and by the woman and what she bears" or *ḥaṭṭaha lik ba-l-farš w-taṣ^Cad la-l^Carš, in kimētaha tizirrik w-in aḫartaha tisirrik*. "by the ground below and the heavens above if you conceal it it will hurt you but if you reveal it it will hearten you". To extract a confession, find the truth, establish evidence, or ascertain any fact in the case, judges and litigants resort to *biš^Cah* by fire or ask one of the litigants or witnesses to swear various ritualistic oaths (Šuqayr 1916: 401-2), none of which is considered valid and acceptable in a *šarī^Cah* court. These include the oaths of *aš-šamlah wa-n-namlah*, of *al-msabba^Cah* and of *al-ḫzām*. The oath of *aš-šamlah wa-n-namlah* is described by Burckhart (1831, 1: 129) and abu Ḥassân (1984: 172). *al-msabba^Cah* is described also by Burckhart (1831, 1: 127-8) and Musil (1928: 430). It is a big circle with seven crossed lines inside of it drawn with the saber and the swearer gets inside it and performs the oath. Also, ^Cabbâdi (1983: 122-127) describes several kinds of oaths. The *biš^Cah*, licking of hot iron, is well known and documented in the various sources (^Cabbâdi 1983: 137-164, ^Cârif 2004: 100-105, abu Ḥassân 1983: 193-200, Burckhart 1831, 1: 121-2). The *biš^Cah* is resorted to in serious cases because it is believed that it will scare him who is not scared of God *txîf min la yaxâf allah*, hence the saying *ma^C igb an-nâr mi^C yâr* there is no blame left after licking the fire, meaning that a case decided by this method is closed. A defendant who is found guilty by applying this method is called *mawġûf* or *wiġîf*.

Any of the above oaths is called *ad-dîn al-liwiyiyih gaṭṭâ^Ct ad-dirriyyih*, meaning "the serious oath the breaking of which would destroy the breaker's offspring." It is remarkable that most of the props used in such oaths are symbols of sexual organs or items related to fertility and abundance, perhaps relics of primitive natural religion. For example, *al-ḫzām* oath is uttered while holding a man's belt, the belt signifying the sexual organ of the man. Musil thinks the belt signifies the wife because it is laid aside when the man goes to sleep with his wife (1928: 430). But I think it signifies the penis which is improper for the seeker of protection or performer of the oaths to hold. There is another oath which is uttered while holding a twig of grass and saying *w-ḥagg al-^Cûd wa-r-rabb al-ma^Cbûd*. Also, the oath of *aš-šamlah wa-n-namlah* consists of a circle in which is put a *namlah*, an ant, and a *šamlah*, the cloth pouch wrapped around the camel's udder to prevent her weaned calf from suckling her. It is clear that the *šamlah* indicates fertility and abundance but there is disagreement regarding the significance of the ant (^Cabbâdi 1983: 124, Burckhardt 1831, 1: 129). Another oath goes like this: *w-ḥagg h-l-^Cišbih al-malwiyyih wa-l-kâdib ma luh dirriyyih* "I swear by this twisted twig of grass and if I lie I would be deprived of progeny". Such oaths are taken very seriously and it is believed that the breaking of an oath would bring doom on the perpetrator, but the feared punishment is worldly and not related to the hereafter (Ḥasanayn 1967: 320-1). The violator, for example, does not go to hell, but he suffers in this life and the punishment is mostly related to fertility and

offspring, another indication of the secular nature of customary law.

Garments also have a ritualistic significance in legal procedures. For example, you shake the hem of your garment *tanfi šilīlik* or the slit neck opening of your shirt *jēbik* to absolve yourself, or you spread the lappet of your shirt sleeve *redin* or the hem *šilīl* of your garment or cloak to accept responsibility. Musil says that a bedouin spreads out his *šilīl* "to demonstrate that he can bring enough trustworthy witnesses to substantiate his words" (1928: 428). When a person seeks refuge or protection from another person he formalizes his request by tying a knot in the end of the lappet of that other person's headdress or shirt (abu Ḥassân 1987: 230), hence the person offering protection is called *m^cagûd ar-redin*. We have already pointed out the symbolic significance of the belt *al-ḥzâm*.

Another manifestation of the ritualistic nature of customary law is the way through which the nature and limits of the case are determined. This is a process called *dafn al-ḥaşa* (burying stones) and *gart al-ḥaşa* (throwing away of stones). You bury a stone to indicate agreement to take the case to a court of law. You also put a stone for every issue you want to bring to the judge and throw away *tagriṭ* a stone for every issue you want to exclude. Deciding the judge qualified to look into the case is a process called *xaṭṭ al-xṭûṭ* (drawing of lines). The plaintiff draws a line representing the judge he wishes to look into the case and the defendant draws another line representing the judge he wishes to look into the case and the plaintiff draws a third line for a third judge. The process could be done in reverse in that the defendant draws the first line. The choice of these three judges is determined to a large extent by the nature of the case and how each of the litigants view it. Then two of the three lines are eliminated by either extension or crossing them out, one by the plaintiff and one by the defendant. But before any of the litigants crosses a line he demands of the other to name his guarantor (^Cabbâdi 1982: 301-2, 324-5, abu Ḥassân 1987: 142-5). The remaining judge is the one who looks into the case. If the looser wishes to appeal the sentence *farz* of the first judge, he goes to the judge he eliminated from the initial three. If the sentence of the second judge concurs with that of the first then the case is closed. If it is different but the other party in the case who won the first time but lost on the second time wishes to appeal he can go to the judge whom he himself eliminated initially. The sentence of the third judge is final and can not be appealed. Appeal is called *sôm a-ḥagg*. Actually, these are complicated processes which are well described in the literature (abu Ḥassân 1987: 143-4, 147-9).

A legal case is called *tlâbih*, and the plaintiff is *ṭâlib* and defendant is *maṭlûb*. For looking into the case, the judge charges a fee called *rizgah* paid either by the winner of the case, called *rizgat al-mistarr* (the gladden) or by the looser, called *rizgat al-mibṭil* or *rizgih bâṭûliyyih*. There are also other kinds of *rizgah* (^Cârif 2004: 61). Any witness called to testify in the case is also paid a fee for taking the trouble to come *bidal^canwetuh*. For his testimony to be valid and acceptable, the witness must be a worthy man *tigiyyin nigiy tdawwir^cala^cêbin fih ma tiltigi*, he could appeal to his sheikh or a respectable member of his community to vouch for him *yzakkîh*. The case always opens with the plaintiff stating his case. This initial pleading *hijjih* is called *mwarridah*, but he reserves the right to give a second pleading called *msannidah* after hearing the defendant's pleading, hence the saying *al-middi^ci šâhib hijjitên* "the plaintiff has the right to plead twice" (Ḥasanayn 1967: 303-4). The winner of the case is called *fâlij* and the looser is *maflûj*. If either of the disputants fails to appear in court on the appointed date for no compelling reason, he loses the case.

The responsibilities of the tribal judge end with the passing of judgment; he has no

power whatsoever to enforce his judgment and the execution of the judgment is not up to him nor up to the tribal sheikh. In tribal political organization central authority, if it ever existed, is limited in scope. The office of a tribal sheikh functions mainly to mobilize tribal members for migration and seasonal movement after pasture or for wars and raids and as a redistribution center of tribal resources. The sheikh also regulates the relationship between his tribe and the outside world, including other tribes. He is the only one entitled to wage war or sue for peace with other tribes. But, unlike the office of sultan or khalifah, it is not the function of the sheikh to enforce the law and maintain public order and protect tribal members. This is also one of the reasons why tribal law has no provision for imprisonment or corporeal punishment. The judge may, on occasion, pronounce a sentence with corporeal punishment, but this is merely notional and never carried out. Instead, it is commuted to a payment of some sort to the injured party (Ḥarbi 1416 A. H: 121-128, abu Ḥassân 1983: 67). There are prices set for every type of corporeal punishment, just as there are fixed prices for every sort of physical injury assessed usually by special judges called *gaṣṣâṣîn* (Ḥasanayn 1967: 327).

To give effectiveness and force to their law procedures in the absence of law enforcement, the bedouin resort to the institution of guarantor *kifil*. The two opposing parties in a legal case, plaintiff *ṭâlib* and defendant *maṭlûb*, each is required to present the other with a guarantor who guarantees in the case of the defendant that he will appear in court and that he will abide by the judgement of the court, this is called *kifil al-wifa*, and in the case of the plaintiff that he will hold his peace while the case is in progress, this is called *kifil ad-difa* (Cabbâdi 1982: 90, 221, Stewart 1994: 91). In either case, the *kifil* guarantees his *makfûl* against *ġêbih* "absence from court on the appointed date" or *hêbih* "reluctance to pay any expenses incurred by the case". This system of guarantee also insures against *al-habṣ wa-n-nabṣ* or *al-^Cagb wa-n-nagb*, that is once the verdict is accepted by both sides, it is carried out and that none of them should follow up or stir up the same case again or look into new excuses to renew his claim (Ḥarbi 1416 A. H: 106). The guarantor is a respectable man of dignity, rank and social standing, all of which the bedouin refer to as "his face" *wajh*. By agreeing to guarantee another man the guarantor is in a way pledging his face, his rank and reputation, his good name in assurance that whatever promises are undertaken will be realized.

Tribal judges constitute a continuation of the office of the *kâhin*. Unlike a *ṣarī^Cah* judge whose knowledge comes from books and study, the tribal judge, like a *kâhin*, relies on his native intuition and insight. There are many stories in classical and in vernacular Arabic literature extolling the keen intelligence of judges which put them on par with seers and soothsayers (Ḥarbi 1416 A. H: 152-161, 235, Ḥasanayn 1967: 290, 325-6). A classical line of poetry says:

waminhum ḥakamun yaqđi // fala yunqađu ma yaqđi.

The position of judge is very demanding mentally. He has to have the necessary acumen and shrewdness to resolve very knotty cases and come up with ingenious clever judgments to deliver the litigants from difficult situations (appendix ## 14, 15, 16). He usually pronounces his judgments in orphic utterances with rhythmic cadence, like *saj^C al-kuhhân*, which make them easy to remember but ambiguous to interpret with different levels of signification (appendix # 14).

Poetry and Customary Law

Here might be the place to present further proof of the connection between customary law and other aspects of bedouin culture, namely poetry. There has always been in

the back of the mind of the classicists a connection between the *kâhin* and the poet in that they both rely on jinn for their inspiration and foresight, which we may understand to mean genius and intelligence. The initial presentation of a legal case is usually given in rhymed prose, which brings it very close to poetry. Poets and litigants both rely on lucidity, verbal deftness, and adroitness in the use of language to persuade and sway opinion. Because of their gifts in the use of language, poets are not only the best lawyers in tribal courts but their poetic lines could be quoted as judgments and precedents in very difficult cases. Examples of this are many but the most oft quoted are one line by Xalaf abu Zwayyid from Šammar, which says:

la šâr lik zêfin w xâlaf^c ala jâr // ^cazz allah innik tâl^cin min sawâdah

and two lines by Rmêh al-Xmeši from ^cnezih which says:

gišîrina ma hišmitih^c indina yôm // yizîd ma^c zâyid snînih wigârih

^cifu az-zahar manfûhn illa mn al-gôm // gômin taxalt^c jmârina ma^c jmârih

Poetry abounds with legal metaphors. This is brought out frequently in poetic competitions called *galṭih* "from *galat* 'to step forward to meet a challenger'" where two poets step in the *mal^cabah* "playground" to exchange poetic retorts. The two dueling poets compare themselves to fighters in a battlefield or litigants in a law court. The two competing poets are litigants with *xīšmah* between them, which they try to work out through adversarial poetic compositions. The duel is viewed as exchanges of pleading and counter pleading, hence *naqâ^ʔid* in classical poetry and *fatl w-nagz* in later poetry. As if the poetic duel were a legal case, one poet twists and the other untwists, each poet trying to turn around the argument of his opponent to his own advantage and to the disadvantage of the opponent:

In the final analysis, poetic dueling is a match of wits and an exhibition of knowledge. In the match, dueling poets view themselves as lawyers or litigants in a legal dispute *da^cwa šar^ciiyyih* each being the opposing party *xāšm* of the other. Every verse from either one of them must be to the point. It must hit the mark, score. A stray verse or one that is void of significance is called a mere rhyme *gâr^cih*. It is compared to an empty cartridge *ibrûd^c* which cannot fire. A verse which is not the lid *gaṭa* or rebuttal *xīšmah* of the one passed by the opponent is useless, no matter how beautiful it is. Šlêwîh b. Šallâh al-Mṭêri explained it to me this way: "A poet may deliver good verses with beautiful imagery and embellished language, but all this is of no avail if his opponent cannot figure out which direction he is heading for, if he is not good at arguing and refuting (*yafṭil w-yangiṣ*)."

The concept of *fatl w-nagz* is crucial in poetic dueling. The word *fatl* means to plait, to twine, to twist, and it refers to the tightly argued case advanced by one contending poet to his opponent. The opponent's refutation or rebuttal is called *nagz*, literally meaning to untwine, to unplait (cf. *naqâ^ʔid Jarîr wal-Farazdaq*). In its apparent structure, a dueling match seems to be strands of argumentation and refutation plaited together and woven into an integrated whole (sawayan 1989:154)

Poetry plays a major role in the legal arena. Poets pride themselves for their resolve and staunchness in the defense of their tribal rights in law courts when pleadings and counter pleadings are exchanged back and forth between intense, resolute adversaries like the exchanging of spears and lances in the battlefield. The classical poet Sâlimu b. Wâbišah says:

wa-mawqifin mitla ḥaddi s-sayfi qumtu bihi // ^ʔaḥmi d-dimâra wa-tarmîni bihi al-ḥadaqu

fama zaliqtu wala ^ʔabdaytu fâhišatan// ^ʔida ar-rijâlu ^calâ ^ʔamtâlih zaliqu

Another classical poet by the name of ^câmir al-Xašafi al-Muḥâribi says in praising his people:

wahum yad^camûna l-qawma fi kulli mawṭinin // bikulli xaṭîbin yatruku l-qawma kuẓẓama.

yaqûmu fala ya^cyâ l-kalâma xaṭîbuna // ^ʔida al-karbu ^ʔansa al-jîbsa ^ʔan yatakallama.

fama yastaḥī^cu n-nāsu^c aqdan našudduhu // wa-nanquḍuhu minhum wa^oin kâna mubrama.

Outside court proceedings, a defendant may present his case and ask for assistance in a poem addressed to a tribal sheikh or a tribal lineage (appendix ## 03, 07, 08). Lawsuits can drag on for decades, even generations with claims and counter claims and, like raids and counter raids, they are usually woven into long narratives interspersed with poetry (appendix # 08). Poets are the guardians of tribal values and tribal honor and they are the ones whose verses stir up their fellow tribesmen and prod them to stand up for their rights, hence the saying *al-giṣîd miṣâ^cib ar-rjâl* "poetry is the driving stick of men". This is the role of the lampoon poetry of *hijâ^o* and *madîh*, which is another form of *sawâd* and *bayâz*. Poetry in tribal society practically takes the place of Quran and *ḥadîṯ* in urban society. It is the fountain of wisdom. It is called *amṭâl* "parables" and it provides a model for proper conduct, or, as the saying goes, it is the best guide for discerning men *al-amṭâl la-r-rjâl aḍ-ḍhana xyâr ad-dalâyl*.

There are a cluster of rules and a corpus of narratives, poems and traditional sayings which together constitute what might be called the bedouin legal lore, which is passed orally, like the knowledge of *ansâb* or the *riwâyah* of poetry. Such a corpus of legal lore is what constitutes *sunan al-^carab* in classical parlance, or *slûm al-^carab* in late tribal parlance (called *sawâdi* among the bedouin of Jordan and *sawâni* among the bedouin of Iraq). However, we have to keep in mind that in tribal dialects the word *^carab* has various meanings, none of them relates to the modern meaning of nation. It could refer to the particular people of a certain sheikh or it could refer to humanity in general, depending on context and usage. In a very subtle way, it connotes people with full humanity, *visa vis* brutes and other less human groups. What make the *^carab* fully human is their laws, *slûm* and their language (hence the verb *a^craba* 'from Arab' and *abbara* 'from Hebrew' "to express, speak up"). Like the language, the *slûm* are pantribal. Tribes differ only in small details, just as they can be said to possess one common language despite some differences in dialects. The word *salm* refers to well established, common norms and accepted ways of doing things. The accepted currency is also called *salm*. Adhering to the *slûm* is viewed with seriousness as expressed in their saying *gat^c al-xšûm wala gaṭ^c as-slûm* meaning that it is tolerable to cut noses but it is not tolerable to violate accepted norms. In such legal lore, the narrative usually encapsulates the incident, which serves as legal precedent *sâlfih* while the poem expresses the moral appeal which instigates the legal action. Repetitive performances, as well as aesthetic merits and linguistic appeal keep such oral lore circulating, thus contributing to cultural continuity. They comprise an integral component of the whole corpus of tribal literature in which they are submerged. Tribal literature is really and truly tribal ethnography. Whoever is presented with the opportunity of taking a comprehensive and attentive look into tribal literature will open to himself a wide vista onto the field of sociocultural research.

Managing Violence Outside the Court

What distinguishes pure settlers from pure nomads is the practice of raiding *gazuw* by the latter. It is in this respect, more than any other, that tribal life is considered lawless. This outlook stems from an interpretation of raiding merely as a military activity and not paying due attention to its economic function. Raiding is not so much a war, but rather a task no different than any other task to be engaged in at certain seasons of the year, just like tilling the soil and reaping the harvest. The *baduw* carry on this activity according to accepted norms *slûm*. Adhering to such *slûm*, which I call

rules of engagement, makes raiding legitimate. These rules of engagement are practically universal rules adhered to in the main by all tribes, thus they constitute intertribal (as in international) law. They serve to mitigate intertribal conflict and check the *ġazuw* from deteriorating into real slaughterhouse. After all, it is not economic to kill your opponent or reduce him to nothing. You always leave him with enough to continue reproducing surplus wealth that you can lift at future time. If raids constitute the violent and disruptive side of the formula of tribal life, the *slûm* constitute the peaceful stabilizing side of the formula, the side that works to preserve and maintain individual lives and social continuity despite violence.

Bedouin culture does not countenance violence and violence is not an innate trait specific to the bedouin personality, but it is an inherent structural deficiency of the tribal organization of the nomadic bedouin tribes, which itself is in turn determined to some extent by desert ecology and scarcity of natural resources. To curb this inevitable violence and regulate all aspects of their relations and interactions in war and in peace, the bedouin tribes improvised through the ages various rules and ethics which used to regulate and govern the fierce competition over the very limited resources in the desert environment and served as a deterrent against excessive bloodshed. Whoever violates these rules and ethics commits treachery *bôg*, which blackens his face and makes him subject to defamation and satire *hija* by the poets.

Raiding has always been an essential component of the bedouin way of life. Its aim was not to kill but to plunder with the least cost in human life. Whatever blood is shed in a raid is not intentional but is part of the occupational hazard. Primitive weapons were not very lethal anyway, but more important was the institution of vengeance, which served as a deterrent. The kin of the slain will hunt down the killer or any of his immediate relatives to take revenge, especially since fighting with lance and sword was done face to face which allowed the killer to be easily seen and known. Under such circumstances, even if a man were carelessly ruthless, his kin would restrain him so as not to entangle them in too many blood debts with other tribes, and if he does not desist they would repudiate him. It is usual practice among the bedouin as part of the code of honor for the victorious to treat the wounded enemy and provide the vanquished with food and mounts to go back home. The method of bedouin combat also allows the endangered person to ask for pardon *man^c*, which is usually given under the condition that he surrenders his mount and his weapon to the pursuer and his life will be spared. The one granted *man^c* is called *mini^c*. The *mini^c* does not yield to his pursuer unless he is sure that the pursuer is strong enough to protect him from other members of his tribe some of whom might seek the *mini^c* for revenge and previous blood debts, or the sheikh or some other leading man in the tribe might have sworn to kill him for some previous serious offence (appendix # 23). Before surrendering, the pursued enquires *mn ana b-wajhuh?* Or the pursuer shouts to him *imna^c b-wajh flân* "surrender in the face of so and so". In their wars, they have *man^c*, but they also have *gaṭ^c* "cutting of throats" when the aim is not booty but revenge:

The institution of *man^c* is a rather complex affair, which serves to grant safety to captives in warfare. He who grants *man^c* must call out his own name because the pursued person would want to make sure before surrendering that the man whose hands he is putting his life in is worthy and capable of carrying out the obligation of *man^c*; not simply take the mount and weapon of the *mini^c* and do nothing to protect him. The *man^c* does not apply in case of real enmity. The opposite of *man^c* is the rhyming word *gaṭ^c*, meaning "cutting of throats" (Sawayan 1992: 41).

The purpose of raiding is to steal camels with the least human casualties. The bedouins call raiding *mmâza^c al-wberih* or *mnâtaf al-wberih*. The first two words *mmâza^c* and

mnâtaf refer to the same thing, namely to pull from opposite directions, or rather to snatch back and forth, and *al-wberih* means a single piece of camel wool, from *wabar*, but in this expression it means camels. This refers to rustling camels back and forth with haste and swiftness. (Calling the camel herds *wberih*, or even *wbêrih* is like calling the lance a stick; it is a form of bedouin speech.) There are provisions in bedouin rules of engagement for retrieving stolen camels peacefully from raiders. For example, when raiders drive the booty and the plundered tribe does not have enough force to resist or retrieve their herds, women follow the raiders asking for ^C*igla*, the return of some of their stolen camels, hence the saying *al-^Cigla fôd al-banât* "al-^C*igla* is the booty of ladies". Furthermore, the owner of stolen camels is entitled to get them back if any of the raiders, or even any of their relatives, had tasted milk from the camels on the same day they were stolen, or if the camels were put in the face of a relative of the raiders or there was some sort of agreement between the owner and a relative of the raiders (appendix ## 03, 07, 09, 13, 16). This applies not only to camels, but also to any stolen item, and settled traders who traded their wares with the bedouin or went to buy camels from them made good use of this rule (appendix ## 06, 09, 10, 12, 16, 18).

There is another more serious form of warfare between tribes called *manâx*. This is real war engaged in when one tribe wants to force itself onto the territory of another, in case, for example, their own territory became desiccated with no pastures for their herds.:

When one tribe wants to occupy the pastures of another, their chief leads the whole tribe *yîşûl* with all the children, women and possessions to engage the other tribe in a major battle *manâx* and take possession of its territory. The opposing tribes pitch war tents *byût al-ḥarb*. To strike the war tent of the other side means the ultimate rout (Sawayan 1992: 44).

But whether it is *ḡazuw* or *manâx*, a tribe never engages in hostilities against any other tribe before giving warning and making a formal declaration of war. This warning they call *radd an-niga* or *radd al-bara*

Instead of going to war, a needy tribe, or a section of it or even a single household, could resort to peaceful means through obtaining the good will of a sheikh or a leading person of a different tribe by giving him a gift to allow them to graze their herds in the pastures of his tribe. Whatever one man gives another from a different tribe as a token of good will and mutual protection is called ^C*ilgih* or ^C*lâgih* and the two are said to have ^C*imlih* with one another, each being the ^C*amîl* of the other. The ^C*ilgah* could be a trivial thing for it is valued not as a material item but as a symbolic indication of status and subordination of the giver to the receiver and recognition of his status and influence. If this takes place between two leading sheikhs, the guest sheikh usually presents the host sheikh with thoroughbred mares or a thoroughbred stud horse and in this case it is called *haduw*. The giver can reside and graze his herd unmolested in the territory of the benefactor.

If this grazing truce is contracted between two tribes, then it is called *t^Calîḡ al-^Cân*. In this case, the guest tribe pays to the host tribe what is called *ṣât ar-rit^Cih* "the sheep paid for grazing". This is also called *rtâ^Cih* "the right of grazing". Although it is called by this technical term, the payment could be really anything from sheep to camels to horses, depending on how many tents will be allowed into the territory to graze their herds. Usually, they say *ḡâlên^C ala kill mrâḡ*, or (which means the same thing) *al-^Cḡâl maṭni*. This means each *mrâḡ* (the place in front of the tent where the camel herd spends the night, but here it really means the herd itself) should pay two tethers, *i. e.* two camels. This is paid to the tribal sheikh. He who pays it is said of

him *yigûd aš-šât* "to lead the sheep", meaning to give it, deliver it to the tribal sheikh. This payment entitles the guest tribe to stay and graze peacefully within the territory of the host tribe and drink from their water wells for a limited period stipulated by the agreement. Once this period is over, the guest tribe is given a grace period of three days to go back to its own territory, then the truce between the two tribes ends and hostilities resume again between them. Establishing the truce and reaching of agreement between two tribes, is called *ta^ċliġ al-^ċâni* "to hook up, attach *al-^ċâni*" and the termination of the truce is called *nafz al-^ċâni* or *al-^ċawâni* "to shake off *al-^ċâni*".

The payment for the right to graze in a foreign territory is a normal practice, yet, in a way, it is considered a symbol of weakness. Poets frequently boast of the strength of their tribes claiming that they graze their herds wherever there is pasture available without paying *rtâ^ċah*, they graze their herds by their horses and lances or as they say *ba-d-dabbûs wa-l-ħagg al-mankûs* "by the cudgel and unlawful means".

A weak tribe could engage a leading man from an enemy tribe and pay him *xâwih* or *ixt* annually to guarantee the return of any stolen animals from them (appendix ## 23, 25). Such a contract could be entered into on both sides either on an individual or on a tribal basis. This also could be done through the institution of *ħisna*. If a man kills another man from a different tribe the family of the slain might choose, instead of taking revenge or receiving blood payment, to enter into a *ħisna* contract with the killer whereby he guarantees to return to them any animals stolen from them by any one from his tribe (Ĉârif 2004: 119-22).

The payment of *xâwih* is the ultimate sign of weakness and denigration; only ignoble tribes called *ċawaj daxxân* resort to it (appendix # 25):

In the case of *xâwih*, a weak tribe seeks the protection of a stronger tribe through the payment of a regular fee in the form of camels, sheep, butter, etc.; *i. e.* a weak party buys the brotherly obligation of a strong benefactor, or, the strong may impose his hegemony over the weak by extracting *xâwih* from him by force. Related to *xâwih* is *xuwwih*, a friendly pact contracted between equals as an expression of good will or as an exchange for a big favor (Sawayan 1992: 37).

Due to intertribal hostilities, it is not safe to travel in the desert without taking the necessary precautions. One needs to contract a *delilah* "guide" and, more importantly, a *rifag* "an escort" from every tribe through whose territory the traveler intends to pass. The *rifag* is the one you contract specifically to protect you from his tribe, while *xawiy* is the one who happened to be in your company. According to custom, people traveling together are obligated to protect and help each other, even though there is no specific contract between them to that effect. To commit treason against a road companion is a very serious offence (appendix # 18, 19). Another institution related to road companionship and camaraderie is the salt bond. This is a universal and ancient Semitic institution, which turns into an elaborate affair among the bedouins. I think it is linked to the concept of milk brotherhood, whereby a woman who suckles a baby who is not her natural baby becomes its mother and her children become its siblings. If you share food or any sort of nourishment with someone you establish a sort of mutual bond between the two of you and symbolically you become brothers, as if you had suckled from the same breast. To give nourishment is to give life and life is sacred.

This is not the place to elaborate on the function and complex rituals of hospitality in the desert, but few words must be said in this regard. To understand the importance of this institution it is enough to note that refusing hospitality is viewed with suspicion and it is interpreted as either an insult or as a sign of bad intentions. Whoever refuses hospitality could be shot and killed. This is a sort of preemptive

strike against any foul action he might be premeditating. This is the reason also that when I come to you for a favor, I refuse to partake of any food or drink you proffer me unless you grant my wish. This way I am symbolically threatening to sever the salt bond and peaceful, amiable relations between us if you refuse my wish.

The same principle of protection awarded to the road companion and guest is also extended to the tent neighbor *ṭinīb, jâr, giṣîr*, and to the protégé *dixîl* whose lives are inviolable. Of course, this is an ancient practice going back to pre-Islamic times. The poet al-Ḥuṭayʿah says in praising Baġîḍ b. ʿÂmir b. Sammâs of Ânfu n-Nâqah from Tamîm tribe:

*qawmun ʿidâ ʿaqadû ʿaqdan li-jârihimu // šaddû l-ʿinâja wa-šaddû fawqahu l-karabâ
qawmun yabîtu qarîru l-ʿayni jâruhumu // ʿidâ lawâ bi-quwâ ʿaṭnâbihim ṭunubâ*

Another ancient poet says that the tent neighbor of the tribe he is panegyricizing is as secure as the antelope on the summit of a mountain:

*Wa-min takarrumihim fi l-mahli ʿannahumu // la ya ʿlamu l-jâru fihim ʿannahu l-jâru
Ka ʿannahu šada ʿun fi ra ʿsi šâhiqatin // min dûnihi li-ʿitâqi ṭ-ṭayri ʿawkâru*

Whoever violates this rule exposes himself to satire *hijâ* by the poets and his honor will be smeared. Since ancient times, they used to raise *rayât* "banners, standards"; white *bayâ* for those who live to their commitments in this respect and black *sawâd* to those who fail:

*kânû yarfa ʿûna liṣan yaġdira minhum liwâ ʿan fi majâmi ʿihim wa-ʿaswâqihim ḥatta
yulḥaqu bihi ʿâr al-ʿabad. yaqûlu l-Ḥâdirah li-šâhibatihi Sumayyah: ʿasumayyu wayḥaki
hal sami ʿti bi-ġadratin // rufi ʿa l-liwâ ʿu lana biha fi majma ʿi (Dayf 1960: 69).*

A noble man will never tolerate any insult or injury to his companion, guest, neighbor or protégé. This is the most serious crime in bedouin society because it entails disrespect and impugns the honor *wajh* of the benefactor. The offence is called *tagṭî ʿ wajh* "violating of honor, besmearing of reputation", and the offender is called *fassâr wajh*. The penalty for such an offense ranges from cutting the nose (appendix # 10) to cutting of the hand (appendix # 22) to killing (appendix ## 17, 20). In the ancient literature, we hear of many stories to that effect, one of them is the story of ʿAwfâ b. Maṭar al-Ḥâzimi who killed his brother Qays because the latter killed the *jâr* of ʿAwfâ so he could have illicit sex with his wife (Xulayf 1966: 96). They say only seven morning attacks *sabi ʿ taṣbîḥât, hawyât* on the camp of the offender would wash away such dishonor. This penalty is called *ḥašam al-wajh*. I think *ḥašam* comes from *ḥišmah*, which in bedouin dialect means respect, dignity, social standing, prestige and awe (it is synonymous with *karâmah*, or *gadir*, when I am conversing with you and a repulsive word comes up in my conversation I say to you either *mḥašûm* or *takram* or *likm al-karâmiḥ*, or *ʿazz migdârik*, which means the same thing), and *ḥašam al-wajh* is to gain back lost esteem and dignity. Only severe, excessive punishment would reassert the strength of the one whose face was violated and prove to the whole world of the desert that the deed was not done as a result of weakness on his part. This punishment would whiten his face and remove blame from him. Otherwise, his face and the face of his whole lineage and progeny will remain black forever. Because such a blackening or whitening would include the whole lineage, every member of the lineage has an obligation to stand up by the side of his kin and help him to live up to all his obligations and commitments to others according to the principle of *ʿaṣabiyyah* esprit de corps.

Might is Right

The rugged conditions of desert life combine with a lack of central authority to shape and determine the nature of tribal laws. Poor environment and scarce resources make desert living very hard and competition fierce. Under such conditions, only the strong

can survive with dignity. As Glubb puts it: "The constant uncertainties and dangers of desert life tended to produce an extremely self-reliant type of man, full of initiative and long inured to violence. Thus boldness, turbulence, independence and obstinacy were often typical characteristics" (Glubb 1960: 28). Close to this observation is the one made by Stewart on the Aḥêwât bedouin of Sinai in which he says "The Aḥaywât are tough, both physically and psychologically, realistic, unsuperstitious, sober, parsimonious, suspicious of outsiders, hospitable and polite without affectation or insincerity, honorable, and usually endowed with a strong sense of humor" (Stewart, in press: 4).

There has always been an overriding emphasis on the show of strength in bedouin cultural values. The pre-Islamic poet Zuhayr b. abi Sulma says:

waman lam yaḡud^C an ḥawḏihi bi-silâhihi // yuhaddam waman la yazlimi n-nâsa yuḡlami

Another ancient poet by the name of ^Camru b. Barrâqah al-Hamadâni says:

mata tajma^C al-qalba ḡ-ḡakiyya wa-ṣârimin // wa-²anfan ḥamiyyan tajtanibka l-maḡâlimu

Strength and tenacity are respected while weakness and docility are despised, not only in the physical sense, but in the moral and every other sense. You should strive to augment the assets of your strength through every possible action and every available means. The austere and grim existence of the desert puts a high premium on moral and physical courage. Individual capacities are constantly put to severe tests. Nomadic culture values individual prowess and nomadic society provides the chance for a man to prove his worth. The absence of strong central political authority means that the desert is an open arena for action and competition to climb to the top of the socio-political ladder. There are many examples of this like Šlêwîḥ al-^Caṭâwi and Hidlûl aš-Šwêhri:

. . . we are told that Hidlûl aš-Šwêhri was a valiant man who walked on the brink of danger and threw caution to the wind, a born leader and a self-made man. He came from a humble background, but through luck, self reliance and a daring spirit he was able to gain the admiration and respect of his tribal peers. He dared to challenge the authority of Fâliḥ ibn Gdûr, the chief of as-Swêd, and was able to sway public opinion to his side (Sawayan 1992: 39).

The battlefield and the law courts are two of the most obvious spheres in which to exercise competition and show strength. The metaphoric connection between the law court and the battlefield is too obvious and well known to need elaboration here. The battlefield is the place to exhibit military strength, but the law court is the place to exhibit, either as a judge or as a litigant, wit, eloquence and persuasiveness, which are other signs of strength of character and qualities of leadership. In either case, to give in to your adversary is a sign of weakness and lack of stamina and resoluteness (Ḥasanayn 1967: 343). A strong man is one who protects his right *ḥagg* with utmost tenacity, or as Stewart says "there is often a marked sense that a true man is one who will not tolerate the slightest infringement of his right- a feeling that applies equally to groups" (Stewart 2000: 891). Or again, "If you give in or give way easily you may find that people begin to transgress against you in various ways because they believe that they can do so with impunity" (Stewart 2000: 100). Such a weak person who offers no resistance is described as *hitmoh*, i. e. like a soft lump of sugar which is delicious to eat and easy to swallow (hence vassal tribes are called *htêm*).

Further proof of the enmeshment of tribal institutions and, at the same time, the importance of the show of strength, is the embedding of the legal sphere into the socio-political and the socio-economic spheres. A man alone simply cannot survive in the desert. With no central political authority, a man relies for defense and protection on male members of his kin group. Such a group, what Frank Stewart calls the blood-money group *dmiiyyih*, acts as a politico-legal unit (Stewart 2003: 171-2). It is also an economic unit and a migrating unit which constitutes the *naj^C* or small camp

whose members move and camp together during the migrating season in the spring when the tribe disperses in the inner desert after pasture for their camel herds. The blood-money group is called in local parlance *al-xamsih* or *gaŕŕâbt al-janbiyyih*, meaning the five fingers clutched to grasp the dagger, because usually and ideally they constitute a kin group ^C*iŕbih*, a lineage united lineally as descendants of their fifth ancestor *al-xâmis* (^Cabbâdi 1982: 153). A distant relative not united with the group in the fifth ancestor is called *tâl^Cin ad-damm*; this starts with the sixth ancestor called *al-lâmis*. The legal, political and economic solidarity of the group is assumed to spring from their genealogical relationship, but in actuality it could be contractual, not biological (Stewart 2006: 266-8). The solidarity of the *xamsih* is manifested in many different ways, including the practice of *tahjîr*, i. e. not allowing a marriageable woman to marry outside of the group without their consent. If group A and group B belong to the same camp and a member of group A kills a member of group B, then the whole group A quit the camp and seek refuge in a different camp because any member of group B is obligated to hunt and kill any member of group A in revenge for his slain kin. The *xamsah* group shares a common responsibility towards each other and common liability for each other's deeds and misdeeds. They are "bound each to contribute to any blood money payment owed by another member of the group and to share with other members of the group any blood-money that he himself may receive" (Stewart 2003: 171).

Yet, it should be pointed out that just as members of the group share a common responsibility towards each other, they also share liability for each other's misdeeds. In the same way that an aggression against X is an aggression and insult against his whole lineage, a dishonorable act committed by ^Camr or Zayd smears the honor not only of the hypothetical two but deducts from the asset of honor and nobility of their whole lineage, thus diminishing their strength. For any member to enjoy the full benefits of membership in the group, he has to contribute to its reservoir of power by adhering to tribal norms and rules of good conduct. If he turns from a plus factor to a minus factor through transgression against tribal values and mores or if he exceeds the bounds of responsible, sensible conduct and becomes a liability and a source of nuisance and aggravation for other members in his group and exposes them to undue danger through his irresponsible misbehavior or aggression towards members of other groups, he would be ostracized and his membership in the group suspended. The group would excommunicate him and declare that it is not responsible for his reckless acts and no one would offer him protection or asylum *tġazz^C alêh al-janât* or *tġaŕŕa^C anh al-awâni*. Such a person is called *mjanna* or *mġaŕŕa^C*, or *mitrib* "cast out on the dust" or *mŕammas* "cast out in the burning sun" (Ginat 1984, Harbi 1416 A. H: 212-4, 226-34, Harbi 2000a: 51-2, 98, 105). This is the same as *xal^C* in pre-Islamic times (Dayf 1960: 6991ff). In case of hideous crimes, the punishment could be harsher than mere ostracism, the perpetrator could be killed by one of his immediate relatives, like his father or brother (appendix ## 17-20). Fear of and consideration for the kin group compel men to resort to peaceful legal means to resolve their differences with others:

A man may be reluctant to defend himself in court, but nevertheless agree to do so for the fear that the blood-money group of his opponent might otherwise resort to force. And even if the potential defendant does not himself fear violence, it may well be that the other members of his blood-money group will. Their support is crucial to him, not just in this dispute, but generally, and if they tell him that he should appear, then it will be difficult for him to refuse (Stewart 2006: 262).

Members of the blood-money group are committed to defend each other's interests in the battlefield as in the legal arena. Any affront or aggression against any one member is considered a disgraceful insult against all other members. If the group does not rally to defend the rights of its members with vehement resolution, this will be interpreted as a sign of weakness. The group will not be dreaded and will become vulnerable to transgression by others. This is the famous principle of ^ʿ*unṣur* ^ʿ*xâka* ^ʿ*âliman* ^ʿ*aw ma lûman*, or as Durayd b. aṣ-Ṣimmah says:

wama ʿana ʿilla min ġaziyyta ʿin ġawat // ġawaytu wa-ʿin taršud ġaziyyatu ʿaršudi

A man who belongs to a weak group will not find it easy to get his fair share in a dispute with a man who belongs to a stronger group (Stewart 2003: 176). There is a famous classical poem to that effect by Qurayṭ b. ʿunayf from Bal^canbar from Tamîm when his camels were stolen and his people did not rise up to help him retrieve them. He was compelled to seek the help of another tribe. Here are few lines from the poem, which starts with panegyricizing the foreign tribe then he turn to vilify his own people:

*qawmun ʿida š-šarru ʿabda nâjidayhi lahum // qâmû ʿilayhi zurâfâtin wa-wiḥdâna
la yas ʿalûna ʿaxâhum ḥîna yandubuhum // fi n-nâ ʿibâti ʿala ma qâla burhâna
lakinna qawmi wa-ʿin kânû dawî ḥasabin // laysû min aš-šarri fi šay ʿin wa-ʿin ḥâna
yajzûna min ḡulmi ʿahli ḡ-ḡulmi maġfiratan // wa-min ʿisâ ʿati ʿahli s-sû i ʿiḥsâna
ka ʿanna rabbaka lam yaxluq li-xašyatihî // siwâhumu min jamî ʿi n-nâsi ʿinsâna*

And here are lines along the same theme by Qurâdu b. ʿabbâd

*ʿidâ l-mar ʿu lam yaġḍab lahu ḥîna yaġḍabu // fawârisu ʿin qâla rkabû l-mawta yarkabû
walam yaḥbuhu bi-n-naṣri qawmun ʿa ʿizzatun // maqâḥîmu fi l-ʿamri l-laḍî yutahayyabu
tahaḍḍamahu ʿadna l-ʿaduwwi walam yazal // wa-ʿin kâna ʿiḍḍan bi-ḡ-ḡulâmati yuḍrabu*

A bedouin is always ready to "throw his face" at any disputants or give *dxâlih* to anyone seeking it. This is his way of proving his worth and ability. But the power game in the desert makes men reluctant to seek outside help. Of course the choice is always open for a weaker party to appeal for assistance from a stronger party. But in doing so, you augment the asset of honor, nobility and social standing of your benefactor, while putting your own in jeopardy. You are diminishing your status by admitting weakness. A noble man defends his rights with his own arm and with the help of the men of his lineage who are honor bound to stand by the side of their kin. If a man cannot get what he firmly believes to be his right through legal means, then he should get it by force (appendix # 12). After all, you cannot get what is yours simply through legal pleadings and argumentations in courts of law if you do not have enough power to back up your rights and to get by force what is legally yours. The Bedouins say: *ma yanfa ʿ al-maflûj ʿûj aṭ-tlâbih* "you cannot win a lost case by intricate pleadings alone". And they say *al-ḥagg yabra l-s-syûf al-gawâtî ʿ* "only with a sharp sword can you win your right" and *al-ḥagg _alma wa-l-mṣaggal delilih* "the road to your right is dark and a sharp sword is your guide".

Not only that, but to prove his strength and show the extent of his might a real powerful man tries to defend himself and protect his rights with force, not by relying on law courts. To go to court as a plaintiff you prove your inability to protect your right with your own hands, while to go as a defendant you show that your adversary was able to drag you to court, which means that he is your equal, or, worse yet, he is superior to you in strength. The ultimate proof of strength is to show yourself to be above the law or take the law into your own hands (appendix # 13). "And even when the law did offer a remedy, honor might demand that a man reject it in favor of self-help. This too was already noted by Montaign: "He who appeals to the laws to get satisfaction for an offense to his honor, dishonors himself" (Stewart 1994: 80). In bedouin lore it is related that Fnêx aba al-Mêx, a Šammari sheikh from ʿabdeh section, famous for his sword called ʿṣêl, proved his real strength by declaring that he will grant *dxâlih* only to

those who commit *ḥagg* "blatant transgression", which is the opposite of *ḥagg*, claiming that whoever seeks *dxâlih* for *ḥagg* will always find someone to grant his request, but only a strong man will offer *dxâlih* to a transgressor. Another story I collected shows the respect accorded to a person who pursues his right with tenacity (appendix # 26).

Bedouin literature is full of allusions to this theme. To illustrate and emphasize this idea, bedouin poets draw metaphors from the natural environment of the desert. A strong man who commands respect is a hunter; he is a falcon, a tiger, a wolf, etc. A weak man is a hunted quarry; he is a rabbit, a chicken, a bustard, or he is a scavenger like a vulture, a hyena, or a fox feeding on the carrion of the prey left over by hunters. The poets warn you against giving in or taking the peaceful road, for, look around you, people never leave alone the peaceful rabbit or the chicken lying peacefully to hatch its eggs, and none would show mercy to a meek person *alli ytaḥalwa an-nâs ma yarḥamûneh*. Such a person is like meat left unattended on a mat, any one can help himself to it. This does not mean you should not show mercy or compassion or any other positive human emotion; only do it out of strength and as a means to augment your asset of honor, esteem, and nobility which brings you more strength. It is like the difference between yielding what you have to a more powerful foe or giving it in hospitality. Without an excess of strength you cannot practice the virtues of *naxwah* and *šahâmah*, just like you cannot practice the virtue of hospitality without a surplus of material wealth. It is part of the bedouin character to boast and show off his generosity and courage and other good qualities because this is part of his continuous endeavor to augment his social standing and bolster his asset of power and strength. The bedouin is pragmatist and survivalist in the extreme, when he does a good deed he expects to get his reward for it in this world and not in the hereafter.

I want to propose that the function of tribal customary law is not to achieve justice but to assert and protect one's right. I am assuming that the concept of justice can be operative only under two conditions; 1) the separation of individual right and responsibility from group right and responsibility, and 2) the existence of a state form of political organization where we have an abstract objective central authority that is above and separate from individuals. In the absence of a central authority that could impose justice, the function of the law becomes the defense of what is yours *ḥaggik* from transgression by others. Political calculations greatly influence the interpretation and application of desert codes. A legal case could develop into a test of wills and a show of strength. Whoever has the resourcefulness to maneuver skillfully and the ability to manipulate desert politics and capitalize on ambiguities could come out a winner. It is in this context and in this conception of the law that the show of strength becomes important. Under such a form of law, there is no paramount disinterested organ, like the state, that would be offended if the principle of justice is violated. Only injured or offended individuals or groups in their capacities as individuals or groups can bring up cases to law courts. Appealing to law courts and going through the legal procedures is an alternative one can resort to, but one can also, if one feels strong enough, take the law in one's own hands. The power and influence of a strong man give him the right to interpret and apply the law to his advantage. "In the last analysis, if men settle their disputes in court, it is either because of the threat of violence between groups or, when the parties belong to the same group, because of the need to maintain the unity of the group." (Stewart 2003: 175-6).

As we go deeper into the desert where tribes live a truly nomadic migratory existence

with little contact with cultivated areas and minimum links with the state, authority tends to be fragmented and diffuse over the various minimum lineages of the **xamsah**. Each minimum lineage becomes a law unto itself, in the sense that it takes upon itself the responsibility of interpreting and applying the law without appealing to courts or going through the legal process. We can view the tribal structure of true nomads in its segmentary model as counterpoised groups, getting larger or smaller, depending on whether we go up or down in the model. These segmentary groups are counterpoised in deadlock, balanced positions through constant legal and military struggle, each trying to maintain its position of strength and block the others from encroaching on its domain or infringing on its prerogatives.

Even the **xamsah** group, as small as it is, might be too crowded for a true nomad who finds any form of social attachment unbearable. The high mobility of the true nomads living deep in the desert wilderness promotes the value of total independence and self-reliance and sanctions the tendency of not yielding to any form of higher judicial authority or rule of law, thus minimizing the need for mediation and diminishing the effectiveness of the mechanism of arbitration. I take this to reflect the tension inherent in the segmentary nature of tribal structure in which every element in the structure, from the individual to the group, is pulled in two opposite directions; a centrifugal dispersive pull away from the center towards the periphery and a centripetal integrative pull towards the center. If we examine the poetry of the true bedouins of Arabia from classical to more recent times, especially the poetry of **aṣ-ṣa^câlik**, we find them weary of social contracts and they cannot endure the rules of social living. Their poetry expresses their yearning to be free from all social bonds and kinship obligations. In their view, the ideal existence is to go it alone with no social ties to chain you and prevent you from changing place or camp any time you feel that the pressure of group living is getting to be intolerable. The poet may at times express this theme as a love theme, threatening that he will cut the bonds that tie him to his lady **yaqṭa^c ḥibâl al-waṣl**, because she is no longer faithful to him. He threatens to ride his noble mount and skip the place to go deep in the wilderness where he could be totally free with no one around to crowd him or make demands on him. He may prefer living with the wolves and wild beasts to living with people because beasts make no social demands on each other. This is clearly expressed in the poetry of Labîd and Ṭarafaha, but we find it even more pronounced in the poetry of ṣ-Ṣanfara and T^o abbaṭa ṣarran and other **ṣa^câlik**. Labîd says:

**ʾawa lam takun tadrî Nawâru bi-ʾannanî // waṣṣâlu^c aqdi ḥabâ^o ilin jaḍḍâmuha
tarrâku^o amkinatin ʾidâ lam ʾarḍaha // ʾaw ya^c talig ba^c ḍ an-nufûsi ḥimâmuha**

As for more recent Bedouin poetry, Si^c dûn al-^c wâji says:

šibrin mn al-bêda y^c awwi^k al-afzâ^c // w-sûd al-leyâli yibi^c dinnik^c an a⁻ -êm

“A span in the wilderness shelters you from terror // the darkness of night conceals you from oppression.

It is among tribes whose areas lie on the margin of states, as in Mesopotamia and the Levant, or in cultivated areas as in the Hijaz and Yemen that we see customary law asserts itself with well-developed procedures. The economy of semi-settled tribes living in these areas is gradually being transformed from pastoral to agricultural and their investment is directed more and more towards land instead of cattle. Settled existence and fixed abodes and assets limit the possibilities of changing tribal affiliation or escape and seeking asylum in the case of committing murder, or distraint and destroying property. Such limitations on freedom of movement and action nudge the tribes towards mediation and arbitration rather than revenge in the settlement of differences. Furthermore, the introduction of writing facilitates the possibility of codifying the law and the writing of contracts and agreements. Such regulations become even more urgent once local weekly markets are established and trade begins to play an important role in the economy.

APPENDIX

Notes on Translation

These textual fragments I culled from printed sources, manuscripts and taped interviews I recorded in the field. The translation is not always word for word literal translation. Word for word literal translation is not feasible because the same fragment may come from several and different types of sources, printed sources written in standard literary Arabic and oral sources related in the vernacular, with each containing certain details and bits of information not to be found in the others. Also, sometimes the fragment is embedded and interwoven in a larger text that has no direct relevance to customary law. Mainly, I tried to convey the gist of these fragments and capture the meaning and significance of each for the discussion of customary law. Sometimes, especially when the fragment comes from a single source, I give room for the voice of the character to relate the narrative. I also was careful to include in the translation all local technical terms and expressions related to customary law translated and transcribed in the native dialect.

Of course, I do not vouch for the historical veracity of these stories. Some of them seem to be half historical half legendary. But the important thing is not whether I believe in them or not. What is important is that the bedouins themselves do believe in them and consider them legitimate legal precedents. Even if some of them are not true historically, they are true reflections of the bedouin view of their legal system.

The number and source(s) from which comes the fragment are indicted at the beginning of the fragment with the source(s) underlined.

Notes on Transliteration

Vowels.

** Vowels with accents are long vowels: *Ā/ā, Ī/ī, Ū/ū, Ê/ê, Ô/ô.*

** The vowels *Ē/ê* and *Ō/ô* are the monophthongized equivalents of the classical diphthongs *ay* and *aw* respectively.

** The vowel *e* is a centralized vowel lying between *i* and *a*.

** The vowel *o* is a centralized vowel lying between *u* and *a*.

Consonants.

** *Ḳ/ḳ* is the affricated counterpart of *K/k*, as in *pits*.

** *G̣/g̣* is the affricated counterpart of *G/g*, as in *kids*.

** *Q/q* ق

** *G/g* غ

** *T/t* ط

** *Ṭ/ṭ* ث

** *D/d* ض

** *Ḍ/ḍ* ذ

** *Ṣ/ṣ* ص

** *Š/š* ش

** *Z/z* ظ

** *H/h* ح

** *X/x* خ

** *C/ç* ع

** *ʕ/ʕ* ء

** Proper nouns with capital initials which starts with ^C/ع or with ^ʕ/ء, the very first letter will be capitalized and not the next one; examples: ^Cneziḥ عَنِزِه, ^Cali عَلِي and ^ʕaḥmad أَحْمَد, not ^CNeziḥ, ^CAli, ^ʕAḥmad.

01) Bulayhid 1972, 2: 125-6.

The people of Najd have three they call ***at-talât al-bîz***. If you ask them: What are those three? They will say ***az-zêf as-sâriḥ, at-ṭinb as-sâbiḥ and al-baṭin***. They mean by ***az-zêf as-sâriḥ*** that if a man from Mṭêr, for example, alighted at the tent of a man from ^Ctêbah as his guest, then he departed in the morning and was met and plundered by men from any section of ^Ctêbah, his host is obligated to stand up for him and return to him every thing that was taken from him. As for ***at-ṭinb as-sâbiḥ***, it means tent neighbor. If a Mṭêri man was the tent neighbor of a ^Ctêbi man and Mṭêri raiders attacked the ^Ctêbah camp and took their camels, the Mṭêri is obligated to return to his ^Ctêbi neighbor what his tribesmen took from him. As for ***al-baṭin***, it means if a man from ^Ctêbah passed by a man from Mṭêr and the latter gave him a cup of coffee or a bowl of milk to drink, and later raiders from ^Ctêbah took the camels of that Mṭêri, the ^Ctêbi is obligated to return the stolen camels of the man whose food or drink is in his belly as long as he has not partaken of another meal to undo that first one.

02) Xzêr b. Hâmid ar-Ribûz/ Skâka/ 21-10-1405 A. H.

There are several types of ***wajh***. One type is ***ṣhawih*** "up to you to accept"; this is ***al-kifâlih*** "surety" for you can either accept to be the surety of some one or you can refuse. If I come to you, for example, and ask you to protect my camels from so and so, you can accept or refuse. This is up to you and no one would blame you for refusing. The second type is ***balwa*** "you cannot refuse"; this is the ***dixîl***, for no honorable man would refuse to give ***dxâlih***. This is called ***wâġf aṣ-ṣilîl*** because he comes to you running fast with the lower hem of his garment ***ṣilîl*** fluttering behind him ***wâġif, yaṭrig gifâwh***; as when one man kills another and he seeks refuge with a man whom he thinks has enough power to protect him. He will give him asylum for three days ***at-talât al-mharrbât***, three days to give him time to gather himself and escape, go seek asylum with a foreign tribe. That is if he killed another man. But if he only wounded him ***ṣiṭa buh*** or beat him or killed his camels or his horse ***fadda^c b-ḥalaaluh*** he does not have to seek asylum with a foreign tribe. His protector protects him and sees to it that the matter is settled legally and peacefully. The third type ***tamṣi buh al-ḥagg*** "you concede to submit him to legal procedure". This is in the case of surety. The fourth type ***ma tamṣi buh al-ḥagg*** "you do not concede to submit him to legal procedure". The type you do not concede to legal procedure is the guest or tent neighbor or road companion. If, for example, my guest or tent neighbor or my companion owe you some thing, you cannot lay any legal claim over him. Wait till he goes back home to his people, then take him to court (Ḥasanayn 1967: 301-2). Any one of those three strangers is called ***manfûh ad-dirwih*** "inviolable, immune from any legal claims against him". He is fully protected except, of course, in the case of enemy raiders and hostile hordes attacking both guest and host. If any claim is to be submitted against such a stranger it is submitted not to him but to his local benefactor who becomes his representative ***ġidîmuh la-ṭ-ṭlâbih*** and who sees to it that he always gets a fair hearing. As for ***ar-rifag***, when you want to grant safe passage to someone through your tribal territory, this is also called ***ṭhadîr al-^cinwih***, you can do it up to seven tents. Any extra you have to pay one sheep to the sheikh for every extra tent. Only sheikhs can conduct more than seven tents and, in the case of real important sheikhs, the number could reach up to forty.

03) Fuhayd 1995: 49.

If a wayfarer drinks from the milk of a camel herd and if, on the same day, that herd were lifted by raiders from the tribe of the wayfarer, he is obligated to return it to its owner. But if the wayfarer was given meat to eat, he is obligated for a whole week after that to return any thing his tribe takes from his host. A Mṭêri man visited his maternal uncles from Cṭêbah. On his way back to his own people, he passed by a Cṭêbi man herding his camels and he milked one of the camels for him. Shortly after that, the camels were taken by raiders from Mṭêr. The Cṭêbi man did not know the name of the wayfarer to whom he gave the milk and so he did not know how to find him in order to appeal to him to return the camels. All he knew was that he was from ḍuwi Côn section of Mṭêr. So, he composed a poem addressed to all ḍuwi Côn urging them to return his camels. When the poem spread throughout all the bedouin camps and the wayfarer heard of it, he went to Fâzi^c b. Šarâr, the sheikh of Mṭêr and told him what had happened. The sheikh sent after the Cṭêbi man and the incident developed into a legal case to be judged either by ibn Ti^cli from Cṭêbah or by ibn Šallâḥ from Mṭêr. According to custom, it was up to the plaintiff *râ^c al-ḥagg* to choose and the Cṭêbi chose ibn Šallâḥ. ibn Šallâḥ summoned the wayfarer and told him: Listen my son, do not deprive the Mṭêris from their booty *kasb* but also do not deprive the owner from his camels, do not lie, tell the truth to save yourself from blame. He ordered him to swear the following oath *wallah al-^cazîm in abâ^cr al-Cṭêbi yôm šâbatha ġir^catha in fi baṭni milḥatha alli ma zallat ḥazzatha wala ġiṭa^ctaha b-tâltatha*. He swore as he was told and the camels were returned to their owner.

04) Fuhayd 1985: 41-2.

When a wayfarer approaches a camp and salutes and someone in the camp returns his greetings, whether he is recognized or not, he is safe from molestation even if he were sought after by any one in the camp, even by the people of the very tent in which he alights. Beni Sa^cad and beni l-Ḥârîṭ were embroiled in wars and bloody strife. So, ibn Magbûl, the commander of beni l-Ḥârîṭ was killed by beni Sa^cad who celebrated the incident by composing a provocative poem vilifying their adversaries. Hearing the poem, Mastûr b. Magbûl, from beni l-Ḥârîṭ, swore that should he meet ibn Mḥafûz, the commander of beni Sa^cad, he would kill him instantly. It so happened that one day ibn Mḥafûz was travelling and he was passing through the territory of beni Sa^cad. As chance would have it, he alighted at nightfall at the tent of Mastûr. When he approached the tent, not knowing to whom it belonged nor did the tent owner know who the guest was, he asked for safety *amân* before stepping inside. He was granted safety and he stepped inside. He was recognized by Mastûr who, having already granted him safety, could not but treat him as an honored guest and slaughtered a sheep for him. In the morning, Mastûr took his gun and accompanied his guest till the other end of beni Sa^cad territory, ibn Mḥafûz suspecting all the while that Mastûr intended to shoot him. But when they reached the end of beni l-Ḥârîṭ territory and the beginning of beni Sa^cad territory, Mastûr told him: I came with you to guard you in my territory as my guest but now that I have done what was incumbent upon me according to honored customs, beware for I shall hunt you and kill you if I ever find you in the future and I will not let the blood of my father go unavenged.

05) Philby 1922, 1: 131.

We were now on the fringe of the 'Ataiba marches; hitherto from the coast westwards it had never been necessary to take precautions either to conceal our presence or to guard our camps; now it was different; we had turned aside from the road to be out of the way of chance passengers; we had camped in a hollow to conceal our camp-fire; among us were four men of the 'Ataiba tribe, who now assumed responsibility for our safety; at intervals they went forth to the surrounding sand-hummocks and proclaimed to the world: "Look you, O men of the 'Ataiba, here am I, Jarman a man of the Barqa, and I say to you, we are men of ibn Sa'ud journeying to the Sharif; so let none molest us; and whoso hear my words, let him come to us and share our dinner or drink coffee and welcome; but molest us not or, if you do, say not you knew not who and what we are." The invitation fell on the deaf ears of the night and our peace was not disturbed.

06) Bulayhid1972, 2: 154-5.

Šanbar b. Kâhîl, from aš-Šeyâbîn, from đuwî Xalîfah of C^têbah was a famous and shrewd bedouin brigand. A friend of his from the settled country, who was a trader trafficking and peddling his goods along the road to Makkah and who used to hire him as a **xawi** against his tribe, C^têbah, told me of him. He said that whenever he, the trader, came (from the direction of Najd) to the watering place of Šija, he found Šanbar waiting for him there. But as soon as they entered Makkah Šanbar would vanish. When it was time to leave Makkah Šanbar would come to the trader and tell him that he would meet him at al-Burûd watering place located in al-Mğamas valley leading to the road of Jad^cân. When he came to that rendezvous he always came driving four or five or three stolen camels loaded with rice and other stolen provisions. In 1332 A. H. I myself went on pilgrimage. When we entered Rukbah, We were on the lookout, for not one night passed without us driving away thieves three or four times a night. Then we entered the lands that were each protected under the guarantees of its inhabitants. Such lands were called **medârik**, the **middarak** of so and so and the **middarak** of so and so. We completed our pilgrimage, but the pilgrims of Šagra (town) were late in joining us. We decided to leave Makkah and we agreed to meet next at the watering place of al-Burûd, as our rendezvous. When we gathered there, all the pilgrims from all the towns of al-Wašîm district and from aš-Š^cara and ad-Dwâdmi, we exchanged visits to discuss what to do about having a **xawi** from the tribe of C^têbah, whom we could entrust to protect us **narbiṭ buh al-^câni** till we reach our towns. We said to each other; the safest thing to do was for every group to have its own **xawi** from C^têbah to entrust for protection, for it won't be safe if the bedouins got wind that some groups were without **xawi**. We did just that. The **xawi** I had was Hazzâ^c ebu Tnayyih from ar-Rûsân section of C^têbah. Since he did not have very close connections with the C^têbah branches in Hijaz, I was concerned that he would not be able to protect me. When I expressed my concern to him he assured me: Don't worry, you will be protected by the norms of my tribe **salm gibîliti amši ^calêh** even though I am alone. The same Šanbar mentioned above was with us on this trip serving as the **xawi** of his regular old friend C^{ab}d al-Kerîm al-Xrâši from the people of Wšêgir and I wished to engage him as my **xawi**. . . . I told him I want to be under your face **fi wajhik** till we reach aš-Š^cara. Šanbar said; you are in my face till you reach your hometown Dât Ġisil. There was with us a group of pilgrims from Ḥôṭat beni Temîm who had no **rifîg** and Šanbar knew that. He asked them to hire him as their **rifîg** to protect them from robbers but they

refused. When we stopped at the watering station of ^Cšêrah, we struck our camps ring fashion, as usual, for protection. The people of Ḥôṭat beni Temîm struck their tents on the eastern side of the camp. Right behind them, there was a mountainpass, leading to the lava on the road to Najd, called Snêd. The tents of the people of Ḥôṭat beni Temîm were struck in a spot lying between the mountainpass and the station where Šanbar and his group had struck their tents. When we finished performing the evening prayers, Šanbar climbed a knoll and shouted: Hearken you there who lie in ambush down below in the valley, if you want supper there it is between us and Snêd, meaning that the tents lying between us and Snêd mountain pass have no *rifig*. Before he finished his call, we heard the cries and alarms of the people of Ḥôṭat beni Temîm who were attacked by hordes of marauders. They came rushing to Šanbar asking for his protection. Then, he cried again: There is no supper for you between here and Snêd, your supper is here with us. Marauders came running from all directions, around twenty of them, and they ate with us and spent the night with us.

07) Surayhi 1983: 1115 + Fuhayd 1983: 170-1.

Naşşâr b. ^Gêšîš al-Hafta from al-Maḥâlsih section of Mṭêr and the Poet ibn Garyân al-^Câzmi, from al-^Cawâzim tribe, left Kuwait on their way to their people camped at Ġaryih in the eastern part of Saudi Arabia. On their way, they were met by a caravan from Mṭêr heading for Kuwait to buy provisions for their tribe. They told Naşşâr that his people were no longer camped at Ġaryih and that they moved to an-^Nêriyyih. Thus, Naşşâr and ibn Garyân had to part company. Each took the camel stick of the other and marked on it the brand of his own tribe, an indication that each was the road companion *xawi* of the other and that he was under his protection, as was the custom then. Later, ibn Garyân was met by Mṭêri raiders under the command of Fâris al-^Camîl from al-Jiblân section from Wâşil branch of Mṭêr. Fâris took every thing ibn Garyân had; his mount, his gun, and even his shirt. He refused to accept his claim that he was the *xawi* of Naşşâr. Ibn Garyân composed two rousing poems, one after the other, addressed to all the sheikhs of the various sections of Wâşil branch, the branch to which belong al-Maḥâlsih, the people of Naşşâr b. al-^Gêšîš and al-Jiblân, the people of Fâris al-^Camîl, urging them to return him his belongings. This they did.

08) Fuhayd 1990: 118-21 + Qaḥṭâni 1994: 14-19.

^Cabbâs b. ^Callûš b. Ḥmêd, a member of the paramount sheikhly family of the Barga section of ^Ctêbah, bought from Mzayyân az-Zâhri, the sheikh of az-Zawâhir section of Ḥarb tribe, a magnificent horse of the celebrated breed called al-Hadba. The horse gave birth to a colt which turned out to be even more excellent than the mother. ^Cabbâs was so proud of this colt he composed many poems praising its speed and courage. But, in a battle between ^Ctêbah and Gaḥṭân it was taken. The one who took it was Kmêhân from âl Sab^Cân from al-Xanâfir section of Gaḥṭân tribe. The horse was a priceless thoroughbred and al-Ḥmidih left no stone unturned in their efforts to get it back. Years before this incident, a Gaḥṭâni from âl Rôg section by the name of ibn Fitnân lost all his camel wealth and he came to al-Ḥmidih to ask their favor. ibn Ḥmêd brought to his tent forty camel tethers and asked his people whoever wants to help the Gaḥṭâni to pick up one or more of these tethers as a pledge to give him that many camels. Before sunset, ibn Fitnân had forty pregnant she camels couched in front of his tent. After spending many

years with al-Ḥmidih as their tent neighbor *giṣīr* pasturing his herd in their pastures with their herds, ibn Fitnân went back to his people. In their effort to get their horse, al-Ḥmidih appealed to Mijdal b. Fitnân, the son of their old tent neighbor who had died by then, and urged him to exert every possible effort with his kin to return the horse, even though according to customs *ḥasab as-slûm*, Mijdal had no right to ask his kin to return the horse *ma luh miṭârin* ^C*alêhum*, since he was no longer a neighbor of al-Ḥmidih, *aṭ-ṭinb ma hu janb aṭ-ṭinb* when the horse was taken and, above that, the horse was *mâ* ^C*ir* (also called *tâlim*), i. e. taken while attacking the camp of al-Xanâfir in broad daylight (in broad daylight excludes any possibility of error). Mijdal then was sick and he died before he was able to return the horse. Before dying, he urged his brother Mnîf to exert every possible effort to have the horse returned to al-Ḥmidih. After hearing of the death of Mijdal, the sheikh Mḥammad b. Hindi b. Ḥmêd called a well known poet from his tribe, ^C*têbah*, by the name of Tanni ebu ^C*bayyah al-Mgâṭi* and asked him to compose a stirring poem to arouse Mnîf and his immediate kin âl Rôg to return the horse. But still all judges from both Gaḥṭân and ^C*têbah* passed judgements that âl Rôg had no right to ask for the return of the horse. When they failed to get the horse peacefully, âl Rôg decided to take it from al-Xanâfir by force and return it to al-Ḥmidih. The two sides decided on a day to meet for battle. At this critical point, the paramount sheikh of Gaḥṭân, Mḥammad b. Hâdi b. Garmelih, saw that his tribe was about to get embroiled in a serious conflict, so, he decided to put an end to this matter once and for all. He urged two horsemen, one to hurry to al-Xanâfir and one to hurry to al-Rôg to hold them back from each other *yagra* ^C*hum* ^C*an ba* ^C*az*. The sheikh also called the notables from both sides: Ibn Mrîḥah and ibn Ḥṣêfân from âl Rôg and âl Mizḥim from al-Xanâfir to be surety each for his people till he could end the matter peacefully. Then, the sheikh asked Mḥammad b. Ḥṣêfân to bring him the best two white camels *magâtîr* he could find in the herd. He invited the two contending parties to his tent. The sheikh asked Kmêhân to hand him the reign of al-Hadba. Kmêhân hesitated but ibn Hâdi insisted firmly. When the sheikh got hold of the reign in his hand he told Kmêhân to take the two camels as reimbursement and told him "give up the horse and the next raid surely you will win another horse, don't be the cause of a seditious strife that could split the tribe". Kmêhân tried to resist and shouted to his kin with extempore lines of poetry urging them not to accept this unfair judgement and to stand up for him. The sheikh answered him with a poem of his own eulogizing him and his kin and beseeching them to be reasonable. The horse was returned to al-Ḥmidih with two poems, one by the sheikh ibn Hâdi and one by Mnîf b. Fitnân, both boasting of their firmness and resolute action to return the horse by force of arm and force of argument, even though judges had denied them the right to get it back.

09) ^C*ubayyid*: 342-3.

The Lord is benevolent to his people, especially settled communities inhabiting towns and villages, for He granted them escorts from the tribes to accompany them when they travel in the inner desert and protect them from what they fear. The escort receives only a trifle reward, such as a shirt, a turban, or a driving stick, which could prevent a big loss. I myself know a man from the town of ^C*nêzeh* called Slêmân al-Ḥamad ad-D^C*êji* who left ^C*nêzeh* in the company of a caravan from the town of Zeriyyih. He reached Zeriyyih with them and contracted

an escort from ad-Dalâbḥah section of ^Ctêbah by the name of Mlawwiḥ. He hired him to be his escort against the whole of his tribe ^Ctêbah. He left Zeriyyih with his escort heading for Makkah. That man had 3,000 riyals which belonged to ^Cabdallh al-Jaffâli, for he was actually working for ^Cabdallh al-Jaffâli. It so happened that they were met by a raiding band from ^{duwi} Ştêt section of Mṭêr and there was no escort with the man to protect him from Mṭêr. The raiders took all that the man and his escort had with them, even their shirts. They were near the mountain pass *shib* called the pass of al-^Casîbiyyât. A party of al-Marâşdah from ar-Rûgah section of ^Ctêbah tribe, whose sheikh was ebu Xşêm were camped by the pass. As good luck would have it and as it was destined for the money to be recovered, it happened that a man from those al-Marâşdah called Mṭlag b. ^Casîr was in the camp trading for ^Cabdallh al-Jaffâli and he had an escort from ^{duwi} Ştêt. One day before the two despoiled men arrived in the camp, Mṭlag b. ^Casîr had in his hand a cane worth a quarter of a riyal (no more than 2 cents) and his ^{Ştêtî} escort asked him to give it to him. Mṭlag apologized saying: I swear to you that this cane is not mine, it belongs to al-Jaffâli, it is part of the goods I am peddling for him, otherwise I would gladly give it to you; however, I could give it to you in exchange for your pledge to protect the goods of al-Jaffâli against your tribe. The ^{Mṭêri} agreed and took the cane. Suddenly, at sunset, lo and behold, they were surprised by the two despoiled men alight by the camp. They told them what had happened to them. They told them that they were plundered by a band of raiders lead by ibn Miznân aš-Ştêtî. Mṭlag b. ^Casîr went to his ^{Ştêtî} friend and told him what had happened and demanded that they should pursue the raiders right away before they reach their home camp and divide the spoils between them, because then it would be very difficult to retrieve the dispersed money. They rode after them that very night and caught up with them half a day before they reached their camp. They returned the booty without a loss after the escort swore to his kinsmen that what they despoiled is in his face. Had it not been for the benevolence of the gracious Lord who willed this incident and the likes of it to fall under what was called established customs *slûm*, the settled folks would be prisoners in their settlements, unable to carry on trade and send out caravans, because their rulers at that time were too busy with their own bickering to establish peace and insure security and their limited authority had no power over the tribes.

10) Bulayhid 1972, 5: 192-3.

Among the tribes of Najd the custom of *al-^Câni* 'clientele' is a serious matter, whoever transgresses it is either killed or his nose is cut. An example of this was related to me by Xâtam b. Mas^Cad, the amir of ad-Dalâbḥah section of ^Ctêbah tribe, who were residing in al-Grên town. He told me this while he was my guest in the town of aš-Ş^Cara. We were discussing the subject of *al-^Cawâni* and every thing related to that among the tribes of Najd. He said: I will tell you about one incident to which I was a witness. A trader from aš-Ş^Cara came to us while we were camped by some wells in an-Nîr mountain. He was peddling his wares to the bedouins. One day he departed from our camp accompanied by a man from al-^Cizyân (section of ^Ctêbah) to serve as his companion against the tribe of ^Ctêbah. After they travelled the distance of nearly three hours, they were met by people from our tribe and they took them and every thing they had. They returned to our

camp. The trader from the settled country whose merchandise was taken said to my father Ḥamdân b. Mas^cad: I am in your face and I was taken by your people ad-Dalâbḥah. My father said to him: The one responsible for you is this man from C^têbah who accompanied you since you quit your town. The trader said: True, but this matter is one of the three white ones, I am your *zêf sâriḥ*, for this very morning I left your tent. My father rode his mount and I rode behind him, I was only a young boy then, while the trader and his C^têbi companion rode another mount. After we moved a little distance, the trader turned to my father and said: Lo Ḥamdân, after leaving you this morning I came across a man from al-Ġbayyât and he milked for me one of his camels, do you think it fitting for us to pass by him and arouse him *ntawwruh* to go with us. My father said that won't hurt we will pass by him and take him to stand up with us. We passed by him and took him with us. When we approached the camp of the people who stole the trader and knew their tents, we swerved and alighted at different tents in the camp, for the whole people of the camp were our kin, ad-Dalâbḥah. We spent that night as guests. In the morning we sent for the culprits. Five doughty men came headed by one of them. The trader said: I brought three "driving sticks *mišâ^cib*" against you; here is Ḥamdân b. Mas^cad, I was his guest leaving his tent just this morning and I told you that before you stole me, here is a man from al-Cⁱzyân accompanying me since I left my hometown to protect me from you and from the whole of C^têbah, and here is a man from al-Ġbayyât who milked me his camel just before you attacked me. They kept on arguing for a long time, then the thieves said to the trader: Choose one of the three (to be your *wajḥ*) and relieve the other two, for this is the custom *salm* of our tribe. He said I choose Ḥamdân b. Mas^cad. My father, Ḥamdân had a dagger in his belt. They decided to give back all that they took. My father said to the trader: Inspect your goods and all that they brought you. When they collected every thing, my father asked the trader: Any thing missing? He said: Yes, there remains a small bundle of flour tied in a small rag and a black woman headdress. My father turned to their leader and said: Get up and bring every thing. He got up and brought it quickly and handed it over to my father saying: Did I whiten your face Ḥamdân? My father said: You blackened my face for taking my guest the very same morning he was leaving my tent. He drew the dagger from his belt and cut the man's nose saying: This will whiten my face.

11) Xzêr b. Hâmid ar-Ribûz/ Skâka/ 21-10-1405 A. H.

The sons of al-Ginyâni, from al-Faddâġih section of the Šammar tribe, the people of ebu Wtêd, found the valley of Šûṭ. They planted it with palm trees. There was this man called aš-Šûṭi, from âl Tâbit section of the Šammar tribe, the people of al-Ḥadab. He had goats which he was grazing on the other side of the hill. When the palm trees first began to bear fruit, they were very short and their bunches were falling to the ground. The goats of aš-Šûṭi came over and started feeding on the fresh dates. When the sons of al-Ginyâni came one morning to look at their palm trees and please their eyes with the sight of fruit bearing trees, They saw that the fruit was eaten and they saw the tracks of the goats. One said to the other: Look here are the goats of aš-Šûṭi destroying our trees and feeding on the palm fruits; he is feeding his goats on the fruit of our palm trees. No sooner had he said that than the goats came scampering. They stopped them. A little later aš-Šûṭi came after his goats. They said to him: So you are fattening your goats on the fruits of our labor. They started to beat him. His daughter rushed to help him and

they beat her; they broke her tooth and pulled her hair. So, aš-Šûṭi dispatched the broken tooth and hair of his daughter to his shiekh, al-Ḥadab at the upper side of the Aja mountain. al-Ḥadab and al-^Cajarraš sprang up and ran to help their tribesman against al-Ginyâni, who sent after his shiekh, ebu Wtêd. The two hosts met in Nâyât ready for combat. But aš-Şdêd, chief of al-Xreşih, came and camped between them right in the middle, meaning to hold them back from each other. He said: Hold it, settle the matter legally. They said fine, who is to settle this, this is a *mgallidât* case? The judge of *al-mgallidât* at that time was ibn ^Cjêr from aš-Şâyih branch of aš-Şubhi, the people of aš-Şdêd. The *mgallidât* are women and horses, they are judged by ibn ^Cjêr from the tribe of Şammar and among Zana ^Cbêd of ^Cnizih the judge is ibn Ğbên and ibn Jandal among al-Jlâs of ^Cnizih. They took their case to ibn ^Cjêr. Al-Ḥadab camped with âl-Tâbit to help aš-Šûṭi while ibn Wtêd camped with al-Faddâġih, *hal al-balha* (this is their war cry), to help al-Ginyâni. Ibn ^Cjêr said: The penalty for violating women is very harsh. They said give us your judgement. He said: The girl with the broken tooth should stand where the men were sitting and walk backwards with her lips parted and continue walking as long as they can see the gap of her broken tooth, they should give her for every step backward once a young camel and once a young horse till they see the gap no more (cf. Ḥasanayn 1967: 327). As for the pulled hair, two men, one with a needle and one with awl, should sit and put the bunch of hair between them. For every piece of hair that can go through the awl the girl gets a camel and for every piece of hair that goes through the needle she gets an ewe. This is how harsh the punishment for violating women is.

12) Xalaf b. Ğâlib al-Janfâwi/ an-Nifûd east of Sâġ/ 10-10-1404 A. H.

An incident took place involving Xalaf b. Fâliḥ al-Janfâwi and Sa^Cad al-Waj^Cân, the amir of al-Fâyid branch from al-Aslam tribe. At that time when people used to travel only with *rifag* "road companion and protector" a settled trader from Madinah alighted with Xalaf as his guest and protégé. Xalaf took good care of the trader, he treated him well and showed him respect. After some time the trader concluded his business and settled all his accounts and decided to leave, to go home. He said to Xalaf: I want you to accompany me to Madinah. He wanted Xalaf to go with him as companion and protector but he also meant to reward him and show him gratitude when they reach Madinah. When they reached Madinah, they parted company, each being satisfied and pleased with the other. So, Xalaf practically cleared his face of any responsibility towards the trader and the two had no more to do with one another. Time passed. Five years later Sa^Cad al-Waj^Cân went on a raid. It so happened that he came across the same trader and took all what he had, all the goods he had. By then the trader had thrived and became a very prosperous merchant and this time he had with him a big caravan. All that was taken by al-Waj^Cân. When al-Waj^Cân returned to his camp with the booty he started going from one assembly to another boasting how he took "the trader of al-Waj^Cân", as is usual when a raid leader returns from a successful raid. Hearing this, al-Janfâwi earnestly went after him demanding that he should return to the trader his goods. But al-Waj^Cân refused claiming that Xalaf had terminated his relations with the trader five years ago and he no longer had any thing to do with him, and thus "you have no valid claim over me" said Sa^Cad. "But you are the one who shoved the trader down my throat, threw him in my lap, going from one assembly of Şammar to another boasting to every one that you

took the companion of al-Janfâwi" said Xalaf. The two of them took their case to five judges, and in every case al-Waj^cân won and Xalaf lost *yafiljuh al-Waj^cân*, for actually Xalaf had no right. The trader heard that Xalaf was seeking retribution so he came from Madinah and stayed with Xalaf to see the final outcome. Xalaf was going back and forth from one camp to another trying to force al-Waj^cân to return what he took while the trader stayed in the tent with the old blind uncle of Xalaf by the name of ^Cibhûl. The blind uncle was constantly urging Xalaf not to give up and exert more effort to force al-Waj^cân to return the goods, claiming that if he had his eyesight he would have quickly and forcibly settled the matter in favor of the trader. Having despaired of getting retribution through the courts *afilas min darb al-ḥagg*, Xalaf quit the legal path *aṭ-ṭalâyib* and decided to take his right with his arm *bi-drâ^cuh*. He had a famous and well known dagger called Hêfa. He went after al-Waj^cân while he was sleeping at night with his wife, both of them covered with a rug from the goods of the trader *al-fôd*. Xalaf sneaked on them, took the two ends of the rug and pierced it with Hêfa which he plunged down into the ground to the end of its handle. When al-Waj^cân tried to get up in the morning he was transfixed inside the cover. When he looked he saw Hêfa planted in the ground behind his head. Every one knew Hêfa, the deeds of its owner made it famous. Immediately al-Waj^cân got up, brought all the fire wood he had and built a big fire. When his people saw the bonfire they came running. What is the matter? What is the matter? Asked every body. al-Waj^cân showed them Hêfa and asked them: Do you all know this? Yes, this is Hêfa, the dagger of al-Janfâwi. I found it transfixed in my bed last night, do you know what this means? Asked al-Waj^cân. What does it mean? Asked every body. He answered them: Xalaf says this night I pierce your rug and the next I pierce your ribs. The problem will not end with me only. The whole tribe of al-Aslam will be embroiled in this evil because of this trader. After all I am the one who shoved him down his throat babbling in every assembly and claiming that I took the trader of al-Janfâwi. Get up now one of you and seek him out, surely he will be alighting in one of the tents near by, have him come over and let us settle this matter here and now, I am ready to render him his right. Xalaf came and al-Waj^cân proclaimed that he will return what he took from the trader. At that time, when the raid leader handed over his share of the booty *yiddi*, all the raiders with him were obligated to do likewise.

13) ^Cubayyid: 280-1.

In 1328 A. H. ^Cawwâd b. Falâḥ ad-^Dwêbi, a member of the paramount sheikhly family of the beni ^Camir section of the Ḥarb tribe, mounted his camel accompanied by five of his men and headed for king ^Cabdal^cazîz b. Saud in Riyadh. On the way, he came across camels grazing in the inner desert far from their owners, the ^{du}wi Bdêr section of the Mṭêr tribe, the people of Mḥammad b. Ḥûkih. ad-^Dwêbi and his companions stopped and asked the camels' herders for camel milk, as is the custom of travelers in the desert. They all drank their full and departed. No sooner had they disappeared from sight, raiders lead by Nâfil b. Ġmêz, the sheikh of al-Bîzân subsection of the b. ^Camir section of Ḥarb took the camels. Only one young camel *gi^cûd* was left and one of the herders rode it full speed after ad-^Dwêbi to tell him that "*m^cazzbetak*, 'the camels from the nourishing milk of which you drank'" were lifted by a man from your own tribe. ad-^Dwêbi rose up and demanded that his kin return the camels *ṭâr^c ala bin*

^c*ammih*. Nâfil said let us settle this according to the legal customs of Ḥarb, *slûm Ḥarb*. ad-Dwêbi retorted: If I were to go with you to get *m^cazzbiti elli yantif šârbi min ḥalibaha* "the camel from whose milk my mustache is dripping" through *slûm ḥarb* 'the customs of Ḥarb', I will not be worth this cold ashes in the eyes of Ḥarb. You must return the camels before I get up from my place. When Nâfil saw that he was dead serious he returned the camels.

14) Fuhayd 1990: 24-5.

as-Se^cîdi from al-^cizyân section of ar-Rûgah was a famous raider. At a very old age he married a young virgin but he died on the wedding night. Soon, the girl married again and not long after that she gave birth to a son. When the son grew up the children of as-Se^cîdi claimed him to be their brother from their dead father, but the husband of the girl claimed him to be his son. They decided to take their case to ibn ^cTi^cli, the tribal judge from ^ctêbah. They went to him and kept on arguing in his tent all day without coming to a satisfactory judgment. The case proved to be a hard nut to crack. Since the dead man suspected of being the real father was a famous raid leader, ibn ^cTi^cli decided to test the boy to see whether he inherited the qualities of this supposed father. He told him to sneak on his daughter and snatch one of the sheep and bring it over without her seeing him or knowing anything about him. The boy crept like a wolf, seized the sheep, carried it on his shoulder and brought it over to the tent, being careful in the meantime to walk on rocks and not to step on soft grounds so as not to leave any tracks behind. Only one time did he half step on the sand between two rocks leaving a mark of half of his foot. It was around midday when the litigants had arrived to the tents of ibn ^cTi^cli. By that time, his daughter had already taken her sheep to pasture, so, actually they did not see her and she did not see them. When she came back in the evening, not knowing that her father was having guests, she told him that one of the sheep was missing. The father said the sheep had no wings to fly, a wolf must have snatched it, did you see any tracks? He asked her. She said: I only found half a track concealed between two rocks. Was it the track of a wolf? asked her father. She said: No, it was the track of a robust boy the progeny from the last drop of semen wrung out of an old man born to a virgin girl *azinnih al-walad al-bitir^c šârat^c ôdin fitar min bintin bikir*. This more or less settled the case in the mind of ibn ^cTi^cli. But to make sure, he told the litigants that he could not decide to whom the boy belonged and the only solution he could come up with was to divide the boy between them in two halves, each taking one half. Every time he fell on the boy with the sword, the children of ibn ^cTi^cli would throw themselves between him and the sword trying to protect him. It became obvious that he was their brother, otherwise, they would have not exposed themselves to such a great danger.

15) Mârik 1963, 1: 57-92 + Ingham 1986: 55-62.

At one season, the northern tribes of ^cnizih, Šammar and az-Zefîr decided to go *ḥafâr w-defân*, i. e. bury the hatchet, suspend all hostilities and blood debts *adyân* and the likes and camp together near each other around a rainy pool and share the plentiful and verdant pastures around it in a meadow which has been known, since then, as Rôzat al-adyân. It was agreed that none would violate this peaceful agreement, and that *al-byût mafrûših*, meaning that no tent would offer asylum to any one who would violate this agreement. However, when Mâjid al-Ḥit̄rebi, a

Šammari, saw Mfawwiz at-Tajġif, another Šammari but from a different lineage, who sometime back had killed his *dixil*, he could not contain his rage, so he drew his saber and cut Mfawwiz's leg. Immediately, Mâjid ran to the tent of ibn Haddâl, the ^Cnizih sheikh, seeking refuge, but he was denied refuge as stipulated by the tribal agreement for peaceful coexistence. He went to the tent of Dġayyim b. Šwêt. Throughout the ages, aš-Šwêt never denied asylum to anyone, but what are they to do about the peace agreement. Their shrewd mother came up with a solution. When the agreement was concluded, the mother was absent on pilgrimage with her own small tent *bwêt*. That is to say, their mother and her *bwêt* were not present at the agreement, thus not part of the agreement and not bound by it. So, Mâjid was given refuge in her tent. Since then, aš-Šwêt are proudly called *hal al-bwêt*. This incident is over 200 years old, yet desert reciters still sing the poem composed by Mâjid panageryzing aš-Šwêt and vilifying ibn Haddâl.

16) ^Cubayyid: 281.

One year during the time when Zâmil as-Slêm was the amir of ^Cnêzeh, it so happened that God had sent copious rains, so farmers of the town rested their well camels and sent them to pasture, including 16 camels belonging to Ršêd ad-Dġêtir. It so happened that a raider by the name of Šimrûx b. Šwayyân came over the camels grazing in the desert and he snatched them. At that very same day, an *ibn ^Camm* of this raider, his name was ^Cabdallh al-Jalâwi, was a guest in the palace of Zâmil, the amir of ^Cnêzeh, and he ate from the dates set aside for the palace's guests. When Zâmil learned that the camels of Ršêd ad-Dġêtir were taken by a raider who happened to be a cousin of his guest, he confronted the guest demanding *ida*, i. e. that he should return the camels according to the rule of *mmâlihîh*, i. e. if X shares food or drink with Y, both are obligated to protect each other from any harm coming to any of them from the other's kin. The guest protested saying that the dates he ate in the palace of Zâmil obligates him only to return the property of Zâmil but not the camels of Ršêd since he was not his guest and did not taste *mâlah* his food. He could not go to his kin and demand from them the return of the camel unless Zâmil could swear to him that the camels of Ršêd *yôm šabatha ġir^Catha inn fi baṭni milḥatha* "when misfortune befell them their salt was in my belly". Only this way could ^Cabdallah go back to his kin and repeat the same oath to them and demand from them to return the camels. Zâmil did not know what to do, so he went to a town's qadi by the name of ^Cali al-Mḥammad who found the following way out. Since the dates in the palace come from *zakât* which is collected from all the farmers in the town and put all together in the same storage, surely some of the dates come from the farm of Ršêd ad-Dġêtir's farm. Therefore, Zâmil could safely swear that when Ršêd's camels were taken, their *milḥah* was in the belly of ^Cabdallah.

17) Bulayhid 1972, 5: 193 + Fuhayd 1978: 143-4, 1995: 80-1 + Ingham 1986: 80-5 + ^Cubayyid: 117.

Šnêtân b. Nâyif b. Šwêt, sheikh of aš-Zefîr killed his son who killed their tent neighbor *ġiŝîr*. ^Cabdallah b. Htêmi b. Mandîl from the beni Xâlid tribe, was a tent neighbor to ibn Šwêt. This ^Cabdallah was a successful raider who lead his troops in every direction and always came back with booty. So, he was adored by beni Xâlid and aš-Zefîr both who followed him wherever he went. In one of his raids he was

accompanied by Ḍâri, the young son of Şnêtân b. Şwêṭ. The custom then was that when a raid leader intends to set out on a raid, he designates a rendezvous, usually a watering place. When the troops gather together, the leader mounts his camel and starts marching, and whoever wants to join him follows him. The raid leader is called *al-mnawwix al-mṭawwir* "he who commands the troops to couch their camels 'for resting' and rouse them 'for marching'". To follow the commander ^C*aġîd* in this fashion is to accept his authority and submit completely to his commands. The troops must follow the orders of their commander and accept his decisions, especially when it comes to dividing the spoils. On the way, ^Cabdallh b. Mandîl and Ḍâri b. Şwêṭ started bickering about leadership; whenever Ḍâri roused his mount and started to march, no one would follow him. Every body preferred to follow ibn Mandîl. The situation got worse when it was time to divide the booty. Ḍâri wanted an equal share with the commander, being the son of a paramount sheikh, while ibn Mandîl would give him only the share of a regular. After coming back from the raid victorious with plenty of camels as booty, ibn Mandîl went to the tent of the sheikh to greet him and tell him about the raid. They were sitting by the hearth talking jovially and amiably. Seeing this, the young boy was envious and he could not contain the jealousy in his heart. The devil came near to him and whispered in his ears: How could you let this stranger lead your people, az-Zefîr, why not kill him and take his place? He was tempted by the devil, went to his tent, which was right in front of his father's, picked up his gun, aimed at ibn Mandîl and shot him dead. The last words uttered by ibn Mandîl before he died were *jârekum ^Cala nârekum* "your neighbor killed on your hearth". Şnêtân b. Şwêṭ, The father of the killer, was an old man. When he saw this and heard the women of beni Xâlid wailing their dead man, he called his younger brother, Ḥmûd b. Şwêṭ and said to him: Kill the boy right now or I will kill myself, I cannot bear hearing the *xâldiyyât* ladies crying their dead man without our women joining them, kill the boy and let the women wail jointly. He insisted that his brother kill his son immediately saying he did not want this to be a black spot in the history of the tribe.

Years later, after Şnêtân died and his brother Ḥmûd became the sheikh of the tribe, the invincible combined force of ibn Reşîd, the amir of Hayil, and ibn Si^Cdûn, the sheikh of al-Mintifiġ tribe, attacked az-Zefîr. They took the best camels in the herds of their tent neighbors from al-Klaxah section of Ḥarb. When the old man ^Cgûb b. ^Cafnân b. Şwêṭ heard that the camels of their tent neighbors were confiscated and that they were not able to defend them he shouted his war cry *ana Şwêṭi* "I am Şwêṭi" and died instantly out of grief.

18) ^Cubayyid: 343-5.

I will mention to the readers a story which I know of personally that happened to a man from our town ^Cnêzeh called Slêmân al-Giblân, he is dead now may God have mercy on his soul. In 1316 A. H. he took some money and he went to buy camels from ^Ctêbah accompanied by an escort from ar-Rûġah section of ^Ctêbah, the people of ibn Rbê^Cân. He was also accompanied by a Mṭêri man by the name of M^Calliṭ b. ^Cnêzân. He bought around fifty camels and was left with 600 riyals. He kept roaming the desert looking for camels to buy. One night he slept in the open desert and not in a bedouin camp. The Mṭêri decided to kill Slêmân al-Giblân and his other companions; ^Cabdallh aṭ-Ṭâsân and the ^Ctêbi escort. In the middle of the night, the Mṭêri killed the two companions; ^Cabdallh b. Ṭâsân and the ^Ctêbi.

Slêmân al-Giblân woke up horrified and attempted escape. The Mṭêri caught up with him and stabbed him with a knife and left him thinking that he was dead like the others. He turned around and saddled the mount of Slêmân, knowing that it was the fleetest and the best one of the camel mounts. He loaded the money on it and escaped under the cover of darkness, leaving behind the tethered camels and their saddles laying on the ground. As for Slêmân, he was covered with blood from the stabs of the knife. He crawled to a nearby cave totally confounded. He stayed in the cave two days and two nights. After two days God ordained that a migrating camp from the Rûgah of C^têbah searching for pasture for their herds came upon the tethered camels, some of which had already cut their tethers. They collected the camels and the saddles scattered on the ground and they found the two dead men. When they looked inside the cave, they saw a man alive. They went to him and carried him with them and saved his life. They gave him water and food. He related that when he was in the cave, the thing that protected him from wolves circling round him at night was the gunpowder he had with him (It is believed that wolves scare away from the smell of gun powder). As for the treacherous Mṭêri who killed the men and stole the money and the camel mount, he fled and did not go to his own tribe. Instead, he went to live with the Ḥarb tribe camped north of Madinah. When his brother and his cousins heard of what he had done with his travelling companions, they rode on six mounts and went looking for him. Their elder *kibîr* was a cousin of his called Ġâzi b. Żab^Cân. They found him and they told him the opposite of what had happened. They told him that the two men did not die but they were still living and that the third man was also alive and he was with his family in Cⁿêzeh. Therefore, there was no reason any more for M^Calliṭ to remain in exile in a foreign land but he should return to his kith and kin. They promised him that they would protect him and that they would help him settle this matter so that he and they could live the rest of their lives in peace with no fear of retaliation. They kept trying to convince him in this fashion till finally he was induced to go with them and they left together. When they came to their people who were camped at the wells of Tîrb, his brother brought a black donkey, got hold of his brother, tied his hands, carried him on the back of the black donkey, tied his legs from beneath the belly of the donkey, painted his face black with ashes from the fire place and drove him round the tents crying: This is the punishment of the treacherous. He did this for a long time, then he shot him dead. He peeled the skin of his face with eyes, ears, nose, mouth, and all. He saddled the stolen camel of Slêmân al-Giblân and rode it after he hung on its neck the peeled skin of the face and headed for Cⁿêzeh. Lo and behold, he couched the camel at the door of Gibrân, the father of Slêmân al-Giblân with the six hundred riyals in full. The money was not spent because the perpetrator had deposited it with an old woman of his people and they found it all with nothing missing. Slêmân took the money and the camel. The Mṭêri man said: This is punishment for the treacherous and I did this to exonerate myself before you, people of Cⁿêzeh. Slêmân thanked him and rewarded him.

19) Mârik 1936, 4: 51-56 + Fuhayd 1995: 29 + C^ubayyid: 345.

This incident happened in 1326. A. H. A C^têbi man called C^wêhân aṣ-Şill from the people of ibn Rbê^Cân sneaked at night to steal from a camp belonging to al-Aslam from Şammar tribe, as was the custom of the bedouin then. He stole a horse from them. On the way back, he chanced upon a man from Mṭêr tribe, by the name of

D^câr the son of Nimaš b. Di^csân ad-Dêḥâni, from ad-Deyâḥîn section of Mṭêr. They travelled together and passed by az-Zelfi, the well known town. They alighted by the residence of the town amir Mḥammad ar-Rešid al-Bdâḥ. They were his guests that night and they spent the night there. In the morning, they continued their journey leading their horse. When they reached a place called az-Zwêḥi, they slept together and the horse with them. When the C^cṭêbi was fast asleep, the Mṭêri got up, picked up a huge boulder and landed it on the head of the C^cṭêbi, thus melting his brains and he died instantly. The Mṭêri lead the horse and fled to his people and told them that he lifted it from Šammar. Naturally, the Mṭêris were proud of the feat, not knowing the real story, and they started to boast of it. When the Šammaris heard of it they told the Mṭêris that they had no reason to be proud for this horse which their youth stole under the cover of darkness was actually the colt of a horse belonging originally to one of the Dûšân, the paramount sheikhs of Mṭêr, which a Šammari knight had felled and took from under him in the battle field. Hearing of this, ad-Dûšân said they were entitled to the horse and demanded that the youth surrender it. They took it because in tribal customs such a horse, when it returns through any means to the tribe from which it was taken, goes back to its original owner. As for the C^cṭêbi man, when a long time passed and he did not return to his people, they started looking for him everywhere. When they came to az-Zelfi, the amir of the town assured them that their son was seen in the company of a Mṭêri man and that the two of them were his guests not long ago. The amir went with the men from C^cṭêbah following the tracks of the two till they found their dead man. When the perpetrator saw that his hideous act has spread among all tribes, he fled to Kuwait. The family of the Mṭêri boy were despised and shunned by the whole of their tribe and no one would talk to them or eat with them or intermarry with them. They were compelled to move to the town of C^cnêzeh to avoid the scorn of their kin. The father entrusted one of his other sons to go look after the culprit and kill him wherever he finds him. When he found his brother, he assured him that they had already paid blood money for the dead C^cṭêbi and that he should go back with him to their people since the case has been settled and he had nothing to fear. He kept urging his brother to go back with him to see his old father who is yearning to see him till finally he agreed. As soon as they got out of Kuwait, he killed him as punishment for his perfidious deed and for treachery against his road companion who trusted him. He cut his head and carried it with him. When he reached the tribal territory of Mṭêr, he went straight to the tent of ad-Duwîš, the paramount sheikh of Mṭêr, and threw the head of his brother in the tribal majlis in order to prove that he did what is necessary to absolve the family of the deed of his brother. So is the ultimate reward of treachery. After doing that, the father now turned to ad-Duwîš demanding that he should hand him back the horse to deliver to the family of the original thief, because events having turned out the way they did, ad-Duwîš no longer had any legal claim over the horse. When the family of the murdered C^cṭêbi man received the horse, they raised a white flag for the Mṭêri father during the Hajj season for three consecutive years. The father composed a poem concerning the event addressed to one of his grandsons urging him when he grows up to be an upright and honorable man.

20) Fuhayd 1985: 56.

Nwêši b. Nâši al-Gub^c from al-Mișâ^clah section of beni C^camir branch of Ḥarb

tribe had a **xawi** from *duwi* Bdêr section of Mțêr by the name of al-Ytayyim. Some members of Nwêši's kin killed his **xawi**. When he knew of this he hid in a cave and started to waylay and hunt the men of his kin with his gun. He killed several of them one after the other and they were not able to overpower him. He struck terror in their hearts so their notables sent him a message giving him their word of honor and granting him safety to come and settle the case legally and promised to pay blood money for the **xawi**. Some time later, after the matter was settled, Nwêši was riding with his uncle Mițlag and they passed by the place where the **xawi** was killed. The uncle pointed with his hand to the place saying to Nwêši; this is the place where we killed your **xawi** who caused us all these tragedies. The uncle said that supposing that the case has been closed already. Nwêši, who did not know till then that his uncle participated in the killing, said; tell me uncle, what did he say before you killed him? All he said was I am the **xawi** of Nwêši. Nwêši said; uncle, I must cut your hand which pointed to his place. Many poems were composed praising Nwêši for his action.

21) al-Jiřř 1983: 1213-6.

A quarrel erupted between two sections of al-Jřř lineages from Mțêr which led to one man of them being killed by another. The killer, named Mibriķ, and his immediate kin sought refuge with al-Biyâřa from ^Ctêbah to escape from Rzêġ, the brother of the murdered man, who sought Mibriķ to kill him in revenge. After sometime, al-Biyâřa wanted to send a caravan to bring them provision and the path of this caravan passed through the territory of al-Jřř. To avoid being waylaid by al-Jřř, al-Biyâřa accompanied with them Mibriķ to serve as their road companion **xawi** against his people, the same al-Jřř from whom he had fled. ař-řalâlĥah, another Mțêri lineage closely related to al-Jřř and their neighbors, attacked al-Biyâřa caravan and plundered it and killed Mibriķ, thinking that al-Jřř will not rise up to avenge his death and the violation of his face, since he was a wanted fugitive. But al-Jřř rose up and forced ař-řalâlĥah to surrender the plundered caravan. Later, Rzêġ al-Jiřř, the same Rzêġ mentioned above whose brother was killed by Mibriķ and from fear of whom Mibriķ had fled to al-Biyâřa, joined a major raid lead by several sheikhs from various sections of Mțêr. On that raid, he saw among the raiders řaliĥ ad-Dĥêbi, the commander of the raid that had plundered al-Biyâřa and killed Mibriķ. In a fit of rage, Rzêġ attacked řaliĥ and killed him in front of every body telling them that he was simply taking revenge for the murder of Mibriķ and the violation of his face. Rzêġ hunted the other řalâlĥah raiders and killed several of them. The řalâlĥah in turn started hunting al-Jřř. This bloody strife went on till finally the leading men of the two sections put an end to it through **mlâda**, which is to find for every dead man on one side an equal man from the other side and the difference is paid for.

22) ^Câyid b. Fahad b. Dġayyim ar-Ribûz/ al-Jâbriyyih/ 14-10-1404 A. H.

^Clûm ad-Drêbsi, rider of al-Kĥala, al-Kĥala was his camel mount, from ad-Darâbsih from at-Tnayyân from az-Zmêl. He was an audacious and brave man and he tended to transgress. He had a relative called Hțêlân who was a weak man and ^Clûm tried to step over him and take away his camels. He wanted to inherit him while he was still living. He said to him: You are alone with no one to inherit you, I am your heir. He wanted to take his camels while he was still alive, a sort of contempt. Hțêlân drove his camels to Mnawwix b. Ġâzi ar-Ribûz and put them

under his protection. Mnawwix said to ^Clûm: Beware that Hṭêlân had put his camels under my protection, do not come near them; if you have any legal claim over them, take your case to the judges and get them through this means, otherwise, keep away from them. Mnawwix and his cousins were bedouins camped with as-Salmân bedouins north of an-Nifûd by al-Ḥzûl and ad-Drêbsi was camped near Hayil, by the settlements of al-Ḥfêr and Gna. Ġâzi, the old father of Mnawwix, was a farmer in al-Ḥfêr. ^Clûm came to the old man, Ġâzi, the father of Mnawwix and said to him: Why don't you and your son leave me alone with my relative, why do you interfere between us? Tell this obstinate son of yours to stay away from me. The old man said: What are you talking about? ^Clûm told him what happened and complained to him about his son. Ġâzi said: Go to hell you and your confounded relative, you can eat your Hṭêlân from head to toe, he is not under our protection *tarâna nâfzînin ^Canuh wala hu b-wajhana*. As soon as he heard this, ^Clûm charged at Hṭêlân and snatched his camels. Then, he left al-Ḥfêr and camped with as-Swêd section of Šammar seeking their protection from Mnawwix and his cousins up north. ^Clûm knew that in reality Ġâzi has no right to revoke the protection, only *m^Cagûd ar-ridin* could do it. This *m^Cagûd ar-ridin* is the one to whom the person seeking assistance comes, ties the end of his head dress or lappet of his shirt and ask for his protection. When Mnawwix learned of what happened he sent a message to ^Clûm telling him either to return to Hṭêlân his camels or bear the consequences. He threatened him with an early morning attack or an attack late in the day if he did not. Mnawwix rode with seven of his cousins from al-Ḥzûl in the north seeking ^Clûm with as-Swêd. He could not locate him and as-Swêd drove him away since ^Clûm was under their protection. They said to Mnawwix, we will not allow you to attack him but we can arrange for you to settle this legally. Mnawwix and his relatives attacked the camels of ^Clûm. They found them with the herder named as-Si^Cirih, a cousin of ^Clûm. Mṭalliġ b. Ḥwêdi ar-Ribûz cut his nose and they tried to drive away with the camels but they abandoned them after they saw the men of as-Swêd coming after them. The next spring ar-Ribûz and his cousins sought ^Clûm and attacked him at aš-Šâmât near Zerûd. ^Clûm rode his horse and ran away leaving his camel herd. They took the herd, including the camels of Hṭêlân and they sought refuge with ibn Rmâl. When they came to ibn Rmâl he told them that ^Clûm had already sought refuge with him before they did and he offered to settle their dispute legally, face to face. They agreed intending really to kill ^Clûm as soon as he comes out and they see him. But the shrewd ibn Rmâl had already tricked them and took their guns from their mounts and deposited them in the women's section of the tent. When they saw that their plan to kill ^Clûm was foiled, they told ibn Rmâl that they do not wish either to see ^Clûm or to settle the matter legally. Ibn Rmâl said: The camels are put in my face, customs do not allow for you to take the camels of your cousin ^Clûm, but you can take the camels of Hṭêlân which are in your face and go. They took the camels and left. Mnawwix said: It is not enough for me to get back the camels of Hṭêlân, I must deliver seven morning attacks against ^Clûm *ašabbḥuh sabi^C tašbîḥât* to clear my face. The next year, Mnawwix was told that ^Clûm was grazing his camels in az-Zharih, up north, with his herder al-Hnêdi ad-Drêbsi, his cousin. So, Mnawwix rode with his cousins and attacked him in the morning. They found him lying in the shade of his cloak which he put up with his camel stick. His camels were lying near him and his horse was tethered with iron shackles. They drew the plan of attack carefully, ^Clûm was not a man to be taken lightly. Four of

them charged at him; Ġaṣîbih, Ġâyish, Šâyim and Mṭalliġ. Ġâyish fired at him but missed and hit the cloak. When he saw that there was no escape for him, he raised his hand crying: Fear God, cut my hand and save my life. He knew that, according to custom, that was the proper thing to do and the only way he could save his life. Ġaṣîbih, the brother of Mnawwix had a sword, so he slit his palm right between the middle fingers. They also cut his nose and wounded him on the face and left. They said: We took our right and whitened our face. Since then ar-Ribzân were called *m^Caṭṭrt al-wajh* "perfumers of the face", because it takes three morning attacks *talât taṣbîhât*, *hawyât* to scent the face according to the customary law of the tribes. Ġâzi b. Dhâm ar-Ribûz composed a poem celebrating these events.

23) Dbês b. Mhalhil b. Ġlewi al-Ġlawayni/ al-Mi^Ctarzih/ 12-10-1405 A. H.

In the old days, when a foreign tribe wanted to pasture their camel herds in the territory of another tribe, the sheikh of the host tribe would charge a sheep on every tent of the foreign tribe, this they called the grazing sheep *šât ar-rit^Cih*. At that time, Ġabdih had only one sheikh authorized to take the grazing sheep, he was ibn Šrêm from al-Yḥaya. When a foreign tribe paid the sheep it was received by the sheikh ibn Šrêm. Above that, the other sheikh, ibn Ġali, sheikh of al-J^Cafar, also was authorized to take a sheep. Then there was this raid leader from ar-Rwalah by the name of ibn Milḥâġ who kept harassing al-Yḥaya incessantly. Ibn Šrêm swore that should he get hold of him he would kill him. Eventually, ibn Šrêm caught ibn Milḥâġ and he tethered him in his tent as a prisoner. His brother came asking for his release and he offered ibn Šrêm 20 camels for the freedom of his brother. ibn Šrêm refused and the Rwêli kept raising the ransom up to 80 camels but still ibn Šrêm won't budge. The Rwêli was alighting in the tent of ibn Šrêm as a guest while this negotiation was going on. At one time, when everybody was away and the Rwêli was alone in the tent with his brother, he kept asking him about the tents: Whose tent is this one and whose tent is that one and that other one, wanting to know which one belongs to the strongest party so he can find a way to put his brother in their face. The prisoner told his brother to seek the face of al-Jeri, since they were the strongest and most numerous. He told his brother: I heard them when the assembly gathered and talks exchanged and danger loomed, those al-Jeri and ad-Dġêrât shouted the same war cry and they defended each other; they had the same grandmother (meaning their two *xâmis* grandfathers were full brothers). When the men of the camp were away on some business, the brother took the opportunity and stole a big bundle of woolen thread, then he tied one end of the thread to the hand of his brother and the other end to the middle pole of the tent of ibn Wâbil from âl Jeri. When âl Jeri came and saw this, they went to ibn Šrêm demanding that he should release the prisoner who became their *dixîl*. ibn Šrêm told them: Damn your father, I will not release him, you know how much harm he had done to us, if I were to release him I would have released him when his brother offered to pay me 80 camels. You must release him. By God I will not release him. So, men charged at men *mišat al-krâm^Cala l-krâm* and a big battle, a slaughter took place between them in the valley of Dwayyir, south of Yâṭib, east of Hayil. Xalaf b. Šrêm was killed that day while riding his camel and ibn Milḥâġ was released. Later in the summer, they settled this matter through payment of blood money for the dead and indemnity for the injured *tawâdaw*. Since that battle *manâx*, Ġabdih split into four groups, each

with its own sheep to receive for *gişrih* from their tent neighbors from other tribes; one sheep for ibn Šrêm, sheikh of al-Yḥaya, one sheep for ibn S^Cayyid, sheikh of ad-Dġêrât, one sheep for ibn Jadiy, sheikh of al-^CAfârît and one sheep for ibn ^Cali, sheikh of al-^CJafar.

24) Dbês b. Mhalhil al-^Clewi/ al-Mi^Ctarzih/ 12-10-1405 A. H.

Fnêṭil al-Wlêgi from al-Brêk section of al-Xreṣih from Šammar exchanged his sister named Sarah in marriage with a man from the sheikhly family of al-Jirbân who gave him in exchange his sister named Zirîfih. al-Jirbân were not pleased that a commoner ^Cwêndi should marry their sister. They attacked the camel herd of al-Wlêgi and cut the limbs of nearly 25 of them ^Caggarôhin. In retaliation, he charged at one of their men and cut his penis. After that, he sought asylum with his own kin but they refused to grant him asylum. They said if you had killed one man or even ten men we would grant you asylum, but what you have done is a flagrant disregard of all established norms, not even Jews and Christians would do what you have done. So, he sought refuge with ad-Dġêrât in Mesopotamia, their sheikh then was Hazzâ^C ebu Kaddâš ibn Hiṭmi. They met him, my own father Mhalhil was with them that day, and granted him asylum. He raised a white flag for them in appreciation and composed a poem praising ad-Dġêrât and defaming his own people al-Brêk for refusing to protect him.

25) Dbês b. Mhalhil al-^Clewi/ al-Mi^Ctarzih/ 12-10-1405 A. H.

al-Ḥsên and al-Ġawânim were allied against al-Ġyitiḥ and al-^Clayyân who were also allied with one another. But, of course, both belonged to ^Cabdih tribe. Sakrân ibn ^Citga, called ebu Jôxatên, was the chief of al-Hitmûl from al-Ḥsên. He imposed *xâwih*, took *ixt*, from such vassal tribes as Htêm, Šarârât and aṣ-Šlebiḥ; who were called ^Cawaj daxxân. A raid from Htêm, or maybe it was from aṣ-Šarârât attacked al-Ġyitiḥ but al-Ġyitiḥ routed them and took their mounts. A party of riders on 25 camel mounts from al-Ḥsên lead by Sakrân ibn ^Citga came to al-Ġyitiḥ demanding that they should return the camels of their protêgês *ixt*. The law of *xâwih* stipulates that Sakrân should see to it that the camels of his protêgês are returned when they are taken by any member of al-Ġyitiḥ tribe. Al-Ġyitiḥ and al-^Clayyân, who were then camped near Môgag on this side, drove away Sakrân and refused to give him back the camels claiming that the camels were *mâ^Cir*, *kaššâfat fixd*, i. e. attacked them in broad daylight, hence they are not bound to return them, because the *xuwwah* commitment does not cover such cases. al-Ḥsên left al-Ġyitiḥ and rode away. On the way they came upon Šbêḥ b. Širrân from al-^Clayyân, whom they found with his women cooking milk to make dry cheese patties *igt*. They took Šbêḥ, threw him in the boiling milk and he died. They did that in a sort of retaliation against al-Ġyitiḥ and al-^Clayyân who refused to return back to them their *ixt*. After that, they passed by a fellow from at-Trêbân called Dġayyim al-Manâriḥ who was camping on the other side of Jarrâr. After they partook of his hospitality, they wanted to rest but Dġayyim warned Sakrân: Lo Sakrân, a man who cooked his kin in the boiling cheese should not rest, I advise you to flee from your enemy deep in the desert *šibrin mn al-bêda nikâdin la-l^Cda*. Sakrân said his men were tired and they wished to sleep tonight and early tomorrow morning they will take al-Mislikih road through Šêḥân. Al-^Clayyân and al-Ġyitiḥ heard of this and they waylaid them in al-Mislikih. Sakrân and his party, not knowing that their enemies were lying in wait for them, got up

in the morning and left. When they passed through al-Mislikih Sakrân was singing: My yearning to see Dalha is the yearning of a man with a broken leg whose shin is shattered in small bits. Faẓl b. Fâliḥ al-Ġêṭi heard him sing the line and took this for an omen, so he asked his companions to leave him to him to shoot him. Faẓil shot Sakrân and killed him instantly and al-Ḥsên were thoroughly routed and killed them, all of them. The people of al-Manâriḥ, at-Trêbân drove the mounts of the dead men and delivered them to al-Ḥsên who were camped near Rkân close to Hayil. After this incident al-Ḥsên fled to al-Hasa and stayed there nearly 15 years. After that, one spring al-Ḥsên came all the way from al-Hasa and attacked al-^Clayyân and al-Ġyitiḥ at Saġf and killed their camel herds. At that time, the territory of al-^Clayyân and al-Ġyitiḥ was desiccated and they sought pasture with al-^Camûd from al-Xreṣiḥ tribe from Šammar, according to the custom of *^Cimlih* whereby you buy the right to graze in the territory of another tribe and for that you pay one sheep for every tent. Ibn ^Camûd then was the man who directed where the camels to graze and which direction to go every day. Before the day of attack, al-Ḥsên sent secretly to ibn ^Camûd and induced him to separate al-Ġyitiḥ from al-^Clayyân. Ibn ^Camûd duped al-^Clayyân and induced them to send their herds with only few herders with no guards in the direction of Šbêḥa hill near Saġf where al-Ḥsên were hiding to attack them. So, al-Ḥsên killed the herders in revenge for their dead years ago. It is said, though sometimes people exaggerate and it is hard to believe every thing you hear- it is said that the dead in that battle on both sides were 82, while some say the dead totalled 40. So, they decided to put an end to the strife between them legally. Šammar sheikhs, including Şaḥan b. ^Cali, Hijhûj b. Rmâl, Ktâb b. Ṭwâliḥ, and ar-Rtê^C b. S^Cayyid and other sheikhs from all Šammar tribes gathered to help settle this dispute. Those judges and sheikhs built an isolated camp on the side of Dêm hill near ebu Nimir, away from the main camp, to be away from the reckless and heedless. They started to balance their dead *ytalâdôn*, *al-mlâda* is to find for every dead man on one side an equal man from the other side, a worthy man for a worthy man and a lesser man for a lesser man, and the difference is paid for in blood money or camels.

26) Sâlim b. Şaḥan b. Rixîş/ Hafar ibn Rixîş/ 9-10-1405 A. H.

It is related that ibn Ḥiṣin, a shiekh from the Xreṣiḥ section of Šammar confederacy, asked men in his majlis: Who is the most hospitable man in Najd? They said: Aş-Şêlewân in the town of Mûgag. And who is the most tenacious pursuer of his right *w-mn agşa an-nâs ^Cala ḥagguh?* Was his second question. Rişîd ibn Rixîş, his companions told him. He decided to find out for himself. So, he told all the men of his tribe to ride their mounts pretending to go on a raid. He headed for Mûgag and alighted with all the men of his large party on aş-Şêlewân. aş-Şêlewân slaughtered all his goats and sheep and well camels and he ordered his women to grind all the corn they had. He borrowed cooking utensils, cauldrons, and trays from his neighbors and asked their women to help with the cooking. He served the meal to his guests in huge trays which he arranged in several rows. There were so many of them that there were some trays with only one or two persons setting on them. After dining and resting, ibn Ḥiṣin and his army headed for ibn Rixîş after aş-Şêlewân filled their camel bags with dates for provision. When they approached ibn Rixîş' place in a rugged terrain, they met his son Ṭlâs grazing his goats and sheep. They took by force one goat which they

killed and ate. The boy went to his father and told him what happened. "Of course, they had to do that and they were not to be blamed for it since you did not invite them to come to have their food here in our tent", the old man told his boy. "But I did invite them", the boy said. "And what did they say when you invited them? The father asked. "They said by God we will not come after a lizard clung to a crevice in his cleft **wallah ma hinnâb mdawwrînin lina zabbîn lâşğîn luh b-šât**". Hearing this, Rišîd took his spear and followed them. When he reached their camp he headed for the camel herd of ibn Ḥiṣin and stabbed two pregnant camels called al-Ḥrêda and Zîrih. Each time he stabbed a camel he shouted **aba at-tuwâriyyât ^canzi** "this is in revenge for my goat". Before he could do any more harm to the herd, men came after him and chased him away. He ran to the tent of âl Râjih and sought refuge with them. The men of âl Râjih were seven brothers. They were not in the tent at that time but their women chased away the men from their **dixîl** shouting: Behind you, go back, this is the tent of âl Râjih, you know the men of âl Râjih, they will come after you if you harm our **dixîl**. The men stopped and one of the women went and marked where they stood. When the âl Râjih brothers came, they found that the women had taken one of the front poles and let down the front of the tent. This is a sign that their face was violated **wajhehum mashûj**. Raise the tent confounded woman, what is wrong with you? Shouted the elder brother. The woman said: If the tent belongs to real men, they should raise it; I will not raise the tent till you rise to the defence of its **dixîl** and retaliate for the violation of its precinct. To decide whether the precinct of the tent was violated, the judges decreed that a young vigorous man should stand at the outside end of the tent rope and throw a camel stick as far as he could. If it lands where the pursuers stopped or beyond that then "your face is considered violated **f-huw zhim wajhakum**". The stick landed short of where the men stopped. Then the men went back to business and started to butcher the wounded camels. When the meat was cut and the camels quartered âl Râjih told Rišîd to go get their share of the slaughter. It is an established right of âl Râjih that they have the hind quarter of any animal slaughtered in the camp. Rišîd was afraid and he was reluctant to go but they assured him that nothing would befall him and that he would be quite safe as their **dixîl**. Being dreaded men themselves, no one dares transgress their countenance. In the evening, when a public meal was prepared from the meat of the slaughtered camels for all men of the camp, âl Râjih joined the feast with their **dixîl** beside them and no one dared look him in the eye. After dinner, when dark fell Rišîd wanted to depart and go home under the cover of darkness to avoid revenge by ibn Ḥiṣin. But âl Râjih insisted that he wait till tomorrow morning and that he would leave in broad daylight. In the morning, Rišîd departed and while walking through the camp of ibn Ḥiṣin he shouted: Praise God, I beseech you in the name of the Lord any one of you men who ate from my goat to come forward and admit it. At that time, of course, people feared God and if you ask any one in the name of the Lord to tell the truth he would surely tell it. Ibn Ġrâb answered back to Rišîd: Sweet is the name of the Lord **ḥayy dikr allah**, by God when we were eating someone handed me a piece of meat and I think it is from the flesh of your goat. Rišîd said to him: I hold you accountable and you must recompense me for it. Summer came before ibn Ġrâb recompensed Rišîd for his goat. When al-Xreṣih came to spend the summer near Môgag, Rišîd took his spear and stabbed the horse of ibn Ġrâb. Men came after him and he ran away before he could pull out his spear and he left it stuck inside the lung of the horse. He jumped on top of

a high wall and cried to ibn Ġrâb: Look here you, you must deliver to me my spear or I will hold you accountable for it. Later, ibn Ġrâb sent his spear back to him. Riřîd composed a poem celebrating the event which is still recited by bedouin *râwis*.

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