CROSSING THE STRAIT
FROM MOROCCO TO THE UNITED STATES:
THE TRANSNATIONAL GENDERING
OF THE ATLANTIC WORLD
BEFORE 1830

DISSERTATION

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By

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ABSTRACT

This world women’s history is a comparative legal study tracing two thousand years of cultural contact through 1830 between the Saharan-based, gynecentric, Berian culture foundational to the Maliki Islam of the Berbers, Southern Arabs and Iberians, and the Mesopotamian and eastern Mediterranean patriarchy foundational to West Asiatic Islam and Western Christianity. The work explores the female-friendly Berian values common to the Saharan salt marsh diaspora and Almoravid Andalusia and North Africa, correcting patriarchal Sassanid influences upon Abbasid and Almohad omissions of female politicians from their imperial histories of the Maghrib. The European patriarchal bias began during Isabel I’s Reconquista Spain when the Spanish Inquisition attempted a purge of Berian matriliny. It continued with British harem envy, hyper-virility and political jealousy as Anglo-Americans engaged Barbary states.

Western Christian philosophers, Freemasons, politicians and ministers used misperceptions of the harem to limit Western women’s economic and legal rights. In the U.S., this resulted in the simultaneous rise of domesticity, left-handed marriages, and de facto American polygyny. The Berber cultural influence on the U.S. occurred in the 1833 U.S. v. Percheman decision when the Supreme Court adopted married women’s property rights from the Siete Partidas after the Florida cession.
Colonizers and abusive spouses do not have absolute power.

Every act of coercion is an affirmation of the internal strength of the victim.

+++++

Dedicated to my parents who inspired me,

and my children, my husband, and the world’s best girlfriends

who dreamed of this day with me
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PUBLICATIONS

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PREFACE

How I became interested in this topic

Harriet Beecher Stowe had a pair of Moroccan slippers that were given to her by her maternal uncle, seafaring Captain Samuel Foote. I found it odd that the quintessential, Connecticut Yankee in Cincinnati, Ohio should love those slippers or the *Arabian Nights.* During my initial exploration of Mrs. Stowe’s Connecticut, I learned about the abundance of material cultural artifacts in people’s homes ranging from slippers to perfumes, items brought to Connecticut by its many merchants who traded in the Mediterranean Sea. I wanted to know the broader significance of these slippers.

Mrs. Stowe’s Moorish slippers force the addition of gender to the dialogue of world systems theory. Elizabeth Thompson calls for a “reality of transnational historical experience.” Is there such a thing as a “reality of transnational historical experience” in women’s history? Transnational history assumes the reality of national borders. As soon as one accepts the existence of national borders, one also must accept the power involved in maintaining the border, whether it is stagnant, advancing or retreating. Morocco is the site of dual, successive colonialisms, one being West Asiatic Islam and the other being Western Christian, and a perfect case for the study of resistant, indigenous cultures. Peter

Stearns notes, in his discussion of syncretism and African Islam, that “people may be particularly reluctant to surrender the standards defining femininity and masculinity, even when pressed by a society that seems exceptionally powerful and successful.” Crossing the Strait into Iberia provides an opportunity to study a rare phenomenon — the colonization of Europe by a culturally hybrid African power. The degree of cultural infusion and resistance may be contested but the reality of this event, whether written by peoples from colonizer or colonized nations, is not debatable. In this discourse the question is the ability of nations to import and reorder the cultures of subject peoples.

I was struck by the number of people who had family connections or close friends in the Mediterranean trade. Mrs. Stowe’s uncle lived in Constantinople for almost three years. Mary Wollstonecraft had uncles involved in the trade. Admiral John Paul Jones was interested in the French invasion of Algeria. Even social critic Samuel Pepys lived more than a decade in Tangier in the seventeenth century. As I read travel narratives, I learned that many people in the Western Christian zone were as familiar with the tenets of Islam and the Islamic world at the turn of the nineteenth century as people are at the turn of the twenty-first century.

I was also surprised to learn that the Sultan of Morocco was one of the first potentates to recognize the existence of the United States as an independent nation, the first nation to grant the US most-favored-nation status, and that the Sultan wrote letters of introduction on behalf of the US to the other heads of Barbary states. Not only that, the United States maintained a warehousing presence in Essaouira, Morocco. Morocco chose

to trade with the US rather than with England and the Sultan’s letters helped reduce the number of corsair attacks on ships sailing under the American flag.

Dr. Fatema Mernissi introduced me to many Moroccans of various social classes and she made possible my research in archives in Rabat and Casablanca. I had traveled to Morocco to write a history of Moroccan women. I met a reality that Moroccans have always kept the history of women and that the Christian West chose to remain ignorant of this information. In fact, I learned that there is a Berber feminism in Morocco that survived several incursions of relatively patriarchal Islam and that also influenced Spanish law and even US law regarding women’s rights by the 1830's, a period when members of the Harriet Beecher Stowe’s social circle in Cincinnati, Ohio discussed women’s status in the North African and West Asiatic Islamic worlds. Many texts featured women as historical actors in pre-colonial Moroccan history, even women mentioned as victorious plaintiffs in legal decisions recorded in ancient, hand-written compendiums held at the Bibliothèque Nationale in Rabat. There, I also read some of the oldest volumes of Hesperis from which I learned about more Berber women. Upon my return to the United States, I re-read classical histories and focused on the stories about women. I even noticed many lineages who anchored their identity in a common female ancestor and I found secondary works that noted strong women in Andalusian history. A pattern was emerging of complementary system of sharing political and economic power between men and women.
The year 1830 took on new meaning for me. It was the year of the French invasion of Algieria. It was the beginning of Orientalism, the colonial reduction of eastern populations from people to subjects that was a feature of European colonial project as eloquently described by Edward Said. For me, that year marked the changed from the Oriental Renaissance in literature to the era of Orientalism. The difference was that the balance of power that formerly favored the Barbary States tipped toward the Christian West. Around the same time, stories of empowered Berber women became less prevalent in travel narratives while more Western Christian women found themselves confined to the harem spaces or domestic sphere. With that change in political power relations, knowledge about Berber women’s rights began to disappear from sources written in European languages.

I have learned that Western Christian writers were influenced by West Asiatic Muslim writers who advocated placing limits on women’s legal, political and economic rights and that Maliki Islamic jurisprudence, the oldest of the Islamic legal schools, was the most protective of women’s rights. There was a pattern that scholars who preferred limits on women’s lives had connections to West Asiatic learning centers. Hence, the Berian world had been subject to a prior colonial hegemony as early as the seventh century when West Asiatic Muslims led the military conquest of the Maghrib. Neither this earlier colonial hegemony nor the Western Christian one after 1830 managed to eradicate Berian feminist values. Rather, Berian feminist values influenced United States culture when the United States Supreme Court recognized married women’s property rights from the Siete Partidas, which in turn adapted those laws from the Berian practice of Maliki
jurisprudence. I was surprised to learn that an African culture colonized Western Christian cultures.

This dissertation, in part, is an assemblage of woman-centered microhistories to which my scholarly contribution consists of translations into English from Arabic of legal decisions concerning the marital/concubinage disputes involving ordinary women as evidence that in the Berian zone such rights were not exclusively enjoyed by royal or elite women in the region. I suggest that these female-friendly histories and cases have often been obscured by West European and West Asiatic Islamic (whether Damascus- or Baghdad-centered) imperial narratives which often imply that male-centered legal systems were a gift to the allegedly uncivilized Berber societies. This imperial project, as shown in Chapters 3, 5, and 6, accomplished an incomplete imposition of these foreign legal practices on the ordinary people living in Northwest Africa and the area now known as Spain. This dissertation, in part, is an assemblage of woman-centered microhistories to which my scholarly contribution consists of translations into English from Arabic of legal decisions concerning the marital/concubinage disputes involving ordinary women as evidence that in the Berian zone such rights were not exclusively enjoyed by royal or elite women in the region. I suggest that these female-friendly histories and cases have often been obscured by Western Christian and West Asiatic Islamic (whether Damascus- or Baghdad-centered) imperial narratives which often imply that male-centered legal systems were a gift to the allegedly uncivilized Berber societies. This imperial project, as shown in
Chapters 3, 5, and 6, accomplished an incomplete imposition of these foreign legal practices on the ordinary people living in Northwest Africa and the area now known as Spain.

By 1830, Orientalism, and the Oriental Renaissance in English literature which peaked before 1830 among some middling-class United States’ residents who used their perception of women’s rights in the North African Islamic world, paying close attention to the experience of Anglo-Americans in the societal confluence zone centered at the Strait between Morocco and Christian Spain. Chapters 4 and 7 demonstrate a synthesis of these cultures as male-centered systems began to dominate but never obliterated practices which protected women’s legal and economic rights. Furthermore, these two chapters show that the female-friendly economic and political values of the Berbers crossed the Strait into Christian Spain (Chapter 4) and possibly influenced the legal system in the United States (Chapter 7). Therefore, the geographical space ranges from Yemen to the United States, from the Niger River to the Pyrenees and the British Isles.

This Berian-centered approach to North African history was obscured as recently as 1830 when France invaded Algeria, and augmented for the next century by West European social scientists of various religious affiliations who filtered medieval and early modern sources, whether written in European languages or Arabic, as they highlighted prior European invasions of the area. This narrative suggests that North Africa was initially settled by Neolithic people from Europe. Phoenicians established settlements on

3. Theories about the origin of the Berber population are discussed in Chapter 2, especially those presented by J.E. Budgett Meakin and G. Babington Michell.
the North African coast around 1000 BCE/1670 BH and extended their trade system to the Iberian peninsula around 800 BCE/1465 BH, designating Carthage, which was founded in the ninth century BCE, as the regional center. Where the Phoenician trade networks intersected with those of Rome, competition resulted in the Punic Wars of the third through the second centuries BCE with Carthage eventually falling into the Roman sphere. The Germanic Vandals arrived by way of Iberia beginning in 430 CE/198 BH and ruled the coastal areas until 533 CE/92 BH when Justinian I of Byzantium reintegrated the region into the re-constituted Roman empire which was then centered at Constantinople. Abdullah Laroui criticized proponents of this history of North Africa for relying on Greek and Latin imperial histories and for the implication that the Berbers were a people who were “vegetating in an impoverished and retarded Neolithic state,” one so backward that they lacked the “foundations necessary for integration into the Roman community.”\(^4\) This idea continues to be reinforced by recent scholars, who repeat the pejorative definitions of the word “Berber” as “babbler” or “barbarian,” an insult presumably sanctioned because it is derived from ancient Greeks, Romans and some Arabs whose imperial chronicles anchor West European imperial narratives.\(^5\) This narrative served the French, the Italians, the Germans and the English who justified their activities in North Africa by claiming a historical obligation of protecting and civilizing the lands located beneath them on the maps.

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5. I present another interpretation of this term in the next chapter, a definition which is not perjorative.
In order to understand the Berber defense of women’s rights at the level of the base and foreign efforts to suppress knowledge of these empowered women in West Asiatic Islamic and West European narratives about North Africa and Iberia, I acquired numerous, seemingly unrelated, micro-histories, but I did not have the tools to link them to a greater global narrative until I considered this area as a world zone or supranational region connected by millennia of trade and migration but divided in discourse by competing religious or imperial agendas. My attention to women’s history in North Africa began as search for the possible significance of Harriet Beecher Stowe, the quintessential nineteenth century Yankee, receiving a pair of Moorish slippers when she was a child from her maternal uncle who was a sea-captain. After I became acquainted with Harriet’s maternal lineage, the seafaring Foote family, I explored travel and captivity narratives, as well as military documents, gathering evidence regarding women in North Africa as interpreted by American and English travelers, diplomats, merchants and captives from the seventeenth through the early nineteenth centuries. My initial view supported an orientalist vision of African Muslim women in this intersection, at least

among elite Muslim women. A few narratives supported Leslie Peirce’s concept of the powerful harem woman, who influenced public life without leaving her apartment, skillfully using servants to effect her wishes. However, such powerful Moroccan women disappeared from Christian narratives between 1700 and 1800. Initially, I was convinced that they were subjected to increasing male dominance, as were American women.

However, Moroccan archival and scholarly resources urged the study of an alternative process in the Maghrib and Andalusia in that a model of empowered women did not disappear from Moroccan texts. This model was carried into Andalusia by Berbers, from pre-Islamic times through the Almohad dynasty, retained by converted Muslims in Christian and transported to Spain’s colony in Florida. My gynecentric trek through the Berian world and across the Atlantic spans more than two millennia with seven stops at caravanserai in history, each hosted by women. The second chapter is hosted by Tiski al-Ardja, reputed to be the mother of all Berbers and great-great-.

7. Edward Said gave us the concept of Orientalism, the process of “othering” the Muslim world. However, his discussion occurs primarily in the time period after 1830 and in a context of European empire. My work examines a time that pre-dates the European empire and uses the literary Oriental Renaissance in literature as the cultural milieu from which Orientalism will emerge. Edward W. Said, *Orientalism* (New York: Pantheon Books, 1978).

granddaughter of Noah of the Biblical deluge epic. This is a chapter about origins. I have plotted the Berian world in which matrilineage matters out of genealogies, genetic analyses of pre-historic hominids, and historical texts. Here women conferred power and legitimacy upon men. The third chapter is hosted by the Almoravid daughters of Ghania, women who continued the tradition of conferring, or in this case denying, legitimacy upon male rulers. The topic of this chapter is the selection of Maliki jurisprudence over other schools of Islamic law as the one most useful to defend women’s rights along the westernmost the core or the heartland of the Berian Mediterranean world. It also demonstrates the resilience of this culture against the arrival of patriarchy with the West Asiatic Islamic invaders of the region. Isabel Trastamara, the Catholic queen of Castile, hosts the fourth stop. Her Moorish, matrilocal, matriarchal marriage contract to Fernando of Aragon not only captures the bicultural habits of the Trastamara dynasts of Castile and the Hispanic residents of the extremadura, or frontier between Islamic Andalusia and Catholic Spain, but also attests to the Berber cultural contributions to the Siete Partidas, Spain’s famous legal codex for its global empire. In all of these chapters, patrilineal culture is present but foreign to Berian Mediterranean culture.

The dissertation then traces the usage of misrepresentations of the Berian model of womanhood as the English moved from a seventeenth century position of underdog in the Mediterranean world-system to dominant power by 1830 CE/1244 AH during the slow resolution of the West European-West Asiatic Islamic contest for hegemony in the

9. I use the Spanish spelling of Isabel rather than the Italian version, Isabella, which is more commonly used in English.
Mediterranean world-system. British economic and military inferiority manifested as hyper-virility and this behavior was justified by Oriental Renaissance literature and anti-Islamic propaganda. Chapter five is hosted by Isabel de Soto, a sixteenth century woman in Spain who owned several copies of the Koran and could read Arabic. She was a culture keeper, a proponent of women’s rights, at great personal risk. This chapter examines methods used by patriarchal superstructures to suppress the rights of ordinary women.

Chapter six is hosted by the mother and wives of Muley Ismail (1672-1727 CE/ 1082-1138 AH), the second sultan of the current Alawi dynasty in Morocco, who championed the cause of Tiski’s daughters by expelling the English from Tangier, a port city where some garrison officers and soldiers displayed some of the worst behaviors toward British women that patriarchal values allow. During the seventeenth century, England struggled to maintain a foothold in the Western Mediterranean while reconnaissance literature about sieges, piracies, and diplomacy delivered incomplete information about women in the Islamic world.

Mary Wollstonecraft, hostess of the seventh chapter, denounced late eighteenth century elite women as inmates of imagined harems while intellectuals, merchants, and military men of America, England and France, united by Freemasonry, rationalized exclusively male public spheres and female private spheres. Members of the dining circles of Auteuil, the White Hotel in Paris and the White Bear Inn in Piccadilly ruminated upon plans to conquer the Persians, Greeks and Egyptians. They appropriated symbols of these empires such as pyramids and gods of light, like Ra, and scientists, such as Pythagoras. Europeans had long been envious of the luxuries of the East, as argued by Hung, and were
bringing more and larger relics to their homes and museums. They also began imitating, for whatever reason, what they perceived to be the most opulent symbol of civilized man: the harem. In the eighth chapter, set in the nineteenth century, when Harriet Beecher Stowe received her Moorish slippers from her seafaring, maternal uncle, Captain Samuel Foote, dinner guests at parties in Cincinnati, Boston, Hartford, London and Paris appropriated the harem model and Muslim women became a foil to argue for and against the empowerment of women by 1830's Anglo-American elites. That foil is still used, an “other” by which to measure the “progress” of Western women in a time when negative stereotypes of Muslims have once again come to dominate public discourse in the U.S., along with challenges of various types to women’s rights to control their own bodies. In other words, while West European culture planted its military and accountants in West Asia, West Asiatic Islamic culture informal colonization by means of patriarchal values influenced the homes of West European elites. However, as this mutual colonization occurred in the United States, woman-centered Berian values reshaped the American legal system by insisting on married women’s property rights in the 1830's through the American absorption of the territory, and culture, of Spanish colonial Florida. The ninth and concluding chapter focuses on Rev. Winslow Hubbard’s sinister use of the harem as a terrible nightmare to scare American women into isolation and physical danger within the Christian domestic sphere. The contest continues.

CHAPTER 1

INTRODUCTION: AN ALTERNATIVE TO PATRIARCHY

The Berbers of North Africa are an amazing group of women and men. For three thousand years of known history, foreigners have invaded the coastal areas, redirected trade, made a profit and moved to other lands. For two thousand years, the Berbers have been portrayed as culturally inferior and uncivilized. For three hundred years, Western European social philosophers of various religious persuasions have argued that women are inferior to men. Successive generations of patriarchal ideologues continue to argue this. Many times, the spokespersons are females who have been so intellectually eviscerated that they have no intestinal fortitude to combat their own oppression. Patriarchal philosophers render many of their students myopic and incapable of seeing any social realities other than patriarchy, even among non-Western societies in North Africa.
For almost fourteen hundred years, West Asiatic Islamic social philosophers have argued that women are inferior to men by reasoning away egalitarian values with respect to gender as a social class as held by some members of the seventh century CE community of the Prophet Mohammed’s followers at Medina. Since that time, West Asiatic Islamic social philosophers have failed to achieve complete success, especially among many Muslim Berbers.

**What is unconquerable about the Berbers?**

There is something unconquerable about the Berbers, especially the degree of equality between the sexes with respect to economic and political power. Men protected these rights for women. What is most consistent over the centuries is this pattern: whenever a patriarchal invader attempted to reorder Berber gender relations, Berbers resisted these efforts and frequently modified the invading culture. Of course, there were Berbers who adopted the new cultural values and as time passed, patriarchal practices rooted on the Mediterranean side of the Sahara for various reasons. In this dissertation I traced the competition between gynecentric Berber culture, which I call Berian culture, and the more patriarchal cultures imported to the area by practitioners of West Asiatic Islam and Western Christianity, as I looked for evidence of the transmission of Berber values with respect to women’s rights and as I demonstrate the influence of this set of

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11. By West Asian Islam, I mean areas associated with the ancient Mesopotamian Valley civilizations and the eastern edge of the Mediterranean Sea and the particular fusion of their philosophies, Hellenism and Islam. This term is defined by geography rather than by race, nation or language because the latter categories are fluid ones whose present constructions do not hold over the time period covered in this study. This term will be developed further as the monograph continues.
values on societies ranging from south-western Arabia to the United States. This unconquerable quality appears in a broad and ancient culture zone that ranges from the Pyrenees to the southern shore of the Sahara, a zone in which humans have migrated, traded and returned since Neolithic times. This history of the influence and transmission of a Berber culture required a longue durée approach and uses gender as a Weberian social class that determines access to economic and political rights. Berian culture, and its transmission and challenges, is discussed from elite and working class perspectives, using narratives about individual people to avoid dissolving all women’s experiences into one essential type. Understanding the various rates of resistance, influence and transmission requires an historical context to explore the significance of this culture and the politically motivated misrepresentations of it in the Western Christian world.

So what has been unconquerable about Berber society? Berbers refused to compromise the political and economic rights of women. Berber rebellions since the seventh century CE were frequently fought over issues of equality. In the imperial chronicles, this equality was cast as a desire for a Berber caliph, as in the Kharijite movement. Without question, many Berber clans have a history of refusing to permanently surrender their sovereignty to central authorities. This can be seen in Moroccan history by designations of regions as *bilad-al-makhzan*, where clans accepted royal sovereignty and *bilad-as-siba* where clans did not accept that status. There were also *guish* clans, who pledged military service in return for access to certain royal lands. What is common here is that the clans chose their political status. This explanation goes far in explaining the many cases in history in which Berber clans rebelled against Muslim
caliphal systems wherein leadership positions were allocated to Arabs and not to Berbers. The issue of sovereignty was also quite sufficient to explain the relationship of Berber clans to the various colonial administrations over the last three thousand years.

This political explanation does not explain the passion with which some Berber clans contended with other groups over orthodoxy issues. Many European travel narratives about Morocco, especially from the Muley Ismail era (r. 1672-1727 CE/1081-1138 AH), referred to powerful, royal women. In the classical histories of Morocco by chroniclers like Ibn Battuta and Ibn Khaldun, women, including non-royal women, seemed to have more liberty than their counterparts in other regions as described by the same authors. At the level of the hearth, the struggle between some Berber clans and others concerned men protecting the legal rights of their mothers, sisters and daughters. One key but under-explored factor in western Mediterranean debates over Islamic orthodoxy is the degree of legal equality between men and women.

Men protected these matrilineal rights for women. The particular features of Berian matrilinearity are: naming the lineage or clan for a female ancestor; organizing society so that women inherit the land and designate men to protect them; women have a right to own and manage economic resources; women have legal standing even when married; women are not required to suffer abuse from spouses and have the right to divorce. Moreover, Berian women are not defined by their relationship to a man nor by their fecundity which distinguishes this social order from West Asiatic or Western Christian patriarchy.
This was the pattern that I traced as I looked for evidence of the transmission of Berber values with respect to women’s rights and as I demonstrate the influence of this set of values on societies ranging from south-western Arabia to the United States. When this pattern of men protecting the legal rights of their female relatives is added to the sovereignty issue, the passion of Berber resistance movements becomes a rational, civilized, and chivalrous behavior. When confronted with patriarchal legal systems in which women are reduced to perpetual jural minor status or women die in the eyes of the courts upon marriage as they disappear into the legal personhood of their husband, defenders of the matrilineal Berber customs fought for the legal life of their female relatives. This resistance occurred in North Africa, in Iberia, and in southern Red Sea area where Qahtani Arabs and Ethiopians both valued women’s political and economic rights. These latter two populations and the Berbers are members of the Afroeurasian language family Diaspora from the dessication of the Saharan salt marsh.

Medieval versions of this ancient order of gendered power relations were known to Europeans but Europeans did not seem to comprehend the system fully. Some ordinary, married Castilian women had more rights to premarital and marital property than did women in Madrid. This Berian pattern might even inform the Spanish surname practice in which women keep their natal family surname even after marriage. After reading Jane Landers’ work on Spanish colonial Florida, I reviewed several petitions filed by female former Spanish citizens to their new sovereign government, the United States, to retain title to tracts of Florida land rather than surrender the titles to male relatives.¹² I


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was unable to find an explanation for this in the Germanic and Gothic legal traditions of medieval, Christian Spain. However, when I explored what scholars sometimes called “local legal customs,” I found that the Almoravids left more than beautiful public architecture in Iberia. They and other North Africans brought to Andalusia a social system in which ordinary women had more legal rights than some neighboring Christian societies north of the Strait of Gibraltar. Men and women of Berian cultural persuasion defended these rights so much in Iberia and the Spanish colony of Florida that they successfully modified Alfonso X’s *Siete Partidas* and the US Supreme Court case, *US v. Percheman* 1833, legal documents from relatively patriarchal, Western Christian lands. Berian culture influenced Western Christian society.

**Geographic Issues**

By reconceptualizing ethnic groupings into female-friendly Berian and patriarchal West Asiatic and Western Christian zones, it becomes possible to understand that the three competing cultures at the Strait of Gibraltar fought over more than access to markets: they fought over control of women’s bodies and women’s rights. The pattern of men protecting the legal and political rights of women over so many centuries calls for a re-conception of broad ethnic groupings since the current categories based on race and religion did not exist during the earliest times in this study. In this model, the Strait of Gibraltar becomes a bridge at a confluence of cultures.

The Saharan fishing culture Diaspora ranged from southern Arabia to the Pyrenees mountains at a time when our concept of “nation” and “world-system” did not exist. Joseph Greenberg found that many of the languages spoken in this region derived from a
common source in the region of the former Saharan salt marsh and he called this the Afroasiatic language family. Over time peoples speaking other languages moved into the region but they still seemed to share a common respect for women’s political and economic rights. Therefore, in recognition of this common gender organization principle, there needs to be a term that transcends linguistic categories. I have called this large geographic zone linked by shared appreciation of women’s power and contribution to society the Berian world, a term constructed out of the Arabic root word from which “Berber” is also derived.

The Berian world is connected with respect to women’s rights and by trade routes and can be juxtaposed to the West Asiatic Muslim world. These routes maintained communication and alliances across the expanding desert as the diaspora increased in territory. Ultimately, the routes connected the southwestern portion of the Arabian peninsula to the Sahelian populations south of the Sahara to the Atlantic Ocean and across the Strait of Gibraltar, covering the northern half of the African continent and beyond.

To the east of the Berian zone is the West Asiatic Islamic world which begins in northern Arabia, the Persian Gulf, and extends across Persia, Mesopotamia and into Syria. The Phoenicians were the first known wave of foreign invaders and they arrived at the Strait at approximately 1000-900 BCE from the eastern Mediterranean. Several empires controlled the coastal ports over the millennia but no one has fully conquered the Berian hearth when matrilineal practices continue. West Asiatic culture attempted to impose a

form of Islam that contained the philosophical approaches of ancient Greece and the
dualism of Persian and Mesopotamian religions like Magian innovation upon the
Zoroastrian version of Mazdaism. In the early Islamic age, Syrians and Persians also
arrived. Currently, the populations are conflated as Arabs because they share a common
lingua franca and because nineteenth century scientists decided that they were of the same
phenotypical category: neither Caucasian nor African. Syrians spoke Aramaic and
Persians spoke Farsi before they adopted Arabic as a colonial language during the first
centuries of Islam. The language difference and the different powers assigned to or
deprived of women among these incorporated peoples were not common among the
earliest Arabic speakers from southern Arabia.

Eventually, Western Christianity, with its gender-segregated clerical system, was
formed in part by the Christian patriarchs from North Africa, such as Romanized Berber
Augustine of Hippo and Berian Christian Donatus, men who would influence the doctrinal
debates at the Council of Nicaea in 325 CE. Augustine would lead the call for celibacy in
the Catholic priesthood after he was exposed to Hellenic philosophy, an approach that
would lead to patriarchy among Western Christians and distance them from Orthodox
Christians, whose approaches to gender were founded on the more Berian teaching of
Donatus and Arius. Iberia experienced such a mélange of Christian and Muslim
approaches for so many centuries that the Castilian culture cannot be identified as anything
but syncretic.
Much of the syncretism was a result of the Strait of Gibraltar serving as a bridge between continents and cultures. In some Western European imperial narratives, the Strait was a bridge facilitating migration from Europe to Africa until 1492 CE/851 AH, when the Strait became, for the scholars, a border between the Islamic and Christian worlds. I will present the work of several Spanish geneticists as evidence that prior to that year, even back to Neolithic times, the Strait served as a bridge facilitating contact between and migrations of individuals and whole clans, evidence which further supports Greenberg’s language family thesis. The ancient Saharan salt marsh fishing societies were significant centers of human interaction contemporaneous with the evolving Nile Valley and Mesopotamian societies.

The desiccation of the Saharan marshes was a catalyst for migrations in North Africa and to Iberia. It is possible that these prehistorically connected peoples in North Africa and Iberia esteemed women as important political and economic agents in society, although evidence from those ancient times to support this assumption is lacking. However, I have found evidence going back to pre-Islamic times that women were societal agents in this region and that some men acknowledged and defended women’s rights into the nineteenth century, while twentieth century woman-centered practices existed among the Tuareg of the Sahara. Iberia was an extension of the Berian.

To highlight the antiquity of contact across the Strait in this study, I have adopted the earliest ancestor I found in North African origin narratives as a metaphor or personification of this esteem accorded to women in this region: Tiski al-Ardja. According to some Berber origin myths, Tiski al-Ardja’s descendants migrated from
Southern Arabia into the Saharan regions where they encountered peoples who were already living in the area. The Phoenicians arrived in the area in approximately 1000 BCE. In addition to the Berian value system, dualistic Babylonians and Persians, who were defeated by the early Arab Muslims, eventually coopted the governance of the Muslim empire, modified Islam to reflect their pre-contact values, and adopted Arabic as an official language. The Abbasids were syncretic or assimilated Arabs. In order to maintain this historical cultural difference without reducing any of the populations to conquered subjects of Arabic speakers, I refer to this region as West Asia and the people who lived there as West Asiatic Muslims. It is a geographic category that allows for an approach to the area through women’s history without loading our contemporary baggage of race and religion onto the people of the past. The third region is that of Western Europe, which evolved from being distant provinces of the Roman empire to being the home of global, imperial nations by the 1830’s. The current national boundaries were not yet established and so, for most of the dissertation, the most stable identifier of peoples from that area is based again upon geography: the British Isles and lands west of the Rhine River. All of these areas were strongly influenced by patriarchal Romanized Christianity from the early Middle Ages on. In sum, this dissertation is a history of women’s rights at a confluence of the female-friendly Berian culture circle and the less female-friendly West Asiatic Islamic and West Christian culture circles.
Peggy Sanday suggested that societies that acknowledge a progenitrix tend to accord more societal agency to women than societies that acknowledge progenitors. In the next two chapters I present information that supports this theory. Of course, I cannot suggest that Berbers had a monopoly on gynecentric culture for we have evidence of empowered women all over the African continent, whether that power be in the form of rulers, queen-mothers and royal wives, female warriors, healers, priestesses, council members, miners, farmers, merchants, caravan leaders or more. Nor do I universalize Berian values to all Berbers, for the difference between patriliny and matriliny distinguished, in part, the Zenata from the Zenaga Berbers. Using the theories of Joseph H. Greenberg, I believe that these Southern Arabians originally hailed from North Africa and returned there in a reverse migration documented in an origin myth. I suggest that these values have been held for many centuries. This means that the Tiski al-Ardja legend is an oral history of a reverse migration of Berian peoples from Arabia to Africa.

How can one refer to this intercontinental region as a single unit rather than continue to see it as distinct areas? The fall of the kingdom of Granada in 1492 finalized the expulsion of Islamic governments from Europe, making the Strait at Gibraltar a fence between the Christian and Muslim western Mediterranean lands. Sometimes North Africa is identified as Ottoman territory, but this identification does not include Morocco, which was always independent of Turkish rule. Even the term “Morocco” is problematic because in the sixteenth century, Morocco’s empire invaded Songhay south of the Sahara.

but in the eleventh century, the land we currently identify as Morocco was ruled by Sahelian peoples, who moved their base of operation to the town of Marrakesh and who ruled portions of Iberia, the central North African coast, and several Mediterranean islands. To complicate the picture further, we are discussing a social system that predates the concepts of Christianity, Islam, Europe, Morocco, or Songhay and may even, if there were evidence to support it, predate the formation of the Sahel and the Sahara desert. As stated earlier, there is evidence of contact between peoples on both sides of the Strait but I do not have evidence of this region as a world-system as defined by world-systems theory, primarily a lack of evidence of a economic or political power relationships necessary to define a core-periphery system. So, I find myself needing a term to define this region based upon Neolithic activity connecting Iberia and the Saharan salt marsh diaspora, a term which I have constructed in Chapter 2 based upon my translation of the name “Berber” from Arabic Because the predominant peoples in this supranational, or pre-national, area for the last three millennia have been the Berbers, I have named this zone of human interchange the Berian world.

**Theoretical issues**

This dissertation complements Edward Said’s “Orientalism,” in the Western Christian culture zone regarding knowledge about women’s rights in the Berian zone. It also is informed by Michel Foucault observations regarding the Western Christian expression of power as the ability to control sexuality and women’s bodies. One focus

will be on how failed British attempts to dominate the Mediterranean in the seventeenth
century were accompanied by notions of sexuality, including male sexual envy, based
partly on a widespread misunderstanding of the harem. The issue of the expression of
power was also present in the New World where later in the early nineteenth century
changing power relations between Morocco and the U.S. as shown in the Barbary Wars
also came through in orientalized notions about sexuality and domesticity, accompanied by
a consumerism that fetishized harem apparel and ornaments as an aspect of Western
imperialism. For the British, sexual envy was an aspect of power when they were not
winning against the Moroccans. For the Americans, appropriation of material culture was
a representation of an aspect of victory.

Telling the story of how the harem came to dominate the imagination of Western
Christians, who misinterpreted the system, and how Berians resisted for three millennia
pressure to abandon matrilineal values requires a longue durée approach which emphasizes
continuity but also includes change in the studied population. This story also requires a
definition of social class as determining access to economic and political rights, which
allows discussion of elite and working class people but does not essentialize or dissolve all
women’s experiences into one.

There were three overlapping cultures at the Strait of Gibraltar: the Berian one,
West Asiatic Islam and Western Christianity. This dissertation examines changes and
continuities with respect to women’s rights between the three, looking for evidence of
influence and transmission or exchanges of values over the longue durée. Women’s
economic and political rights are examine among ordinary and elite women. The pattern
of men protecting the rights of women against patriarchal colonizing cultures is identified and examined temporally and geographically, along with its influence on some non-Berber societies. Evidence supporting a Foucauldian analysis of the power dynamics within this pattern is given, and changes in the system as it crossed the Atlantic Ocean and was reconstructed to endorse patriarchal power in some Anglo-American circles in the early nineteenth century are examined.¹⁶

**Historical context**

Berber history was obscured by invaders’ conquest narratives, which often privileged specific Islamic contexts. Competing Islamic systems contended for hegemony within a generation of the arrival of Islam in the *maghrib*. A stereotype of Arab homogeneity masks the medieval contests between West Asiatic Islamic/Northern African/Southern Arab factions contesting for dominance in the Western Mediterranean. In the early modern era, narratives about the hegemonic, colonizing superstructures in the Berian world fall into two broad camps: the West Asiatic Islamic one and the Western Christian one.

Some narratives about Islam in the *maghrib* omit the Berbers. Andrew C. Hess demonstrated an Arab dominance of the Muslim Mediterranean world and Andalusia as he equated the “House of Islam” with the “Turko-Muslim” world and his idea of a “no-man’s land” was the Iberian peninsula between Christian Spain and Muslim Andalusia as if there

were no indigenous Africans involved in the events of the past.\textsuperscript{17} Arab hegemony appeared even in a mid-twentieth century history about Morocco by Jacques Baulin, who presented North Africans as “whites” so that he could diminish their African heritage. “Arab and Moslem, contemporary Morocco owes its double character to ancient and modern history alike.” For this author, “it seemed strange to see this country, ruled by an absolute monarchy and preserving feudal values, joining with the African ‘militants’ — like the United Arab Republic, Ghana, Guinea, and Mali — to form the Casablanca bloc.” He could not understand how Mohammed V, “the fifty-year old monarch, father of a large family, an Arab and a Moslem,” could form an alliance with sub-Saharan African nations. This Arabized history of Morocco categorized the current Alawi dynasty as Arab and not African, claiming that Moulay Rashid, the second Alawi sultan, “prevented a new Berber-dominated period” and his successor, Muley Ismail, “dedicated himself to protecting his land against the Turks, Christians, and, most seriously, against the Sanhaja Berbers of the Middle Atlas.”\textsuperscript{18} The Alawi patrilineage was Arab but the political power was matrilineal since the Alawis did not have political legitimacy until they married Berber wives. The fallacy here is that Baulin did not account for Muley Ismail’s Sahelian mother nor for his Sahelian wives and the political and military power these women controlled. There really is an Arab imperial narrative that continues to obscure Berber history as much as French colonial histories do.

Western Asiatic Islamic bias appears in narratives which deny women active political roles and which conflate Mazdian dualistic meanings of white as good and black as evil with phenotypical appearances into a form of racism. Hess and Baulin followed a twentieth century, historiographical trend by representing women as incubators and sex workers. Such narratives acknowledge a creole ruling class of the Maghrib composed of descendants of children of “Arab leaders and local women” by suggesting that the “dark horsemen from the desert” had a “marked preference for blondes who could easily be found among the blue-eyed Berbers and the Christian slave population.” This type of narrative often minimized the historical significance of the African Almoravid Berbers, and emphasized the “Arabized Berber dynasty, the Almohads from Morocco,” thereby whitening the Almohads who were also from Saharan populations, as noted by Richard Brace.19 The Alawi patrilineage did indeed come from the Arabian peninsula but these Arabs did not gain political legitimacy to rule until they married African, Berber women who were Sahelian and very connected to the kingdoms of Ghana and Mali.20 Some scholars limited the African identification of Berbers to the base level of society and artificially removed African influence from the indigenous, governing superstructures. In this manner, biased scholars have dismissed the numerous women who were agents in Berian-centered histories of North Africa as having been literary, legendary, or popular fiction characters.

Islam as a religion and social order arrived in the Maghrib when a seventh century group from Arabia became the latest, but not the last, invaders of the Maghrib. The lands north and south of the Strait of Gibraltar were the stage for numerous waves of invading or colonizing peoples from other societies that participated in the intra-regional trade on the Mediterranean Sea. Because of this, the recorded histories about Berbers in North Africa vary as much as the phenotypical features of Berber-speaking peoples do and among these histories are Western Christian, a Western Asiatic Islamic narratives, and a perspective that centers the activities of Berber peoples. In the Western Christian and West Asiatic Islamic narratives, events in the Berian world were written to emphasize invasion and conquest of Berber lands. Berber histories, however, demonstrate that after two thousand years, no invader has ever completely eradicated the rights of women in the Berian zone. Rather, successive waves of Berber military crossings to the north side of the Strait reinforced a respect for women’s economic and legal rights to the extent that Alfonso X of Castile incorporated a protective hedge against patriarchal exploitation of women as he selected laws for incorporation into the Siete Partidas, the document that transported this female-friendly juridical philosophy to the Spanish New World colonies. In this manner, Berian Islamic values permeated Spanish Christian culture long after the political hegemony was lost in 1492 CE/896 AH.

The narrative about medieval North African history was generated from an Arab perspective and focused on the conquest of the lands west of the Nile delta, a region now known as the Maghrib. The initial Islamic incursion took the form of a massive raiding party plowing through Byzantine Tripolitania on the way to Carthage in 647 CE/26 AH.
The conquest began in 670 CE/49 AH when Uqba Ibn Nafi took Tunis, established the city of Kairouan as the capital of his new province of Ifriqiyya, and continued conquering until he reached the Atlantic coast. The Byzantines were defeated permanently within a generation and this marked a change in owners of the imperial narrative concerning North Africa from Europeans to Arabs. In 711 CE/92 AH, Tariq ibn Ziyad, a Berber, invaded Iberia after an invitation from Count Julian to assist in deposing the Visigothic King Roderic; however, in true imperial fashion, the Umayyads sent their own man to claim the territory. This opening afforded the Muslim army an opportunity to conquer the entire peninsula, to cross the Pyrenees, to claim Aquitaine and portions of Burgundy until this campaign was stopped by the Franks in a series of battles from 732 CE/113 AH through 778 CE/161 AH. Under the leadership of Charles Martel, Pepin and Charlemagne, who was awarded the title of Defender of the Holy Roman Empire, the Franks pushed the Muslims below the Pyrenees by the end of the eighth century where they remained for eight centuries.

The factional fighting in the Western Mediterranean between Muslim political factions and proto-nationalists was sometimes shrouded in the West Asiatic Islamic narratives of Iberian conquest as the Crusades, Christian holy wars, which challenged the Islamic empires, superficially united people from different geographical and cultural regions under the flags of the cross or the crescent. Internal politics in France and England were often contentious and the same was true in Andalusia. Some factions were led by men of the Qahtani lineages from southern Arabia and Yemen who, claiming to be the original Arabs, denigrated northern Arab speakers from Western Asia (Mesopotamia
through Syria) as Ishmaelis, as in descendants of the legendary Abraham’s son Ishmael, an ancestor from Ur of the Chaldees in Mesopotamia. During the time of the Four Caliphs, immediately following the death of the Prophet Mohammad, the Qahtanis (who had intermarried with the Prophet’s Qurayish clan before Mohammad was born) had great influence. During one of the campaigns to conquer Mesopotamia, a succession crisis occurred and the leadership of the Islamic community passed in 661 CE/20 AH from ‘Ali, grandson of the Prophet, to Mu’awiya, who shared an ancestor with the Prophet approximately four generations in the past. In this manner the Umayyad dynasty came to power in the seventh century and established the imperial center at Damascus. The Umayyads cemented their influence in the Maghrib by sending soldiers and administrators from Syria to dominate the colonial structure, meaning that Qahtanis, Syrians, Northern Arabs and Berbers contended for power within the western Islamic empire.

One aftermath of these contests were periodic immigrations to and emigrations from Andalusia as most-favored-clan status rotated among the Muslim hegemons. Many Berber clans chose to incorporate into the empires, while some clans declined. Meanwhile, Arab-conquered Persians amassed enough strength to overthrow the Umayyads in 750 CE/312 AH and they took over the Islamic empire movement under a leader descended from Abbas, an uncle of the Prophet Muhammad, moving the capital to

21. This term should not be confused with the Ismaili sect of Islam yet to be developed. Further explanation of the significance of the Qahtani/Ishmaeli distinction occurs in Chapter 3.

Baghdad where they would dominate the empire until the thirteenth century CE. One relatively immediate impact was the incorporation of Greek philosophy and reasoning into Abbasid jurisprudence. Recognizing the changes promulgated by teachers of this method, such as Abu Hanifa, Ibn Hanbal and al-Shafi‘i, Malik Ibn Anas transferred from oral history to written history the sayings and customs of the Prophet and the community at Medina as passed to him through his parents and ancestors who were close to the Prophet and his family. In Chapter 3, I show that the abandonment of the Medina practices resulted in a decrease in women’s economic and legal rights as Islam. One of the greatest contributions of the Abbasids to Islam, therefore, was the codification of *sunnah* Islamic law in the eighth and ninth centuries CE.

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23. Hourani, *History*, 30-32, 488. An Umayyad dynasty continued in Andalusia until it fragmented into a competitive feudal system known as the *taifa* era.

24. These differences with respect to women’s rights are discussed in third chapter.
Dissatisfaction with the Abbasids, continued support of the Umayyads still reigning in Andalusia, and inter-clan power struggles in the North African Islamic empire were often expressed in terms of orthodoxy and adherence to Islamic juridical systems. For example, in 657 CE/36 AH, a group of North African Muslims clung to the equality of all Muslims, making them all eligible to lead the community of the faithful as *imams* and rejecting the concept of a caliph from the lineage of the prophet. This brought them into direct confrontation with those who followed the descendants of the Prophet, including the Umayyads and later the Abbasids, all using lineage to justify making high political offices the exclusive realm of Arabs. By 739 CE/121 AH, the Berbers on the Tangier side of the Strait of Gibraltar rebelled at being denied power in the region they and nearby clans had opened for conquest under Tariq Ibn Ziyad. The rebellion spread eastward to Kairouan. These clans claimed orthodoxy as adherents of the Kharijite philosophies and
established the Berber Rustamid dynasty in Algeria in 777 CE/160 AH. Further west near Fez, the Awraba Zenatas chose another form of resistance. In 788 CE/171 AH, Idriss Ibn Abdullah, an Umayyad who survived Abbasid persecution, was brought to the Awraba by his servant, Rashid. Idriss became a client of Ishaq ibn Abdul-Hamid, a clan leader, married Ishaq’s female relative named Kenza, and was proclaimed imam of the clan. Because Idriss was a great-grandson of ‘Ali, the Prophet’s son-in-law, the Awraba clan could rally behind him and legitimately challenge the Abbasids, much as the Abbasids challenged the Umayyads, while still controlling Idriss through a Berber patron-client system called *amhars*. The plan worked until Idriss II, Idriss’ son and Ishaq’s grandson, exchanged his matrilineal obligations to the Awraba for an offer to lead patriarchal Arab refugees from Iberia who had recently arrived in the city of Fez in 805 CE/188 AH. This Idrisid dynasty would last until the tenth century. For the next few centuries, Berber clans negotiated or rejected alliances with Arab governors from West Asia. In Ifriqiyya (Tripolitania to Tunisia) the Zenata branch of Berbers tended to adopt more West Asiatic Islamic values than the Zenaga of the Sahara and Sahel.

On the Atlantic coast, there was another Berber dynasty that was more successful in maintaining its independence. The Barghwata State was established by Salih ibn Tarif in 744 CE/126 AH. Ibn Tarif translated the Koran into Berber, modified the number of prayers and the style of ablutions, and effectively Berberized Islam. The Barghwata state lasted until the eleventh century. The Guddala, Lemtuna, Tuareg and other Zenaga clans

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25. This institution is discussed in Chapter 2.
negotiated the markets between the empires engaged in the Saharan trade systems to their own advantage. In addition, in the eleventh through the thirteenth centuries CE, the Almoravids, followed by the Almohads, both from the western Sahel, expanded along the trans-Saharan trade route connecting Ghana, Marrakesh and Tangier, whereupon both dynastic movements crossed the Strait into Andalusia. From the east, the Abbasid Caliph al-Mustansir was not pleased with the rise of a new power in the ever militant Maghrib, so he ordered the Banu Hilal, a group of Bedouin mercenaries from northern Arabia, to migrate by the hundreds of thousands into Ifriqiyya, from whence they were eventually sent to Morocco to put down these breakaway movements. Nevertheless, one of the successful responses to the Umayyad and Abbasid ethnocentric exclusions of Berbers from political power in North Africa was the formation of separatist movements, each claiming a greater degree of orthodoxy than inherent in beliefs held by the invading Arabs.

The thirteenth century witnessed the fragmentation and reorganization of many political systems that participated in the Mediterranean trade networks. The Abbasids were displaced. In Morocco, the Marinids of the Sahara came to power as did the Hafsids of Ifriqiyya and the Nasrids of Andalusia. In Yemen, the Rasulids dominated while the Mamluks gained power in Egypt and Syria. In the Sahel, the empire of Mali gained prominence while the Songhay and Kanem-Bornu states continued. In Western Europe, the Magna Carta was drafted, the Crusades were ending, and monarchs acquired more territory. In Asia, Genghis Khan and his sons moved the Mongols to the West while Ertugrul Gazi’s progeny laid the foundations for the Ottoman empire. This was the

28. Ibid., 148-150.
century in which West Asiatic Islamic power dynamics realigned, giving Muslim Turks the upper hand over the Persians and Qahtani Arabs. On the other side of the Mediterranean, Western Christians slowly, without deliberate coordination at times, gained more territory from the Muslims in Iberia. The arrival of the bubonic plague in the fourteenth century brought further disorder and created power vacuums within and between states.

By the fifteenth and sixteenth centuries, Western Christian nations entered the Mediterranean trade as economic powers far more organized than they were during the Crusades. The Christians completed their Reconquest of what was once Roman Hispania when the Muslim king of Granada was defeated by the Catholic monarchs, Isabel Trastamara of Castile and Fernando of Aragon, in 1492.\(^{29}\) Centuries of Muslim and Christian coexistence and culture diffusion officially ceased, but nevertheless a hybrid society existed and continued in Iberia. The Spanish had acquired port cities and islands such as Ceuta, Melilla, while the Portuguese took the Canaries and Sao Tomé off the coast of Africa as they circumnavigated the African continent to access trade on the Indian Ocean; both increased their colonial presence in the Americas. Increased sea traffic provided opportunities for capturing slaves and hostages from across the Christian/Islamic religious divide, a more pecuniary form of crusade and jihad. In the interior, Moroccans once again dominated the trans-Saharan road south when al-Mansur sent an army of Berbers, including Western European renegades, to occupy Timbuktu in the Songhay empire in 1591 CE/998 AH. From the sixteenth through the early nineteenth centuries, Western Christians remained in the Mediterranean as ascendant economic and military

\(^{29}\) Here and in Chapter 4, I use the Spanish spelling of the monarchs’ names.
powers, checked in part by the Berbers and the Barbary states in the western Mediterranean and also by the Ottomans in the eastern Mediterranean. Several Western Europeans joined the Islamic travel narrative tradition of Ibn Battuta and Ibn Khaldun, sharing their own observations with audiences in the homeland, sometimes for entertainment and sometimes for propaganda and reconnaissance purposes. One can say that Western Europeans engaged once more in a crusade to access the trade routes intersecting in West Asia. In the chronicles about several centuries of North African events, there is a paucity of empowered women as agents in the Western Asiatic Islamic narratives about the Arabization of Berbers.

Meanwhile, women-as-agents frequently appeared in North African narratives about the Berberization of Islam, the formation of successful Berber dynasties and Berber resistance to West Asiatic Islamic dominance and it is quite significant that these powerful women were not limited to the time of Islam. In the Hoggar mountains there was a great Berber queen named Tin Hinan, whose polity traded with the Roman empire.\textsuperscript{30} From the seventh century CE, there was the Kahina, the female chief of the Jawara Berbers at Bougie (present-day Algeria), who defeated Hassan ibn al-Nu’man’s army on two occasions.\textsuperscript{31} From the Atlantic coast of the eighth century, there was another Berberized Islam practiced south of Tetuan and this sect was led by Hamim the prophet, who relied on his aunt Tangit to support the movement.\textsuperscript{32} More stories of powerful women emerge

\textsuperscript{30} An analysis of the role of women in pre- and Islamic Berber societies performed in Chapter 2.

\textsuperscript{31} Abun-Nasr, \textit{History}; 32.

\textsuperscript{32} Laroui, \textit{History}, 108.
from Berber clans histories. In the previously mentioned story of the founding of the Idrisid dynasty, Kenza, Idriss’ wife, was responsible for establishing Idriss II as the new imam of the Awraaba clan and there is a story that she made political decisions for her grandsons.\textsuperscript{33} The Almoravids could not have expanded into Andalusia if Zeineb had not financed Yusef ibn Tashfin’s army in 1102 CE/497 AH. Among the thirteenth century Sandarata or Sawata Muslim Berbers near Aïr, a man owed an inheritance to his sister’s sons.\textsuperscript{34} Ibn Battuta reported a similar practice among the Massufa he visited in the western Sahel.\textsuperscript{35} In Mali, he learned that the name of the sultan \textit{and} the name of his wife were called in the Friday prayers, something “truly most surprising to an Arab.” Ibn Battuta was there when the sultan put away this wife, a royal woman, and elevated a common woman to take her place. The sultan’s female paternal cousins greeted this woman with ashes on their arms, a sign of disapproval and shamed him into restoring his principal wife, who then demonstrated her disgrace with a public parade in which her male and female slaves were covered in dirt and she veiled her face because of her disgrace. She unsuccessfully plotted to overthrow this sultan by inviting a male cousin to take his place on the promise that the queen would deliver herself and her army to his disposal.\textsuperscript{36} Like Zeineb, this queen had the power to select and legitimize the ruler. In the eighteenth century, an English ambassador was impressed that the Empress of Morocco exercised her

\begin{footnotes}
\item[33] Ibid., 112.
\item[35] Ibid., 295.
\item[36] Ibid., 309.
\end{footnotes}
power to make his mission far more productive than earlier ambassadors who did not enjoy the favor of an empress. In fact, stories of strong women are common among the various Berber clans of North Africa and also among the Qahtani Arabs of Southern Arabia, peoples who had participated in the Sahelian trade route from the Red Sea to Lake Chad to Mali for centuries.

Narratives about women who owned and delivered armies to male generals appear at the southern and northern terminals of the Mali-to-Tangier trade route. Examples of women who ruled and owned armies are too ubiquitous among the Berbers to be anomalies; women had political power among the Berbers and men defended women’s legal and economic rights by claiming orthodoxy against the Arab invaders who were ethnocentric and less inclined to give women public political roles. The fact that these stories have been preserved speaks volumes about the importance of protecting the rights of one’s mother, sisters and daughters in this area. The fact that most of these women were excluded from Arab imperial narratives or, if mentioned at all, were portrayed as passive or nameless subject suggests that women were less valued or accorded fewer political or economic opportunities than their Berber and other African contemporaries. Having returned Berbers, especially Berber women, to an introductory North African historical narrative, I can move forward with the presentation of more specific findings.

**Presentation and Derivation of Findings**

Royal women, even in patriarchal societies, tend to have more rights than their female subjects; however, the test of the Berber protection of women’s rights rests on

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37. See Chapter 6.
whether these rights were available and exercisable by ordinary women. Ordinary women’s voices in the Berian world can be heard in the laws and legal decisions involving women’s rights to property, marriage, divorce, resources, liberty and even happiness. In England, France, and the United States, efforts to suppress women’s rights were fairly blatant in texts which misrepresented those very same rights to Western European audiences, female and male, desirous of an exotic justification to romanticize and make palatable the rational and scientific oppression of women constructed there during the Enlightenment, when much information about the Berian and Mediterranean regions was disseminated across the Atlantic ocean in the popular press.

In order to understand the major changes in this contest between female-friendly Berian values and male-biased West Asiatic Islamic and Western Christian values, I have divided this narrative into two periods. The Mediterranean Age explores the ancient history of this contest from pre-Islamic times through the era of the Berber dynasties in Andalusia and corrects imperial narratives of the area by restoring women as historical agents. My scholarly contribution in this section is an understanding of Islamic orthodoxy issues as contests between ethnic groups over the rights of women within Islam. The second period is the Atlantic Age, from roughly the fifteenth through the early eighteenth centuries CE as Western Christians factor more strongly in the imperial struggles around the Strait of Gibraltar. During this time, the contest between patriarchal colonizers, like the Catholic Church and the young British Empire, and female-friendly political and legal systems, like the early Alawi monar chies and the Castilian monarchies through Isabel I, over the defense of ordinary women’s rights favored the patriarchalists as more Western
Christians discussed their distorted perceptions of women’s roles in the Muslim world over dinner, whether in revolutionary Paris or antebellum Cincinnati, Ohio, using the *Arabian Nights* and travel literature to romanticize the deprivation of rights from American women who were conditioned to tolerate *de facto* polygyny, juridical death, and marital slavery. The legacy of a diluted Berian system was the protection of married women’s property rights in 1833, when the U.S. Supreme Court recognized the essence of these rights from the *Siete Partidas* legal code with the Florida colonial cession.
CHAPTER 2

TISKI AL-ARDJA AND STORIES ABOUT ORIGINS AND FEMALE POWER IN THE BERIAN CULTURE ZONE

Near the beginning, there was a woman named Tiski al-Ardja and she was good; and men saw reason in honoring her; and they did not dominate her, neither her nor her daughters ever after. One day, strangers came from the East and, in the name of religion, these strangers taught men to dominate her daughters but the strangers did not prevail. Another day, strangers came from the North and, in the name of a different religion, they, too, taught men to dominate her daughters but these strangers did not prevail either. Neither group of strangers would admit their defeat to the world and so they created victories on paper, in histories. The true victors were the woman’s daughters and sons who taught the ways of honoring their mother to the people of the East and the North and sent disciples to the New World, teaching men and women to respect and to preserve women’s rights.¹

Matrilineage matters across much of the African continent and especially in the Berber culture circle that developed in the region of the ancient Saharan salt marsh and dispersed to the southern Arabian and to the Iberian peninsulas where it modified Islamic and European legal systems and later arrived in the United States and the New World in the form of the Siete Partidas. In this chapter, Tiski a-Ardja, legendary first ancestor of the Berbers, serves as a metaphor for this female-friendly, Berian culture zone that was challenged by incursions from patriarchal West Asiatic Islamic and Western Christian

¹. I have put this story, as well as those told in subsequent chapters, into parable form, as seems suitable.
culture zones. The Berian culture zone has existed for millennia and must be recognized. Marriage and matrilinearity within this zone can be understood by using Tuareg culture as a model. This model is supported by a women’s history that unites the Berian zone as men and women defend this set of values. The purpose of this chapter is the definition of the Berian culture zone as a region in which gender relations are female-friendly rather than patriarchal.

This chapter examines the interaction between two culture zones within the Afroasiatic linguistic family: the female-friendly Berber, or Berian, culture zone (a term I will define shortly) and the more female-oppressive culture zone promoted by a subset of Arabic speakers on the Western edge of the Asian continent, a region whose eastern border I mark at the Mesopotamian valley. This West Asiatic Islamic culture zone borrowed the Arabic language but, I argue, actively sought to undo the legal rights that protected women in the more gender egalitarian Berian culture circle. West Asiatic Muslims shared a patriarchal preference with some Western Christian societies and there were eras in which these two culture circles operated simultaneously to suppress Berian values. Crossing the Strait is an effort to chronicle the Western Christian and West Asiatic Islamic patriarchal challenge to the ever viable and influential, female-friendly Berian system. Its lasting influence can still be seen in Spanish and New World Hispanic

2. My definition of West Asia concerns the Arabic-speaking, dominant culture circle in West Asia that had political centers in Damascus and Baghdad. The degree to which other societies in this geographic region, including Jews, Petrans, and Omanis, shared these patriarchal values is a subject studied by other scholars.
retention of mothers’ surnames. Furthermore, this culture informed some Western feminists, such as Mary Wollstonecraft and the Beecher sisters, through the 1830's by way of conversations and observations related by merchants, Christian captives, diplomats and tourists. This female-friendly culture thrived due to the continuous efforts of women and

3. It is common knowledge that surnames in Hispanic culture may contain both the father’s surname and the mother’s surname. In Chapter 4, the significance of the surnames of royal sons Enrique IV of Castile and Henry, Duke of Richmond is discussed. Since both of these men had royal fathers and mothers who were mistresses or concubines, it is significant that, in Castile, Enrique was qualified to rule and that, in England, Henry was not qualified to rule. Henry’s disqualification was so strong that the throne passed to his younger stepsisters in a country that practiced primogeniture, meaning in this case that any son, even an incompetent one, of a legitimate wife outranked any non-bastard daughter, no matter how astute she was, and that any bastard son was subordinate to any legitimate daughter, no matter how inept she might have been. The legal status of the mother trumped the gender and birth order of the bastard children. One must conclude, therefore, that a mistress in Castile had a level of legitimacy closer to a legal wife than a mistress did in England.

This added degree of legitimacy suggests a Castilian system derived from centuries of Islamic law in Andalusia, meaning that the Castilian system accorded legal rights more in line with Islamic polygyny than with Christian monogamy. One can argue that nobles in other European nations frequently had hyphenated names when households merged permanently through marriage. While this was true, it was a relatively rare practice and far less common than the practice of dual surnames among Hispanic families. One possible origin of the Hispanic practice was matrilineal inheritance as recorded by Al-Makkari when he mentioned that some Andalusian Arab families took their surnames from their uncles while other clans used matrinyms. The adoption of surnames from the mother’s family and the father’s family can signify bi-lateral inheritance practices. Ultimately, this custom rendered surnames into a daily, patriotic declaration of one’s lineage and gynecentric values in a world-system that converged with patriarchal cultures.

Surnames and bi-lateral inheritance practices in Hispanic culture were informed Berian naming practices. Because this practice took centuries to evolve, an explanation of its origin will also take some time and is discussed in several places in this and the next two chapters.

men to preserve it despite two millennia of pressure to eradicate it from the patriarchal, colonizing political systems from European and the Eastern Mediterranean.\footnote{Joseph H. Greenberg classified African languages into five families after finding the race-based category of Hamitic languages to be unsupportable. He coined “Afroasiatic” as a category which includes Berber, Hausa and Arabic. In constructing this category of languages, he utilized the \textit{kulturkreise}, or culture circle, a “primarily diffusionist concept” as an “explanation of cultural resemblances by the mechanism of historical connections originating in the movements of cultural features.” Where Greenberg focused on linguistic similarities, I focus on a quantity of similarities with respect to women’s rights in the North African/Southern Arabian Afroasiatic region. Berbers and Arabs from the southern Arabian peninsula share a common history of empowered women and female rulers through the eleventh century CE, a commonality that followed the eighth century CE Berber invasion of Iberia where its legacy included the phenomenon of female Castilian monarchs. Greenberg, \textit{Essays}, 66, 69, 72-3.}

\textit{A female-friendly Berian culture zone challenged by patriarchal West Asiatic Islamic and Western Christian culture zones.}

This indigenous gender system is visible once imperial filters of race and religion are lifted. First, race does not apply here for Berber society did not use phenotype as a marker of ethnicity. Race, as an imperial trope forced upon North Africa by nineteenth century European scholars, is currently being undermined by Spanish geneticists who are using turn-of-the-twenty-first-century versions of the very science used to justify racism in the nineteenth century. Second, religion has been used to mask Berber social history. For centuries in the Islamic Mediterranean world, doctrine and dynasty were employed simultaneously in imperial histories. Shi’a and Sunni divisions at times masked old Persian-versus-Arab imperial contests. Orthodoxy issues and religious revivals justified regime changes such as the Abbasid victory over the Umayyads or the triumph of the Almohads over the Almoravids. In the Maghrib in the nineteenth and twentieth centuries,
West Asiatic Islamic and Ottoman-biased imperial histories of North Africa gained fresh vitality within new European imperial narratives by exploiting European preferences for a monolithic Islam. The result of this dual layer of colonialism has been the obscuring of Berber history. These competing political and economic culture circles challenged Berber women’s rights, which threatened the “masculine mystique,” that patriarchal social foundation integral to some Arab and Western European social orders.\(^5\)

Women were central to North African and South Arabian group identity. One example of this is the centrality of female ancestors in origin narratives. The origin narratives of the Berbers, their gynecentric marriage practices, and their histories of powerful women, begin with the legendary progenitrix: Tiski al-Ardja. In the oral history of the Berbers as recorded by Ibn Khaldun, men and women of North Africa called themselves the Children of Tiski.\(^6\) According to this narrative, Tiski Al-Ardja was the

\(^5\) Marilyn French called this the “masculine mystique,” a drive to the point of anxiety by power-hungry men for domination of the natural world, manifested in the conquest of nations on the political scale and by the control of women on the personal scale. Marilyn French, “The Masculine Mystique,” \textit{Literary Review} 36, no. 1 (Fall 1992): 17-27.

daughter of Zahhik who was the son of Madghis, who descended many generations previously from Halhal, who was the son of Cherou, who was the son of Misraim who was the son of Shem, who was the son of Noah. From Tiski’s womb came four sons: Guezoul, Lamt, Heskoura and Sanhadj who fathered clans called the Lemtuna, the Messoufa, the Sanhadja, and many others. They returned from the Abyssinian-Yemeni culture zone of the southern Red Sea to which they migrated from the Saharan fishing culture upon the desiccation of the region, and in this reverse-migration wave they settled a region bounded on the west by the Atlantic Ocean and on the north by the Iberian peninsula. Collectively, they are known to Westerners as the Berbers.\textsuperscript{7}

Outsiders have written Berber history and overlooked the importance of matrilineal connections. From the time of Herodotus, Berber history has been written and revised by outsiders, who set the territorial range of the Berbers as the eastern border of Libya to the Atlantic, the southern shores of Europe to the Sahel below the Sahara, yet Berber history confounds the racially- and colonially-biased theories composed by eighteenth and nineteenth century Europeans, as well as the colonial narratives from West Asiatic Islamic empires from the eastern Mediterranean. Richard L. Smith gave another origin narrative for some Berbers. “Whatever the real story behind the formation of a group like the Lemtuna, a large measure of their self-identity came from the commonly held belief that their eponymous ancestor was a woman named Lemtuna, and thus they

\textsuperscript{7} Ibn Khaldun did not give the portion of the lineage into which Tiski fits but he did add another lineage from the works of al-Tabari and Ibn al-Kelbi. He also mentioned that Sanhadj was an alternate spelling as Zanag, from which the word Senegal is derived. Ibn Khaldun, \textit{Histoire des Berberes}, 2:2-3.
were related ‘by blood’ to each other.” This is a reasonable conclusion given that Lemtuna is a feminine word. However, the word for tribe or clan, qabilya, is feminine and so in Arabic, the corresponding adjective, Lemtuna, must agree with the noun. Therefore, one cannot assume that the name of the common female ancestor was Lemtuna. Lemt is a male name. The “una” ending is plural and feminine to match the plural form of the word for clan. Smith’s account of the lineage began with a son of Tiski, a male, but he was making an effort to find a female ancestor. In any case, Smith perceived that the progenitrix was believed to have been a woman and this varies from the patriarchal practices of West Asia and Western Europe. Smith pointed out that “etymological analysis seems to indicate that this tradition had its roots deep in the past: the words for brother and sister in proto-Berber, for example, are ‘son of my mother’ and ‘daughter of

8. The bibliography used by Smith contains texts translated into European languages. Gendered forms of words can be more complicated in Arabic than in most Romance languages. Smith’s conclusion is perfectly rational in a European language context; however, applying Arabic rules to the word leads to a different conclusion. Another narrative links the name “Lemta” to old Arabic records and conjectures that the Tuareg are descended from “ancient Semitic Himyarite or Mahri South Arabsians [who] had crossed from that peninsula to Africa as they had done in Ethiopia.” This version stressed the east-west migrations of the Tuareg along the toward the Nile which supposedly predated the north-south migrations and concur with the desiccation of the Sahara. One must remember that European colonizers searched for and created histories which deprived Africans of intelligence and history to support the European civilizing mission as a European palliative for colonial exploitation. Linguistic evidence suggests that the South Arabsians likely originated in Africa. H. T. Norris, *The Tuaregs: Their Islamic Legacy and Its Diffusion in the Sahel* (Wilts, England: Aris and Phillips Ltd., 1975), xii. Richard L. Smith, “What Happened to the Ancient Libyans? Chasing Sources across the Sahara from Herodotus to Ibn Khaldun,” *Journal of World History* 14, no. 4 (December 2003): 459-500.
my mother’ respectively.”9 While these terms could be due to polygyny, they are not because Berbers were matrilineal and usually monogamous. Clearly, the blood that matters is not the seminal fluid of the father but the uterine or placental blood that flowed from a shared womb.

Outsiders have used language barriers to maintain pejorative interpretations of “Berber” and “Tiski al-Ardja” but there can be non-pejorative interpretations. Well intentioned, non-indigenous historians face a hurdle in using oral histories taken from foreign languages, especially when that language is Arabic infused with several dialects of Berber languages. Following the Berber narrative recorded by Ibn Khaldun, this story begins with Tiski al-Ardja. Smith translated the laqab (nickname) of Tiski as “the Lame.”10 The radicals of the name yield another possible translation of the laqab. R-d-j is a translation possibility but there is no Arabic root verb for r-d-j. Based upon an additional version, r-j, considering the French use of “dj” for “j” and the Arabic grammatical rule that the first “a” may be an elative or comparative construction of the verbal noun, rajj results in a meaning of “the most trembling, convulsive, rocking,” a translation that approximates Smith’s interpretation of Tiski as lame. Another possibility is the root r-j-waw, meaning the hopeful/anticipated one. Still one more alternative is a-r-j which results in “fragrant, sweet-smelling” and with the elative form, the translation becomes Tiski, “she with the sweetest, most delightful fragrance.” Ibn al-‘Arabi, the


10. Ibid., 428.
Andalusian master of medieval Neoplatonism and Sufism, used such grammatical dissections of texts to interpret the Qur’an, and wrote about the “aromas of generation in women, the most delightful of perfumes being [experienced] within the embrace of the beloved,” where the “embrace of the beloved” can be a Sufi poetic metaphor for the human relationship with God and the “aroma of generation” is one for “the Breath of the Merciful.”11 Scholars who want to support the “masculine mystique” might prefer assigning a connotation of infirmity or weakness to the laqab of the Berber progenitrix. Interpretations that accord honor to ancestors like Tiski and imbue Berbers with a sense of pride are more likely to be accurate.

Continuing with Greenberg’s classification of Arabic as one of the Afroasiatic languages, it is possible to perform a similar exegesis of the terms “Berber” and “Iberia” to reach a non-pejorative, non-colonial connotation.

**Berber.** As a single syllable, *barr*, in Arabic, an adjective meaning reverent or dutiful; as a noun, *barr*, in Arabic meaning land, mainland, or that which is created. A similar word is *al-Bari*’ - the Creator or God.

**Iberia.** ‘Abr - a noun in Arabic, meaning a crossing or a fording. ‘Abara - a verb in Arabic meaning to cross, traverse, ford, ferry or swim across something. The syllable -ia, or *iyya*, operates as a possessive and a modifier, as in al-Tijani, the teacher, and Tijaniyya, his followers. Seen from the Atlas mountains, Iberia is the land across the water accessible by boat or by very athletic swimmers. 12

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Using Arabic definitions, then, if one combines the two syllables, barr (adjective) and barr (noun) into a single word, one can say that the Berbers are reverent people from Africa and that Iberia is the land on the other side of the Strait of Gibraltar, all of which is formed by God the Creator. This construction of the term “Berber” is more complementary than the usual Greco-Roman linguistic translations of “barbarian” or “babbler,” perhaps interpretation of the poetic repetition of the syllable. I have therefore used Arabic definitions, then, if one combines the two syllables, barr (adjective) and barr (noun) into a single word, one can say that the Berbers are reverent people from Africa and that Iberia is the land on the other side of the Strait of Gibraltar, all of which is formed by God the Creator. This construction of the term “Berber” is more complementary than the usual Greco-Roman linguistic translations of “barbarian” or “babbler,” perhaps interpretation of the poetic repetition of the syllable. I have therefore

13. The references to religion at this point are included to establish meaning with an Islamic or African world-view in which religion, politics and economics are not separate. Berbers have several festivals to celebrate the lives of saints and in several independence movement during the Abbasid era, Berbers claimed to be more orthodox than the West Asiatic Islamic government. Piety was also part of the Almoravid, Almohad, and Muslim brotherhood movements. Abun-Nasr presented a translation of Imazighen, the name Berbers use for themselves, as “the noble or free born.” These interpretations of the term “Berber” also works with the geographic relationship of the area of Berbera on the Red Sea with respect to the Arabian peninsula. Abun-Nasr, History, 2.

14. Meakin’s definition held “the word Berber itself. . . is of very doubtful origin. Equivalents, denoting indistinct sounds, seem to exist in Latin, Greek and Arabic, while it is not probably a genuine Berber word” (Meakin, 6). An example derived from the Western European imperial definition printed in 1991 is “There is as much dispute over their name as their origin. Gibbon derives them from the Greek word for outcast; others speak of Berbers as the original Barbarians.” J.E. Budgett Meakin, “The Morocco Berbers,” The Journal of the Anthropological Institute of Great Britain and Ireland 24 (1895): 6; Alan Keohane, The Berbers of Morocco, with a special introduction by Nicholas Shakespeare (London: Hamish Hamilton Ltd, 1991).
chosen to call the culture zone centered at the Strait between Tangier and Gibraltar the Berian world, or the land of the reverent people on both sides of the waters.

**Recognizing the Berian Mediterranean**

Who are the legendary Tiski’s children? By what path did they return from the direction of the Red Sea and reach the Atlantic and the Iberian peninsula over the millennia? Some traveled across the northern shore of Africa and some traveled inland below the Sahara. West Asiatic Muslims and Western Christians have been absorbed into the family. Berber histories have been written in which they are a passive, indigenous peoples invaded by Phoenicians, Syrians, Egyptians, South Europeans, and West Asians. European versions lean toward epics about soldiers from Frankish, Celtic, Gothic, and Latin lands invading North Africa. Another perspective involves a *maghrib* (occidental) Islamic world versus a *mashrik* (oriental) Islamic world, an imperial narrative in which the orthodox West Asiatic Muslims civilized the heterodox Berbers. Conspicuously absent from much of Western Christian historiography are Berbers’ own origin narratives. Comparisons of these perspectives yield insight into the historiographical distortions that often mask the gynecentric values of the Berian Mediterranean with issues of race or religion.

European historians have debated the racial composition of the Berian Mediterranean, often with Social Darwinian overtones but little accuracy. For instance, in 1888, Canon Isaac Taylor asserted that the earliest residents were “South European Aryanized Iberians” influenced by those from “the Baltic lands . . . the hive from which the
pure Aryans have swarmed.”15 The Christian missionary George Michell speculated in the early twentieth century that the Iberians were “short, dark-skinned and dolichocephalic” who were “probably the descendants of the Numidians” of North Africa or “the Neo-lithic races, who came from Europe.”16 The same author speculated that the Moors of the Medieval and Enlightenment eras were either “inhabitants of Morocco” or “heterogeneous populations of the coast towns of the Mediterranean, who are almost entirely of European origin,” a hodgepodge of “descendants of captives, fugitives from justice, renegades, traders, etc. etc. mingled with natives from different parts of the interior. . . and a small proportion of Negro slaves.” As for the Berber, he wrote, “the tall, dark, sharp-featured Twarik [Tuareg]” were among “the purest of Berber” but beyond that the author had no suggestion for the origin of the Berber people who eventually conquered Spain.17 An


17. Among the threads in the Western European historiography is a scholarly obsession with the Berber phenotype, to the point that some will deny all evidence to the contrary. For example, “the Berber, the fair-skinned race of North Africa, were among the first inhabitants of Morocco. Today they account for over half the population. They maintain their own language, their own traditions, their own idiosyncratic sense of history. But no one knows with any degree of certainty who they are and where they came from.” Shakespeare, “Introduction.” Michell did not seem to mind the darker hues of the Tuareg, but Gellner, noted anthropologist, did. Gellner wrote, “from the outside, one can only define a Berber by his speech. Even then, one must exclude the Jewish, Negroid, and Ibadi Berber-speakers, . . . whom other Berbers would not class with themselves, not because they are ‘not Berbers,’ but because, respectively, they are not Muslim, not white, or not orthodox.” This definition might work on the Mediterranean coast among the Andalusian diaspora or the Arabized Berbers, but it does not work in the south, the motherland of dynasties. Of the Tuareg, Gellner reduced them to “unambiguous linguistic cousins of the Berbers.” Michael J. Heffernan called the French wing of this cooperative,
racialization project a “state scholarship” dedicated to proving that North African
civilizations have been in a state of degradation since the end of the Roman empire” even
though the Tuareg are responsible for the Sultanates of Bornu, Kanem and Aïr, and the
Heffernan, “A State Scholarship: the Political Geography of French International Science
during the Nineteen Century,” Transactions of the Institute of British Geographers n.s.

18.  The Aïr Sultanate is in Niger at the center of the east-west Saharan zone.
Heinrich Barth, Travels and Discoveries in North and Central Africa . . . 1849-1855

19.  This effort to whiten Moorish culture was concomitant with a “cosmopolitan
domesticity,” a late nineteenth century American home decoration trend in which women
decorated rooms in their home to reflect foreign, often exotic, cultural themes as they
“purportedly looked to the Near and Far East for . . . original inspiration.” Kristin
Hoganson, “Cosmopolitan Domesticity: Importing the American Dream, 1865-1920,”
on a “matriarchate,” and that petroglyph patterns in the area have a style similar to those found in prehistoric Spain and those made by Bushmen of southern Africa. Gautier was at great pains to identify a non-African element responsible for the Berber Garamantian empire that invaded Sicily in the fourth century CE so he privileged Roman merchandise found in the tomb above the Sudanese iron bracelets or Berber construction techniques in Tin Hinan’s garrison tomb. H.T. Norris, following Gautier’s lead, held that any theories assigning a Yemeni origin to the Berbers belonged “to the archives of mythology” but he qualified his assessment by pointing out the otherwise inexplicable “widespread geographical distribution of this [Himyarite] theory.” These scholars pursued a political agenda that would not accept a Saharan salt marsh diaspora explanation for this dispersal, especially one that propelled ancient people to Iberia.

Western Christian imperial narratives often forced a north-south migration pattern on the area and conceived of the Strait of Gibraltar as a rigid, non-porous barrier separating colonizing Europe from colonized Africa rather than a bridge facilitating connections between the prehistoric and classical era residents. Hence, Taylor connected Iberia to the Baltic while Michell de-historicized the Andalusian diaspora refugees from the Reconquest expulsions and exaggerated the number of Christian captives who remained in North Africa before 1830 by conveniently eliding them into the French white


settler population of the nineteenth and twentieth centuries. These writers explained the appearance of a mixed population on the northern coast as a product of millennia of European migration to North Africa dating from the Roman and Phoenician times rather than as a phenomenon of then-current colonization, therefore silencing discussion of any negative sexual impositions on Berber women during the recent European colonial era.

An unusual nineteenth century scholar, J.E. Budgett Meakin, approached the Berber origin narrative from a Judeo-Christian perspective and arrived at a different conclusion. Meakin asserted that the Berber language name, Tamashek, is clearly a clue that “their forefather was Meshech, the son of Japheth,” the son of Noah. Meakin asked, “Why should they have no Aryan blood? . . . There is a strong supposition that the mysterious Iberians of the Peninsula were of this stock, and I am inclined to believe, from internal evidence, a theory which at first struck me as very far fetched, that they were closely allied to the ‘little black Celts,’ the genuine Celts being a tall, red-haired people. If so, they were ancestors to a portion of the population of the western parts of Cornwall, Wales, Ireland, and Scotland. To say nothing of Biscay and Finesterre, and the builders of those rude stone monuments which exist as well in Barbary as in Britain.”

He further mused, “Probably no nation has played a more important, yet withal an unseen, part in the European historical drama than that very little known people, the Berbers, of North Africa. A hardy race, dwelling in mountain strongholds, they have preferred their bracing hill-top breezes to all the soft allurements of the plains, and they remain there, masters holding intact the highlands along the whole southern coast of the Mediterranean. Many a nation have they seen rise and fall, many a one has laid hold upon their coastline, but none has penetrated their cherished home. Egyptians, Phoenicians, Grecians, Romans, and lastly, Arabians, all who have come in contact with them, have been the better for it. Powerless to conquer those warrior tribes, the strangers have each one in their turn gained from the

infusion of their busy blood, and have returned from Africa with gathered force. . . It was not until nearly three hundred years after Mohammed had fled from Mekkah, that the Morocco Berbers had all accepted Islam. By the time that they were ready to swarm over into Spain, the Muslimeen were no longer a handful of nomad adventurers, they were a horde of sturdy hill-men, the Arab and the Berber blended in the Moor, with the latter element predominating. These were the people who over-ran Spain, and whose northward march was the terror of Europe, among whom science flourished and art reigned supreme.”

Meakin wrote against the grain of scholarship that had, since the time of Napoleon, been developing justifications for France’s invasion of the North African coast. His opinion has been vindicated by archaeological evidence which does not support a European-first narrative but suggests that pre-historic Sahelian Africans traveled extensively north of the Strait. For example, according to early twentieth century colonizer and Royal Geographer H.H. Johnston, “the Grimaldi skulls of Monaco were Negroid in some features” and proved that Monaco was a desired piece of real estate about 30,000 years ago. He proceeded to turn this information about the occupation of Iberia by a pre-historic African population to favor European conquest. “It is conceivable that the Negroid sub-species originated in Western Europe and [from] thence spread southward into Africa and across Western and Southern Asia into Australasia.” This group preceded by 15,000 years a Caucasian Mediterranean Man who “certainly much earlier began to colonize Tunisia,

23. Ibid., 1-2.
Algeria and Morocco” before arriving to civilize the Nile Delta. Given his goal, this information problematizes the Strait-as-a-barrier concept.

Spanish genetic anthropological evidence and Greenberg’s linguistic methods support a cultural dispersal from the Saharan salt marsh center toward the Pyrenees mountains. The latest technology in racial studies is genetic anthropology. Esteban, et al. studied a single haplotype or gene common to La Alpujarra Andalusians from the Sierra Nevada mountains in the south-east of Spain and Khenifra Berbers from the Middle Atlas. They included in the study “a maximum number of 124 and 99 healthy and unrelated individuals” who had grandfathers born in these regions. Their DNA was compared to results from other researchers’ analysis of other Moroccans and Mauritanians, Basques, and other Spaniards. The study concluded that Moroccan Berbers, Arabic-speaking Moroccans, Spaniards, Canary Islanders and the Andalusian population are more closely related than Middle Atlas Berbers and they are very distant from Mauritanians. This study confirms the Strait as a bridge connecting peoples of Iberia and North Africa. This study examined a south-north alignment of populations whereas a maghrib-mashrik distinction

was enforced by earlier findings by Gomez et al. using a polymorphic genetic study, with comparative samples from the Moroccans, Algerians, Iberians, the San of southern Africa, Japanese, and Eastern Mediterranean populations which concluded that the genetic distance between North African Berbers, Basques, and other Iberians is less than that between North African Berbers and Arabs. These researchers found that Paleolithic admixture was stronger than the post-Islamic conquest of Iberia population mix. “A part of the Iberian genetic pool comes from North Africa.” These studies demarcate a Berian genetic pool between the Pyrenees and the Atlas mountains, the core population of the region immediately around the Strait of Gibraltar. They also affirm that Arabic as a lingua franca should not be used to conflate Berian Muslim populations with West Asiatic Muslim populations. Furthermore, this common genetic zone pre-dates the Roman or Phoenician era based upon archaeological evidence from the prehistoric times, including the appearance of the horseshoe arch, rock engravings similar to those in the Sahara and megalithic constructions like Stonehenge. The north-south theory used in the early
twentieth century to argue that ancient Caucasoid Europeans colonized North Africa was
challenged by late twentieth century Western European scientists who advocated a south-
north migration pattern.

These scientists might have been influenced by the era of African colonial
independence, when changes in power dynamics between colonizing Western Europe and
colonized Africa opened the possibility of conceiving of a prehistoric-world culture zone
centered around Iberia in which people moved back and forth across the Strait. Whether
Eurasian or African persons first settled Iberia was not yet resolved, but an African-first
possibility existed. E. Levi-Provençal contributed to this debate in 1950 when he wrote
that by all appearances in his day, the Iberian resident showed a “marque berbère” more
than a “marque arabe.” Lawrence Guy Straus found this issue to be “one of the
knottiest in Stone Age pre-history” as the century-old debate moved from one of midden
evidence to genetic analysis. J. Onrubia Pintado concluded that “once the illusion of the


International* 75, no. 1, (January 2001):1. Serotology, an anthropological study of
“polymorphic blood factors as a means of reconstructing the history of human groups”
yields more scientific results and is used as a measuring tool. For a summary of the
distribution of pre- homo sapiens hominids, see F.E. Poirier, *In Search of Ourselves*
(Minneapolis: Burgess Publishing Co., 1974). For genetic research see, Lucotte, Gérard,
Haplotype V,” *Human Immunology* 62, no. 9 (September 2001): 885-888; Perez-Lezaun,
Samples from the Iberian Peninsula and Northern Africa,” *International Journal of Legal*
Berber racial unity, which has had such harmful consequences in other times and places, has been abandoned and the fallacy of the existence of a clear ethnological, social-economical and cultural limit between the Berber- and Arab-speaking populations put aside, the question of language takes central place between the discriminatory elements of the Berber ethnic consciousness. While the direction of migration remains contested, what is increasingly reinforced is the antiquity of a population zone centered at the Strait of Gibraltar.

Written sources in Arabic support a mashrik-maghrib perspective and some support the West Asiatic Islamic imperial project that preceded the European ventures of the 1830's while other Arabic language sources confirm the Berber origin narrative. Ibn Hawqal, a tenth century Baghdad native, also heard that the Berbers were the descendants of the Philistines, who fled the Levant after David beheaded Goliath. Ibn Khaldun, who was born in Tunis of Andalusian parents, heard that the Berbers were the descendants of Ham via Berr who had two sons, Baranis and Madghis al-Atar, with the Sanhaja clan being the children of Baranis and the Zenata clan being the children of Botr. They arrived

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in North Africa when Ham, ashamed of being cursed by his father, fled there. Ibn Khaldun recorded another origin myth that claimed the Lemtuna and Tuareg hailed from Yemen after the failure of the economy around the Ma’rib dam that collapsed in the sixth century CE. Muhammad Ibn ‘Abd al-Rahim Ibn Sulayman Ibn Rabi al-Qaysi Ibn Tamim al-Qayrawani (Abu Hamid), who was born in Granada in 1076 CE/473 AH and died 1164 CE/565 AH in Damascus, spent six to eight years traveling in Egypt, Morocco, Tunis and even to Sijilmasa south of the Sahara. Ingrid Bejarano Escanilla noted that he was one of the few travelers of the area to include Andalusia in the definition of the Maghrib. Abu Hamid spent enough time in the mashrik to recognize that the Muslim culture of Andalusia had more in common with the Berian Mediterranean culture than it did with Asiatic Islamic Mediterranean culture. He also traveled in “la Mer du Maghrib,” known in Morocco as al-Bahr Atlasiyu, sea of the Atlas mountains, and in the West as the Atlantic ocean. He traveled to some islands, probably the Canaries, and commented on an island called Qarqara. “The inhabitants were polytheists and the women there possessed an extraordinary beauty.” Abu Hamid noted that the people resembled Berbers in their clothing, supporting the idea of Berbers crossing large distances of water to establish


colonies. Even if the inhabitants of Qarqara were descended from Carthaginians, they still retained Berber, not Greco-Roman, customs. Abu Hamid, scholar and eye-witness to the age he chronicled, becomes one of the earliest experts to identify Berian Mediterranean culture in the Atlantic, centuries before the Catholic monarchs took title to their New World kingdoms.

Greenberg’s linguistic evidence can be used to correct one of the more credible, reported origin theories which Smith, Gautier, and Norris discounted: the theory that Berbers were long-lost Yemenis. However, this one still serves a West Asiatic Islamic hegemony: the Berbers were long-lost Yemenis. Linguistic studies correct this by affirming the link between Berbers and Yemenis but placing the origin of this common culture in Africa, “somewhere within the immense region found between Mesopotamia and a wide strip of territories bounded on the West by the Nile Valley to its high course.”

resembled Berbers also “de leur prière.” The translation from French into English could be either their manner of praying or their manner of begging. A return to the Arabic version may clear this up. There is not enough information in this article to indicate if Abu Hamid is biased against Berbers.

33. Maya Shatzmiller examined the same versions, elaborating on the ‘Abbasid project to bring the sometimes rebellious Berbers under control. Most of the narratives gained currency in the Middle Ages and originated in the East. Shatzmiller asserts that the myth served to legitimize Berber Andalusians of the eleventh century during a “wave of Berberophobia which swept Andalusia.” She concurs with N. Shakespeare that “the majority of the Berbers had no access to history books or traditions written in Arabic.” Female ancestors are missing from Shatzmiller’s text, perhaps showing an Eastern bias and/or an ingrained patriarchal approach. Berbers have a rich oral tradition and they also have a writing system. However, to preserve the patriarchal bias, one must preserve the myth that Berber history was written for them. Maya Shatzmiller, The Berbers and the Islamic State (Princeton: Markus Wiener Publishers, 2000), 33, 26; Smith, “Ancient Libyans.”
some five thousand years in the past. Pintado concluded from his foray into the origin of the Berber language that an “Iberomaurusian family” dating as far back as nine thousand years ago existed in the Sahara regions, when the Saharan salt marshes supported fishing cultures, as evidenced by ancient petroglyphs, neolithic pottery and other neolithic technological evidence.34 Joseph Greenberg proffered an “Afroasian” language family with its core in the Sahara.35 The Berian culture zone, extending from the eastern shore of the Iberia to Yemen was centered in the Sahara regions and has been, therefore, a world zone existing from pre-historic times.

**Marriage and Matrilineage in the Berian Zone using Tuareg culture as a model**

The Tuareg are one of many indigenous Berber peoples spanning the Nilotic, the West African and the Mediterranean world trade systems, while resisting, from an imperialist perspective, West Asiatic Islamic and Western Christian cultural hegemonies, from the time of the Phoenicians through the Western Christian protectorates of the twentieth century, by actively selecting and rejecting new practices as suited their needs to maintain a satisfactory degree of cultural integrity. Their trade routes across the Sahara link them with markets in West Africa, in the Nile Valley and Red Sea trade zone, in the trans-Saharan trade terminals, in the Mediterranean and in Southern Europe. While Western scholars often stereotyped them as a rural, unlettered, nomadic Muslim society known for their veiled men who led camel caravans across the Sahara desert, they are in fact a complex society of interdependent nomadic and settled populations and they possess


an indigenous alphabet. Nevertheless, many scholars since the time of Ibn Battuta have marked the Tuareg as an exceptional society by pointing out that the veiled gender in the Islamic world should not be the male, as with the Tuareg, but the female, since veils mark submission to the male. For West Asiatic Islamic imperialists, the Tuareg are the quintessential example of Berber heterodoxy. Because they factor in so many histories, the Tuareg and their gynecentric culture are a strong standard for comparing sociological and anthropological studies for evidence of consistencies and changes across the centuries in North Africa.

Western scholarship on Tuareg culture has been fairly well developed. One has already seen in this chapter that Berber society tended to balance power between the sexes, as attested to by the implications of a genealogy with a female first ancestor. Clifford Geertz defined a matrifocal family as “a woman-centered pattern that may, on occasion, span as many as three generations to produce something that in formal terms looks rather like a matrilineal extended family, except that there is no matrilineal descent rule.” A matrilineal descent society, he added, is one in which there are “highly institutionalized obligations between a man and his sister” as is common in all unilineal systems. The Tuareg, who exhibit gynecentric matrilineal practices, are one of the more

frequently studied cultural groups in North Africa, perhaps because of romanticized exoticism, perhaps because of their heterodox pattern of male veiling. At least one Tuareg clan claimed descent from a female ancestor as far back as the Roman era and documented their lineage with “the tomb of Tin Hinan, the legendary Berber queen, who according to tradition gave birth to a daughter, Kella, from whom are descended the Kel Rela Tuareg.” In Tin Hinan’s Hoggar mountain tomb “were a number of Roman items of

fifth century date, including gold leaf-coins bearing imprints of Constantine I, fragments of glass and a Roman lamp."38 The Tuareg were clearly involved in the trans-Saharan Roman era trade.

Trade alliances were often maintained through inter-marriage. Matrilineage is difficult to understand if one only has exposure to a patrilineal orientation. Robert Murphy’s study of Tuareg social structure and performance of gender in the 1960’s is striking for what it reveals about Western society. In his model of Islamic society, the Bedouin of Arabia are the orthodox standard, by which he meant patrilineal descent was the rule and children belonged to the father upon divorce, and the Tuareg are the heterodox exception.39 Murphy looked for a matrilineal descent rule with exogamic marriage but instead he found bilateral descent with public office “pass[ing] through the

38. Timothy Insoll, The Archaeology of Islam in Sub-Saharan Africa (Cambridge, Cambridge University Press, 2003), 212. See also, Gautier, “Monument of Tin Hinan.” Another scholar talked of Tin Hinan as an ancestor of Ahaggar nobles who “dwelt in a fortress at Abellsa” possibly built during the Byzantines era. “The phenomena of a matriarchal, matrilineal or matrifocal-type of kinship system forcibly struck Arab Muslims when they first mixed with the Tuaregs. They drew attention to it — invariably with disfavor — and on certain occasions identified an ancestress of a tawshit, a tribe or clan who all claimed descent from the same mother, with a queen, or a woman of some supernatural powers or extraordinary physique. These ‘queens’ of the Tuaregs, or their kinsfolk, were comparable with the Kahina in Algeria or the empresses of other Berber peoples against whom the Arabs fought.” Norris, The Tuaregs, 14-15.

39. The issue of eastern hegemony based upon an essentialized Arab culture has little basis in terms of genetic confluence. “Possibly, only aristocrats and army high officers living in North Africa by the eighth century came from the east. . . Indeed, the present study confirms that . . . the gene flow from seventh century AD, newcomers from the Arabian peninsula was low in North Africa.” Gomez-Casado, et. al, “HLA genes,” 247. Robert F. Murphy, “Social Distance and the Veil,” American Anthropologist n.s., 66, no. 6 (December 1964): 1270, 1262.
male sibling group and then to the eldest son of the eldest sister.” Murphy also assumed the norm for Muslim women to be “the Near Eastern purdah” with seclusion, polygyny and silencing of women’s voices.40 Tuareg women unsettled Murphy. He did not understand these women, who could and did demand monogamy, who reneged on societal restrictions designed to assure chastity and fidelity, and who enforced with ease the Koranic prescription that women have the right to initiate divorce. Furthermore, Murphy struggled to understand the relationship of male power to male veiling. He noticed that men ate by lifting the veil rather than removing it, they chewed tobacco rather than smoked it to maintain the same etiquette, and some men even slept veiled. The etiquette of respect in close proximity was shown by the low-ranking male raising the veil as high as the eyes while the highest ranking male would lower his veil as far as his nose, never disclosing the mouth.41 That said, Murphy had difficulty interpreting “proper decorum toward the parents of the wife, and to a lesser extent, the siblings of the latter as being based on the observation of both shame (tekeraki) and respect (isimrarak).” When in the presence of his wife’s parents, “the son-in-law is careful to adjust the veil so that only a very narrow aperture is left open, and the eyes are hooded and left in shadow,” a

40. Ibid., 1262, 1268. Murphy referred to Sura 4 of the Qur’an as he quoted “which says of good women: ‘they guard their unseen parts because Allah has guarded them.’” This verse does not mention the covering of the face and there are many who discuss the veil as a pre-Islamic tradition. See Chapter 3 for more discussion of pre-Islamic traditions.

41. Ibid., 1263-8. This observation is consistent with one reported in 1895. “Monogamy is far more common than polygamy, and there is less vice than in the towns. . . Syphilis, the national disease of Morocco, is said to be unknown across the Atlas.” Meakin, “Morocco Berbers,” 10.
gesture that he correctly interpreted as “his symbolic withdrawal from the threatening situation vis-à-vis the superordinate,” and “furthering the maintenance of his self image” because the same decorum applied during formal courtship to his prospective wife. In sum,

“one of their most obvious points of heterodoxy is in the treatment of their women. The Tuareg woman enjoys privileges unknown to her sex in most Moslem societies. She is not kept in seclusion nor is she diffident about expressing her opinions publicly, though positions of formal leadership are in the hands of the men. Frequently beautiful and commonly mercurial in temperament, she places little value upon pre-marital chastity, proudly defends the institution of monogamy after marriage, maintains the right to continue to see her male friends, and secures a divorce merely by demanding it — and she is allowed to keep the children.”

Susan Rasmussen’s 1980’s study of the Kel Ewey Aïr Tuareg sheds light on Murphy’s problem. Rasmussen found that a groom had to make “bridewealth payments, contribute to his parents-in-law’s granary, and ‘please’ his mother-in-law during the married couple’s initial two- or three-year period of matrilocal residence.” Only when the mother-in-law was satisfied would she declare the marriage to be firm. Rasmussen confirmed that women practiced their Koranic right to inherit property and initiate divorce. Upon divorce the woman kept the bridewealth because “it is considered

42. Ibid., 1267-68, 1262. Murphy’s astonishment is not unique. In the 1950’s, Peter Fuchs and two fellow Germans spent an extended time with a Tuareg clan in Algeria. He noted, “the woman is the mistress of the tent and in every respect her husband’s equal: in fact, if anything, the advantage is with the woman, for example, a child’s rank and standing is always that of his mother, his father’s position being relatively unimportant. Again, the child does not inherit from his father but from his mother’s brother, that is, from his maternal uncle, who has considerable say in all matters concerning the child.” Peter Fuchs, The Land of Veiled Men, trans. Bice Fawcett (New York: The Citadel Press, 1956), 45.
ungracious in a man to take it back.”43 With this information, it becomes clearer that the Tuareg son-in-law deferred to the authority of his wife’s mother in order to show that he was no threat to the safety and happiness of his bride. This behavior was incompatible with the Western male self-definition that Murphy incorrectly applied in his interpretation.

Rasmussen’s work added to Vanessa Maher’s 1970's work on the performance of gender with respect to marriage and divorce by urban and rural Moroccans. Among rural women, “I am told it is common for women to marry six times, and some even fifteen.” Maher’s fieldwork was conducted in a rural town, where a woman told her that “girls do not like marriage” and a man told her “people divorce because a girl’s parents welcome her home instead of making her stay with her husband.”44 The practice of seclusion, Maher found, was valued in urban areas. Initially, one might assume that this difference in value was a sign of prestige, of absence of manual agricultural work. Maher came to a different conclusion.

43. Rasmussen uses the term “bridewealth” to indicate a gift from the groom to the family of the bride. In the next chapter, I suggest that “bridewealth” is too vague a term to describe the precise meaning of the wealth a groom brings to the bride and that the Arabic terms “sadaq” and “nihlah” are legally distinct nuptial gifts, both of which fall under the English meaning of “bridewealth.” As for Tuareg gender domestic power relations between the genders, even in 1895, Meakin - who claimed to have spent some nine years with the Berbers -- claimed that women “among the Tuaregs, more of them, it is said, read than men.” Meakin, “Morocco Berbers”, 5; Susan J. Rasmussen, “Lack of Prayer: Ritual Restrictions, Social Experience and the Anthropology of Menstruation among the Tuareg,” American Ethnologist 18, no. 4 (November 1991): 752-753, 762.

“First, put crudely, marriage is less important and more unstable when men and women inherit mainly land, and more important and more stable when they inherit saleable capital. This distinction is especially significant in the case of women. Secondly, if men and women inherit land, and again the form of the women’s inheritance is crucial, they are likely to retain reciprocal property rights, and therefore service obligations, with their kin, which are incompatible with a primary allegiance to the conjugal unit.”

The fact that twentieth century scholars were able to observe these female-friendly practices, after centuries of West Asian Arab and European attempts to impose patrilineal standards on Tuareg society, speaks volumes about the continuity of Berian values in regions beyond the ideological reach of patriarchal colonizers and about the importance of matrilineage in the Maghrib, while at the same time it reveals how reticent some outside observers were about recognizing these non-patriarchal practices. For example, in the 1970's, Amal R. Vinogradov applied patriarchal assumptions on Berbers of the Middle Atlas; women “had no independent legal status in the society,” he said, a description befitting Anglo-American women of the late eighteenth and early nineteenth century. Women’s “access to resources was by virtue of their being mothers, wives and daughters of the men.” Vinogradov did note that “under certain circumstances, though, they could constitute a sort of ‘carrier’ of tribal rights, and could serve as links to perpetuate the patrilineal family in the absence of males.” Vinogradov included the cases of the amazzal and the amhars marriages. In amazzal, a widow with sons made an “informal marriage” (no animal sacrifice to seal the contract) to acquire a male head of household as a figurehead while maintaining a significant degree of personal independence as she remained in her own home with her children. Should she have children by this non-

resident husband, then those children obtained inheritance rights to her first husband’s clan, not the new husband’s clan, signifying that assigned family identity was as valid as biological identity. This also informs the importance of including matrilines in defining incestuous marriage since uterine siblings might belong to distinct patrilines. The family of the deceased husband increased as if he were still alive and the widow retained a measure of independence. This gave far more self-determination to a woman than did the practice of levirate marriage in which a woman was required to marry the brother of her deceased husband.

In the second system, an amhars marriage, a man from outside the clan contracted to a patron for a time period, two to six years or so, and married the daughter or niece of the patron. Any children born to the union inherited from the patron via the mother and belonged to her. The husband could not take another wife during the time period. If he died during the contracted period, his goods remitted to the patron. When the contract was over, the man could leave, but the wife and children stayed with her family. If he chose to stay, he could be adopted into the family and become a free man, entitled to a use a portion of land, the right to bear arms and the obligation to fight in wars. He could also join the jumaa, the communal decision making body. All of this he acquired through the

46. This system also suggests that the family is defined by the female even when the husband lives. See discussion of Malik ibn Anas, *Al-Muwatta* in Chapter 3 on divorced women owning rights to themselves without further accountability to the wali. Amal R. Vinogradov, “The Socio-Political Organization of a Berber ‘Tarf’ Tribe: Pre-Protectorate Morocco,” in *Arabs and Berbers: From Tribe to Nation in North Africa*, eds. Ernest Gellner and Charles Michaud (Lexington, MA: Lexington Books, 1972), 73.

47. Vinogradov, “Socio-Political,” 73.
wife. In these cases, matrilineage and matrilocality were foundational to the legal system: the channel of inheritance, the acquisition of land use, and even citizenship rights.

The legal ethics derived from Tiski al-Ardja’s significance as first ancestor still rippled through certain ceremonies that affected political and judicial matters in the twentieth century. Berber society was organized in units ranging from nuclear family to extended family, to lineage segments, to commune, to qabila and confederation of qabilyas. Councils of respected men resolved matters at the level of the village, the commune and the qabilya. Among the crimes men could commit against women were: (1) entering a cemetery or saint’s tomb occupied by women, (2) speaking to women in the market, and (3) entering a women’s market. Men were obliged to respect women’s spaces.

Smith suggested that Berber women were unjustly accused of being loose women by the recorders of history. This might come from Berber women’s practice of divorcing men who do not make them happy. He noted that if one compares descriptions of Berber marital patterns from Egyptian through the classical Islamic period, one finds that Berbers moved from polygynous to monogamous marriages, something he expected one would see in a matrilocal society. 48

“From Herodotus to Ibn Battuta, women were viewed through the eyes not only of outsiders but always of men, thus twice removing observer from subject. And these men represented societies that were decidedly male-centered and tended to

undervalue women. Obviously, the accounts reflect some element of female empowerment...a society in which women enjoyed higher status and more authority and influence than in their own. It was a threatening image.”

It is odd that Ibn Battuta has been appropriated by those with a mashriki or Mediterranean bias for he was a Berber, born in Tangier in 1304 CE/702 AH. This preference for monogamy when other societies gravitated toward polygyny begs a review of the evolution of forms of marriage and informs the growing division between West Asiatic Islamic and Berian patterns of women’s social power in order to understand the threat that Smith observed.

Further evidence suggestive of a common matrilineal culture between Southern Arabia and Northern Africa comes from Aisha, youngest wife of the Prophet, who described four forms of marriage that were common in the region around Medina before the coming of Islam, one of which was patrifocal and three of which were gynecentric. One form required a man to ask permission of a wali, usually a male guardian/advocate of the bride, for her hand in marriage in exchange for bridewealth. The second is called al-istibda. If this word is given to the root b-d, then istibda can mean to possess alone, monopolize, or to seize. In this type of marriage, when the husband was ready for his wife to have a child, he abstained from sexual relations with his wife. She then chose another man to impregnate her. Once she was pregnant, the husband was then free to resume a sexual relationship with his wife. According to the narration, “her husband did so...so that he might have a child of noble breed.” (Unfortunately the standards by which she

49. Ibid.

selected a donor are unspecified.) In a third form, the woman mentioned did not have a husband. She had intercourse with up to ten men until she was pregnant. After the child was born, “she would send for all of them, and none of them would refuse to come.” She reminded the men of their role in inseminating her and then she announced which of the men she chose to call the father of the child. “Her child would follow the man she named, and he could not refuse to take him.” The fourth type is a variation of the third, in which the mothers were professional sex workers “who fixed flags at their doors as a sign.” Once the child was born, a professional paternity identifier (physiogomist) determined which of the recalled customers was the father. “The prostitute would let her child follow the man whom they recognized as his father . . . the man could not refuse.”

The implications of the forms of marriage vary. In marriage forms two, three and four, the woman assigned paternity. She selected the man/men who would impregnate her but there is not enough information here to determine the standards the woman used to select the sperm donors. Her husband, if present, was not the donor of the sperm for the child. In al-istibda, the child must be conceived by another man in order to assure the

51. This narration concludes with the Prophet “abolish[ing] all the types of ‘marriage’ observed in the pre-Islamic Age of Ignorance, except the type of marriage people recognize today.” The presence of these gynecentric forms of marriage in the areas of Mecca and Medina during the lifetime of the Prophet adds more information to the efforts of the locals known as the Heretics who insisted on imposing the veil on women against the initial teachings of the Prophet. The narratives in this work greatly illuminate the degree of gender equality and women’s liberation in the community of the Companions of Mohammad. The next chapter of this monograph will expand on this matter and its resonance with the Berber practices. Muhammad Hisham Kabbani and Laleh Bakhtiar, Encyclopedia of Muhammad’s Women Companions and the Traditions They Related (Chicago: ABC International Group, Inc., 1998), 219-220.
transference of nobility. Men in this process were necessary biologically but they were rather arbitrary socially. Fatherhood was social, not biological.

It would have been very difficult in this arrangement to form clans around common fathers, especially since this system seems designed to assure that nobility passed through the mother and also since these systems seem to prevent a man from controlling a woman’s reproduction. If this had been a patrilineal system, a man’s estate would have been divided among his wife’s children. In order to keep an estate intact, that inheritance could not be diluted by children from a wife’s affairs. Such children threatened to impoverish the children of the husband. A patrilineal husband, therefore, had a great interest in controlling his wife’s reproduction. Such a husband would never want his wife exposed to a system where she could legitimately take lovers. Men in patrilineal systems needed to cast aspersions upon women from matrilineal cultures in order to control their wives.

Aisha’s descriptions of non-patrilineal marriage forms suggest that the seventh century CE was a time when West Asiatic Islamic patriarchy challenged matrilineal Berian practices for dominance of Islamic law. There are two commonly known forms of marriage in Islam, perhaps even three. There is the standard marriage contract between a man and his legitimate wife. There is also concubinage.

A third form recognized in Shi’i Islam but not the Sunni Islam of many Berbers, is the mut’a or temporary marriage. “Mut’a is considered a kind of ‘rental’ because in general a man’s basic aim in this kind of marriage is the sexual enjoyment of a woman, and in return for his enjoyment the woman receives a certain amount of money or property.”
marriage contract is still required. In this contract there must be a specified limit to the marriage, whether it is a matter of time or “for a given number of sexual acts for a given period to be stipulated, as for example, during one day or over the whole period of the marriage.” In this case the woman is not obligated to move into the man’s home. She might even determine the time of day he is to visit her. She might not, however, initiate intercourse, unlike a woman in a permanent marriage. In mut’a, “the woman takes on certain legal characteristics of rented property.” If the man should become abusive, the woman is allowed by law to terminate the contract and refund a prorated amount of the contract fee. This was one type of marriage practiced in Medina before the Islamic era. Gurji found that Sunnis do not recognize mut’a women as slaves nor wives, because the parties do not inherit from each other. 52 Gurji uses the word “rented” for a translation but one could also use the word “hired.” In either case, this is a matter of legalized sexual intercourse for a short term and is an option for men who cannot amass enough assets to pay bridewealth for a permanent wife, nor purchase a slave. It is beneficial to women in that it provides a source of income without forcing them into common prostitution. The fact that the woman cannot initiate intercourse, though, puts this form of marriage into a patriarchal category. It denies a woman the right to happy coexistence with her partner and her right to sexual satisfaction, thereby reducing her humanity. The mut’a marriage form did not involve inheritance of property nor change in residence. It does not fit the

standard definitions of matrilineal or patrilineal marriage forms. The distinctive Tuareg marriage model likewise falls between matrilineal and patrilineal marriage forms. Both forms grant women the power to determine the length of her commitment to a man. Such respect for women’s human rights was not uniform throughout the Muslim world.

The role of women as peacemakers between populations during the arrival of Islam and the Berber dynastic movements beginning in the eleventh century CE is a reflection of the concept that women have a sense of justice and it underscores the respect accorded to women by men in Berian culture. Such respect accompanied recognition that women also served as peacemakers between populations. Alliances between villages or lineages could be reinforced by inter-marriage or inter-marriage could be forbidden if the groups recognized each other as family through a “ceremony of milk,” a form of adoption ceremony in which the clans agreed to be as close as two sons of a mother. This type of alliance had to be renewed annually.

Another form of adoption provided sanctuary to a fugitive from another village. In this form, a fugitive could compel a woman to adopt him and protect him as one of her own “by touching her, sucking her breast [nursing], sitting down in front of her, or running into her house and taking hold of the handmill.” It is significant that whatever judicial matter drove the fugitive from his home, he sought the protection of a woman, and not a man. A woman had power that a man did not. This power also allowed a woman the same rights as men “who had suffered damage or injury, or had a relative murdered, and were unable to protect themselves or obtain vengeance” on their behalf. A woman’s plea could not be refused if she was so injured that she cut her hair, donned filthy rags and
traveled among the villages to plead her cause. Women compelled men to act. It is possible to cast this ability to compel men’s actions as matriarchy or the absolute power of women over men. Such an assumption underlies Smith’s interpretation of the motive behind many generations of Tiski’s daughters’ westward migration away from the limitations of patriarchal systems. Smith suggested that

53. This performance of injustice resonates with the story recorded by Ibn Battuta about the royal wife of the sultan of Mali as described in the introduction of this monograph. According to Hoffman, wandering between villages as a means of unifying the population behind a cause was so central to these semi-autonomous populations that even the monarchical form of government adopted by the Alawis reflected a federal, not centralized, organization. Sultans devised strategies to counter the federal nature of this system. Rotating residences was not enough. Muley Ismail knew that troops from the qabilya fought as long as their interests were involved. After that, they had a right to disperse. Ismail built his own personal and controversial army, the Abid al-Bokhari, enslaved Muslim soldiers from the Sus and Sudan. Muley Abd er-Rahman, having lived in Mogador, decided that Haha administrators were more loyal to the Haha than to the sovereign, as they should be by the acephalous tradition. To counter this, Abd er-Rahman imported his successor to the governorship of Essaouira from Tetouan. Hamza Ben Driss Ottmani, *Mogador: Une cite sous les alizes des origines a 1939* (Rabat, Morocco: Editions La Porte, 1997), 168. These dates go beyond the scope of this project but they do indicate a relatively permanent trend. Bernard G. Hoffman, *The Structure of Traditional Moroccan Rural Society* (The Hague: Mouton and Co., 1967), 45-61, 91, 107, 102.

54. There are other social practices which link the Berbers of the Maghrib to Red Sea cultures. Norris recorded the origin lineage of the Kel Sandal who claim Bashan as the first mother and Fataha, Immulha, and Rahma as her three daughters who gave birth to the five qabilyas (Itisen, Ijdanarnen, Izagharen, Ifadalen, and the Imikitan) who became supporters of the Sultan of Afr in the fifteenth century. Abu Hamid mentioned five Musim nations in the Sahel: the Ghana, the Fawa, the Mali, the Takrur and the Gadamis. He hailed the Ghana as the most intelligent, most handsome, and notes they make the hajj. Abu Hamid talked about the gold for salt trade between Ghana, Walata and Sijilmasa. This is perhaps one of the earliest simplifications of the trade that occurred on this route. Jean Devisse used archaeological evidence to expand the goods that traded on this route. Devisse found forged iron, wool, cotton, leather, copper, timber (cedar, pine and oak) involved in the Sijilmasa network. Sijilmasa, as observed by Leo Africanus in the sixteenth century, was more of a metropolitan area at the core of some 300 villages. The metropolis measured one hundred fifty kilometers from north to south and one hundred
Berber women were unjustly accused of being loose women by the
recorders of history.

The Berian esteem accorded to women remained unconquered as shown in some
twentieth century definitions of crimes against women as defined by male transgressions of
women’s public spaces. The legal ethics derived from Tiski al-Ardja’s significance as first
ancestor still rippled through certain ceremonies that affected political and judicial matters
in the twentieth century.

kilometers from east to west. Bejarano Escañilla included information from Yaqut, an
early geographer, who identifies the name “Gadamis” as a Berber name. The selection of
five is interesting and reflected Abu Hamid’s Berber exposure. The North African Berber
origin myth traces to original clans. Also, the Somali claim descent from five clans. The
“five-ing” seems to be a marker of a Saharan culture. In the 1990's, some Arab and
Berber youth equated Somalis and Haratin - Sudanic blacks- in a pejorative fashion.
Nevertheless, this still affirms a perception of a link between east and west below the
Sahara. (Ilahiane, 39) Common to the three areas is a symbiosis of agriculturalists and
pastoralists. Also, they are acephalous societies. Some scholars want to put this into a
patron-client system. I concur with Hsain Ilahiane’s portrayal of this system as highly
regulated one which coordinates mutual dependency/mutual survival through
specialization. Ilahiane defined the ksar, a walled village, as “not only a communal
arrangement writ large in its spatial elements and defensive architecture, but it also makes
up what we could label as a closed corporate community, whose management and viability
was based on locally crafted communal institutions of governance. The management of
the Ksar and its resources were governed by an ethno-political and economic
organization.” In any case, the recurrence of “five-ing” as a means of identifying a
civilization further unites the Sahel and the Mediterranean cultures across the Saharan
sand sea as a world-system separate from the Mesopotamian-Mediterranean system. To
bolster the mutual dependency idea, there is the concept of the multiple royal cities. The
sultan is expected to rotate through each of the royal cities. “The sovereign had to appear
in all of the provinces of the kingdom at regular intervals and this tradition has been
maintained up to the present time.” Roger Le Tourneau, Fez in the Age of the Marinides
(Norman, OK: University of Oklahoma Press, 1961), 77; Norris, Tuaregs, 50-52. A more
detailed study of this system of lineage segmentation can be found in David Hart, Dadda
Atta and His Forty Grandsons (Cambridge: Menas Press Ltd., 1981). Hsain Ilahiane,
“The Break-Up of the Ksar: Changing Settlement Patterns and Environmental
Women’s history uniting the Berian zone

Women were rulers in North Africa and some women empowered and legitimized male rulers. Having reviewed matrilineal structures within the Berian world, we now have the tools to re-interpret women’s history, thereby revealing that the indigenous culture privileged women’s political, legal, economic and social power above women’s reproductive functions. Tiski’s esteem as the reputed original ancestor and the reverence paid to Queen Tin Hinan at her tomb resonate with narratives of powerful women among peoples of the south-western portion of the Arabian peninsula. Furthermore, these narratives parallel the histories across the southern Red Sea, in lands through which the Berber sojourned during their westward migration, lands that were once ruled by the Candaces of Cush, the Queen of Sheba who chose Hebrew King Solomon to father her heir, and the female monarchs of ancient Egypt from Hatshepsut to Cleopatra. Histories from the Berian world, which stretches from Yemen to the Atlantic and includes many peoples descended from the Saharan salt marsh culture, serve to normalize women rulers in this zone and counter the exceptional or anomalous qualities conferred on these women in patriarchal, Western European histories.

In pre-Islamic Arabia, women rulers governed as oracles, regents, or direct rulers. One example was the role of the kahin or seer, an individual who communicated with a personal shaytan or spirit. The kahin was consulted for personal matters and “interpreted dreams, traced lost cattle or camels and arbitrated litigation.” These spirit mediums could also obtain beneficial information for the clan from their shaytan, a familiar spirit. “In the history of the Arabian peninsula it was not new for seers to extend their ascendancy over
groups of tribes and become political and military factors of considerable power.”

The kahin might be male or female. In the third century CE, Zarifah, “wife of the Himyarite king, ‘Amr ibn ‘Amir Ma’ al-Sama al Muzayqiya” predicted, with the assistance of her shaytan, the bursting of the Ma’rib dam, the same incident referred to earlier that might have initiated a wave of Yemeni migration to the Maghrib. That dam had been built by Yemenis during the eighth century BCE and served the Minean, the Saban, and the Himyarite empires. Zarifah was powerful enough to transfer her powers at death, but it is said that her powers were so strong that she had to transfer them to twins. The influence of the kahin continued after the spread of Islam.

From the eastern edge of the Berian world, Yemeni history contains stories of other female leaders even after the time of the arrival of Islam in the area. In Sulayhid Yemen, Asma bint Shihab was the wife of ‘Ali ibn Muhammad, the king who moved the Yemeni capital to San’a. She ruled with and for him. Asma trained her daughter-in-law, Arwa, for the same role. When Asma’s son, Ahmed al-Mukarram suffered from partial paralysis of the face, Arwa “almost immediately . . . consolidated the reins of the Sulayhid state in her own hands.” She did not relinquish power when Ahmed died in 1084 CE/476 AH. She eventually broke ties with the Fatimids and supported the al-Tayyibi

55. Concise Encyclopedia of Arabic Civilization: the Arab East, s.v. “Kahin”.

56. Ibid., s.v. “Zarifah.”

57. Farhad Daftary is a prolific scholar of the Ismaili movement. Concise Encyclopedia of Arabic Civilization: the Arab East, s.v. “Sayyida Hurra: The Ismaili Sulayhid Queen of Yemen.”
movement and its colonies in Gujarat, India. Arwa, now known as Sayyida Hurra (the free lady) bint Ahmad al-Sulahi moved the palace to Dhu Jibla and turned the old one into a mosque. She appointed her female client to be head of the Yemeni Da’wa, or council, and supported the al-Tayyibi movement to the extent that this group became independent of both the Sulayhid state and the Fatimids. Arwa was nominally replaced by Ibn Najib al-Dawla who brought Armenian soldiers with him to re-establish Fatimid control of the shipping lanes to India. Undaunted, Sayyida supported an al-Tayyibi successor to the Yemeni throne.\textsuperscript{58} Even Fatimid Cairo had to negotiate with Sayyida when securing the India trade via Yemen.\textsuperscript{59} Both of these queens were more than regents. Neither of them seem to be an anomaly. There was a southern Red Sea culture in which men and women, Egyptian or Saba’an (Queen of Sheba and King Solomon), ruled symbiotically. Berber histories support a pattern of empowered women contemporary with women from southern Arabian history and these women became markers of a gynecentric society that revered women like Tiski al-Ardja.

In the historiography about royal women in North Africa, women like empowered women like Kenza of the Awraba clan were reduced to incubators in West Asiatic Islamic versions of her marriage to Idriss I. For example, in the days before Asma and Arwa,  

\textsuperscript{58} Ibid., 120-125. Albert Hourani noted that “long after the Fatimids state ceased to exist, communities created by those who had connections with it continued: in Yemen, Syria, Iran and later in western India.” Unfortunately, politically powerful women such as Asma and Arwa have been overlooked by scholars who hold to the Orientalist assumption about the seclusion of women. Hourani, \textit{History}, 40.

\textsuperscript{59} Concise Encyclopedia of Arabic Civilization: the Arab East, s.v. “Sayyida Hurra.”
Berber women's tools of political authority influenced the history of the expansion of Islam. Mouley Idriss ibn Abdallah ibn Hossein ibn el Hossein ibn Ali ibn Abou Thaleb arrived in the Maghrib in 790 CE/173 AH. He was running for his life, fleeing the reach of Caliph Harun al-Rachid, who was extending his power from Baghdad. Roger Le Tourneau conveyed the story with patriarchal assumptions common to Eurocentric views. In his version, Idriss ibn Abd-Allah was a *sharif* (a noble descendant of the Prophet) who escaped to the Maghrib, a land that had freed itself from the Caliphate some fifty years earlier. “A Berber tribe welcomed him, recognized his authority, and permitted him to create a Moslem state,” that grew powerful so quickly that ar-Rachid determined Idriss to be a threat. Al-Rachid sent a spy who succeeded in poisoning Idriss, who had no heir. That should have been the end of the threat for ar-Rachid but it was not. Idriss had left behind a posthumous child of a Berber concubine who became Idriss II. This Idriss was reared by the Berbers who had brought his father to power and by an Arab freedman faithful to the Prophet's descendants of the Prophet. In this patrilineal view Idriss II’s cultural purity must have been taught to him by this freed person. While the patriarchal assumption renders plausible the idea that the leadership skills of the father were transmitted to the son exclusively via this freed person, it seems unlikely, given that there is one other person in this story: the concubine. What happens if one factors the concubine into the story as an actor?

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Mouloud Gaïd gave another version of the story. Idriss I had a widow, a wife who was not a concubine. When Idriss I died of poison in 793 CE/176 AH, he left Kenza, his wife, who was expecting his only child. Kenza was the daughter of the Awraba Berber chief, Ishaq ibn Mohamed ibn Hammid, the man who had taken Idriss as a client and confirmed his adoption into the clan via an *amhars* (client/patron) marriage to Kenza. Marriage to Kenza required Idriss to defend her household, hence his appearance as leader of the clan. Under this arrangement, the child of Idriss and Kenza belonged to Sheikh Ishaq's family. With the death of Kenza's husband, custom in this case was for the Berber chiefs to elect a new federation leader, especially since Mulay Idriss died childless. Kenza, his widow, attended the assembly, visibly pregnant at seven months' gestation, and she pleaded with the leaders to avenge the wrong done to her and her child when her husband was slain. “If you would, we should wait until the child is born. If it is a boy, we will raise him and when he becomes a man we will proclaim him the ruler; since he will be a descendant of the Prophet of God, he will carry the benediction of the holy family. If the child is a girl, we will select another man.” The Berbers agreed and Idriss II was born; at age ten, having been educated in the *Sunna*, the ways of the Prophet's community, and in Arabic, he was presented to the Berber community.62

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62. There is a story from Tunisia of the challenge of the Kahina against 'Oqba ibn Nafi' who attempted to conquer the Maghrib in the eighth century CE. She is mentioned here because she was a queen who denied legitimacy to a Muslim invader. Mouloud Gaïd, *Les Berbers dans l’histoire: de la Kahina à l’occupation turque* (Algiers: Editions Mimouni, 1990) 2:30; Norris, *Tuaregs*, 17-26.
Re-reading this story with a Berber social and political perspective adds more insight to the story transmitted by Le Tourneau. The *barakat*, the power to bless people, and the lineage to the Prophet via his daughter Fatima, passed through Idriss. Legitimacy and loyalty passed through Kenza. Gellner provided a definition of her inherited power in this indigenous system in which “virtually all adult males were warriors” and the lineages cooperated in a “complex system of balance of power, or rather balances, operating simultaneously at various levels of size.” The link between these units of power and social order were “holy lineages or personages, who were exempt from the warrior or at least feuding ethos of the tribes.”Kenza’s important role in deciding the history of North Africa is indicated by the mere mentioning of her name. She is also credited with the idea of coopting a patriline as a shield behind which the Awraba would maintain their sovereignty by controlling Idriss II. Furthermore, there is the matter of what would happen if the child were a girl. The decision was that another man would be named in an *amazzal* marriage to continue Kenza’s line. Idriss’ power to rule in this area hinged upon his marriage to Kenza, more than his status as a *sharif*. Here Kenza is the more royal person who allowed Idriss to conduct certain roles for her. Any son she would have had by any other man would have been awarded the same leadership role. The Idrisid name

63. Ernest Gellner, “Introduction,” in *Arabs and Berbers: From Tribe to Nation in North Africa*, eds. Ernest Gellner and Charles Michaud (Lexington, MA: Lexington Books, 1972), 18. This tradition continued into the 1950’s and was observed by Francis Nicolas. “Some women have the power to transmit the right of succession, and they are said to have the *ettebel* (chiefly drum or drum group). Norris, *Tuaregs*, 6.
applied to this line is perhaps a West Asiatic Islamic convention to bury the success of this Berber clan’s resistance movement.

Kenza’s power to designate the ruler of the people was not an isolated incident. Zeineb bint Ishac en-Nefzaoui al-Houari anchored Almoravid history. She was a merchant from Kairouan, intelligent, beautiful, versed in law and finances, and wealthy. She took Yusef ibn Ali ibn Abd al-Rahman ibn Ouatas, chief of the Ourika, Hezerdga and the Hilana Berbers as her lover. She was the widow of Laghout ibn Yusef ibn Ali, a Maghroui leader who died around 1058 CE/450 AH. In 1060 CE/452 AH, Zeineb married Abu Bekr ibn Omar, leader of the Almoravids and a Lemtuna. Her name and lineage is given. So is her laqab, nickname, the free woman. Like Khadija, wife of the Prophet, she possessed a strong business acumen. Zeineb’s beauty was augmented by her ability to empower and legitimize male leaders. Abu Bekr divorced her and married her to his cousin Yusef ibn Tashfin (d. 1107 CE/500 AH) in 1071 CE/463 AH when Abu Bekr went south to subdue rebellions in the Sudan. He named Yusef as governor of the Maghrib in his absence. When Abu Bekr returned he expected his cousin to divorce Zeineb so that he could remarry her and again rule in the north. Zeineb directed Yusef to endow Abu Bekr with enough wealth to sustain his remaining days in the desert and Abu Bekr submitted to her decision. Since patriarchal warrior/kings holding full authority and power do not normally retire so easily, the conclusion has to be that Zeineb conferred power.

64. Gaïd, Berbers, 2: 92.

Meanwhile, at Zeineb’s direction, Yusef extended his power and Almoravid rule across the Maghrib and into Andalusia, the land on the other side of the narrow waters, where he dethroned several Christian and Muslim rulers. He was proclaimed emir, Commander of the Muslims, by the caliph. He then named Abu Mohamed ibn Fatema, a man of another matrilineage, governor of Valencia in 1099 CE/494 AH.66 Zeineb and

66. Ibid., 2: 81-2. Ibn Khaldun has been presented as an Arab historian although he was born in Andalusia. His writings have been used to support the two empires, Arab and European. Germain Ayache reread his texts and found a decided bias against the
Yusef ibn Tashfin had a son, Ali ibn Yusef ibn Tashfin, who is described as having an excellent character. He ruled until 1142-3CE/537 AH. He was succeeded by Tashfin ibn Ali ibn Yusef ibn Tashfin. Legitimacy still passed through her even though her name was no longer affixed to his, at least in this account.

There was another Berber family that named itself for the mother — the sons of Ghania. Ali Ibn Yusef el-Messoufi was a powerful Berber chief at the court of Ibn Tashfin. Unfortunately, he argued with a Lemtuna sheikh and killed him. Ali’s punishment was exile to the desert for several years. Upon his return to court, he lost considerable status and then became a client of Yusef Ibn Tashfin. Yusef arranged an amhars marriage for Ali with a female relative, Ghania, from which union three sons were born: Mohammad, Yahya, and Ishaq. These three and their sons after them became governors of lands from western Spain to Tripoli, the Balearics and Majorca. Ghania’s sons were raised under the patronage and supervision of Ali Ibn (Zeineb and) Yusef Ibn Tashfin and promoted to various governing and military expedition posts. Ibn Khaldun refers to these sons of Ghania as “the last representatives of the Almoravid monarchy.”


68. Hoffman noted that among the Shluh, Beraber, Riffian and Zenata qabilies, lineages named after women were temporary ones, lasting a few generations. B. Hoffman, Structure, 55.

Her scions ruled into the thirteenth century, with Ali-al-Kafi Ibn Ghazi Ibn Abd-Allah Ibn Mohammed Ibn Ghania. The ability to confer political legitimacy was still so strong with the women of this last generation that their father swore them to spinsterhood rather than let them possibly confer legitimacy on the nearby Turkish invaders of North Africa. Ibn Khaldun’s father had occasion to see one of these daughters, who was ninety years old in the year 1310-11 CE/710 AH. Ibn Khaldun wrote, “Of all the women in the world,’ he told me, ‘she was of the most noble character, the most generous of heart, the most virtuous in her deportment.”

Al-Marrekoshi related a story from this time period about another marriage to a Berber woman, who granted legitimacy to her husband’s rule. The father of one Abu Mohammed Abd Aziz was a man of rather ordinary birth. Abd Aziz’s mother, though, was a free woman named Maryam Sanhaja from the fortress town of the Bani Hammad. Although she was a captive, she was known to be a queen and the daughter of a queen, with all the power that her rank invested in free women. The history of this woman’s authority is buried in a subtle description of her children. She was the mother of five sons: Abu Yaqoub, Ibrahim, Musa, Idriss and Abd Alziz. She was also the mother of four daughters: Zeineb, Raqiya, Aisha and Aliya. While Maryam’s sons were busy fighting the Arabs in Majorca and Tahert in the earliest years of the thirteenth century CE, Aliya conquered her own land. She was beautiful and voluptuous in her ample folds, according to al-Marrekoshi, but there was much more to her than attractive corpulence. “The Emir

70. Ibid., 2: 86, 104.
of Sijilmasa went crazy with love for her.”

Because she was a royal daughter of the mountains, she also was educated, politically astute and an advisor who would bring increased prosperity as their two peoples continued trade relations. He needed her. She consented to marry him.

The land-based, matrilineal, Berian system in which women empowered male rulers contrasts the blood-based, patrilineal, West Asiatic Islamic royal inheritance system in which women at best influenced male rulers. The change from the Berian model to the West Asiatic Islamic model of royal women’s roles can be traced to the transition from the Almoravid to the Almohad dynasties. Scholar Mouloud Gaïd evaluated non-Berian royal women in the Maghrib and his findings suggest that in the West Asiatic Islamic model, royal women’s role can be classified into three categories: princesses, pawns and playthings. The Berian role was a casualty of the patriarchal incursions into North Africa.

Tiski’s children extended their rule to the land beyond the narrow waters, to Iberia. Ibn Khaldun surmised that the veiled qabilas, the Almoravids, neighbors of the Sudanese kingdoms to the south of the Moroccan desert region, lost their power due to a love of luxury and were replaced by the Almohads. During the Almoravid era, a creole population with a heterodox culture emerged in Andalusia. When the results of this creolization on the Almoravid periphery became clear to the Berbers in Morocco and Sus, there was dissatisfaction among some men and women in the Berber metropole. The


decline was perhaps more rapid than it would have been had wives such as Zeineb and Ghania been transferred to Andalusia. However, given her removal from the land, would such a wife have been so potent?

Within the historiography on North Africa and colonization, land-based matrilineal power and the communal land ownership that frequently accompanies such systems is juxtaposed to blood-based patrilineal power and the change to individual ownership of land. Blood-based identification of peoples is an important tool of both West Asiatic Islamic and Western Christian imperial writings, and eventually leads to race-based interpretations that impose “Arabness” through patrilineal evidence onto matrilineal North Africans in an effort to separate it from the rest of the continent. This is especially important for Western Christians who in the late nineteenth and early twentieth centuries reconstructed Maghribi history to disguise African colonization of Iberia. Where I have shown that genetic studies, formerly used to impose a racial division in the Berian Mediterranean, now refute the idea of the Strait as a barrier between continents, contemporary Berber scholar Mouloud Gaïd used the blood-line tool to apply a matrilineal history to Iberia. For example, Mouloud Gaïd argued that by the early years of the eleventh century, “the Sanhaja Berbers were totally Arabized” and had absorbed Arab poetry, literature, philosophy into the “Islamic inheritance composed by the Muslim

73. The primacy of patrilineage accompanied the Arabization process during the West Asiatic Islamic imperial period. This juxtaposition that is use here is, therefore, more than conceptual. It reflects a lived experience in Morocco and the dynamic is reflected in the eighteenth century legal writings of Muhammad al-Kiki which are presented later in this dissertation.
As for the *taifa* (party or faction) kings of Andalusia, Gaïd argued that these Almoravid feudal lords gradually abandoned their own people and culture in favor of the decadence and excess comforts of the Christians they ruled. Mixed marriages were on the rise and these non-Muslim women inculcated values in their sons that “disrupted the behavior of the valiant Saharan warriors.” Gaïd added that the Christian wives of the Sanhaja aristocracy in Andalusia protected “good-for-nothings, brigands, wine merchants and cabaret owners.” He further argued that news of this court-protected underworld and trade in illegal beverages, in addition to ignoring the evolving Maliki code of Islam, were primary factors in motivating the Almohad jihad against the Almoravids. “One sees how many emirs and Lemtuna princes married Christian princesses. These alliances had an inevitable effect on the Saharan rulers, especially those who were born in this environment.” Gaïd clearly favored the Sanhaja Berbers of the western Sahara as the more orthodox branch of Tiski’s children but he stands out in minimizing the Arabization of the initial wave of Almohad leaders.

Maternal lineage mattered to Gaïd, who argued the case of cultural integrity through the selection of wives. He frequently described the status and race of the mothers

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74. Bovill argues that the Arabization was merely superficial in terms of language, abandonment of the male veil and their acceptance of client status. Otherwise, the Sanhaja “retained many other Berber customs” and were referred to afterwards as Zenaga. The ethnographers’ quandary of separating matrilineal and patrilineal practices in hybrid cultures is also exemplified in the patriarchal bias reflected in the Chapter 5 of Nadia Abu Zahra’s *Sidi Ameur — a Tunisian Village* (London: Ithaca Press, 1982); Bovill, *Golden Trade*, 48; Gaïd, *Berbers*, 2: 78.

75. This line of thought is subtle application of the Christian concept of Eve the temptress who was supposedly responsible for the downfall of Adam. Again, he is using Western European tools to privilege African people. Gaïd, *Berbers*, 2: 113-115.
of rulers in order to support an argument that the race/nationality and status of the sovereign’s mother correlated to the length of the sovereign’s rule. Sixteen mothers were identified in Gaïd’s work. Of these, five were slave women; and in keeping with Gaïd’s argument of Christian corruption of Saharan values and the south-north paradigm in this empire which subjected European Christians to African Muslims, these women were presumably Christian Iberians, none of whose sons ruled more than a decade. The longest reign was six years. Of the remaining eleven mothers mentioned, one had a son who did not rule at all. That mother was Maghribi but she died in childbirth and did not influence his upbringing. Two mothers were identified as Arab free women. Their sons ruled eleven and twenty-one years respectively, or an average of sixteen years. Of the children of Maghribi/Sahelian mothers, the average reign was 18.7 years, with a range of fourteen to twenty-seven years on the throne. According to Gaïd, matrilineage mattered significantly and determined the success of the ruler.

Gaïd’s brief narratives of women in Berber history suggest a hierarchy of women. Three categories of such women existed: pawns, princesses, and playthings. Pawns were women sent to the ruler as surety of a treaty between states. There was no discussion in these cases of the women bringing lands with them. Nor were they described as first wives. Neither their physical appearance, nor their personalities were recorded. They were walking texts of peace and promises of good will and they might have been spies in the palace to warn the natal family of any attempts to violate the peace.

There was a group of pawn wives who were high-ranking princesses. In ca. 1282 CE/ 681 AH, Yghmourracen was strong enough to request the sultan of Tunis to send a
Hafsid princess to wed his son Othman. The sultan sent his daughter. In 1298 CE/696 AH, Othman Ibn Yghmouracen died while bathing. A eunuch warned the queen, the sister of Ishak, the new sultan of Tunis. Arriving in the chamber, she proclaimed, “We must now turn to God.” She ordered the doors locked and their sons, Mohamed and Musa, found. She then ordered a convocation of all the chiefs of the Beni-Abdeloued. When the session was over, Abu Ziyan Mohamed, her son, was recognized as successor and his brother had sworn loyalty to him. The Hafsid family of Tunis possessed the throne of the Abdeloued through the swift action of a politically astute daughter, so patiently planted sixteen years earlier. Another Hafsid princess, Fatma, the full sister of Emir Abou Zakaria, arrived in ca. 1330 CE/729 AH to marry Abou el Hassen of Fez. She was accompanied by a full contingent of sheikhs. She died in ca. 1344 CE/744 AH when the palace was sacked. Abou el-Hassen requested another Hafsid princess to replace her. The request was fulfilled, thus maintaining an imperial presence in Tunis for the Hafsids.

Another group of wives arrived prepared to directly participate in the governing of their new territories. According to Gellner, the leadership of a Berber leff, or confederation, was an elected position that could rotate among clans. Gellner asked a question of this process: “given that imgharen are almost the only form of leadership supplied from within the lay tribes, who is to supervise the election of the new chief when the old one is at the end of his office?”

76. Ibid. 2: 196, 198.

77. According to Ernest Gellner, Berber political leadership is “very segmentary — more so, I believe, than in many societies often invoked as examples of segmentary organization.” The leader is the amghar (imgharen - plural). “Elections” he wrote, “end
Gellner’s segmentary theory of Berber politics.\(^78\) Roberts was concerned primarily about the composition of a Berber village being represented as a single clan when his research found that a typical village was actually composed of two clans. This dual clan structure coincides with the *leff* pattern of aligning with, not the immediate neighboring group, but the second neighbor. Roberts asserted that Durkheim and possibly other nineteenth century ethnographers purposefully omitted this kind of information about Berber society, so it is plausible that these “seeing-men” also omitted evidence of women’s social and political power. The “seeing-man,” as defined by Mary Louise Pratt, is the European scientist or explorer who collects information about the new territory, interprets it, and publishes those interpretations.\(^79\) Munson wrote that “no one has ever demonstrated any link between the notion of balanced and complementary opposition and patterns of marriage and pasture use among the Aït ‘Atta” the way that Gellner saw it.\(^80\) Instead, Munson focused on the five-ing pattern among the Aït ‘Atta, a pattern similar to the Somali clan system. However, none of these critiques adequately examines the role of matrilineage, adoption, patron-client marriages, and alliances legitimated through women


and their right to land. Even if Gellner’s read of the Aït ‘Atta case does not hold up to scrutiny, neither do these patriarchal arguments reach conclusive comprehension of Berber society.

Berian patterns do not fit the West Asiatic Islamic pattern of royal women’s political roles. The model followed by Maryam and Aliya Sanhaja of a princess conquering through love and marriage stands in opposition to the Ottoman model of a later century described by Leslie P. Peirce, and better known among American scholars. “The great care and deliberation given to the marriages of princesses reflected the recognition that power could flow out through them.” To this extent both models are similar. However, there is a difference. In the Ottoman model, the princesses “themselves could not rule. Unlike some of their Anatolian contemporaries, Ottoman princesses never carried a piece of the state as their dowry, and when they married into foreign dynasties the revenues of their land grants were devoted to endowments located within the Ottoman domain.”

The Ottoman model granted power only to certain princesses. “With dynastic females as with males, sexuality was intimately linked with power. However, sexual maturity — and thus legitimate power — was defined for women as the absence of sexual activity.” As long as they were fertile, they were powerless. In the Berian model, gender, not sexuality nor fertility, is the marker of power.

81. Peirce, Imperial Harem, 22-23.
Conclusion

The Berian world culture circle maintained a respect of women’s political and economic rights from pre-Islamic times through the Berber conquests of Iberia. Women as political agents were important and valued in the Berian zone. Patriarchal West Asiatic Islamic and Western European imperial versions of North African histories masked Berian royal women’s role in Berber political history. In fact, Berian zone women in general had more rights than many of their contemporaries.

Berber women had more societal power than many Western Christian scholars with patriarchal social orientations were prepared to record. Historiographically foundational texts written by seeing-men in anticipation of European colonization policy influenced the work of Gellner, Roberts, and Munson, none of whom factored women as political decision makers, but works by scholars like Rasmussen and Maher prepared Western scholars to see Berian culture from non-imperial perspectives. The patrilineal orientations that permitted Western scholars to consign Tiski to the archives of mythology and that continued to mask women’s power to link societal units can now be set aside as more contemporary scholarship begins to remedy this fault. Wolfgang Kraus suggested that Gellner presented “a model tribespeople themselves have in mind when talking about their society,” even when their actions differ from that ideal “and stressed the agnatic behavior, characteristic of unilineal systems.” He included a case where “the line of patrilineal descent is broken by a step of matrifiliation,” where “on a different level, genealogical traditions might by virtue of their specific content establish inequality, so to speak, within the relation of equality, and
here maternal relations might become relevant, too.” The fact that women such as Kenza, Zeineb and Ghania are present in Berber dynastic narratives and the fact that they appear as significant actors makes it plain that matrilineal women did more than incubate the next heir or entertaining and influencing the present ruler. Tiski’s children reinforced the power of women. This argument has been presented in this chapter at the level of elite women and men. However, in subsequent chapters, I will show that ordinary Berian women also enjoyed more societal rights than their West Asiatic Islamic and Western European counterparts and that these rights were defended by elite men on both sides of the Strait and across the Christian/Islamic political divide in Iberia. These are key values that unite North Africa to the rest of the continent and distinguish the Berian world from the West Asiatic Islamic culture circle. West Asiatic Muslims did borrow a language from Afroasians but they did not adopt the Berian appreciation for women’s political and economic rights.

CHAPTER 3

DAUGHTERS OF GHANIA: MALIKI JURISPRUDENCE
AND THE PROTECTION OF WOMEN’S RIGHTS
IN THE MAGHRIB AND ANDALUSIA

The Almohads were coming. Succession crises were difficult for dynastic women. Ghania was a relative of Ibn Tashfin whose wife, Zeineb, enabled him to found the Almoravid dynasty. Generations later, Ghania’s daughters prepared for their role as conduits of political legitimacy by mastering Maliki law. When the Almohads conquered Fez, killed their men, and forced marriages upon them, these daughters plotted a woman’s patriotic battle as they followed their unwanted husbands to the Almohad metropole of Marrakesh where the desert meets the mountains in the south. Upon arrival, the daughters struck their blow by immediately initiating divorce actions under Maliki law. The conquering emir, a Berber who had to display piety in order to impose his will on the former Almoravid empire, had no choice but to grant the divorces even though this meant a great moral blow to his expanding empire. Without marriage to Ghania’s daughters, Almohad rulers around Fez were less than legitimate. Berber women did not have to submit to forced marriages. Neither their bodies nor their assets could ever be commandeered.

Submission to Allah was not synonymous with submission to patriarchy, and many African matrilineal systems did not all disappear with the advent of Islam. Berian Islam did not force women to submit to men after the arrival of dualistic, patriarchal, West Asiatic Islam arrived. Islamic legal scholar, Malik Ibn Anas preserved the Berian values of the early Muslim community at Medina to ensure, in part, that female-friendly legal codes did not disappear. Berian followers in Andalusia selected Malik’s legal code in order to preserve women’s rights within Islam. Berian respect of women’s rights was so strong that
men and women, such as the daughters of Ghania, defended the gender system even at
great personal risk. Men continued to defend women’s rights and modified Islam to do so.

The events surrounding the forced marriage and the judicious divorce of some
female descendants of Ghania, wife of Ali Ibn Yusef el-Messoufi, are examples of conflict
between adherents of the dualistic, patriarchal model from West Asia and the cooperation
of the sexes in the Berian political model. The daughters of Ghania had a certain
reputation. Desired for their wealth of knowledge and their financial assets, these women
embodied the essence of Berber women’s rights, making them excellent representatives of
the gynecentric southern Berbers’ triumph in retaining their Berian culture despite the
incursion of West Asiatic Muslims who converted some of the northern Berbers to the
relatively patriarch system. In fact, the Almoravid dynasty represented an official
recognition of the Berbers as the initiators of the Muslim conquest of Iberia in 711 CE/92
AH under Tarik Ibn Ziyad and as the administrators who maintained Islamic rule in the
mountainous regions of Iberia for centuries. De jure hegemony eluded the de facto
proselytizers of Andalusia until Zeineb directed, counseled, and financed her last husband,
Yusef Ibn Tashfin, into establishing the Andalusian province of her Almoravid empire in
1085 CE/477 AH, thereby assuring for all Berber women in her empire an official
eschewing of dynasties oriented toward patriarchal centers in Damascus and Baghdad. This
is a story of resistance because Berbers of the Moroccan mountains and the lands to the
south submitted to Allah but not to patriarchy.

Patriarchy’s best chance at dominating the African portion of the Berian zone
occurred with the Almohad teachings influenced in part by the West Asiatic Islamic
philosophies of al-Ghazzali. Even that influence was superficial and did not permeate the core of the Berian culture zone as will be shown in the legal decisions of relatively recent Moroccan Islamic jurists al-Kiki and al-‘Abadi, both of whom defended women’s rights during the era of the dual-hegemony of Western Christian Europeans and West Asiatic Muslims, and as will also be shown in the next chapter on the Berber influence in the Trastamara dynasty of medieval Spain. Where the previous chapter revealed some gynecentric and matrilineal Berian Mediterranean customs in stark contrast to patriarchal and patrilineal ones, the present chapter, in three sections, will illuminate the processes by which this Berian Mediterranean culture shaped Islam: Malik Ibn Anas’ juridical quest to preserve the gynecentric values of the Prophet’s Companions at the intersection of the mashriki and maghribi Islamic worlds; the friction between local traditions competing for dominance in Andalusia and the consequent selection of the Maliki system; and, finally, an explanation of the rights of Berber women as supported by Maliki jurisprudence.

Malik Ibn Anas: Legal Scholar at the Arabian matrilineal/patrilineal frontier

Malik Ibn Anas, author of the Muwatta (one of the first written compendiums of Islamic law), recorded the hadith, the sayings and practices of the Prophet as remembered by the Prophet’s Companions and transmitted through oral history. Malik provided the silsilat, the chain of transmission, for his information. Predating European-styled footnotes, a silsilat is a system of citation, a lineage of information, in which a scholar names the oral sources from whom or the written sources from which the information was obtained. The reader then has the opportunity to accept or discredit the information based upon the caliber of sources. Malik was careful to provide his sources even when there was
divergence on a matter, thereby increasing the objectivity and authority of his work. In keeping with the scholarly style of Malik, a study of his personal lineage will affirm his authority and expertise on these matters and also will inform the matrilineal-patrilineal scholarly conflict that occurred during the expansion era of empires that used the Islamic legal system as seen in the differences between the West Asiatic Islamic patrilineal version and the Berian matrilineal version of his lineage.

Malik was born in the region of Medina in ca. 712 CE/93 AH and his patrilineage was noble, adding religious authority to a tradition of political power in the generations immediately before his birth. Malik’s family was descended from Qahtani rulers, either the Sabaeans or the Himyarites who shared ancestors with the Tuaregs and other Berbers as discussed in the previous chapter. Qahtan was the earliest identified ancestor of the Yemeni peoples and the Banu Hina of Oman, suggesting that he and Tiski serve a similar function of fixing the time of migration in the oral histories of people in southern Arabia. He “held sway over an immense kingdom during the period before the Prophet.”

1. “Qahtani” is used in this monograph to specify an Arab ethnic group from the southern portion of the Arabian peninsula to distinguish it from West Asiatic Islamic culture zone that borrowed the Arabic language. E. J. van Donzel, *Islamic Desk Reference* (Leiden: Brill Academic Publishers, 1994), 327, 349. The website of the Omani province of Ibri places the arrival of the Qahtans in the ninth century BCE. www.ibrialwaedah.ibritoday.net/oman.htm.

2. The term, “the period before the Prophet” is a translation of, or synonym for, the pre-Islamic “Age of Ignorance” and is no more specific as to century or year than the terms BC or BCE. There is no way to determine from this source the precise number of generations between Qahtan and Malik. According to lineage narratives that link Qahtan to the Abrahamic tradition, Qahtan was a descendant of Joktan who was Abraham’s son by his second wife, Keturah, who is sometimes described as an African. Joktan’s son was Sheba. Another story claims that Abraham gave Keturah’s sons the land of the Troglodytes, a people known for excavation skills, which in some texts referred to the land of Punt and in other texts referred to a band of land ranging from Eritrea to the Anti-Atlas, giving them an African origin through their matriline before they crossed to the
the Byzantines, and the Sassanids.³ Malik’s paternal ancestors were influential men in the early days of Islam, if not outright aristocrats.⁴

There is another way of elevating Malik in the eyes of a West Asiatic Islamic reader. Shaykh al-Mubarak described Imam Malik as “tall and slightly corpulent. He was bald, with a large head and well-shaped eyes, a fine nose and a full beard.” He then considered a description from Mus’ab az-Zubayri that “Malik was one of the most handsome people in his face and the sweetest of them in eye, the purest of them in whiteness and the most perfect of them in height and the most excellent in body.” Al-Mubarak added, “Another said, ‘Malik was of medium height.’” Al-Mubarak preferred the az-Zubayri description.⁵ His corpulence indicated that he was wealthy enough to eat well and did not earn his living by manual labor. The fullness of his beard is a marker of his good health. By selecting the adjectives “purest” and “whiteness,” az-Zubayri revealed the

³ Varisco, “Metaphors;” Ibrahim, “Pre-Islamic Mecca.”

⁴ The Companions of the Prophet Mohammed are revered in much the same way as the twelve Disciples of Jesus of Nazareth. Transmitters are living texts, keepers of the oral history of the early days of Islam. The quality of a transmitter’s memory is frequently verified by comparing the saying to other transmitters’ versions. The men in Malik’s lineage are often regarded as the standard by which other transmitters are judged. Mansour H. Mansour, The Maliki School of Law: Spread and Domination in North and West Africa Eighth to Fourteenth Centuries CE (San Francisco: Austin and Winfield, 1995), 8. Shaykh al-Mubarak reports that some say Abu’Amir “went on all the raids with the Messenger of Allah [honorific] except Badr. However, Ibn Hajar mentioned in the Isaba from adh-Dhahabi that he did not find anyone who mentioned him as being on of the Companions, although he was certainly alive in the time of the Prophet.” al-Mubarak, “Introduction,” xxviii.

⁵ He is associated with Sufism. That is rather neutral and not a good predictor. al-Mubarak, “Introduction,” xxviii.
influenced of Mazdaism, a dualistic religion that pits good, signified by the color white, against evil, signified by the color black; therefore, his description should be read as praise of Malik’s moral character and not taken as a literal description of the color of his skin. Both of al-Mubarak’s methods of praising him, his patrilineage and his spiritual/physical features, indicate agreement upon Malik as the quintessential expert on the practices and sayings of the Prophet.

Women as actors are veiled in omission in al-Mubarak’s biographical material about Malik. From Mansour’s and al-Mubarak’s biographies, one might conclude that West Asiatic Islamic patriliny oriented the cultural of Mecca. Such historiography reflects the later victory of the northern Arabs, the sons of Ishmael, over the southern Arabs, the children of Keturah and Qahtan, otherwise known in less mythical terms as the ‘Abbasids of Persia over the Umayyads. How does the story change when Malik’s lineage is re-examined from a gynecentric point of view, omitting the patriarchal imperial filter?

The Berian, matrilineal version of Malik’s lineage, as presented by Shaykh Kabban and Laleh Bakhtiar, does include women and these women conferred additional authority and validity to Malik’s collection of *hadith*. Malik’s great-grandmother was Mulayka bint Malik of the Khazraj clan of the Bani ‘Addi Ibn al-Najjar sub-branch of Qahtani Arabs. The fact that her name is retained in the lineage indicates that a mother’s lineage was important to establishing legitimacy, that a bilateral or matrilineal inheritance system might have been in place, and that women were important as individuals apart from their reproductive function. In this case, Mulayka is a member of Qahtani clan, the same one from which Hashim, great grandfather of the Prophet, chose his wife to secure an alliance.
for the Quraysh clan. Malik’s grandmother was Umm Sulaym bint (daughter of Mulayka bint Malik and) Milhan Ibn Khalid and her son was Anas Ibn Malik (who must have been a younger brother to Sulaym, according to the naming practices of the culture). Umm Sulaym was active in the early conflicts between the fledgling Muslim community and its frequently hostile neighbors. This Qahtani woman “was present at the Battle of Hunayn [630 CE/8 AH] while she was pregnant,” and when she was not participating in warfare, she was known for walking around with a dagger to defend herself “in case one of the idol-worshipers came near her. She said she would slit open his stomach.” She was the one who instructed Anas in the shahada (the witness, the first pillar of Islam, to the uniqueness of God and a statement of belief that Mohammad was a prophet of God) and the teachings of the Prophet. It was reported that the Prophet “did not enter a house without the husband being present except for that of Umm Sulaym,” an affirmation of the alliance between the Qahtanis and the Qurayshis. He often prayed there and she occasionally had the honor of cooking for him and of making a pilgrimage with his wives. She related many traditions from the life of the Prophet. This information about Umm Sulaym leaves little question that she was one of the inner circle of the Companions of the


7. Names are important in establishing one’s identity in a lineage system. “Umm” means mother of; “Ibn” or “Ben” means “son of”; “Bint” means “daughter of.” Here, Malik’s grandmother had the “kunya” or honorific of being the mother of a son, hence “Umm Sulaym” and she had another son, Anas, whose father was Malik.

8. The early community of believers was frequently harassed by others in the city. Kabbani and Bakhtiar, Encyclopedia, 471-475.
Prophet, his distant relative, and a known and respected figure in the community of Medina. This relationship is one of familial, not neighborly, closeness.

The threat to the mashriki “masculine mystique” appears in a scholarly controversy about Malik’s mother, al-‘Aliyah bint Sharik al-Azadiyyah, who also was a descendant of Qahtan Arabs. Mansour noted a controversy about Malik’s mother’s status. There were some transmitters who present her as a mawla (client, a converted freed slave) thereby denigrating Malik’s important matrilineage. Others, such as Mansour, argue that she was “a free woman,” placing her in a social pattern similar to that demonstrated by the life of Khadijah, wife of the Prophet, and making her eligible to own and manage property. He recorded several sayings about the influence al-‘Aliyah had on Malik’s career. Malik had a choice of becoming a singer or a scholar, and his mother guided him to the latter field, the

9. Her first name, al-Aliyah, is really a title of respect, a kunya, that translates, depending on the spelling in Arabic, as either the Grand, the Noble, the Sublime, or She Who Represents All That is Grand. Dina Tidjani, *Dictionnaire des prenoms arabe* (Rabat, Morocco: El Maarif al-Jadida, 1997), 12.

10. Qahtans claim to be among the original and purest Arabs, tracing their lineage to Noah who is reputed to have built an ark. Mansour, *Maliki School*, 7-8.

11. Khadijah was a widow who owned and operated a long-distance caravan business. She hired her cousin, Mohammed, to manage a branch of her operations. He performed extremely well and doubled her profit on her Syrian trade. She proposed to him, although he was several years her junior. This was before the Prophet began to receive revelations that in time became the Qur’an. Her full name and lineage are described. “Ibn Abbas relates that the mother of Khadija bint Khuwaylid Ibn Asad was Fatima bint Zaida Ibn al-Asamm. Her mother was Hala bint Abd al-Manaf Ibn al-Harith. Her mother was al-Araqa or Qilaba bint Suayd Ibn Sahm. Her mother was Atika bint Abd al-Uzza Ibn Qusayy. Her mother was al-Khutya or Rayta bint Kab. Her mother was Naila bint Hudhafa.” Her first marriage was to a noble of the Abd al-Dar Ibn Qusayy clan. She was widowed twice. Mohammad was her third husband and also her cousin within the Qusayy clan. Kabbani and Bakhtiar, *Encyclopedia*, 356-358.
pursuit of which probably required her to assist him with financial support. She might have generated a fair amount of income from her property. Malik apparently admired and respected his mother, for he followed her advice and did not take up his father’s occupation. Based upon additional consideration of al-‘Aliyah’s name and lineage, it is apparent that Malik’s grandfather, transmitter of hadith, appreciated such strong women from his ancestral Yemeni culture enough to agree to a marriage between the daughter of Sharik and his son. Considering that there were several patrilineal governments competing for dominance in Mecca, choosing a daughter-in-law from a Yemeni clan was a patriotic statement, an act of resistance and a defense of a culture that not only produced empowered women such as Asma, Arwa, Zarifa, the Queen of Sheba, the Candaces of Kush, and, in time, Zeineb, Kenza, and Isabel Trastamara of Castile, but also formed a continuous girdle centered in the Sahara and reaching from Yemen to the Atlantic long after desiccation caused this cultural diaspora.

Malik’s respect for his mother, grandmother and other women as economic and political equals of men is a patriotic attempt to retain Qahtani women’s culture in defiance of the growing power of the northern Arabs with their patrilineal culture, hence the distinctiveness of this particular madhhab. Mohammad Ryadu noted that Imam Malik, brilliant as he was, recorded the “existing practices of the community of Medina, the cradle of the Noble Companions and other followers.” This was the culture in which Malik lived from childhood. “Imam Malik observed [these practices] face to face. The personal

struggles of practicing the faith (the *itjihad*) set him on a course to collect their practices.”¹³ In time, this collection became the Maliki *madhthab*, contained in *Al-Muwatta*, and Ryadu studied it because:

1) “Maliki *madhthab* established the origin of the essence of *shari’a*, the body of law, and flows from that original form;”

2) “according to the best scholars, this *madhthab* is the root of others, the canon on the topic of *fatwa*, the chief source of the ulama, the pace-setter of the other *madhthabs*. The brilliant and venerable Malik Ibn Anas encourages us to look deeper into this;”

3) “the *madhthab* is the one that is applied in the Maghrib for many centuries, which in itself makes the project a worthy undertaking;”

4) “the study of the topic of *fatwa* builds upon this superior, original source and opens the door to personal *itjihad*. “¹⁴


¹⁴ Ibid., 11.
By preserving the practices of the people of Medina in his *Al-Muwatta* compendium, Malik enshrined the economic and political power of women. Students of Malik’s teachings have since advocated this female-friendly version of Islam. In the Maghrib, these values, with origins in Afroasiatic cultural practices, resonated with those of the Yemenis’ contemporaries, the Berbers of North Africa, who reasoned and warred to protect the rights of their women against Arab, Ottoman, and, eventually, European pressures to impose more patriarchal strictures. For Malik Ibn Anas, empowered women were normal and societies ought neither to hobble nor disempower women.

_Triumph of the Maliki madhhab at the Andalusian frontier between patriarchal and female-friendly culture zones._

The defense of women’s rights, for centuries a strong motivator of Berber resistance and imperial projects in the face of the dual hegemonies colonizing the Berian Mediterranean, has been veiled and immured within colonial discourses that continue to serve patriarchal agendas by focusing on issues of racial purity and ethnic superiority instead of gender justice.15 “Race” and “Arabization” factor in the historiography of the region. Both terms imply that “Arab” is a genetic identifier but it is merely an Orientalist term that masks conflicts between Syrian and Yemenis as well as between Qahtani southern Arabs and Arabized West Asiatic populations. The Qahtani Arab culture with respect to

women’s rights is more Berian than it is West Asiatic. In fact, West Asiatic Muslims modified Islam to accommodate Persian and Hellenistic philosophies and patriarchy. Therefore, racial or colonial discourses fail to explain the adoption of Maliki jurisprudence in the Berian culture circle, whereas a gender analysis provides a more complete explanation. Maliki jurisprudence provides a legal context in which the Berian gender system can thrive.

Western Christian historiography has employed two themes which have constrained some scholars from incorporating Berian gender values in their research. “Race” as a term must be dissected. In the Anglo-American nineteenth century definition, race is a question of phenotype and physical appearance. The French definition of race calls to mind the coursing of a river across generations and is quite appropriate for discussions of lineage and creole populations. In practice, twentieth century French colonial assimilation policies privileged the performance of culture and were far more accepting of colonized subjects than the Anglo-American model where no form of behavior could override one’s physical appearance. “Arabization” resonates with the French colonial assimilation policy and with the Arabization project of the West Asiatic Islamic hegemony, a project which inserted West Asiatic Islamic cultural values dressed in the Arabic language into invaded areas. Abdelmajid Hannoum provided an example of the West Asiatic Islamic standard when he described the “project of Arabizing the Berber [as] the culmination of a long-term effort undertaken from the ninth century onward to fuse the two populations,” especially “after
the establishment of Berber dynasties.”

Like the French model, race is performed through hegemonic language facility and mannerisms such as the conversion to patriliny. Within this context, some Berbers, especially to the east of Fez, can be said to have indeed become Arab by performing Arab language and culture. The pressure to convert to the more patriarchal system no doubt increased with each wave of West Asiatic Islamic immigrants from the mashrik or from Andalusia. The change in behavior, therefore, translated into a change in “race” at the moment when clan history was recorded in terms of patrilines, as has been demonstrated in the previous chapter with the narratives about Idriss and Kenza.

The creation of an “Arab” race for the convenience of the conquerors’ chroniclers erroneously implies a unified culture: nothing could be further from the truth for populations who spoke Arabic as a lingua franca were political competitors. In terms of imperial historiography, the assimilation of some Berber clans opened the door to writing the history of the Islamic expansion in the Maghrib by privileging these new “Arabs” as the “standard North Africans” while subjugating non-Arabized Berbers. This allowed, then, some historians to write that “Arabs” conquered Andalusia when the Berber general Tarik Ibn Ziyad boldly conquered Iberia in 711 CE/92 AH, while usurping de facto Berber political power when Musa Ibn Nusayr appeared in 712 CE/93 AH as the governing official sent by the Damascus caliphate. The conflation of Arab and Berber allows the Cairene, Damascene, or Baghdadi centers of West Asiatic Islamic empires to claim control of more

than the elite classes in urban centers and/or coastal towns of Andalusia: it facilitates allegations that *mashrikis* controlled the hill regions where Berbers occupied the land. Berber dominance during the Almoravid and Almohad dynasties was difficult to recast in this manner. That these empires should rise after so many centuries of Arab rule suggests that “Arabization” and Islamization are not synonymous. Clearly, the West Asiatic Muslim conquest of portions of the Berian Mediterranean failed in that the eradication of matriliny was never completed and patriarchy remained radically rejected as long as Maliki law triumphed over the alternatives presented by the West Asiatic Islamic governing class.

Therefore and additionally, the term “Arab” must be unpacked because it silences a continuation of the Qahtan-versus-Ishmaelite lineage discourse that was recast in Andalusia

17. The historiography on underground irrigation systems and canals is an extension of this northern Arab over southern Arab debate. In 1913, Leon Ardzrooni wrote “the Arabs, who had been for the most part a nomadic people and untutored in the art of agriculture, in a short while proved to be efficient yeomen.” Here is a conflation of the Banu Hilal, nomads, with sedentary Berbers, an acknowledged one for he writes “by far the most successful agriculturalists were the apostate Arabs,” referring perhaps to the fiercely independent Berbers. Raymond E Crist was more precise in 1957 and identified this latter population as “Arab-speaking Moors,” perhaps reflecting the racial sensitivity during the Algerian war of independence. By the end of the twentieth century, the oriental-occidental dual-hegemony informed research projects such as “Irrigation Agrosystems in Eastern Spain: Roman or Islamic Origins?” in which there was admission that Berbers colonized much of Spain. Nevertheless, the research effort was a determined search to find either Roman, Perisan or Arab technological infusions in order to deny Yemenis or Berbers, both Berians, as the “ancients” who imported the technology from elsewhere. The dual imperial bias removes technology from the Berian Mediterranean and appropriates scientific impetus. Leon Ardzrooni, “Commerce and Industry in Spain during Ancient and Mediaeval Times,” *Journal of Political Economy* 21, no. 5 (May 1913): 432-453; Raymond E. Crist, “Rice Culture in Spain,” *Scientific Monthly* 84, No. 2 (Feb 1957):66-73; Karl W. Butzer, Juan F. Mateu, Elizabeth K. Butzer, Pavel Kraus, “Irrigation Agrosystems In Eastern Spain: Roman or Islamic Origins?”, *Annals of the Association of American Geographers* 75, no. 4 (December 1985): 479-509.
as the Syrian-versus-Yemeni conflict. In both locations, there was an under-examined conflict over patriliny and matriliny at the root of cultural discord. West Asiatic Islamic imperial historians of the Muslim conquest of Andalusia were charged with a matter of national security for the eastern dynasties. They had to denigrate indigenous Berber culture for two reasons: Berber matrifocality threatened the Near Eastern “masculine mystique”; and, Syrians had to prevent a Berber-Yemeni alliance to maintain control of Andalusia.

On the other side of this ethnic frontier, Berbers of North Africa and Qahtanis of southern Arabia shared Berian appreciation for women’s economic and political rights, leading to the many reasons, according to Mansour, that drew the Berbers of North Africa and Andalusia to Maliki codification of the Islam of the practiced by the Qahtani-influenced Medina community above the other schools, issues that are foundational to questions about the orthodoxy of *maghribi* Islam. For example, an Arabized Ibn Khaldun incorrectly claimed the Berbers were too uncivilized to appreciate the subtleties of the Persian schools where Greek and Persian philosophy melded with the Islam.18 Mansour correctly presented Maliki law as being developed in Arabia’s Hijaz region and suggested that nomadic culture resonated with nomadic Berbers like the Tuaregs. However, Maliki law was adopted by sedentary Berbers, too, and the city of Mecca had been occupied for centuries. Other reasons include a series of disappointments with other Islamic practices imported from the

18. As mentioned in the previous chapter, Ibn Khaldun was a Maghribi native born centuries after the initial Berber conquest of Hispania by Tarik Ibn Ziyad in 711 CE/92 CE. By this time, the *mashriki* hegemony had colored Berbers as a subordinate class. Ira M. Lapidus penned a concise narrative of the evolution of West Asiatic Islam in “State and Religion in Islamic Societies,” *Past and Present*, no. 151 (May 1996): 3-27.
mashrik. “North Africa and Spain were a refuge for numerous and various sects and schools of thought in Islam, all of which were persecuted by the Umayyads and the Abbasids.” Berbers initially supported the Umayyads, who taught the egalitarian principles of Islam, but later they deserted the dynasty when the caliphate officials contradicted those principles as they actually “pursued a racial policy partial to the Arabs.” It was the Berbers who supported, in faith and in battle, the Kharijites who believed that any Muslim “had the same right to the Caliphate as Arabs.”¹⁹ Later, the Berbers supported the Idrisid state that had “initially an Arab head and a Berber body” until 814 CE/198 AH, when thousands of mashriki Arab refugees from Cordova were ejected by Maliki Berber Yahya Ibn Yahya al-Laythi, in part because of their West Asian cultural and patrifocal inclinations.²⁰ Then, in Fez, when the local Idrisid showed partiality to the Arabs over their Berber supporters, Berbers turned against them and sided again with the Kharijites. Clearly, imperial histories err on the issue of the permanence of Arabization because the Berber case demonstrates that cultural performance is an active choice and not indicative of the eradication of Berber culture within these clans. The Zanata Berbers and the Berbers of the central and northern Maghrib eventually accepted Arabization. The Sanhaja, whose economy was more tied to the Sahel, preferred the Ibadi branch of Kharijism while Sufrites were welcomed in


²⁰. Among the Andalusian students were Ziyad Ibn ‘Abd ar-Rahman (Shabtun of Cordova) and Yahya Ibn Yahya al-Laythi who was a Masmudah Sanhaja Berber. He studied with Malik for a year and was influenced by Ibn S’ad and Ibn Wahb and Ibn al-Qasim. He led a revolt against the rather hedonistic Hakam Ibn Hisham in Iberia and became the defacto ruler during the rule of ‘Abd al-Rahman II (822-852 CE/200-252 AH). Mansour, *Maliki School*, 63, 41-42.
Sijilmasa. Kharijism flourished in these areas until the Fatimids “mercilessly crushed Kharijism forever as a power in both of its manifestations in North Africa.” In sum, the Berbers actively searched for a sect or jurisprudence within which they could practice the egalitarian principles of Islam as peers of their *mashriki* co-believers, rejecting both West Asian ethnocentrism.

Berian Berbers rejected several features of West Asiatic Islam philosophies, especially those that led to the denigration of women. An imperialist, ethnic analysis can slight Berbers as racially subordinated opportunists but it does not fully explain the rejection of Arabization, as defined by West Asiatic Muslims, by so many Berber clans, especially if one presumes that Arabization offered power and profitability in the new world order. To what factor then, if neither economics nor position within an empire sufficed to attract more Berber clans into the *mashriki* cultural sphere, did the Berbers cling that was not addressed in the West Asiatic Islamic system? The beginning of the answer to this question was developed in the study above which demonstrated that Malik’s lineage, a Qahtani branch located in the Hijaz, continued to value the Yemeni/Berian culture of empowered women. Also, there is the subtle assertion of Berber independence manifested by the rejection of al-Ghazzali’s West Asiatic Islamic philosophies. During the Almoravid era, Emir Ali ordered the burning of books written by al-Ghazzali, whose role in the spread of Islam was likened to that of St. Paul’s role in the spread of Christianity to Europe. Because al-Ghazzali was a trained theologian and a lawyer, he was able to combine “mysticism with its intuitionalism and spiritual life into the dry body of theology, and gave

21. Ibid., 65, 75-76.
the church of Islam a fresh term of life.” Al-Ghazzali wrote many passages in his *Ihya Ulum-id-din* that can be used to support patriarchy and misogyny. He advocated the ascetic or monastic life, which can lead to devaluing women’s reproductive work.\(^{22}\) However, when a man leaves his family, he surely relies on a woman’s productive work to support the family in his absence. Women’s responsibilities would have to increase under such a system and anything that diminished woman’s standing in society ran afoul of centuries of Berian values.\(^{23}\) The burning of Al-Ghazzali’s books symbolized a public rejection of *mashrīki* patriarchal culture by Berians.

By the eleventh century CE, Western Mediterranean Muslims were no more senior in the history of Islam than were West Asiatic Muslims: both were simultaneously engaged in shaping Islam to reflect their own cultural values. Many Persians and other West Asiatic Muslims were Mazdaists for more than two thousand years before the Prophet Mohammed was born. Mazdaism is a dualistic religion in which the world is divided into Truth, championed by Ahura Mazda, and Falsehood, good and evil. In its earliest form, the religion was very patriarchal; however, the religious revolution led by Zoroaster around


\(^{23}\) Equating women’s productive work with reproductive work while ignoring their political and personal selves did not end with Al-Ghazzali’s era. Nakanyike Musisi documented a similar pattern in nineteenth century Buganda when Europeans used Christian education in which “womanhood was equated with motherhood and motherhood equated with wifehood.” Nakanyike Musisi, “The Politics of Perceived Perception or Perception as Politics?” in *Women in African Colonial Histories*, eds. Jean Allman, Susan Geiger, and Nakanyike Musisi (Bloomington: Indiana University Press, 2002): 98.
1500 BCE/2188 BH elevated women to a new standard as priestess-of-the-home, the new chief site of the daily rituals of worship. A male, priestly class, the Magi, eventually coopted Zoroaster’s movement and shifted the location of worship in the direction of temples and away from the control of women in an effort to create a state religion acceptable to both West Asiatic Islamic and Persian populations. For most people, especially among the rural and working classes, little changed in terms of the gendered practices of religion. Zoroaster’s reforms held. It is very likely that some forms of Sufism, in which women can attain important roles in worship, developed as reactions to the Magi’s usurpation of women’s power and might be a West Asiatic Islamic resistance to patriarchy. West Asiatic Islam incorporated aspects of Zoroastrian dualism and Neoplatonic philosophy. Prior to the arrival of Islam, the Sassanians of Persia initiated a translation of Greek texts and a perhaps unintended reconfiguration of the enemies of Ahura Mazda, the Lord of the Truth, who were “reduced to little more than genii or angels.” In this new pursuit of Truth, conflict was the important process by which Ahura Mazda might gain more power in the dualistic, eternal battle of good-versus-evil, thus bestowing even more importance on humans “who would serve as champion, battleground, and prize.”24 Every action that revealed more Truth became an act of worship. Through the pursuit of Reason, Persian intellectuals could maintain their position within the Arab conquerors’ religion. This pursuit of Reason also created a gulf between the intellectual and the experiential worlds, between thought and emotion. Neoplatonism, as this

movement was called, imitated the peripatetic method of seeking knowledge. Dualistic Muslim intellectuals who admired the Hellenistic, homosocial \textsuperscript{25} environment of peripatetic learning could easily become patriarchal preachers who associated reason with men and irrationality with women. The Mu’tazalites, or separatists, merged Zoroastrian championing of Truth with Islam into a doctrine: divine unity, divine justice, the intermediary situation, and the moral imperative. Humans, and the community at large, they argued, were free to act and were responsible for their actions, with the possibility of punishment and reward met in a person’s lifetime. “The Mu’tazilite attitude . . . consists in depriving God of all operative action and ends finally in agnosticism.”\textsuperscript{26}

\textsuperscript{25} “Homosocial sphere” refers to male-only societies, such as male-only pubs, clubs, some ships’ crews, a labor camp, monastery, or public assembly. Homosocial society is the antithesis of the female dominated, domestic sphere. As Western European society bifurcated into the gynosocial domestic and homosocial public spheres, women lost power in the male-only public space. The term homosocial does not mean homosexual.

Another dominant school in West Asiatic Islamic religion was the Ashar’ite philosophy that held that God positively manifested reality and was the author of all human action.\(^{27}\)

As the center of West Asiatic Islamic power shifted from Baghdad to Damascus, so did the Mu’tazilite Buyid Shi’ites lose power to the Ashar’ite Seljuq Turks. By the time Nizam al-Mulk founded the universities at Baghdad and Nishapur, the Ashar’ite doctrine was the official one of the ‘Abbasid empire.\(^{28}\) In sum, beginning with the Islamic conquest of Persia in 651 CE/30 AH, West Asiatic Muslim intellectuals began a deliberate and patriotic fusion of Persian philosophy, Neoplatonism, Zoroastrianism and Mazdaism under an Islamic umbrella.

The influx of these many West Asiatic Islamic philosophies from such long-standing, and relatively glamorous places like Damascus and Isfahan portended the end of Qahtani influence on Islam and it can be suggested that this hegemonic threat motivated Malik to compile \textit{al-Muwatta}. Mansour grouped Malik’s most prominent students by location. The Qayrawan group, although located in a city surrounded by Berbers, had eastern connections. Al-Bahlul Ibn Rashi was an Arab. ‘Abd Allah Ibn Farrukh, born in Andalusia, was an ethnic Persian who studied in Iraq with Abu Hanifah before he studied with Malik. ‘Abd Allah Ibn ‘Umar Ibn Ghanim studied in Iraq and Syria and served as a judge in the Baghdad administration of Harun al-Rashid. Asad Ibn al-Furat was born in Harran, Persia. He studied with Malik, then in Baghdad. He promoted Maliki law for a


\(^{28}\) Corbin, \textit{History}, 118.
time but switched to Hanafi law later in life. ‘Abd as-Salam Sahnun, born in Qayrawan, Tunisia, had a father who was a soldier from Hims, Syria. He studied in Qayrawan, Egypt and Hijaz. The more he studied with mashriki scholars, the more he abandoned women’s rights, leaving the maghribis to champion their cause.  

Berian Muslims chose Maliki law as the vehicle to maintain women’s rights in multi-ethnic Andalusia. Maliki law arrived in Andalusia during the Umayyad dominance of the mashrik, when Andalusia was a province of the caliphate of Damascus, but it would be centuries before maghribis settled on this jurisprudence. Mustafa Harrus put the date of the arrival of Maliki law in the second century of Islam when a group of Andalusians journeyed to the East where they heard of the teachings of Imam Malik. The most distinguished of the travelers inquired for a compendium of his writings to take home with them. In Andalusia, the people divided into factions about interpreting the will of the Prophet, factions so contentious that they despatched this man on a quest to find the teachings of Malik, who was already a well-known authority on Islamic law. This journey took place some time around 786 CE/169 AH. Harrus presented another version which focused on the tenure of Abd Hisham ben Abd ar-Rahman. Citing Abdullah Anan, Harrus reported that Hisham found himself ruling a melange of Muslims, Christians and Jews, each with their own conflicting social systems. Hisham needed a legal system that worked  

29. Mansour, Maliki School, 29-36.
in an equally complicated area. He imported Maliki law to Andalusia from the Levant where Muslims contended with Byzantine Christians, Jews and others.\(^{30}\)

The key dynamic that linked the Levant to Andalusia was the competition between ethnic groups. Just prior to Islam’s arrival in 711 CE/92 AH, Iberia was a Christian land of Iberians, Franks, and Goths, with a significant Jewish population, some of whom were descended from converted Berber clans. Even within the Muslim population there was dissension. Governing administrators and sheikhs did not always agree and such conflicts reflected significant Muslim ethnic communities of competing Syrians, Yemenis and Berbers, especially in areas where the sheikhs were not part of the hegemonic class because they were Berber clients of West Asiatic Islamic and Yemeni patrons. Over the centuries this division and competition for dominance appears in the sources which claim that the route of the transmission of Islam traveling from Mecca passed through the Levant or through Persia, a hegemonic claim because Islam spread directly from Arabia to Andalusia via North Africa. Harrus mentioned that al-Shafi’i’s teachings and Hanafi’s teachings were considered, these being popular in West Asia. “Originally, people had been using ‘reasoning’ to feed the people who hungered for more knowledge. But this was barely holding the people together. People wanted a more righteous system.”\(^{31}\) “Reasoning” was an innovation from Persian schools. It allowed for the adapting of Islam to the local


\(^{31}\) Ibid., 77.
culture and created more subjective interpretations. For example, Persian-influenced schools used this opening to continue propagating among West Asiatic Muslims cultural markers appropriate for Persia such as Neoplatonic metaphysics and other philosophies that were transferred to Andalusia where they were not popular among Maghribis. Dozy agreed that Andalusia rejected West Asiatic Neoplatonic metaphysics and reasoning.

“Andalusian scholars who traveled to the East spoke with holy horror of the tolerance of the Abbasids, above all the meetings of scholars of all religions and sects where one discussed metaphysics and its relation to revelation, and where Muslims dared to ridicule the Koran. The people detested the philosophers.”

To paraphrase de Tocqueville, the Persian-influenced interpretations did not spring from Andalusian soil; therefore, they were doomed to fade away. Andalusian Berbers chose Maliki law to protect their cultural values.

Maliki law survived in an Iberia where there were competing social systems, Christian and Muslim. In the historiography, this politico-religious conflict over the Iberian economy overshadowed the Berian struggle to defend women’s rights. Harrus suggested that Andalusians accepted Maliki law because cultural similarities between the Hijaz and the Maghrib rendered it an appropriate fit for the Maghrib and Andalusia. If one assumes that the speaking of Arabic as a *lingua franca* is the same as cultural assimilation, then perhaps there are cultural similarities. Additionally, the patrilineal northern Arabs and the


matrilineal Berbers shared core elements of the Islamic faith and participated in common economic trade systems. Beyond that one must cautiously specify which segments of the Andalusian population shared a culture with the Hijaz. The Andalusian population included many people whose ancestors arrived with the Roman, Germanic and Phoenician invasions of Iberia, and some were descendants of the proto-Iberian cultures that had been linked by trade and migration to North African populations since the Stone Age, as shown in the preceding chapter.

Subsumed within the Almohads’ conquest of medieval Andalusia is a temporary triumph for Arabized Berbers, who considered the Almoravids to have departed from orthodoxy. When the Almoravids, whose leaders frequently referred to themselves as the sons of their mother, conquered and administered Andalusia for a few generations, their leaders gradually increased the number of marriages to local Christian women, slave or noble, and their sons grew to know less and less of the culture that was strong enough to propel the conquerors from the south of Atlas mountains to the Sierra Nievas. These creole leaders gained a reputation among leading scholars in the Berber metropole of Marrakesh for unorthodox behavior and for having been corrupted by luxury, charges promoted by Almohads who accepted al-Ghazzali’s ascetic ideals. According to this interpretation of the downfall of the Almoravids, Berber pre-Islamic culture had already transferred to Iberia, confirming that men might conquer Berber lands through superior military power or by diplomacy but only women could legitimate their rule. “The power to transmit the right of succession is inherited by the daughters of a woman who has it, and in
turn by her daughters and so on, with priority in order of seniority.”


35. According to E. Michael Gerli and Norman Roth, the Almohads rejected Maliki jurisprudence. I have seen that the Almohads called for a “strict constructionist” approach and were against the liberal Hellenistic approaches to Islam that in some cases advocated homosexuality and pederasty. *Medieval Iberia: an Encyclopedia* 2003 s.v. “Almohads.”


37. Joseph Harris characterized the federated, acephalous or decentralized state system as a form of democracy with checks and balances that unites villages through age sets, councils of elders, religion, male and female societies. Joseph E. Harris, *Africans and their History*, 2nd ed. (New York: Meridian, 1972), 128-131.
When one disengages from Persian-biased imperial histories of Andalusia, one is freed to follow Andalusians to other intellectual destinations where men and women studied. Such scholars deliberately defended the rights of women and they knew that the more orthodox and authentic practices were obtainable in the land where the Sahab, the community of the Prophet’s disciples, including Qahtani descendants, settled. It was to the city of Medina that a stream of Andalusian scholars traveled to study and bring back a suitable application of Islam. Mohamed Abu El-Ajfan argued that there was a continuous exposure to the medrasa, or college-level seminary, dedicated to the teachings of Imam Malik. Andalusian scholars who journeyed to the Hijaz found an infrastructure ready to accommodate them in their quest for the knowledge that they disseminated upon their return to Iberia. “Then it was said that re-living the experience through the biographies and the travel narratives became a distinct breed of literature read by the ulama, the council of educated elite”38

One rihala (travel narrative) inspired another traveler and another pilgrim, who in turn wrote about their journey and studies. This became a continuous pattern of infusing and refreshing Maliki jurisprudence in Andalusia. “The pattern began in the second century [AH] when many Andalusian students came to study in Medina with Imam Malik Ibn Anas, imam of the land of the Hijra.” Among these early students were Ziyad Ibn Abd al-Rahman Ibn Zyad al-Khami Abu Abdullah and Shabtun Fakih of Andalusia who is credited by some

with bringing the Maliki method to Andalusia. It was a cosmopolitan environment. Mostly unaccompanied men occupied the ribat but there was a section reserved for women. Abu el-Ajnān commented that inclusion of a women’s section showed the liberality of the early community, perhaps as a criticism directed at those who would exclude women from higher education. The presence of women in this ribat did not compromise the quality of discussion, nor did their presence hinder the growth in the number of institutions in the area dedicated to the madhhab of Malik, “especially the Shiraziyya medrasa and the Shahabiyya medrasa.” The visible presence of intelligent, scholarly women does not support patriarchal allegations about the ignorance or the irrationality of women.

In the Berian Mediterranean, Maliki law was the most conservative, orthodox choice for many reasons, one of which was the preservation of women’s rights as more and more patriarchal cultures flowed into the area. Students of the Maliki schools propagated this knowledge through travel narratives as they disseminated the knowledge discovered. These scholars convinced the ulama of Andalusia to abandon other madhhab for the Maliki one. Some scholars journeyed to the medresas in Syria, Persia, and elsewhere to learn more about practices related to other interpretations of Islamic jurisprudence, especially about those influenced by the Zoroastrian Magi and the philosophers of the Hellenistic or Neoplatonic movements. The differences in women’s rights as taught in the

39. Ibid., 291-3.

40. Ibid., 292. Bovill notes that Berber Ibn Battuta was appointed Maliki qadi in Delhi and Malabar, and Arab Ibn Khaldun was appointed Maliki Mufti in Cairo in the fourteenth centuries CE. Even though they were of different ethnic heritages, both Andalusians exported an appreciation of the Imam’s rite. Bovill, Golden Trade, 64.
various geographic regions is quite dramatic, with Berber women having far more rights than *mashriki* women.

**Women’s rights at the Strait**

Given the multi-ethnic milieu, and the conflict between matrilineal Berians and the invading patriarchal West Asiatic Muslims, the story of the divorce of Ghania’s daughters can be understood as a metaphor of the cultural contest and as an example of the failure of the invaders to eradicate Berian culture. In fact, female-friendly values survived the Almohad dynasty and coexisted with less female-friendly legal systems. One way to capture the voices of elite and more ordinary women is to examine legal decisions on Berian Mediterranean marriage and divorce cases. Some men saw an opportunity in West Asiatic Islamic *madhthabs* to impose patriarchy in this region in imitation of West Asiatic Islamic practices in the coastal communities; however, patriotic Berian Berber men and women stopped them often.

The story of the divorce of Ghania’s daughters can be understood as a battlefield in the Almoravid-Almohad contest over women’s liberty and women’s rights. Ghania’s daughters were quite adept at utilizing the Islamic legal system to defend their customary legal power and rights. In 1181 CE/576 AH, a group of soldiers approached Abu Ziyad Abd al-Rahman Ibn Musa al-Wazir and offered their services to help him conquer the Maghrib, after which campaign they promised to depart to fight in Ifriqiyya (Tunisia). Abu Ziyad Abd al-Rahman accepted and they moved to Tinmalel, a *ribat* (fortress) in the mountains above the red plains near Marrakesh, a major terminus or juncture along the
Trans-Saharan trade routes in the south of Morocco.\textsuperscript{41} Abd al-Rahman made a pilgrimage there to visit the mausoleums of his forefathers and of Ibn Tumart to seek the \textit{barakat}, or blessing, of the saint. By 1192 CE/587 AH, he had amassed a colossal army and advanced on Fez. The plan was to plow eastward along the northern Maghrib, conquering all the way to Tunis. Success was theirs and they even conquered Algezira, where they killed Abdullah Ibn Isaq Ibn Ghania, one of the last Almoravid rulers. \textsuperscript{42}

Not only did the invading army take the wealth of Ibn Ghania, they also captured the women of his harem. They did not enslave Ibn Ghania’s women, even though it was a common practice on both sides of the Strait of Gibraltar to do so and sell them to raise funds to pay the soldiers. They married them and took them to Marrakesh, leaving under the guise of darkness.\textsuperscript{43} Why was marriage the immediate impulse of the Almohads?

\begin{flushright}
\textsuperscript{41} Marrakesh sits in the middle of a red desert plain. From Tinmel’s position in the mountains affords an uninterrupted view of all traffic approaching the caravan depot.


\textsuperscript{43} Al-Marrekoshi, \textit{History of the Almohads}, 231-232. Joseph and Joseph’s study of marriage among Central Rif Berbers, containing a few cases of forced marriages, is based on observations of a syncretism of Islamic and non-Islamic customs. They admit that their history of customs does not delve into the pre-Protectorate period. Nor do they examine the legal system of the two areas they visited. For some reason, they conclude that “the Rifi do not have a cultural system, at least not in the sense in which we usually use ‘system.’ The social world that the Rifi inhabit is too arbitrary to fulfill the categorical necessities of systematic relationships.” I suggest that the digressions from an imposed model of \textit{pater familias} may appear as random variables until one includes a matrilineal model that pre-dates patriarchal, Near Eastern versions of Islam. Roger Joseph and Terri Brint Joseph, \textit{The Rose and the Thorn: Semiotic Structures in Morocco} (Tucson: University of Arizona Press, 1987).
\end{flushright}
The daughters of Ghania were quite aware that the forced marriages were tantamount to a political coup and served to legitimate usurped power.

The daughters of Ghania deftly assessed their situation and options within the Maliki legal system. Like their ancestors, Zeineb and Ghania, these women knew political legitimacy was validated by marriage to them; therefore, if these women consented to the marriages, they would contribute to the final triumph of the Almohads and their patriarchal system. Almohad political power was so entrenched from Iberia to Marrakesh by this time, that this resistance was largely symbolic. However, considering the brevity of the Almohad dynasty, this symbolic resistance to patriarchy must have been significant to the majority population of gynecentric, non-elites. Ghania’s daughters chose their venue well. They knew that in the metropole of Marrakesh, in the heartland of the matrilineal Berber nations who conquered Andalusia, a man ruled Tiski’s children only as long as he was pious and just. They were not guaranteed that juridical standard in the north where West Asiatic Islamic patriarchy was most common. When they arrived in Marrakesh they protested to the Emir that their marriages were coerced, that their free will had been denied, and that these marriages were corrupt, “immoral” and invalid. They demanded justice. 44

An analysis of the emir’s decision reveals the standard of gender justice in twelfth century Maghrib. The emir had no choice but to recognize their claim. How to do so was a

44. Al-Marrekoshi, History of the Almohads, 231-232. There is no indication in this text if these women traveled from village to village, dressed in rags, to demonstrate their wrong and also increase public pressure on the Emir to be pious. Further research into the arrival of the daughters of Ghania in Marrakesh as a public relations event should yield interesting results.
bit of a conundrum. He knew that divorce was necessary, but what kind of divorce? In Islam there are two kinds of divorce: *talaq* and *khula’. Talaq*, meaning to break or interrupt, is initiated by the man, who owes the woman some form of compensation and maintenance during her transition to life without their marriage. *Khula’* is initiated by the woman and she usually owes him compensation. Each school of Islamic jurisprudence has its own list of conditions, processes and consequences for each type of divorce. The Emir could have decided for *khula’* since the women made the first move to end the marriages. Had he done so, he could have used this as an opportunity to award portions of the women’s property to the men. It is quite significant that he did not.

He had a third option in addition to the two forms of divorce. He could have proceeded under an annulment process that had the effect of protecting the women’s property, even though he could have benefitted financially and politically in the short term by supporting the men’s marriage claims. However, an annulment might have left the women in a position of needing a male guardian to manage their next marriage and their property because a woman who had never married was required to have her marriage contract arranged and approved by a *wali*, an appropriate male guardian, usually her father, uncle or brother. A divorced woman was recognized as a mature adult, no matter how young she was or how short the marriage was. She was thereafter recognized as competent in conducting her own affairs and, in some cases, was not required to have a *wali* choose her next spouse. Since Ibn Ghania had been killed, and the women were no

longer in their homeland, it would have been difficult to find a guardian among the
Almohads who would act in the true best interest of the women. Therefore, the emir
granted the women a *talaq* divorce, even though this meant that the Almohad conquest of
Ibn Ghania’s territories was far less legitimate without the women’s cooperation. He
granted their liberty, and, because these were now divorced women, they were free to
marry whomever they chose. He could only hope they would choose men from his empire.
He was forced to restore their wealth to them as well, even though this meant smaller
shares of booty to the invading army since these women were entitled to a large portion of
Ibn Ghania’s estate. He also forbade the imprisoning of these women in anticipation of a
ransom for them. He compensated the losses of the leaders who had married them by
granting them additional soldiers. After that he cursed the invaders, saying that if any man
would force themselves upon any of the daughters of Ghania, he would transfer all of that
man’s wealth to his victim.46 No one, not even a conquering emir, could divest these
women of their land or their political power.

In the Maghrib, female-friendly values survived the Almohad inclination to West
Asiatic Islamic patriarchy for many more centuries. Women continued to confer honor on
men. Legal decisions continued to prevent marriage exploitation. In nineteenth century
Moroccan Maliki law, the institution of marriage continued to reflect its female-friendly
origins. Marriage was an agreement between two adults to travel the path of life together;
it was not the sale of a woman to a man. A woman had the right to refuse marriage since

American law in the early Republic about women’s rights was derived from British law. “In traditional English practice, at marriage a husband gained access to the body of his wife; it followed that he could easily pressure her into agreement with him on all other matters. A married woman was understood to be ‘covered’ by her husband’s civic identity. . . There were relatively few constraints on what he could do with her body and her property,” wrote Linda Kerber. She includes a comment by Tapping Reeve, the ranking legal educator of late eighteenth century New England. “The husband, by marriage, acquires an absolute title to all the personal property of the wife.” See Chapters 6 and 7 for further discussion. Linda K. Kerber, “The Republican Mother and the Woman Citizen: Contradictions and Choices in Revolutionary America” in Women’s America: Refocusing the Past, eds. Linda K. Kerber and Jane Sherron De Hart, 5th ed. (New York: Oxford University Press, 2000): 114-5.

There was a long tradition in which a man acquired honor because he had the privilege of marrying particular women. For example, one eleventh century CE wife was Amira bint al-Hasan Ibn Qanun Ibn Ibrahim Ibn Muhammed Ibn al-Qasim Ibn Idriss Ibn Idriss Ibn Abd Allah Ibn al-Hassan Ibn al-Hasan Ibn Ali Ibn Ali Talib. For a man whose mother was a slave, a wife with such a long pedigree would produce an heir who in a matrilineal context need never face challenges of lineage and authority. To prevent abuse of the prestige and privileges women conferred upon men, a section of the law was devoted to defining a just and valid marriage and to protecting women from those who would exploit them. Maliki law, as practiced among Maghribi Berbers, recognized that a

47. American law in the early Republic about women’s rights was derived from British law. “In traditional English practice, at marriage a husband gained access to the body of his wife; it followed that he could easily pressure her into agreement with him on all other matters. A married woman was understood to be ‘covered’ by her husband’s civic identity. . . There were relatively few constraints on what he could do with her body and her property,” wrote Linda Kerber. She includes a comment by Tapping Reeve, the ranking legal educator of late eighteenth century New England. “The husband, by marriage, acquires an absolute title to all the personal property of the wife.” See Chapters 6 and 7 for further discussion. Linda K. Kerber, “The Republican Mother and the Woman Citizen: Contradictions and Choices in Revolutionary America” in Women’s America: Refocusing the Past, eds. Linda K. Kerber and Jane Sherron De Hart, 5th ed. (New York: Oxford University Press, 2000): 114-5.

woman’s life was at stake with respect to marriage contracts. Because of the long tradition of empowered women in the area that is now Morocco, a legal system had evolved by the nineteenth century that protected women from exploitation, particularly with respect to marriage. Islam generally forbids marriages between close relatives, \((muharam)\), same sex marriages and marriage between a woman and her guardian.\(^49\) Furthermore, such great opprobrium, synonymous with immorality, fell on marriages that were not valid bindings of couples that neither party was entitled to compensation in the process of dissolving the union. The legal rights of the couple were those that applied to pre-consummation conditions.\(^50\)

Ordinarily, when a wife sought a divorce, a \textit{khula’}, she owed compensation to the husband but there were exceptions to this outcome. A bride who had been coerced into a marriage, such as marriage to her guardian, could free herself of this non-binding marriage without having to pay a redemption fee or compensation from her assets to the groom by making a public declaration that the marriage was invalid. There was, therefore, no benefit to a guardian to attempt to exploit a ward for her wealth. A woman also could not be held in limbo waiting for an engagement to become a marriage. If a man married (defined as signing the contract without proceeding further) a woman but “did not come to her by day or by night or in a timely manner,” that is, consummate the marriage, then the contract was held to have been corrupted and annulled. In this case there was no \textit{sadaq} owed the bride.

\(^49\) http://www.stanford.edu/group/ISSU/about_islam/articles_hussein/node36.html.

\(^50\) Al-‘Alawi al-‘Abadi, ed., \textit{Al-ahual}, 56, ¶268.
even though she fulfilled her part of the contract by making herself available to him. How did this practice protect a woman? First, she had not transferred any of her property to him. Her assets were intact. Second, she could not be held in limbo indefinitely and restricted from pursuing marriage with another man. Third, she was protected from a potentially abusive marriage in which her emotional and sexual needs might never have been met. Fourth, she was free to find a mate with whom she could have children, thereby securing her old age. As in the previous situation, this law limited a man’s ability to make a career of marriage exploitation.

Maliki law as practiced in the Maghrib was designed to prevent marriage exploitation by men and women. For example, in the case where either bride or groom was known to be on the point of death from an illness, whether or not the consummation had occurred, the marriage was “immoral” and inheritance was denied. This law protected the inheritance of family members, perhaps more than it protected the bride or groom. A man could not marry a woman at the last minute and cause a further subdivision of his estate that would have disadvantaged his existing wife/wives and other heirs. Nor could a woman’s heirs be harmed by her last-minute husband’s claim to her estate. Being obedient to God did not require a woman to surrender her economic rights to her husband.

51. Ibid. 58, ¶271.

52. Ibid., 59, ¶278.

53. This is also the case in Ibn Hanbal’s interpretations. Susan A. Spector, ed., Chapters on Marriage and Divorce: Responses of Ibn Hanbal and Ibn Rahwayh (Austin: University of Texas Press, 1993), 37.
Such respect for women’s human rights was not uniform throughout the Muslim world. This can be seen by a comparison of marriage vows, the permissibility of forced marriages, and women’s ability to control their own bridewealth. A substantial difference between Berian Islamic marriages and West Asiatic Islamic marriages is the existence of the temporary marriage. Abu al-Qasim Gurji’s work on temporary/mut’a marriage in Shi’i Islam contains a comparison of the marriage declarations made by the bride. In all of the cases, the bride makes a declaration of marriage and the groom accepts. However, although all brides appear to have power because they initiate the declaration in the ceremony, as described by Gurji, the wording of the statement had different implications.

In the Shafi’i, Hanbali, and Maliki declarations, the bride marries of her own volition. Gurji is careful to note the tense of the verbs used in uttering pronouncements of marriage because a verb form either acknowledges a condition that now exists (the perfect tense) or suggests statements of intention or future action (imperfect tense). Malikis have a specific phrase that signifies a woman’s consent to marriage that is different from the other schools. “The Malikis maintain that if the amount of the sadaq to be paid to the wife... has been specified, the woman may also say “I give myself to you,” whereas the Shafi’is and the Hanbalis use the phrase “I have married you” or “I have espoused you,” while “the Shi’is do not include the verb ‘to give’, but they add the formula, ‘I surrender myself to your pleasure.’”

The Shi’i phrase may lead a man or woman to see the wife as an object, an

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54. Gurji, *Temporary Marriage*, 8. In this text I am working with an English translation of a Persian text that employs an Arabic verb. Murata uses the romanized spelling matt’tu-ka for this Shi’i phrase that puts it in the same root word as mut’a or temporary marriage for the purpose of sexual pleasure. The same noun also means delight, pleasure, enjoyment. The root verb means “to carry away” while in this form
odalisque, an entertainer and a servant. The Shafi‘i and Hanbali phrases have a sense of finality to them. While it is arguable that the bride is the one who creates the marriage, and, therefore, she is the one who holds the balance of power in this contract, there is a subtle difference between these phrases and the first phrase. The Maliki phrase offers the woman the most power. Because she gives herself, she also has the right to take herself back. She is in the marriage by choice. There is room in this declaration for a woman to maintain a conviction that she must be happy and treated well or she can leave. If Murata’s translation of Gurji’s text is correct, the Shi‘i formula has the bride surrender to her husband. She moves from the tutelage of her father to that of her husband, never a free person. She does so as an object of pleasure, not as a human. She is far from being an equal partner, subordinate to a husband who, however, may not rule his wife arbitrarily.

“Here it should be kept in mind that in Islamic society a wife must ‘obey’ her husband only within the shari‘i limits, which is to say that the woman obeys the man on condition that he is obeying God. Should he tell her to do something not sanctioned by the shari‘a, her duty is to follow God, not her husband.”

The power implications in the choice of verb form goes far to explain the high divorce rate observed by Maher, as discussed in the previous chapter. A married woman with an open door is not a prisoner and her husband knows it.

Gurji wrote that Maliki, Hanbali, and Shafi‘i law allow a guardian to “give a virgin in marriage without her consent, whether or not she is of age.” His source on this point is with the double “t” it means “to make” or “to give as compensation.” I am not perceiving the “surrender” meaning but I do see a meaning similar to “swept off one’s feet.”

55. Ibid., 17.
‘Abd al-Rahman al-Jaziri.56 This is a matter of selecting the hadith one wishes to use. In the Muwatta of Imam Malik, there are differing views. One view says that one cannot marry even a virgin against her will. It read,

“Malik related to me from ‘Abdullah Ibn al-Fadl from Nafi’ Ibn Jubayr Ibn Mut’im from ‘Abdullah Ibn ‘Abbas that the Messenger of Allah, may Allah bless him and grant him peace, said, ‘A woman who has been previously married is more entitled to her person than her guardian and a virgin must be asked for her consent and her silence is her consent.’”

In this passage, the virgin was consulted.57 However, a few lines later, one reads,

“Yahya related to me from Malik that he had heard that al-Qasim Ibn Muhammad and Salim Ibn ‘Abdullah would marry off their virgin daughters without consulting them. Malik said, ‘That is what is done among us about the marriage of virgins.’”58

It is possible to interpret that, based on these statements, Malik condoned the marriage of prepubescent girls against their will. It is also possible that he only acknowledged a local practice while he anchored a prohibition of the practice in the words of a higher authority. Islamic jurisprudence can be used to stop practices that do not respect the dignity and rights of humans. It can also be used, as with almost any other system, to sanction many such practices.

Susan Spectorsky, who translated some of Ibn Hanbal’s texts, concludes that “he

56. The note refers to ‘Abd al-Rahman al-Jaziri’s, al-Fiqh ‘ala al-madhthahib al-arba’ a or the Law of the Four Sunni Rites, volume IV (Cairo, 1969) . This is one of the three main sources cited in this exposition on comparative law. See Gurji, Temporary Marriage, 13.

57. Muwatta, ch. 28, §2, ¶ 4.

gives preference to doctrines that protect women from exploitation” even though there are “inconsistencies” in his application of his “moral dimension.” For example, Ibn Hanbal, who studied with Malik, protected girls from walis who had the right to arrange a marriage but might not truly love their ward. According to Spectorsky, he held that only the father of the pre-pubescent girl, whose “authority is virtually unlimited,” had the right to “give her in marriage without obtaining her consent.” Furthermore, only the father could “stipulate in the contract that some part of her sadaq be reserved for himself, and exempt her husband from the Qu’ranic stipulation that the bride receive half of it as she normally would if divorce occurred before the marriage was consummated.” Spectorsky made it very clear that a reader outside of this culture must remember “that there is a difference, often unstated, between a marriage contract and marriage relations which take place once the bride takes up residence in her husband’s house.”

However, in her text she included passages that do not support this caution. The first is attributed to Ibn Hanbal. “If her father is alive, and she is under nine years of age, her father’s giving her in marriage is valid, and she has no option.” The son of Ibn Hanbal then asked his father, “about the situation of a man who has intercourse with his wife while she is yet a minor. ‘Should she perform an ablution?’ He said, ‘Yes, if intercourse has


60. Ibid., 9-10. No such set-aside exists in Moroccan applications.

61. Ibid., 98.
taken place, ablutions are required for women of all ages.” 62 This was a matter of daily hygiene. From this statement, one can conclude that within the Hanbali system, marriage to a minor is legal, even against her will if her father approved of it, and that there was no rule to force the husband to wait until the child reached puberty for active sexual relations. One can justify many practices.

Then there was the situation of what to do if a groom promised a *sadaq* to be paid at a later date, consummated the marriage and then did not deliver the *sadaq*. The bride had intercourse in good faith in a situation approved by her guardian and she might have even become pregnant. Once she started intercourse, said Ibn Hanbal, she could not stop “unless it is proven that he has no ability to pay the *sadaq*.” What happened next very much reveals the situation of woman-as-agent or woman-as-object in the four schools. “The Hanbalis, Shafi’is and Malikis say that if the husband’s inability to pay is proven before consummation, the woman may annul the marriage.” The Hanbalis allowed her to annul even after consummation. “The Hanafis and Shi’is hold that the woman may not annul the marriage.” She was trapped in the marriage without *sadaq*. Her only recourse was to deny intercourse. Here marriage was about a man’s right to legal sexual activity. Her other services he owned anyway. In the other schools, including Maliki, the woman had an open door if she had a good contract and was diligent.63

62. Ibid., 100.

The matter of adequate support is another point that distinguishes three Sunni schools, Hanbali, Shafi’i and Maliki, from Hanafi and Shi’i. A woman had the right to initiate divorce if a man did not support her adequately. She could do so by going to the qadi. If a Hanafi or Shi’i woman saw her qadi about the same matter, she was not assured of instant relief. The qadi could “take whatever action he thinks necessary to rectify the situation, e.g., persuading the husband to take employment.”

What about a case in which a woman’s family wanted to deny a husband inheritance from a wife who died due to pregnancy-related complications? The condition of pregnancy was known and the risk of death was known. The husband was protected from disinherteriance because he was not allowed to stop supporting his pregnant wife if a divorce were eminent. Since he could not be absolved of his obligation to her for transitional support, then she (her estate) could not be relieved of obligation to him.

A third point of comparison concerns an ordinary woman’s ability to control her bridewealth. Al-‘Alawi al-‘Abadi’s nineteenth century decisions and work, as summarized by his twentieth century son, yields a concise picture of the later evolution of women’s rights within Maliki Islam in Morocco. Sadaq, for example, consisted of the goods or wealth the husband offered to the wife to compensate her for her unpaid domestic and reproductive work. The money did not go to her father. She had the opportunity to invest

64. Ibid., 17. If there is anything that divides Shi’i and Sunni marriage practices it is probably the existence of the mut’a or temporary marriage, which is the form that probably drew the most envy from Europeans. This might have been the practice in mind with left-handed marriage discussed in Chapter 6.

the wealth as she pleased and she was not required to spend it or its proceeds on the household. It differed from bridewealth in that the *sadaq* was not given to the family of the bride as compensation for the productive work she will no longer perform for them. Each marriage contract had to be negotiated to the bride’s satisfaction; to that end, the stipulations of the specific amount to be paid had to be appropriate and not exploitive. The groom had to transfer the amount within the time specified in the contract.\(^6\) These practices relate more strongly to long term, sub-Saharan African influences than to the relatively brief Visigoth or Vandal occupations of Andalusia and North Africa respectively. There were sub-Saharan connections to the core population at Marrakesh, and even longer connections to Yemen, where women ruled, and to ancient Egypt, where land was inherited by women.

A woman might have felt exploited in this transaction if the amount was too little. In that case, she had the right to protest in writing that she no longer trusted her *wali* /agent and allege that he was interfering with her *sadaq*. She could protest the amount of the *sadaq* before the consummation of the marriage. However, she was not entitled to any part of the *sadaq* until the marriage was consummated. She could use this protest to nullify the marriage contract. Ever alert for contingencies, Maliki jurisprudence as applied in Morocco held that if the groom contracted a marriage, and the bride consented to it, but

\(^6\) Ibid., 30, ¶136. Some Germanic peoples practiced bridewealth. See Chapter 4 for discussion of this.
he was too ill to consummate the marriage and died during this limbo period, the bride was entitled to one third of the *sadaq* as if she had been impregnated by him.\(^{67}\)

A woman was not only entitled to a gift from her husband, a performance bond of sorts, she was also allowed to have a gift from her family that was considered her separate, non-marital property. Even sons were eligible for this pre-marital endowment against which spouses had no claim. Such a gift could be used by a woman to support herself if she chose. If she had to flee a bad marriage, she then had the financial option to leave, an option denied to Anglo-American women of the time, who were often trapped in unhealthy marriages because they did not have the financial resources to live without a husband. The Moroccan law defined the gift, the *nihlah*, as whatever a mother or father gave to their child, son or daughter, at the conclusion of the marriage contract. The gift was not to be the basis of keeping of the couple out of poverty. In other words, a man could not marry a woman and expect to live off monies provided by the bride’s family. This contrasts with the practice of Anglo-American dowry among the privileged classes in which the parents of a bride attracted a suitable groom for their daughter by giving her husband valuables that more often than not stayed with him or the children. Such was not the case in the Maliki system. There, a marriage contract contingent upon a gift was invalid, nor was the gift created for the bride to give to the groom. The gift could be property, animals, food, jewels, gold-embroidered fabric, money, or any other valuables. If the marriage contract was contingent upon a gift being involved, and the gift was necessary to keep the couple

\(^{67}\) Ibid., 31-32, ¶149.
out of poverty and had to be given in order to make the contract firm, then this kind of property transfer did not qualify as a nihlah or inalienable property. If the father of the bride learned that the groom was in a position to control substantial property, then no gift was warranted to the bride. In this case, the amount a woman was entitled to in divorce might have been more than the nihlah her parents could supply. Such a placement for marriage was considered gift enough for the bride, according to al-‘Alawi al-‘Abadi.

In the discussion of sadaq, the same author mentioned that a bride could protest a low amount as an effort to exploit her and deny her her rights. The bride could also choose a trustee for either of her nuptial assets who was neither her father, her husband, nor her wali if she made this designation before the consummation, and the father did not protest her choice. The property could rest with the trustee for a long time. When the bride became mature enough to manage her property directly, she had the right to demand it be remanded to her direct control. No one had the right to deny her request, not even her father. “Silence did not harm her, nor long period of time, nor divorce.” She could not be alienated from her property, not even by the trustee. Furthermore, every gift that was given to the bride, whether as nihlah or sadaq, was inalienable to the bride under these laws.

In the nineteenth century, a bride endowed with property in this manner had the

68. Ibid., 105, ¶512-14.

69. Ibid., 105, ¶517.

70. Ibid., 106, ¶521.
financial ability to leave a bad marriage by asking for *khula’*. In this case, the woman owed
the husband compensation and it was to be paid by her *wali* or whomever wished to assist
her in the recision of the marriage contract. There were three forms of this, being *khula’* or
redemption or contest, that were distinguished by what the woman handed over to the
husband. She could return the *sadaq* or its equivalent or even more than that. One could
not limit *khula’* by making a requirement that it be processed through the governor’s
office, the occupying administration or any such colonial patriarchal ruse to deny due
process of the action.71 Any woman was permitted to divorce if she or someone on her
behalf was willing to finance the compensation in cases where the terms of the marriage
contract were not being honored by the husband.72 Marriage was a contract between
consenting adults and not a purchase agreement.

Nineteenth century Maliki law honored a woman’s right to life and happiness more
than Anglo-American law did until the twentieth century. If there was a situation or
condition in the marriage that forced a woman to suffer, whether she was shamed or forced
to do something against her will, or her *wali* proclaimed that he would make her wait for
the husband to pronounce a divorce, or there was such a grievous condition that a woman
refused to return to the marriage no matter what the husband did, then she was entitled to

71. Ibid., 143, ¶718. These techniques could be applied in other Sunni legal
systems that are discussed later in this chapter.

72. Ibid., 144, ¶720. Again, I acknowledge a similarity with Germanic law but
this was also practiced by non-Muslim African cultures beyond the scope of Germanic
occupation. Further research is needed to explore a possibility that there was a
matrilineal, pre-Aryan Germanic population that interacted with the Berian Mediterranean
via the Rhône River.
leave this marriage. The same code that deemed unlawful marriages an immorality also held that forcing a woman to live under verbal or emotional abuse was an absurd and untenable violation of her right to happiness in her lifetime.\textsuperscript{73} She only needed to demonstrate that he had absurd expectations of her. In addition, if the wife’s marital situation was bad but she did not have the ability to fund a \textit{khula’}, a man could be forced to divorce her and he was obliged to fulfill all the conditions of the divorce, including owing her support.\textsuperscript{74} If the wife was pregnant when she left the husband and asked for no support at the time, the time period of her maintenance was calculated from the date of the child’s birth through the weaning of the child. The husband was forbidden from backdating the support period unless the wife and her family ask for this time period to be included.\textsuperscript{75} Furthermore, a husband was forbidden from annoying his wife and beating her as a means of forcing her to leave him. If he decided that he wanted a divorce, he had to divorce and fulfill all the obligations incumbent upon him. He could not coerce her to pursue \textit{khula’}, which gave him divorce and money from her. A man who attempted to turn the law to his favor in this manner forfeited whatever he might have obtained from her under \textit{khula’} and her divorce was granted.\textsuperscript{76}

\begin{itemize}
\item \textsuperscript{73} Ibid., 144, ¶723. See also Spector, \textit{Chapters}, 52.
\item \textsuperscript{74} Al-‘Alawi al-‘Abadi, \textit{Al-ahual}, 145, ¶726.
\item \textsuperscript{75} Ibid., 145, ¶728.
\item \textsuperscript{76} Al-‘Alawi al-’Abadi, \textit{Al-ahual}, 145, ¶732.
\end{itemize}
**Conclusion: Men chose to protect women’s rights**

Berian peoples, most notably men, from Qahtanis to Berbers, actively and patriotically preserved their matrilineal culture in spite of incredible political, economic and social pressure to surrender to West Asiatic Islamic patriarchal ideals. In the first two centuries of Islam, *mashriki* intellectuals wove Neoplatonic and dualistic Mazdian values into their version of Islam, making a legal interpretation that differed so significantly from the Berian culture in which Malik Ibn Anas was raised that he compiled his *Muwatta* in an effort to preserve the practices of the community of the Prophet’s Companions, many of whom were of Yemeni lineages, including ancestors of the Prophet and of Malik. Malik’s *madhhab* was chosen as the jurisprudence for Moroccans and Andalusia because it provided an orthodox structure in which non-Arabized Berians could maintain their female-friendly culture. One point becomes clear: the West Asiatic Islamic culture circle never conquered nor replaced the Berian values of many Berbers and succeeded only in controlling the imperial histories of the area. The failure of those who championed philosophies such as al-Ghazzali’s or any of the Neoplatonists, including the Almohad conquest of the Almoravids, is strongly supported by continuing gynecentric legal interpretations in nineteenth century Moroccan Maliki law. The divorce case of the daughters of Ghania ca. 1198 CE/594 AH demonstrates that not even the emir of the Almohads succeeded in forcing Berian women to submit to West Asiatic Islamic patriarchy; rather, the emir had to submit to gynecentric policies indigenous to the Marrakesh metropolitan area in order to prove himself pious enough to rule. These women defended the Berian value that any harm to a married woman, whether emotional, physical, financial
or neglectful, was sufficient cause for divorce. A woman had a right to live and to live happily, regardless of changes in political dynasties. Such rights remained through the thirteenth century despite several waves of West Asiatic Islamic peoples and philosophies into the region.

Considering the length of Berber occupation of Iberia, the frequent movement of borders between 711 CE/92 AH and 1492 CE/896 AH as Muslim and Christian kingdoms expanded and contracted, and given the social interactions that must have happened between Muslims and Christians, free or enslaved, whether or not there was a war or siege taking place somewhere on the peninsula, it is highly unlikely that Christian women in Iberia were ignorant of the advantages Berber women enjoyed under Maliki law. The next chapter will consider the influence of Maliki law upon elite Christian women in Spain.
CHAPTER 4

ISABEL TRASTAMARA AND WOMEN’S RIGHTS IN CASTILE

Young Isabel might not have understood her brother’s lack of popularity with some of the nobles. Stepping out of her Moorish slippers and untying her burnoose, she considered the situation as her ladies-in-waiting secured the ruffles and gussets of her courtly dress. She was versed in Spanish history enough to know that the 
parias system did not guarantee the loyalty of any noble, which justified her brother Enrique’s preference for Moroccan personal guards. Furthermore, the Sultan of the Sublime Porte had his slave soldiers who were loyal to him alone. There was one question she might not have been able to answer: was Enrique Muslim or Christian? So many of his peers had been raised in the Muslim court of Grenada, that it was hard to determine what faith anyone practiced in Castile. It was time to reconsider her marriage to Fernando. Castile-Leon was a much larger territory than Aragon. If she had to respect him as king of Sicily then he had to respect her as queen of Castile. The patriarchal laws of his Aragon, however, did not appear to favor her right to rule. Isabel had no wish to journey toward madness nor martyrdom, like Clotilde of old, from an Aragonese marriage altar. No, she would have this marriage on her terms, her Castilian customs, or she would not have this marriage at all.

Isabel Trastamara lived in an intersection of culture circles in which Berian esteem of women’s rights continued for ordinary and royal women even though a second patriarchal superstructure in the form of the Catholic church displaced Muslim political ones, hailing the patriarchs over the revered the daughters of Tiski, Ghania, Zeineb and many others. Women had enjoyed Berian protections for so many centuries that even King Alfonso X of Castile found it natural to incorporate these laws into his syncretic code. As
Isabel I of Castile she observed a watershed in Iberian history — the transformation of Iberia from being an acephalous, segmented, multi-cultural isthmus into a centralized, unified, hegemonic state that governed territory on four continents. This chapter will analyze the Western Christian challenge to the Berian female-friendly culture present in a culturally heterogeneous Iberia. There were Western Christian influences, Islamic influences, and Berian influences in Iberia. By the late fifteenth century, the Castilian gender relations system reflected a fusion of the Berian, West Asiatic Muslim, and several Western Christian traditions. I conclude with an analysis of Castilian Infanta Isabel Trastamara’s marriage contract with Fernando of Aragon and Sicily in terms of Berian norms. Whereas much of the historiography about this era focused on Isabel’s role in the Christian reconquest of Muslim Andalusia, this chapter looks beyond Western Christian and West Asiatic Islamic imperial histories to observe Isabel Trastamara as the triumphant champion of Berian traditions in Iberia and as the monarch who ultimately exported a Berian defense of women’s rights to the New World in the *Siete Partidas* law code.

*Cultural heterogeneity in Andalusia: Christian factors*

Iberia had been culturally diverse during the Roman era and never became homogeneous after that. Christianity on the Iberian peninsula had long been heterogeneous, including Roman, Merovingian, Frankish, and Christian Syrian customs, augmented by Greco-Roman customs. Patriarchal pressure to support the “masculine mystique” existed within each religion; nonetheless, in terms of legal practice and women’s rights, Berian practices refused to capitulate. Within Western Christian imperial historiography the polyglot Muslim cultures were often conflated into an Arabic-speaking
entity called “Moors.” E.N. Van Kleffens defined Moors as “Arabs plus Berbers, Muslims all, whatever their racial and cultural differences.” However, the Western Christian clans who migrated to Iberia were equally diverse. Prior to their arrival in eighth century Iberia, “as a result of the great migrations, Vandals, Alani, Suevi and Visigoths invaded large areas for longer or shorter periods, until finally the latter two clans remained, introducing a Germanic element into the mixture of European, Asian, and African races previously found in the Peninsula: of Capsians, Cantabro-Pyreneans, Celts, Iberians, Carthaginians, Jews. Byzantium occupied Cartagena and a wide hinterland from 544 CE until driven out in 629 CE. A period of unity under Visigoth kings followed. The year 711 CE brought another climactic event: the Berbers began their invasion of the Peninsula.”

During the reign of al-Hakam (796-822 CE/179-206 AH), “5000 troops of Frankish, Gallegan, and even Slavic derivation had been assembled with a permanent station at Cordoba.” Iberia was a multi-ethnic peninsula. The Arabs were divided into two camps: the Syrians from the Caliphate headquarters in Damascus and the Yemenis, who

1. E.N. Van Kleffens, *Hispanic Law until the End of the Middle Ages* (Edinburgh: Edinburgh University Press, 1968), 45. I use “Iberia” to refer to the peninsula and “Spain” to refer to the Christian states. Portugal’s experience should be included in focusing on the Trastamara dynasty because of the frequent intermarriages of the royal families.

2. Ibid., 15.

Power in the Iberian peninsula rotated among these coexisting populations for centuries; yet, none was able to eradicate the customs of the other cultures. The temporary hegemonies among the nobility never seemed to reach the hearth of the ordinary resident. By 1474 CE/878 AH, when Isabel I ascended the throne, Spanish Castile was the location for a highly diverse culture in which Catholicism dominated an Iberian culture with gynecentric values. An earlier struggle of patriarchy versus female-friendly systems had already occurred before the eighth century in Western Europe. Ancient Athenian men looked with horror at Scythian “Amazon” warriors, while Romans wondered at northern, Germanic, “barbarians” who paid bridewealth. Whereas Roman law required the wife to bring a dowry paid by her family to the husband in marriage and Athenians sometimes advocated seclusion of women, Germanic law used by the Merovingian dynasty of France required the husband to bring a gift to the wife. The result was that ambitious Western

4. Re-conquest narratives often focus on the conversion of Muslims to Catholicism and use Isabel’s reign as a watershed in this process. The very length of the Inquisition speaks to the virility of Islamic culture among ordinary persons who learned to live a bicultural life: a public Catholic life and a private Muslim one. For example, Fray Luis de Aliaga in 1610 believed that the consumption of pork and wine was a test of the extent of conversion to Christianity. See James B. Tueller, *Good and Faithful Christians* (New Orleans: University Press of the South, 2002), 171-2.

5. The literature on this subject reflects political agendas, such as the defense of Catholic Gaul against the barbarian Franks and Arian Germanic peoples after the collapse of the Roman empire. Another trend is the feminist approach that explores the role of Catholic queens in converting the Franks, in preserving wealth through returning Frankish loot to the poor in the form of charitable gifts, and in putting lands beyond the grasp of these invaders by giving it to God and then allying with bishops to keep the secular husbands at bay. In both of these discourses, women were resisted an invasion and
European men under the control of the Catholic church married women of noble birth in order to access their families’ wealth, while Merovingian Franks were known to marry their slaves, who would accept smaller gifts. Merovingians were also known to repudiate their wives and to take them back years later. The wives were not compelled to leave the court, only the king’s bed, according to Pauline Stafford. “Most queens retired, willingly or not, into nunneries. Many houses were founded by kings’ wives, often on their dower lands, with a view to peace and security in old age.” They were not required to take vows or join the order. These nunneries became financial foundations with estates that provided for their maintenance, and served as refuges for wives who were ill-treated by their husbands’ families and the power structure. Queens did not expect to live happily ever after with their husbands.

6. Stafford, Queens, 38.
7. Ibid., 74.
8. Ibid., 176, 101.
Christian Syria practiced female seclusion before Islam came to prevail. In the sixth century CE, Christian women in Najran, Syria, wore veils and lived secluded lives. The most virtuous woman, whether she were “Roman (Greek Orthodox), Persian, Ethiopian, [or] Mesopotamian (from Hira),” was one “whose face no one had ever seen outside the door of her house and who had never walked during the day” except on her wedding day.9 Eleanor Doumata pointed out that “the cultural ideology of women’s inferiority articulated in the Qur’an was fully compatible with that articulated within neighboring Christian societies into which Islam expanded and in which it evolved.”10 The Andalusian case both supports and contradicts Doumata’s argument. Muslim Syrians who arrived in Andalusia came from a location where Islamic customs about veiling were similar to those in Najran, Syria, and there might have been vestiges of some Roman and Athenian customary law, all of which, when combined with Neoplatonism, created a milieu conducive to patriarchal practices. This mix of cultures contrasted with the gynecentric, Berian culture that was also present in Iberia, leaving Christians to navigate between these gender systems.


10. Ibid., 187.
Cultural Heterogeneity in Andalusia: Islamic Factors

Women’s bodies became fields on which the battle for ownership of Andalusia occurred. In fact, Gothic royal women shrewdly navigating the changing political climate. For some women, exogamy with Muslim husbands was the answer. Imperial narratives that heralded the exogamy decision also minimized the role of Berber mothers who continued to confer legitimacy upon their ruling sons. In the conquest narratives, there are passionate conflicts between Syrians and Yemenis, too passionate to concern greed but passionate enough to preserve the Berian rights of wives and daughters.

For Gothic royal women, exogamy with Syrian husbands was a means of ensuring the perpetuation of Gothic royal lineages and acquiring power for those lineages as a means of resistance for the length of the conquest. Al-Makkarí in The History of the Mohammedan Dynasties in Spain hailed Syrian immigration.

“Know, O Reader! that when the island of Andalusia had finally been subdued by the Moslems, and the whole of its provinces reduced under the law of Islam... great numbers of the population of Syria and other distant regions felt a strong desire to visit Andalusia, and take up their abode in it.”

Al-Makkarí included the following two marriages to illustrate his point. Around 715 CE /96AH, Egilona, widow of the defeated Visigothic King Roderic, married ‘Abd al-Aziz, son of Musa Ibn Nusayr, the Yemeni conqueror who had appointed him as governor of Andalusia in Musa’s absence. Egilona arranged to retain her wealth and property on

11. Andalusia refers to Muslim territory and Spain refers to Christian territory.


condition that she pay the *dhimmi* tax; “she was, therefore, living unmolested in the free use of her religion, and enjoying a considerable fortune.”14 She imposed her standard of royalty onto ‘Abd al-Aziz when she insisted that his subjects bow in his presence. People had to enter his throne room through a low door so that they had to bow upon entry. Egalitarian-minded Muslims rejected this compromise with Egilona, now known as Umm ‘Assam, and spread rumors that Abd al-Aziz was a bad Muslim until, in 716 CE/97 AH, he was beheaded.15 Was he so in love that he risked his throne and his life to be with this Andalusian woman? Or was he interested in accessing the wealth and connections she brought with her to the marriage?

The second marriage involved Sarah, granddaughter of the former Visigothic king, Witiza. She assumed the role of *wali* or legal guardian of her two younger brothers after her father’s death because his brother, and her uncle, Artabash, had taken control of the estates that she felt should have gone to her brothers. Sarah and her brothers journeyed to Damascus and petitioned the caliph around 746 CE/129 AH for restoration of the lands. The caliph was so impressed with her that he kept her at court for some time and even admitted her to his private residence, where she was free to socialize with the women of his household. The caliph granted her request and had a letter drafted to Abu-l-Khattar, the governor of Andalusia, instructing him to see to the return of the estates. Al-Makkarí noted that some let the story end at this point. Other sources held that the caliph married

14. *A dhimmi* tax is applied to Jews and Christians, allowing them to live in Islamic states and maintain their own traditions.

Sarah to ‘Isa Ibn Ibrahim, who returned to Andalusia with her. They had two sons, ‘Isa and ‘Ishak, who were “respected on account of their descent on the mother’s side from the Gothic kings of Andalusia.”

Tenth century Hispano-Arab historian Ibn al-Qutiya (the Goth, d. 977 CE/365 AH) was her great-great grandson. Another source claimed she married ‘Umair, a Lakhm Yemeni, and that their descendants became the clan called the Banu Haggag. They parlayed her wealth and Visigoth status, augmented by their acceptance of Islam, into becoming one of the wealthiest *mudejar* (Christians who became Muslims) families by 889 CE/275 AH, when ‘Abd Alla Ibn Haggag conquered Carmona.

In 755 CE/38 AH, Ibn Ibrahim died and Sarah, widowed again, married ‘Abd al-Rahman the year he arrived to govern Andalusia, having made his acquaintance during her sojourn in Damascus. Marriage with Sarah, as with Zeineb, conferred legitimacy on male rulers when she accepted them in marriage, and her descendants capitalized on their matrilineage, a testament to the constancy of Berian matrilineal values at the level of the family hearth despite the professed differences at the level of the politician.

These two Gothic royal women married the conquerors. Through marriage, each woman secured a substantial measure of access to the new ruling structure and a chance to

16. Ibid., 2: 51.


place her children in advantageous positions. They also rejected marriages with their countrymen. This might have been an acknowledgment of the futility of rebellion against a superior invading force. The conquering men, on the other hand, chose to marry Iberian women, at least one of whom remained Christian. For these men who came from a culture in which eunuchs often earned the complete confidence of their employers, these marriages might have represented symbolic setting aside of the Gothic rulers by removing from them the women who otherwise would have provided them children to continue the Gothic patrilineages. While all of these marriages might have happened, it is also possible that Sarah served an eponymous function in a Berber tradition of alliances created through shared matrilineage even as she bestowed legitimacy on Syrians and Yemenis by facilitating access to Gothic power networks. Within Islamic jurisprudence, as discussed in the previous chapter, divorcees and widows were free to choose their own marriage partners. Given all of these cultural options, it is quite rational to see a preference on the part of Muslim men for marrying Christian women as a means of solidifying the conquest.

Exogamy in the form of West Asiatic and Berian Muslims marrying Western Christian women might be exaggerated in the historiography as part of the Western Christian assimilation narratives of the nineteenth and twentieth century imperial project. Modern historian Mohammed Al-Haqi disagreed with the implications of exogamy as the preferred marriage form. According to Levi-Provençal, there was a famine around 750 CE/131 AH so severe that many Berbers gave up and went back to North Africa. Those who remained preferred to marry Muslim Hispano-Roman women rather than Arab
women. Al-Haqi contested this. “Many researchers turn to the Berber as being so charmed by Andalusia that they desired to have Spanish women as marriage partners. Or, at the least, Berber men married Spanish women after a long famine in 751-754 CE/[133-136 AH].” Al-Haqi found it absurd to create such generalizations from the study of the occasional marriage of a ruler or governor or vizier. What social benefit, he asked, could there be to marrying a conquered subject? Can one really believe that a conqueror would suddenly develop a sense of self-hatred and reject the culture that propelled him to such a privileged status? To support his view he pointed to a very simple but patriarchally overlooked fact: Muslim men had sisters. The daughters born to Muslim families facilitated endogamous marriage within the conquering classes of Andalusia. “Berber daughters,” he claimed, “were raised to have praiseworthy qualities which made them more excellent [wives] than Andalusian native women.” Also, a political consideration


was that Arab and Berber mothers had a vested interest in maintaining the Caliphate while Gothic mothers might have worked, like Egilona, against the Caliphate to free their land of the invaders.\footnote{Al-Haqi, \textit{Al-Berber}, 103-107.}

Abd al-Rahman is an interesting subject to test these insights about Berber-Arab rivalry. Some report that he was the last surviving \textit{mashriki} Umayyad, after the ‘Abbasids took power in the middle of the eighth century CE.\footnote{\textit{Medieval Iberia: an Encyclopedia}, 1\textsuperscript{st} ed. s.v. “‘Abd al-Rahman I, Emir of Cordoba.”} Al-Makkārī reports a Berber connection. Whereas Abd al-Rahman’s patrilineage was Umayyad, his lineage via his mother, Raha, was from the Nefezah branch of the Zenata Berbers near Tripoli. He led a group of Syrian officers and some soldiers to his maternal homeland where he and his foreign party were welcomed while he searched for survivors of the Abbasid onslaught.\footnote{Al-Makkarí, \textit{History}, 2: 75. Some scholars overlooked the importance of this matrilineal connection because the Zenata assimilated much of Arabic culture. See Charles Andre Julien. \textit{Histoire de l’Afrique du nord: des origines à 1830} (Paris: Payot, 1994).} Once they were assembled, he completed his journey to Andalusia with a Syrian army and, more important for the occupation process, his own cadre of clan-linked Berbers. The combination led to a thirty year reign for Abd al-Rahman, whose legitimation process paralleled that of Idriss I and Idriss II as discussed in Chapter 3.

Patriarchal imperial narratives, with an agenda to control Gothic royal women’s bodies, therefore, obscure the influence of Berber mothers who still conferred legitimacy upon their royal, ruling sons. Al-Makkārī compared Abd al-Rahman (Ummayad) to Abu
Ya’kub al-Mansour (Abbasid). “Both were equally distinguished for prudence, vigor and talents for administration; both displayed the same energy in humbling [their personal] pride, and the same unflinching severity in chastising the rebellions of their subjects.” Al-Makkarí marveled that men from two such different dynastic cultures could have so much in common, but explained that they, and the Idrisids, shared something not stressed in West Asiatic Islamic imperial narratives: “Both their mothers were natives of Barbary”  

At the heart of the Syrian versus Yemeni (and Berber) struggle for imperial ownership of the peninsula was conflict over women’s rights. Some West Asiatic Muslim clans resident in Andalusia were concerned with linking their lineages to the Qurayish clan in order to acquire additional legitimacy. Other families took “their patronymics from their uncles (collateral branches).” Here the name was linked to a male relative. In many cases when one inherited from an uncle, it was from the brother of the mother, a matrilineal practice. Among the Yemeni clans in Andalusia, many patronyms were actually “matronyms.” For example, there were the ‘Amili, who claimed “‘Amilah, a woman of the qabilīya (clan) of Kodha’ah, the mother of Harith, son of ‘Oda,” as their eponymous ancestor. Al-Makkārī found that other sources changed ‘Amilah to a man. This might have been a sign of patriarchal pressure, perhaps felt more acutely when Neo-hellenism, a resurgence of ancient Greek philosophy and patriarchy popular in West Asia, spread throughout the Islamic world. Other examples of matrilineal clans include the Tojibi,

25 Al-Makkārī, History, 2: 82.

whose ancestral mother was Tojeyb, and the ‘Odhri, whose ancestral mother was ‘Odhrah.

Matronyms were common enough in numbers to indicate a substantial trend rather than an occasional aberration.

The conflict over bragging rights to the conquest of Andalusia masks another competition: which ethnicity was thought to be the best source of brides at the time? This discussion is expressed in multiple narratives of empire. Among the Syrians, the model proposed was that one should marry Hispano-Roman women, while among the Yemenis, the conflict concerned approximating Syrian status by rejecting matrilineal social systems. The Berbers, however, continued their gynecentric practices, going so far as to supplant mashriki rule in most of the Iberian peninsula during the Almoravid era after the Umayyad, the Idrisid, and the Abbasid dynasties the Berbers helped to establish and maintain insisted on imposing patriarchal applications in the name of Islam at the expense of the rights of Berber women. The Andalusian struggle over women’s rights was an integral dynamic during the formation of Spanish culture in Castile.

Cultures in Berian Iberia

Isabel ruled an expanding Castile, one with political boundaries expanding even as the people of this frontier zone maintained their varied cultural practices. Cultural fusions occurred at the level of political organization, in the practices of the Trastamara royal family, in Isabel’s governing style, in ordinary women’s rights in the Spanish Extremadura, and in the Siete Partidas. Cultural fusion or synthesis happened as Syrian and Yemeni

27. Ibid. 2: 28-29
ruling elites, Berber administrators and dynasts and Castilian counts interacted over centuries. By the end of the ninth century CE, Iberia was a patchwork of Christian, Syrian, Yemeni, Zenata, Sanhaja and recently-converted-Muslim principalities. By the end of the eleventh century CE, there were more than twenty taifa, or semi-autonomous, acephalous states united in ever-changing federations which transcended religious divisions.

The *parias* system of the eleventh century was a modified Berber patron-client institution. Under the rule of Hisham II, vizier al-Mansour administered a governing system in which Syrians had received “perpetual property rights in exchange for assuming hereditary military obligations.” In 976 CE/365 AH, members of this caste were not so eager to crusade against the Christians to maintain control of the peninsula. Al-Mansour

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28. “Marriage” is a metaphor in the Arabic language for alliances between polities, whether at the village, clan or national level. It is used by Glick and Pi-Sunyer to describe the relationship of Gothic and Hispano-Roman society. Thomas F. Glick and Oriol Pi-Sunyer, “Acculturation as an Explanatory Concept in Spanish History,” *Comparative Studies in Society and History* 11, no. 2 (April 1969): 142.


30. Nelson, “Christian-Muslim Relations,” 195. Another institution in Spanish history that paralleled this is that of the military orders. These semi-religious, fraternal organizations were supported by land grants. Essentially, they were male *waqfs*. They were awarded more land as Andalusia was conquered by Christians. The residual effects of this parallel governing system supported by large land grants continued into the twentieth century. J.N. Hillgarth, “Spanish Historiography and Iberian Reality,” *History and Theory* 24, no. 1 (February 1985): 36.
saw an opportunity and allowed the Syrians to pay a military exemption tax and used the funds to hire a Berber army from Morocco loyal to al-Mansour alone, according to Nelson.  

There is another explanation for this loyalty: blood alliance. Al-Mansour’s Berber matrilineage supported him in creating a de facto Berber state that continued in Cordoba until al-Mansour’s grandson, Abd al-Rahman, proclaimed himself heir to the Caliphate, not just governor of Cordoba. At this time, the Berbers united with Castilian Christians to eject the Syrians. In true Berber fashion, this leff alliance ended with the fighting, whereupon the Castilians went home. The Syrians attacked once more in 1009 CE/399 AH CE and ejected the Berbers. To avoid a future Castilian-Berber alliance, the Syrians instituted the parias, in which Syrians gave “sizable sums of money to the Christian leaders, regular pay to their troops, and the right to unlimited booty for all.” The Syrians’ short-term solution to the Berber challenge yielded a long-term problem. This payment system


32. Al-Makkari, History, 2: 84. This army was composed mostly of the more Arabized Zenata Berbers of northern Morocco, al-Mansour’s matrilineal qabila, with most of the others belonging to Sanhaja Berbers from the south of Morocco. Of course, some inter-clan rivalry, similar to the Qays-Yemeni rivalry, crossed the Strait with them. Levi-Provençal, Histoire, 1: 86.

33. A leff is a union of qabilas for political purposes.
eventually financed the Renaissance in Castile, according to Nelson. Projects such as “monasteries and cathedrals proliferated; the great Spanish Romanesque tradition arose under widespread patronage.”

There is a Western Christian version of the evolution of the *parias*. Dozy interpreted the payments as a form of extortionate tribute from defeated Arab kings begun by Alfonso VI as part of his re-conquest crusade. Dozy held that Alfonso pretended to help the king of Toledo by offering the protection services of his army in exchange for gold. Once al-Kadir agreed, Alfonso restored him to the throne the Almoravids had taken. Alfonso VI “put pressure on the Muslims and like a cedar or wine press, he squeezed out streams of gold.” In this version, the Muslim states were vassals of Alfonso. This was not a unified system, however. Hillgarth noted that the Christian states were quite fragmented until the eleventh century CE Almoravid threat from south of Gibraltar. The *taifa* kings dreaded the advancing Almoravids and hired Christians just as they would hire any mercenaries, paying an annual fee for this contractual service. The *parias* contracts became heritable assets. Historian Bernard Reilly expected the Muslim *taifa* kings to be more loyal to their co-religionists than to the Christians. His assumption that Arab Zaragosa, Lerida-Tortosa, Valencia and Almeria would side with Berber Ibn Tashfin


overlooks the ethnic or regional dynastic struggles that plagued the expanding Islamic world. Even though Reilly interpreted the *parias* contract as tribute payment, he admitted that from 1089 CE/481 AH through perhaps 1094 CE/486 AH, “Alfonso would consistently adopt the role of defender of the independence of the Spanish *taifas*.” However temporary such contractual alliances were, they did open a politically acceptable space in which Christians and Muslims could socialize and exchange customs.

The infusion of Berian culture in Castile is also manifested in the bicultural behavior of Castilian nobles. One example of cultural interaction across the religious barrier is found in the writings of Ferran Perez de Guzman, whose maternal uncle was the court historian Pedro López de Ayala, chronicler of four kings. According to Perez de Guzman, the king of Granada was certainly no vassal to Castile. Rather, he imposed his own acculturation program upon the Christians. For example, Castilian governor Gomez Manrique had been a “hostage along with other children of knights of Castilla” in the late fourteenth century, who were converted to Islam while they were royal guests. Manrique, returned to Catholicism as an adult but never forgot his years as a Muslim. “He would sometimes tell of strange and marvelous things that he had seen in the land of the Moors, which were doubtful and hard to believe.”


More telling examples of the extent of the incorporation of Berber culture into the Castilian culture are found in the behavior of the Trastamara royal siblings, Enrique IV and Isabel I, even as they ruled the dominant sector of Christian Spain in the fifteenth century. Enrique IV preferred a decentralized system of governance over his father’s preference for a centralized monarchy. He refused to attack Granada. These policies might be linked to the Berber *leff* system. In the *leff* system, rulers seek alliances in a checkerboard pattern, skipping the proximate neighbor to strike a balance with the second neighbor. In this case, Castile’s immediate neighbors were *taifa* states and Granada, with whom he preferred to maintain an alliance, was the second neighbor. Enrique has often been criticized by historians for “his reliance on Jewish and Muslim advisors.” Miller assumed that Enrique IV considered the King of Granada to be his vassal.

“In 1454, Alica— the son of that fallen and exiled King of Granada, Ariza, whom [Enrique] fancied to be his vassal -- arrived at Segovia for a visit. Moreover, the dusky Prince came with a retinue of almost four hundred . . .

39. Gillette and Zehngut assigned this decentralized system to German influence. Unfortunately, one has to go many centuries into the past to find this system. There was the Asturian system of the ninth century CE. Prior to that the German influence was strongest with the Visigothic era of the fifth through seventh centuries CE. Perez de Guzman, *Pen Portraits*, xii.

[Enrique] welcomed the new contingent and took it into his household and ordered that they be provided with silks, fine woolens, good gold Castilian Doblas, and whatever else they wanted. Strange preparation, one observes, for a war upon Moslems.\textsuperscript{41}

By 1464 CE/867 AH, Enrique’s Castilian nobles were weary of his Muslim sympathies.\textsuperscript{42}

The relationship of Castile and Granada during Enrique’s tenure set the stage for Isabel to become “a new kind of monarch” as she fused Islamic and Christian governing styles at the beginning of her reign. By 1491 CE/895 AH, Isabel insisted that her ladies-in-waiting “study the classics, poetry, mathematics, and literature.”\textsuperscript{43} She expanded a practice from other Mediterranean Catholic states with respect to the education of some elite women. However, she was also influenced by Moroccan cultural practices to which she was exposed when, as a princess, she resided at Enrique’s court.

To understand Isabel’s eventual ascendancy, and her Berber cultural affinities, a look at her brother Enrique IV’s identity is useful. Was Enrique Muslim? Enrique IV’s Moroccan cultural identification was fairly obvious. An eyewitness wrote “he eats, drinks, and clothes himself in the Moorish fashion.” Even his personal guard consisted of hand-picked Moroccans.\textsuperscript{44} Townsend Miller painted Enrique’s fondness for things Moorish in a


\textsuperscript{44} Ierne L. Plunket, \textit{Isabel of Castile and the Making of the Spanish Nation, 1451-1504} (New York: G. P. Putnam’s Sons, 1919), 160; Miller, \textit{Henry IV}, 80, 159.
rebellious hue, which speaks more to Miller’s ethnocentrism than to his appreciation of the ethnic diversity of Iberia. “Jews, Negroes, Moslems — Henry [Enrique IV] warmed to outcasts of any sort.” Of the personal guard, he wrote: “Of course Henry for years had kept a large Moorish bodyguard, those flatterers and ruffians and specialists in abnormal Eastern vices who had already caused so much resentment and gossip.” Miller claimed that one of Enrique’s enemies, Villena, accused the king of pressuring “him and his brother Giron to embrace the faith of Islam. This was probably a lie . . . but like most slanders, it might have had its grain of truth.” Miller referenced the eyewitness account of Tetzel, a foreign visitor to the court, who labeled the king a Muslim because he prayed in the Muslim style. Miller unwittingly included evidence to support the claim of Enrique’s conversion to Islam. Miller could not explain the king’s preference to wear “moth-eaten rags” instead of clothing more befitting a monarch.45 Such clothing might indicate that Enrique was a subscriber to Sufism, which often advocates asceticism in pursuit of spiritual growth. Enrique’s reluctance to attack Granada might be explained since Muslims are not supposed to attack one another. Enrique had a close friend, Lucas, to whom he eventually gave the town of Jaen. On a state visit to see Lucas, Enrique was greeted with “five hundred merry horsemen, dressed a la morisca and with false beards and hollow silvered lances, [who] bore down on them in mock assault” and by five thousand children with “wicker hobbyhorses . . . pasteboard swords . . . crossbows made of straw” — a pure fantasia. No women were on the street but some watched from windows. All this

45. Miller, Henry IV, 17, 77, 80-81, 100.
occurred during Lent, when good Catholics should not have been celebrating in such a way. Enrique was probably not a devout Catholic but one who merged religions much as West Asiatic Muslims incorporated Neoplatonism into Islam.46

Miguel Angel Ladero Quesada is one of the few scholars to argue that Isabel, like her brother Enrique, was bicultural. She and her ladies-in-waiting wore Moorish fashions at home, including stockings and burnooses (Moroccan cloaks with large, oversized hoods worn by both genders). Unlike Enrique, Isabel indulged in garments trimmed in tiraz (trims featuring Arabic letters woven in gold thread). At court she wore European-style dresses. During her reign, “gentlemen fitted-out in Moorish regalia taking part in jousts” reprised the fantasias that Enrique enjoyed in the border town of Jaen with his friend Lucas. The most telling information that Ladero Quesada presented about Isabel’s biculturalism is the tolerance she showed to some Muslim families. For example, once she had conquered Granada, she allowed Nasari family members who were Catholic converts to retain their social rank among the Castilian aristocracy.47

Isabel was atypical for a Renaissance European queen but a good Berian queen. Elizabeth A. Lehfeldt commented upon the “ambiguous and limited tradition of female monarchical rule in the peninsula: most had acted as regents and many were a dim memory at best.” Lehfeldt added, “European consensus on the question of female rule was to avoid

46. Ibid., 146-7.

women were fickle . . . and weak. Women lacked such qualities as reason, courage, and strength that were so desirous in a monarch.”

However, there was a legal tradition that might have been unique to Castile, that of the señor/a natural. This ruler, whether local or monarch, was one who, by inherent nature of superior qualities, goodness, and virtue, and by birth of superior station, attains power legitimately and exercises dominion over all within his lands justly and in accord with divine, natural, and human law and reason, being universally accepted, recognized and obeyed by his vassals and subjects and acknowledged by other lords and their peoples as one who rightfully possesses his office and rightfully wields authority within his territory.

Peggy K. Liss noted that Isabel was “legally queen regnant in Castile, and Fernando only king consort.” Sensitive to the patriarchal culture of Aragon, Liss argued, Isabel “promoted the myth that they constituted a single royal entity ever after.” Alison Caplan contended that this was more than myth, citing the 1475 CE/879 AH Accord of

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48. Lehfeldt, “Ruling Sexuality,” 33. Lehfeldt was concerned about Isabel performing her sexually appropriate social role in being obedient to Fernando. She did not include the terms of the marriage contract.

49. Robert S. Chamberlain, “The Concept of the Señor Natural as Revealed by Castilian Law and Administrative Documents,” Hispanic American Historical Review 19, no. 2 (May 1939): 130-137. This term was used in the thirteenth century by Alfonso X, the Wise. According to Chamberlain’s 1939 exploration of this term, “a tyrant is the direct opposite of a señor natural” and can be removed from office but an emperor must recognize a king as the señor natural of his kingdom over which the emperor also claims authority.

Segovia in which “Isabel nullified all of the legal strictures on Fernando’s power by extending to him the right of proxy when the two were apart.”

Enrique’s sister had many Moorish practices of her own. She conducted a sort of circuit court, heard the cases of ordinary people, established a meritocracy, and used a marriage contract that made Fernando her client/husband in an amhars marriage with Bishop Carrillo acting as her wali. She, like Zeineb, funded wars and her husband was the commanding officer. “The queen, in particular, was a firm believer in the power of personal appearances.” She herself quelled rebellions in towns, such as in Segovia in 1476 CE/880 AH where the townspeople had grievances against her appointed administrator. In 1491 CE/895 AH, when Isabel “and a number of her ladies-in-waiting appeared at the seat of war, the incentive to deeds of prowess was redoubled.” This action echoes that of Aisha, youngest widow of the Prophet Mohammed, who appeared at the Battle of the Camels against the Shi’i forces. Isabel was Catholic in religion and Berber in governing style.

Isabel was not the only bicultural woman in Castile, as revealed by her role as judge among her people. Moroccan women were quite aware that they had legal standing and a right to be heard in a court of law. According to le Tourneau, Ibn Batutta recorded a day


52. Rubin, Isabella of Castile, 151, 153.

53. Plunket, Isabel of Castile, 226.
in the life of a North African monarch. On this particular Friday, the sultan was holding court, “expressly for the purpose of listening to the complaints of his subjects.” The custom was for the sultan to hold two sessions: one after Friday Mid-Day Prayer at the mosque and one after the late afternoon prayer. “He divides this day between the men and the women, having the latter appear first because of their weakness,” a recognition that women faced injustice from patriarchal men. One by one, the women had their audience with the ruler. “Each woman is called in turn by her name; she remains standing in the noble presence of the sultan who speaks to her without intermediary. If she has been unjustly treated, redress comes without delay; if she asks a favor, this is quickly granted.” Ibn Battuta called this “a procedure that I have never seen employed in a manner so perfect, with so much equity, by any sovereign.”

Queen Isabel followed this tradition. She held public court sessions on Fridays as well. She paid special attention to cases of “those whose wives and daughters had been the prey of dissolute mercenaries,” suggesting that while women had legal rights, there was a patriarchal modification that required a male to represent them in court. In the same manner as the Moroccan ruler, Isabel referred cases requiring careful perusal of the law to “alcaldes,” juridical experts. Another biographer called these persons “letrados, or university-trained legal experts.” What is interesting here is Isabel’s innovation of including


non-aristocrats in this cadre. She appointed “sons of burghers who had already been sent to the university to become legal clerks.”\(^{57}\) In this manner, she created a group of functionaries who were loyal directly to her, a sort of civil service/meritocracy akin to that used in North Africa, in which talented slaves were promoted. She also borrowed the authority of the \textit{minbar}, the elevated chair from which the imam or Muslim monarch delivered the Friday Prayer sermon. Isabel “presided over the assembled body from an elevated chair covered with a gold cloth and placed on a long raised platform.”\(^{58}\)

Much of Isabel’s style can be seen as a policy of cultural accommodation. Enrique had been criticized by elite chroniclers for being fond of promoting unqualified, lesser-nobles and even people of questionable reputation to government posts.\(^{59}\) This policy instituted by Enrique IV created civil servants loyal to the king and not their own competitive lineage interests. Isabel improved upon the system by appointing the \textit{letrados}. Isabel and her Trastamara co-dynast internalized Berber and Moorish behaviors, angering some of their contemporaries and modern scholars. “It was naturally repugnant to Frenchmen and Italians, who could not understand how it could have developed,” wrote

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58. Rubin, \textit{Isabella of Castile}, 163. In the long history of this region, Germanic peoples ruled Iberia and occupied the shores of the Maghrib under the Roman empire. There is evidence of the peripatetic court originating in Germanic cultures as evidenced by the Frankish kings who traveled their kingdoms to hear appeals of lower court decisions. \textit{The Laws of the Salian Franks} trans. and special introduction by Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), 33.

J.N. Hillgarth. As the spread of European legal systems occurred, Iberians were equally “bound to Islam by the weight of the past, the Islamic culture that had dominated the Iberian world for nearly 800 years; by the daily presence among them of Muslims and of Jews trained in Arabic culture.”

This daily interaction resulted in a particular blend of Berian women’s land rights and the amhars marriage system along the frontier between Christian Spain and Islamic Andalusia. Historians are divided on the issue between champions of the plight of Christians (especially Catholics), or of Muslims. A school has been developing that argues for syncretism. Most of what became the kingdom of Castile had been Muslim possessions along a frontier zone known as the Spanish March or the extremadura. Borders shifted over the centuries. Heath Dillard described the colonization agenda of Castilian Christian settlements. No valley was settled until women moved there because bachelors did not make a settlement permanent. Mothers, who were loathe to move children and household, did. This reality led to a gynecentric settlement policy in the extremadura by the eleventh century. Gynecentric values were supported by the Germanic custom that mothers had as much input into the decisions about daughters’ marriages as did fathers to ensure that both bloodlines of the bride consented to the marriage and the property reallocation that accompanied the union. By the twelfth century, fines were assessed against widowed parents who failed to secure consent from the deceased parent’s lineage for the marriage. “This custom attributed more clout to the bride’s mother than under the more patriarchal

60. Ibid., 1: 161.
Visigothic system that prevailed in Leon,” in which there was bilateral inheritance but patriarchal authority. A bride from an early settler family stood to inherit considerable property and was also a member of one of the founding families of the town. Land and access to power were attractive assets to lately arrived bachelors. Such assets were also not transferable to new locations. Hence, it was in the best interest of the groom to remain with the bride’s family. By the thirteenth century, the value of these brides had risen to the point that a Castilian groom pledged bridewealth of as much as one half of his wealth, whereas his Leonese counterpart followed the Visigothic custom of only one tenth.61

The evolution of the Siete Partidas can be traced to the bicultural life of Alfonso XI. Alfonso XI of Castile had two de facto wives, Maria of Portugal, his legitimate wife, and Leonor de Guzman, his mistress. The former gave birth to Pedro I the Cruel. The latter gave birth to twins: Enrique, Count of Trastamara, and Fadrique, Master of Santiago. There was nothing unusual about a monarch keeping a mistress and having children by her. Henry VIII of England had a son, Henry, Duke of Richmond, prior to his legal marriage to Catherine of Aragon. The behavior of Alfonso’s sons, however, followed a common succession pattern in the Islamic Mediterranean world in which all acknowledged children of a man, born of wife or concubine, inherit equally from the father’s estate. Despite his status as an illegitimate son, Enrique challenged Pedro’s right to the throne until, after years of civil war that led to Spain’s involvement in the Hundred Years’ War through European alliances, Enrique succeeded in assassinating Pedro and became the first Enrique

to take the Castilian throne. Fratricides of this type were *de rigueur* in the Ottoman Empire and would become common in Moroccan history. In both empires, sons of co-wives vied to succeed their royal fathers, each son having a claim to legitimacy due to Islamic inheritance laws as discussed in the previous chapter. In England, the children of mistresses were not afforded such protections. The change in dynastic name is problematic. Were Islamic law the only contributing system in this case, there should have been a continuity of dynasty. However, Leonor de Guzman, who was a widow when she became a co-wife in Alfonso’s household, already had children by her husband who took the name Cerda. Enrique I, one of her sons by Alfonso, identified as a Trastamara. This change in dynastic name accommodated the European notion of illegitimacy by denying Enrique his father’s surname, therein reflecting a synthesis of legal systems.

Isabel exploited this bicultural legal system as an Iberian heir to the true history of Spain, as evidenced by her marriage choices and her marriage contract that guaranteed her independence far more than it promised her obedience to Fernando. Isabel had almost been forced to marry Pedro Villena, her brother’s choice of groom, against her will. Under Maliki law, a bride could not be forced to marry against her will, as discussed in the case of the daughters of Ghania. Isabel’s successful avoidance of this union is the first indication that in her personal affairs Isabel operated by a different legal code than some Christians. This teenage princess’ success in choosing a marriage partner of her liking and the terms

under which she agreed to this marriage represent the synthesis of competing and sometimes contradicting legal systems along the frontier between Castile and Granada.

Dillard and Hillgarth placed the legal bases of these developments squarely on the Visigothic and Canon law of the fourth through seventh centuries and on the eleventh century *Liber Ordinum*. That leaves unaccounted for over three hundred years of legal development, including Islamic jurisprudence and Berber customs that do account for the nebulous “Castilian customs” that Dillard cannot ascribe to these European systems, the introduction of which did not occur until Castile acquired land that had been part of Andalusia. What is especially telling is that European systems did not change in the regions that never entered Andalusia’s borders. Hillgarth noted that the Iberian peninsula should not be assumed to be a single cultural entity. The northern Christian states of Asturias, Navarre, Aragon, etc. were allied with the Franks just as they had long been occupied by Celts, whereas the southern portion had been inhabited by Iberians who had contact with North Africa all the way back to the Stone Age. “The Islamic conquest of the south reinforced its links with Africa and separated it from Europe.” For example, in the thirteenth century it was illegal to offer a bribe to sway a marriage contract.⁶⁴ This was also illegal in the Maliki legal system. In addition, the necessity of matrilineal approval of a marriage was required in the Visigothic Code, similar to the Tuareg custom of the young couple living with the bride’s mother until the mother pronounces the marriage solid - even if takes two years or more of residence to satisfy her. Furthermore, men who married

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extremadura women had “unique opportunities for leadership in the military and public arena.” Where Dillard saw this as an affirmation of male privilege, I see it as akin to the practice legitimized by the matrilineal privilege of marriage to women such as Kenza and Zeineb. The husband had no standing except that which he acquired by serving the bride’s family. The frontier bride awarded political opportunity to her groom. Given that the Tuareg and Berbers had cultural ties to sub-Saharan Africa and ancient Egypt, and given that Visigoth and Vandal occupations of North Africa and Iberia were relatively brief and recent in comparison, I suggest that the Berian practice resonated with pre-Arian Germanic traditions due to long millennia of contact.

Further compounding the complexity of legal traditions and women’s rights in Iberia is the division of Visigothic cultures, as suggested by Ana Maria Jorge, into the Arian strain that dominated from 414 CE/214 BH- 589 CE/34 BH and the Catholic one that dominated from 589 CE/34 BH to 711 CE/92 AH. The year 589 CE/34 BH marks the conversion of King Reccared, from Arianism to Catholicism. Those who promoted the former rite, the fides gotica, were based in Merida, while those who advocated the fides romana, were based in Toledo. As the churches vied for supremacy and power, there was a coexistence of Suevis, Visigothis, Byzantines, Jews, and North Africans who traded

65. Dillard, Daughters, 68.
66. This refers to the Christian sect that followed the teachings of Arius and should not be confused with Aryans who were a population from central Asia.
goods and exchanged cultural ideas. This *convivencia* was not always smooth. A disastrous marriage took place in the mid-sixth century. Clotilde, an Arian Frank, was forced to marry Amalric, a Catholic Goth. She refused to change her religious confession. “He ordered dung to be poured over her on her way to church; and in the end, it was said, she sent her brother a napkin stained with her blood to prove the misery of her life.” In 590 CE/33 BH at the Third Council at Baetica, with Reccared’s endorsement, bishops assumed the authority to excommunicate “anyone who should force widows and virgins to marry when they wished to preserve their chastity,” unless the woman in question who had previously taken celibacy vows, was ready to recant her commitment to the Church and consented to marry. In 683 CE/63 AH, the Visigothic tradition was reinforced that “no one might marry Queen Liuvigoto or have intercourse with her, even if he were a king, should she outlive Erwig,” her husband, as had been the tradition for at least the last hundred years. Visigothic law definitely favored men, especially fathers. In Book III of the *Forum Judicum*, Law IV allowed a father to order his daughter to marry and the marriage was valid once the exchange of property had been effected or promised, whether or not the woman consented. In Law III, if the bride married against the will of her father, the wealth of the offending couple was owed to the man the father had selected. And, in Law V, women had to marry men older than themselves. In the case of a father’s death,

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the children belonged to the mother and the nearest patrilineal male relative took his place in approving the marriage. Brothers were not allowed to forbid proper marriage to their sister in an attempt to retain control of her inheritance. This was one of the few cases in which a bride could override her tutor. Stepfathers were not allowed to approve the marriage of the orphaned children.69

The Salic law of Aragon, as applied at the time of Fernando’s marriage to Isabel, often favored male rights at the expense of females’. It specified that only males might wear the crown. Law XXXIV “Concerning Land Held by Allodial Tenure,” section 6 (*Lex Salica Karolina*), did not allow women to inherit certain categories of estates. Katherine Fischer Drew discerned that women were restricted from inheriting real property that was “granted normally in return for past or future services,” thereby being distributable to those “who could render similar services.” Under the *Pactus Legis Salica of King Chilperic*, a man’s sons or daughters had the right to inherit his land ahead of his neighbors, if that land was not communal land nor disposed of by the king or some other lord.70 In thirteenth century Aragon, laws written to keep slave mothers in their caste were more restrictive than Muslim law. For example, if an enslaved Muslim woman converted to Christianity, the slave was not automatically manumitted but gained a restriction of being saleable only to other Christians. Conversion was a risky option for such a slave, whose duties included


70. *Laws of the Salian Franks*, 198, 44, 149. In Japan, women could inherit fiefs and provide military service until the Mongol invasion.
sex work, because “if the Christian master had a child by his own slave, the child was born free, but the woman, unless already baptized, remained a slave.” If her child was fathered by another Christian, both child and mother remained slaves.\textsuperscript{71}

This form of manumission paralleled one in Islamic law in which a female slave became free upon giving birth to her owner’s child. In Aragon, therefore, conversion to Christianity was not always a desirable option for female slaves, whose tasks did not include sex work, since conversion removed the hope of being sold to a Muslim household. If an enslaved Muslim woman, impregnated by her Christian owner, could time her conversion correctly, however, she could gain freedom upon delivering a living child of either gender. If she converted, and then miscarried, she was trapped in Christendom. This law therefore encouraged the enslaved Muslim woman to marry within her social caste, even though marriage did not change the social status of the parties nor their children.\textsuperscript{72} It takes little effort to imagine a situation in which a slave came to court demanding liberty, after her child failed to thrive, only to be challenged by her owner who claimed she miscarried and had not met the necessary threshold for guaranteed manumission. In Iberia where Visigothic, Salic, and Islamic law codes existed along with Roman and Canon law, the application of justice became so difficult that lawyers trained in the Italian states were in great demand in the twelfth and thirteenth centuries CE.\textsuperscript{73} Alfonso X attempted in the late

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72. Ibid.

73. Ibid., 1: 100.
\end{flushright}
thirteenth century to synthesize a code but it was not put into practice until Isabel I resurrected the code and exported it to her American empire, bringing to a close Aragon’s slow surrender of patriarchal portions of the Germanic system to Berian Mediterranean standards.

Alfonso X (the Wise) undertook the formal codification of this legal synthesis in Castile in the *Siete Partidas*, which was a peculiar fusion of coexistent legal codes, raising the power of the Catholic Church, formalizing patriarchy from the Germanic system, and guaranteeing some of the rights of women and slaves from the Berber Islamic system. Samuel Parsons Scott, in the introduction to his translation of the legal code, listed the contributing systems as Roman law, canon law, maritime law and native law. What was native law? He excluded two very important realities of Spanish history: the Germanic and the Islamic contributions. For example, he discussed the selection of the term matrimony as opposed to patrimony. Matrimony means “in Castilian, the duty of a mother.” Men begat but women did all the work and suffered the pain thereafter. Therefore, he concluded, the institution belongs to women. The Spanish term for “concubine” is “barragana” and “is derived from two words: one of them Arabic, which means outside, and the other Castilian, which means to gain, and these two words, when united, mean something earned outside the rules of the church.” Children born to this union were

74. *Las Siete Partidas*, liv.

75. Ibid., 886, Part IV Title II Law II.
referred to as “children of gain.” Meanwhile, primogeniture with respect to royal succession was instituted so that first the eldest male, then the eldest female (if no son existed), inherited the throne. This was not the case in Aragon, where women were not allowed to rule directly.

In Castile, men were allowed to use their wives’ property but a wife still had access to it and the right to sue her husband to conserve her property. If a woman had interests in property that her husband wished to sell, the transaction was not valid until the wife agreed to terminate her interests by signing a formal document. In addition, women could not be forced into marriage. Acceptable wedding vows were as follows:

Groom: “I am content to take and receive you, Doña Teresa, as my lawful wife, and I agree to accept you as my lawful wife.”

Bride: “I am content to marry you, Juan García, and I receive you as my lawful husband, and I agree to accept you by these words.”

Just as in Islamic systems, the difference between betrothal and marriage was the

76. Ibid., 950, Part IV Title XIV Law I.

77. Ibid., 367, Part II, Title XV, Law II.

78. Ibid., 538, Part III, Title II, Law V. This law probably derived from Visigothic or Salic practices under which her property was not held in common with her husband while her “husband administered his wife’s property even through he could not dispose of it without the consent of his wife or her relatives.” Laws of the Salian Franks, 43.

79. Las Siete Partidas, 720, Part III, Title XVIII, Law LVIII.

80. These are Maliki wedding vows in that the woman has the power to accept or reject the man. See wedding vow discussion in Chapter 3 and see later frontier gynecentric marriage. Las Siete Partidas, 738, Part III. Title XVIII Law LXXXV.
meaning of the verb tense used. It was not, as in the Visigoth system, binding at the point of property transfer. An acceptable betrothal was “I promise to take you as my wife.” It became a marriage when the verb tense changed, such as “I agree to accept you as my wife, and I promise that, hereafter, I will consider you my wife and will be true to you.” Where an immediate condition occurred, so did marriage. Where a projected action was stated, only betrothal occurred. There was no mention of submission for a man’s pleasure as there was in the Shi’i marriage vows. Also, husbands were compelled to provide for their wives and “give them whatever is suitable in proportion to the wealth and power they possess.” The bride’s pre-marital standard of living was to be maintained by the husband. To compensate those who preferred the Visigoth system, there was a clause that allowed a bishop to force a couple to complete the betrothal. To check this, though, the betrothal was only valid where both parties consented to it. Once there was an exchange of property, there was no backing out of the contract. A woman’s right to have children to provide for her in her old age was also recognized by giving her a mechanism to initiate a divorce action on the grounds of impotence, a common ground for divorce in the Islamic juridical codes.

81. Ibid., 879, Part IV Title I Law II. In this phrasing, a woman has the guarantee of a monogamous relationship, again a Berber custom.

82. Ibid., 538, Part III, Title II, Law V; 882, Part IV Title I Law VII; 884, Part IV Title I Law X.

83. Ibid., 921, Part IV, Title IX, Law X.
Conclusion: Isabel Trastamara’s Moorish marriage contract

Isabel did more than give life to Alfonso’s legal code. She applied Berber gynecentric, amhars standards to her marriage contract with Fernando of Aragon. Although in Aragon, only males inherited the throne, Isabel was the fourth female to rule Castile. There is no question that the following terms of marriage proposed by Isabel are matrifocal. This marriage contract specified that:

1) “he would live permanently in Castile”;

2) he “would ask Isabel’s permission before leaving the kingdom”;

3) he needed her permission to take the children out of the kingdom;

4) he had “to agree to leave the crown’s property intact, to wage no wars through conspiracies”;

5) “he could not “reclaim any Castilian lands once owned by his father King Juan”;

6) “he could not ‘make any ecclesiastic appointments’”; and,

7) he could not “make any municipal or civil appointments without Isabel’s consent.”

Without a doubt, Isabel and Fernando had an amhars marriage contract. Fernando’s function was to be Isabel’s consort, her military defender, and to obey Isabel’s brother Enrique, who was still on the Castilian throne. In addition, he had to pay bridewealth of unusually high value compared to the normal amount usually given Aragonese queens for their bridewealth. It was to include a rich parcel of Aragonese and Sicilian towns and 100,000 gold florins” to be paid four months after the marriage took place. The initial

84. Rubin, Isabella of Castile, 52, 93. The Castilian tradition of female monarchs will be addressed later in this chapter.
bridewealth consisted of “20,000 gold florins and a magnificent ruby and pearl necklace once owned by his mother and valued at 40,000 ducats” to be transferred to her possession once Isabel freed herself from Enrique’s supervision. “Her marriage contract with Fernando unequivocally affirmed the supremacy of her rights over his in Castile.”

This contract reflected suspicion that Fernando might be more loyal to Aragon and Sicily than to Castile and might use this marriage to subsume Castile into his own royal domain.

From a Berber perspective, Fernando became a client of his Trastamara cousin. He paid for the privilege of marrying into the family and owed allegiance to the eldest male, Isabel’s brother. It was matrilocal in that the children stayed with Isabel unless she gave permission otherwise. Rubin attributed this to the relative greatness of Castile’s wealth and power compared to Aragon. One such standard was that “a man under matrilineal rule has no control over ‘his’ children. . . . the young male learns that the man who is his mother’s sex partner does not have authority or control over her.”

It was matriarchal in that he had no political power without her consent. He was also her military defender. Just like Zeineb, wife of Abu Bakr and Ibn Tashfin, Isabel financed the military ventures and took care of the provisioning. Like Aisha at the Battle of Camel, Isabel came to the front lines to view the fighting and inspire the soldiers to fight. This marriage was neither Salic,

85. Ibid., 70, 129.

86. Plunket, Isabel of Castile, 79.

Merovingian, nor Frankish. The closest model in this time period that matched the
gendered power issues in Isabel’s and Fernando’s marriage contract was the Berian
Mediterranean model developed in North Africa and practiced along the Andalusi-Castilian
frontier for more than seven centuries.

From a Christian perspective, Aragonese customs did not prevail. When Enrique
IV died without a male heir there was a strong case supporting an Aragonese male cousin
as the next king, but the argument carried little weight in Valladolid because there had been
prior instances of empowered queens in Castilian history. For example, Urraca, queen of
Castile, married Alfonso I of Aragon in 1109 CE/502 AH. Urraca had previously been
married and had a child from that union. Alfonso I, a thirty-six year old bachelor, was
reported to have taken no concubines according to Ibn al-Athir. In their marriage
contract, Urraca did not surrender power to her husband. Some of the conditions
stipulated that:

1) “if either leaves the other against that one’s will, the offender forfeits the loyalty
of his or her followers;”

2) “Alfonso in particular must agree not to desert Urraca for reasons of blood
relationship or excommunication;

3) should the two of them have a child together, then that child and Urraca “are to
inherit his territories jointly after his death”;


4) “if no child Urraca and her heirs will inherit”; and,

5) If Urraca were to die first, then Alfonso and their joint child will inherit her lands with Alfonso limited to the “usufruct of her lands during his lifetime.” After his death, the lands revert to her heirs.  

Bernard Reilly saw this as Alfonso’s way of acknowledging “the independence and sense of worth of his bride.” However, these two hardly had cordial relations. They did not spend much time together; Urraca accused him of being abusive; and, he preferred the company of soldiers. It is no surprise that no child came of this marriage. Urraca, rather than playing the abandoned, yet faithful, wife, took lovers. She was known to have had at least two consorts, including Count Pedro Gonzalez of Lara by whom she is reported to have had son Fernando Hurtado and daughter Elvira, and Count Gomez of Candespina. These children were publicly acknowledged.

Was this a form of polyandry? The ideas of a reigning queen and a polyandrous marriage were not foreign to Yemeni pre-Islamic history, stories that very well might have reached Urraca’s ears. Of course, the household help could have told her these stories as a child. One can say that Urraca was merely a very strong regent, holding the throne and the lands for her male heir. Her success was similar to that of thirteenth century Queen Maria de Molina, who single-handedly preserved the throne for her son, even though his own relatives attempted to usurp his power.

90. Ibid.

91. Ibid., 46-7, 362. Perez de Guzman, Pen Portraits, 23.

92. Hillgarth, Spanish Kingdoms, 1: 313.
Another, more direct source that illustrates how Islamic polygyny was used by Christian royals to negotiate a Christian/Muslim compromise concerns the relationship of Zaida, daughter-in-law of al-Mu’tamid, the ‘Abbadid king of Seville, and Alfonso VI, who acknowledged his son by this companion. The story of how she came to be in Alfonso’s household varies. Some say that Alfonso VI endowed Zaida with land in Toledo that he had wrested from the Muslims. Another story claimed that the Almoravids attacked Seville to punish al-Mu’tamid for breaking the long-standing rule in Islam against allowing Muslim women to marry Christians. Still another story held that Zaida, whose husband had just been slain by the Almoravids, fled across the Sierra Morena mountains with her children to seek safety in the court of the ‘Abbadid ally, Alfonso VI. In 1106 CE/499 AH, Alfonso arranged for his French wife Elizabeth to retire, perhaps after the Merovingian custom, and married Zaida, who was baptized Elizabeth and converted to Catholicism. The aging monarch had given up hope of a legitimate son by his previous wife, the mother of Urraca, so he took the extraordinary measure of naming Sancho, his son with Zaida, as his


94. E. Levi-Provençal, “La ‘Mora Zaida’, belle-fille d’al-Mu’tamid,” *Hesperis* XVIII (1934) in *Islam d’Occident: Etudes d’Histoire Medievale*, (Paris: GP Maisonneuve, 1948), 140-145. O’Callaghan’s survey of the *parias* during the reign of Alfonso VI showed that the *taifa* kingdoms of Seville, Toledo, Zaragoza, Granada, and others paid large sums of money to Christian states like Alfonso’s Castile. They expected military service from the Christians against the invading Almoravids and later the Almohads. Were it not for the expectation of military service against fellow Muslims, I would be inclined to agree that this was a system of tribute to stop the Christians from invading the *taifas*, a revenue generating system practiced throughout the world. Joseph F. O’Callaghan, *Reconquest and Crusade in Medieval Spain* (Philadelphia, University of Pennsylvania Press, 2003), 165-171.
legitimate male heir. Sancho died at age 15 before he could take the throne.\textsuperscript{95} Zaida was also Urraca’s stepmother, meaning that Urraca was intimately exposed to an educated, Muslim woman who had had ample opportunity to instruct her in the Berber history of female monarchs. Monarchs were good at using marriages to traverse and minimize cultural boundaries.

Ultimately, Isabel was not a new kind of monarch in Iberia. Rather, she helped to codify Berber matrilineal practices by animating the legal code of Alfonso the Wise, who distilled the competing legal systems into one that accommodated the several Iberian cultures, while retaining women’s rights in the face of patriarchal pressures. She appropriated the \textit{amhars} marriage form in drafting her contract with Fernando and was not the only elite woman to do so, following the model of Urraca. She used the \textit{minbar} and the Friday prayer as a means of administering justice to her people in a very visible and familiar manner. She deftly combined the strength of Berber social organization with the might of Catholic foreign relations to propel Iberia into a new age and export her hegemony to the New World, where its influence was felt in direct and indirect ways, thus creating what I have called the Berber Atlantic world.

\footnote{Reilly, \textit{King Alfonso}, 339-340, 361. If Sancho had lived, then he would have solidified Moorish claims to Castile through matrilineage, and one can speculate that the reconquest of Iberia would have ended at that point with Andalusia being a permanent Moroccan territory. The option for a reigning queen, Urraca, who had two Spanish parents, might have prompted some Crusaders to facilitate Sancho’s early demise. Zaida’s placement in Alfonso’s home parallels that of the Hafsid princesses mentioned earlier in this monograph.}
CHAPTER 5
VARIATIONS IN MATRILINY: INÉS DE SOTO, SIXTEENTH
CENTURY KORAN KEEPER OF CORDOBA, MOROCCAN
JURIST AL QASIM AND ORDINARY BERIAN WOMEN’S RIGHTS

Every day it is the same. “Good morning, Father. Yes, I said my pater noster. What? You would like to hear my Ave Maria? Not now, Father, for I may miss that beautiful pork roast at the butcher shop. I want to serve it at my Sabbath dinner for my friends. You do not want me to miss that, now, do you? What is my name? Inès de Soto. You will make a good report about me to the Bishop, yes?”

Every week it is the same ablutions to get that awful pork off my hands and burn the incense to make the house smell better before my friends arrive for the dinner I cook in secret so that we do not starve. Then, when the lights are out and the wild dogs are eating the roast, I pray with my friends and we study the Koran so that we do not forget. We study to teach our children. We study to protect ourselves and preserve our rights. Yes, we mothers must study to preserve our rights. In Fez, even the qadis must remind the men not to neglect the old ways and steal from us mothers. These are not our ways, not at all.

The extremadura was extremely hard to conquer. On the north side of the Strait, the 1492 CE/895 AH Catholic conquest of Andalusia was completed only at the level of the governing structure for in the private space of many ordinary women, Berian values continued despite public suppression and threats of enslavement for adhering to non-Catholic practices. South of the Strait, legal questions affecting ordinary women’s property and marital rights indicate that more Moroccan men were converting to West Asiatic Islamic values. Qadis and other elite men continue to defend ordinary women’s rights. While changes in the matrilineal forms indicate that West Asiatic Islamic and
Western Christian male-biased social systems achieved some success in suppressing the
practice of Berian values, there are signs that Berian values were purposefully
incorporated by Catholic men into the *Siete Partidas* Spanish legal code.

Male-biased values in Christian Spain were reinforced by continuous migrations of
West Asiatic Muslims and by a growing cadre of Catholic lawyers; however, after eight
hundred years of Berber Muslim administrators and colonists, there was a sizeable Spanish
population who preserved Berian values in the private space of their homes. These
*moriscos*, men and women, secretly practiced Islam during the decades following the 1504
CE/908 AH death of Queen Isabel Trastamara, knowing that if they were caught they
faced poverty and enslavement. The Western Christian wave of patriarchal pressure
augmented and continued the West Asiatic Islamic agenda that arrived in 712 CE/93 AH
with the earliest eastern Mediterranean Muslim colonial administrations. This wave of
depriving women of economic and political rights was a precursor to the seventeenth
century trend in Western Europe of controlling women’s activities in the name of
controlling sexuality.¹ Such women risked their lives, property and personal safety to
preserve Berian teachings about the equality of women and women’s rights as encoded in
Maliki Islam. In the Berian culture zone, this kind of feminism was promoted by men and
women to the extent that Islam was modified and reinforced to preserve this system against
the invading, more patriarchal system of gender relations.

¹ Foucault, *Sexuality*, suggested that sexuality has a history, which takes different
forms in different locales, as can be seen here.
The contest between gendered power systems occurred at two levels of society in the region centered on the Strait of Gibraltar. Among ordinary people, change in women’s rights occurred at such a slow rate that one might speak of the consistency of the pattern over time. On the south side of the Strait, one can study this through the surviving pre-Islamic festival called *moussem*, through legal decisions, *nawazil*, affecting working class Islamic women, and by revisiting North African women’s political roles. On the north side, one can examine microhistories of non-royal women like Inés de Soto who faced persecution for their closeted adherence to Islam in Catholic Spain in the sixteenth century. The resilience of the protection of women’s rights is clear in tactics used by Catholics in Spain and by West Asiatic Muslims on both sides of the Strait to suppress women’s rights, especially the Catholic enslavement of women who refused to submit to male authority. In the end, the passionate efforts of Berian men who contended with the invading empires was too great to be explained as a matter of sovereignty for Berber clans, who formed quick and temporary political alliances when they were mutually beneficial. Rather, this passion was generated by sincere concern about keeping mothers, sisters and daughters out of marital slavery and juridical death upon marriage according to non-Berian laws.

*North of the Strait: a legislative campaign to deprive Berian women in Christian Spain of their rights*

Resistant *moriscas* like Inés de Soto stood against Catholic laws promulgated for the express purpose of depriving such women of their liberty if they would not submit to patriarchy. Even though the Spanish system of slavery still recognized the personality of slaves, stopping short of chattel slavery, the degradation to slavery reduced these women...
to laboring bodies. Isabel Perez and Marla de Hocahar were caught observing Ramadan in 1586 CE/993 AH. Inés de Soto, a seventy year old woman, was caught with “seven books of the Alcoran de Mahomat and was found able to read Arabic.” While the continuance of Islamic practices among resistant moriscas does not prove that matrilineral practices necessarily continued, it is likely that some did among ordinary people as indicated in the marriage practices the frontier families in Castile. Anti-Muslim legislation did not penetrate the hearths nor hearts of ordinary Muslims in post-Isabel Trastamara Spain.

Once Iberia was governed by Western Christians, the change in administrative systems impacted Berian women on both sides of the Strait. In Christian Spain, officials outlawed public displays of Berian and Islamic culture. These particular efforts to purge the Berian culture from home made this resistance a battle fought by women in the private realm of family. In Morocco, the lack of public suppression of Islam afforded a public defense of ordinary women’s rights and the resistance in this area was handled by elite men.

While there is evidence that West Asiatic Islamic values acquired more followers beginning with the Almohad movement, one that was heavily influenced by West Asiatic Islamic values, there is also evidence that Berian women resisted that gender-oppressive movement

by maintaining cultural practices like saint cults. Nevertheless, West Asiatic Islamic adherents could claim a degree of victory regarding the repression of women rights by the end of the sixteenth century.

In sixteenth century Catholic Spain, when Berian women found that some matriliny was challenged, women also women lost their right to female spaces, whether public space, the personal space behind the veil, or the ideological space of language.

“Women were forbidden to wear the veil on the streets, or to use henna dyes for their bodies. The homes of the Moriscos with private patios were declared illegal. All Muslim names and surnames were to be dropped for Christian ones. The baths were ordered destroyed, and most insulting, reading, writing or speaking Arabic was forbidden.”

Tueller also identified other intrusions into moriscas’ lives. Not only had they lost their courtyards and henna, they also were forbidden some customary arranged marriages since Catholic and Islamic definitions of incest or muharam marriage partners differed.

When the closing of the baths denied women a customary public social space, the undaunted women simply claimed new territory: they held their conversations in local chapels during mass. Unfortunately, even public displays of Christianity were not sufficient protection for morisca women. Aurelia Martin Casares studied more than five hundred cases of slaves sold in the Grenada market between 1560 and 1579. She identified nearly five hundred of them as Muslim converts to Catholicism. Fifty-one were Berber women born in the Maghrib or born on the Iberian peninsula. She noted that such slaves were

3. Tueller, Good, 18, 24, 27.
4. Ibid., 34, 40.
more rare in the sixteenth century than in the seventeenth. This change reflected increased Catholic activity vis-à-vis resistant Muslims by reducing them to non-free status. Martin Casares identified several cities as terminal points of stable commercial routes where Muslim female slaves were processed and sent to Iberia. Common launch points included Algiers, Constantine, Tunis and Melilla. Common destinations were Malaga, Almeira, and Lisbon. Most of these slave women were captured between the ages of six and twelve. None of her sample was over twenty-four years of age. Few slaves of this demographic were shipped across the Atlantic to Spain’s New World colonies. It is significant that such young girls were targeted for Iberian markets because in the late sixteenth century the Catholic church ranked sexual intercourse with a Muslim as equally sinful as intercourse with a priest or nun. The active market in Muslim girl slaves demonstrated the weakness of the Church to change Christian male behavior. Eventually “the bishop had to absolve those who had sexual relations with Muslims.”¹⁶ Where the Church had been successful in closing down public Muslim spaces, the male Christian’s bedroom door was closed to clerical influence.

Phillip II employed more repressive tactics to reorder the private lives of the moriscos. To accompany his reinforcement of the 1526 laws, he also initiated in 1568 CE/974 AH a deportation of approximately eight thousand Granadan moriscos from Castile and Andalusia. Of course, there was a rebellion of moriscos that year. When it was put down, many moriscos were enslaved, especially women. The purge continued. By 1572 CE/979 AH, the slightest cultural expression was punishable. According to Juan

Aranda Doncel, eradicating Islamic practices was difficult. He found in Inquisition records that the elderly and those who lived in the countryside were more likely to retain Arabic as a primary language, to practice Islamic customs and to retain Arabic names. Spanish officials reinforced the declaration against Arabic with a re-education campaign. Morisco children were required to attend schools where they would become literate in Spanish and Catholic teachings. Doncel found evidence that in Zaragoza, 58.7% of sixteenth century moriscos continued Islamic practices. The Catholic state employed several tactics to reorder gender relations among ordinary people. Nevertheless, many moriscos passionately resisted the cultural obliteration portended by this era of the Inquisition.

Precursors to this Western Christian oppression can be found in the West Asiatic Islamic influence on Andalusian law with respect to women’s rights. The Spanish Catholic Church’s imposition into Berian women’s private lives was one of many patrilineal-matrilineal battles that occurred since the earliest conflicts between West Asiatic and Southern Arab during the lifetime of the Prophet Muhammad. This series of contests frequently focused on women’s legal rights, especially in the geographic region centered around the Strait. The conflict between these societies is not completely explained by the right to be a caliph or an imam because such policies had little direct impact on the lives of ordinary people. Nor were moriscos fighting over the right to become bishops in the sixteenth century. Among ordinary people, the difference between the legal systems devolved around the ability to protect or exploit women, whether free or enslaved.

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María Arcas Campoy studied three types of documents about Andalusian law: the *Corpus de Jurisprudencia*, the *Formularios Notariales* and the *Tratados de Derecho Comparado*. She noticed that penal cases were greatly outnumbered by civil cases including property transmission, contracts, and family law — all matters that affect women’s economic and legal rights. She attributed the relatively small number of penal cases to the clearness of the Qur’an with respect to such matters. The abundance of civil cases reflected the continued coexistence of numerous schools of Islamic and Christian legal systems maintained by ordinary people, who refused to surrender what each person perceived as beneficial protections offered by each system. Arcas Campoy argued that Maliki jurisprudence never eradicated other schools of Islamic law in Andalusia, especially the Zahiri school as advocated by Ibn Hazm (d. 1063 CE/456 AH) and al-Bayi (d. 1081 CE/474 AH). Furthermore, she posited, the eleventh century CE Andalusian Maliki adherents were not as inflexible as sometimes portrayed. They were indeed fairly tolerant of some systems but less tolerant, to the point of persecution, of other schools. If Campoy is correct, then the portrayal of Andalusian Maliki followers as inflexible is likely an artifact implanted in imperial histories written by West Asiatic Muslims.

To counter this imperial distortion of history, Ibero-Maghribi scholars are reconstructing knowledge of this region of the world by extracting Berian cultural practices

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9. Ibid.
out of a simplistic concept of an essentially Persian/Abbasid/Sassanian Islamic world stretching from the Strait of Gibraltar to the Asian archipelago. M’hammad Benaboud wrote about the existence of “historical conceptions of Andalusia which persist in considering Andalusian culture as an extension of Arab culture from the Mashriq.” He argued against an historiographical tendency to write as if all Muslim culture began with northern Arabs and as if all Muslim armies in Iberia were composed of Arabs and Arabized Berbers. In these narratives, Berian Berbers have been silenced by stereotyping them as anarchical desert dwellers. The term “anarchy,” however, can be construed as a tacit admission of the failure of West Asiatic Muslims to conquer the Berian Berbers.

Benaboud readily admitted that “there is much Arab cultural influence in Andalusian society,” but one can hardly say it is the only influence. He cited several examples of scholars who examined “the important factor of Arab-Berber conflict in Andalusia.” Benaboud also noted that histories have previously been written with an assumption that the urban center was the only location of power and history. Urban centers, particularly on the Mediterranean coast, were populated in large part by Arabs and Arabized Berbers. Using urban, Arabized areas as examples of North African societies has been an effective imperial tool that privileged the imperial class located within city walls. Benaboud expanded this model in two directions: vertically with a stratification of urban society to include non-Arabized Berbers, and horizontally with the addition of non-urban social structures. “The

dominance of the urban model does not preclude other models.”\textsuperscript{11} When one adds Benaboud’s structural organization to Maher’s twentieth century observations of Moroccan women in the Atlas mountains, one can see that, with uncanny consistency, those societies in which women have been empowered are the same societies labeled “uncivilized” in Western Christian and West Asiatic Muslim imperial societies.

“Civilization” as a quality assigned by these dualistic, patriarchal societies often meant that men had mastered nature and this characteristic, according to Foucault’s and feminists’ models of sexuality and power, was manifested in controlling women’s bodies. By controlling natural forces through irrigation agriculture, metallurgy and ceramics, or the habitation of large cities with stable food, water and septic systems, humans learned to exploit natural resources. They also constructed different ways of controlling sexual urges, which were culturally and historically specific and imbricated with power. The sum of these factors yielded a model of sexuality for a given society.\textsuperscript{12}

Catholic Spain’s program of forcing empowered Berian women to submit to Western Christian patriarchy is an example of the trend to control women’s bodies and suppress their sexuality, but the program was not completed in the sixteenth century. Inés de Soto’s dedication to preserving Islamic values in Christian Spain affirms that changes in the state religion did not immediately wash away the values and lifestyle preferences of ordinary citizens. The fact that Inés and other women were targeted for persecution was not a new phenomenon but part of a patriarchal incursion that dated to the seventh century

\textsuperscript{11} Ibid., 65-68.
between patriarchal West Asiatic Islamic values and female-friendly Berian values. Strong female rulers in Castile were influenced by Berian culture as shown in the behavior and dress of the Castilian royal families. For all the military stories which paint the Reconquista canvas with testosterone hues, Isabel I’s tenure as active monarch of Castile and Fernando’s initial limited power as client/consort, even though he was king of Aragon and Sicily, indicate that royal women had more power in the former Muslim lands than some patriarchal Christians cared to reveal in their discourses about the convivencia in Spain. The contractually limited role for Fernando was directly attributable to years of Berber colonial occupation. If this is the power dynamic that existed in a culturally mixed marriage, that is Castilian and Aragonese, then a less adulterated Berian gender system must have existed in households where both spouses were Castilian. In addition, there is almost a direct correlation between Fernando’s increased political power in Castile as the years progressed in his own marriage, and an increase in the activity of Catholic reformers’ active suppression of empowered women of Berian persuasion, especially after Isabel passed away in 1504 CE/908 AH.

The patriarchal governing system of the Catholic monarchs who succeeded Isabel gradually penetrated the private lives of moriscos, the converted Muslims who remained in Spain after the fall of Granada 1492 CE/896 AH. James Tueller identified key events in this process. Isabel I maintained some degree of religious tolerance until she issued an edict in 1502 CE/906 AH that all Muslims under her authority had to convert to Catholicism. When Isabel passed away in 1504 CE/908 AH, the era of Castilian religious tolerance gradually faded. In 1526 CE/931 AH, a law was passed which proscribed the use
of Arabic language, dress and customs in ordinary persons’ private lives. Charles V (1516
CE-1556 CE/920 AH - 962 AH), however, retained a modified parias system or inverted
dhimmi tax system, in that he assessed fees from the Muslim communities of Granada and
Valencia for forty years. During this time, he overlooked the quiet continuance of Islamic
practices while priests labored for voluntary conversions. Philip II viewed these Muslims
as potential allies of the Ottoman empire and in 1568 CE/974 AH, as a matter of national
security interest, he issued policies designed to reorder the private lives of Spanish
Muslims. For Philip II, Spanish national sovereignty hinged upon suppressing Berian
women.

**South of the Strait: Legal decisions affecting ordinary women and the jurists who
defended their rights**

Where centuries of Maliki Islamic jurisprudence imprinted the *Siete Partidas* with
matrilineal aspects, patriarchal ideologies eventually gained a foothold in North Africa.
Centuries of exposure wore down the resolve of some men to adhere to Berian ways, but
intensified the resolve of many others. One can hear echoes of West Asiatic Muslims
proselytizing Berian men in legal cases about the rights of three ordinary women. The first
is a matrilocal, pregnant bride whose visiting husband claimed ownership of sheep and
goats given to her by her father long after their marriage. The second case involved a
pregnant wife of a financially unsound groom and her struggle to assert her right to manage
her own wealth against her father, who presented her as a juridical minor needing him as
her financial trustee. The third case involved the rights of a concubine pregnant by the son
of her owner; the son was clearly exploiting the woman to gain access to his father’s assets.
In these situations, cases were brought to a jurist for direction and clarification. The following more detailed description of these cases is from a compendium of nawazil (nazil in singular form - legal decisions but not as elevated as a fatwa), gathered as early as ninth century CE, and they are suggestive of the type of legal rights women, like Inés, and fathers, like those in Granada during the reign of Charles, defended. They were referred to a jurist by men who were trying to navigate between the Berian and West Asiatic Islamic systems. They demonstrate a propensity among Berian judicial experts to protect the rights of women against patriarchal exploitation and denigration.

In the first case, Sidi Abu al-Qasim ibn Jazu identified a situation between an ordinary man and wife. A man visited his wife after consummating the marriage, and they had sexual relations; after becoming pregnant she returned to her family. Her family had given her gifts during her visit: sheep and goats and cows. Were these gifts hers alone or did she have to share them with her husband? The husband had been visiting her regularly during her stay with her parents. This was not a case of separation but one involving a healthy marriage.

The answer suggests a matrilocal orientation of this bride’s family, which the qadi recognized. First, the jurist clarified that the family’s gift to the husband consisted of their daughter, his wife, thereby reinforcing a pattern seen in Chapter 3 among the Tuareg, that the wife’s family had extensive supervision in the marriage, even when the couple’s

permanent residence was away from them, as suggested by the fact that the husband visited his wife rather than the husband returned home to his wife. The suggestion here was that a family loaned a daughter to a man in a matrimonial contract but that the family never surrendered her to his pleasure. Having reminded al-Qasim of this Berian value, the jurist continued with the case of a husband who, based on the facts presented, wanted to implement a more patriarchal perspective in which the wife was the property of the husband. The jurist established that the husband consented to his wife living with her natal family because he visited her there several times and did not remove her from that location. This was not a distressed marriage situation and divorce was not a question because, as the jurist phrased it, the couple “enjoyed that private gift of marital relations,” as evidenced by the pregnancy. Annulment or disruption of the engagement was not a question, the husband argued, and so he believed the gifts to be marital property, hence his. The jurist began his deliberation. He reminded al-Qasim that local custom took precedence in the details of such matters and, if local custom so dictated, the husband should have divided the gifts. Otherwise, the jurist concluded that the wife also had rights in the marriage and the husband was obligated to respect her rights. In his opinion, wives were juridical adults.

In making his decision, the jurist upheld a Berian definition of marriage. A woman never ceased being a member of her father’s household. Though the husband, who was obviously oriented toward West Asiatic Islam, could have argued that the wife relinquished this identification upon marriage, he lost that opportunity by visiting her at her father’s home and acknowledging that place as the location of their marital residence each time he exercised his conjugal rights there. If he had not made the father’s home their de
facto residence, the best the husband could have hoped for was a division of the livestock. However, in light of this particular residential location, the husband behaved as a client to the wife’s father in an amhars marriage. Therefore, the property belonged strictly to the wife.14

The jurist referred to a set of precedents by other jurists in framing his answer. Sidi Ahmed ben Abd al-Wahb held that whatever was given to the wife belonged to the wife and her husband has no right to it. In situations when a wife left a husband’s household with his consent to visit her family, there was no foundation to claim that the wife had initiated a talaq or divorce. The husband could not treat this property as dowry upon her return. In this manner, al-Wahb protected women’s wealth from marital exploitation. Another jurist concurred: the gift was given only to her and she exercised her right not to share it with him. He added that if the couple could not reconcile to this, then it should be announced in the village: “Truly a breeze now blows between this couple but not between a parent and his child. He might be enriched because she might share with him to increase his desire for her and he should come to love his wife greatly.” In other words, natal relations were permanent and this marriage was destined for divorce because of a greedy husband who did not have the patience to wait for her to use her wealth for the benefit of the household. Also, the husband chose to force his wife into an action rather than to create an environment in the home in which she would have been happy to share the income derived from the livestock. Force is an initial step in dehumanization which counters a basic Islamic principle that recognizes all believers as equal humans. Still

another legal opinion was found which cast additional aspersions on the husband, showing him to have been delinquent in his obligations toward the wife. Wherever a woman lived, the expense of feeding her was a husband’s responsibility. In this case, the husband displayed no gratitude toward his father-in-law for maintaining the woman in question. The father had every right to charge the husband for his daughter’s maintenance. In sum, exploitative, irresponsible, or patriarchal husbands enjoyed little support from Berian jurists for marriage entailed a man with obligations, not rights.

There are additional Berian assumptions in this case. A woman and her family consented to marriage with the man. The man was the beggar, the powerless. The woman was the empowered one. She consented to live with the man as long as conditions pleased her. Berian women were not compelled to remain in a marriage for life; divorce was always possible and it could be initiated by the wife. In other words, a wife was a resident of a husband’s home, but never his prisoner. Her permanent home was with her natal family. Anything a woman did for her husband was the only gift which he could expect and he should always express gratitude for that much. In the Berian system, a man’s blessing was the presence of a wife.

The second case demonstrated that marriage was a woman’s prerogative and not a man’s right in the Berian culture circle. This case concerned the financial support due to a pregnant woman married to a man with insufficient financial resources to support her and their unborn child. The case was referred by Sidi Mohamed Ibn Sa’id ibn Quraish to a jurist for review. The jurist’s description of the case opened with the sense that marriage

15. Ibid., 183-184.
entailed obligations for a man, that marriage was a privilege for him and it was not an entitlement. “The man married prematurely.” The choice of the word “prematurely” is significant in that financial responsibility marked adulthood for a man much as the onset of menses marked a degree of maturity for a woman. This definition again resonates with the Tuareg bridegroom’s obligation to supply his mother-in-law’s granary after marriage. The husband in this legal case was able to present the *sadaq* and establish a household with his bride. Unfortunately, he exhausted his financial resources soon afterward. He understood that he did not own his wife, nor could he force her to live in poverty. So, he approached the *qadi* to begin divorce proceedings. The *qadi*, Sidi Mohamed, imposed a four month ‘*ida* (a waiting period after the last incident of sexual intercourse to see if the woman is pregnant so that paternity issues can be factored into the divorce settlement). The *qadi* ordered an extra month of ‘*ida*, perhaps because the bride was a woman of larger size on whom pregnancy might not be detectable until the second trimester. If so, her size signified that she was accustomed to a somewhat comfortable life, including being well-fed. If the bride came from a middle class family, there might have been a class distinction between the bride and groom. In any case, by the fourth month, the wife’s pregnancy was apparent. The husband still wanted to divorce her because he was unable to support her in the manner to which she was accustomed. Her parents decided to pay her expenses out of her *sadaq* as her guardians. The wife reached an agreement with the husband to give him the custody of the *sadaq*. The parents were not cooperating with her decision. Were they justified?
In this case, the wife was well within her rights under the Berian system and the parents were wrong for denying their daughter’s juridical maturity and agency by imposing a patriarchal definition of woman-as-perpetual-jural-minor. The jurist’s answer to this case began with the fact that the father interfered with his daughter’s right to manage her own wealth. He was supposed to follow her wishes as her chosen administrator and he did not have the right to act as a guardian of a minor. She legally ceased to be a dependent in the father’s household, according to the jurist, when she married. The jurist also refused to transfer the daughter as a jural minor to the dominion of the husband. Rather, the jurist proclaimed that the wife was a free agent, legally mature enough to make her own decisions. While she had the right to return to her natal household, she was not governed by her father. “This is so in the teachings of Malik and the teachings of others” such as Ibn al-’Attas and Ibn al-Hindi. Having established the wife as a free person, the jurist proceeded to affirm her right to control her own property. The father sought the right to interfere with the daughter’s wishes with respect to her desire to continue the marriage. “The community of husband and wife is a valid entity,” said the jurist, “and in this estate the wife has the rights of an adult woman.” She had the right to ask the groom to divorce her. He would have done so had she asked so that she could have returned to her father’s house in which case, she would have had access to her mahr (gift from the groom to the bride) for support. She could have initiated a khula’ which would have obliged her to give him financial support out of her own financial resource. The fact that she did not pursue this second course indicated to the jurist that she was wise enough not to squander her resources. The jurist then turned on the father for agreeing to a marriage without fully
investigating the financial worthiness of the bridegroom. This irresponsible father was
short-sighted, or perhaps was exploiting his daughter to procure resources from the groom.
A prudent father, especially one from a comfortable Berian family, should never have
proceeded with the marriage in the first place. The father had disqualified himself from
acting as a competent wali and had no standing to claim genuine concern, added the jurist.
So, the jurist turned to the wife/daughter as the only person empowered to make the
decision in this situation. She appeared to enjoy her marriage and trusted her husband
more than her father. This wife volunteered to stay with her husband and she chose him to
manage her sadaq. At no time did she surrender the sadaq to him as a gift and she retained
her right to recover the property. Her decision indicated her maturity and her ability to
preserve her own interests. The jurist denied the father’s claim.16 This woman was able to
act without her husband and without her father with respect to her financial matters. Had
she been in a more patriarchal society, with a jurist who ascribed to West Asiatic Islamic
values, some man (father, husband, brother, uncle, guardian, qadi, etc.) would have had the
right to control her wealth. This case exemplifies the independence and agency of non-
royal women in Moroccan Maliki jurisprudence. It also indicates the passing of the
amhars patron/client marriage form which the bride’s father might have had in mind when
he agreed to the marriage in the first place. The bride, however, followed Zeineb’s pattern
by choosing her own champion for her estate.

In the third case there was a distinction between a free woman and an enslaved
one, but this case showed that a woman’s right to dignity, regardless of her social status,

had to be considered even in cases that appeared only to concern the men’s rights to a woman’s body. This case was referred by Sidi Abd al-Qadir al-Fasi to a jurist. A nobleman had a son and a slave concubine, who his son wanted for himself, but his father refused to give her to him. The son used her anyway and impregnated her. A daughter was born. Then the son asked the father for the concubine in marriage, fully expecting the father to free the concubine as an *umm walad* and to endow the concubine with a marital gift. What was the father to do about the demands of the son who committed adultery against him by usurping his sexual rights to the woman whom the father might have married at a later date?

Sidi Abd al-Qadir raised this case because he was not only concerned with the rights of the father, he was also concerned with the status of the concubine. Had the father impregnated the concubine, then she would have been entitled to co-wife status and become one of the son’s mothers. As a free woman married to his father, her union with the son would have been absolutely forbidden. Rather, she was a slave who had been impregnated by the son and might have been eligible for *umm walad* status via the son because he recognized the daughter as his own child and his heir. By moving this slave to *umm walad* status, she was entitled to freedom and inheritance. The son’s actions indicate

17. I chose the verb “to use” because the son’s subsequent behavior does not indicate that this was a romantic coupling since he showed little parental concern for his daughter by this woman.

18. In the *Muwatta*, 28.15.36, it reads, “Yahya related to me from Malik that he had heard the ‘Umar ibn al-Khattab gave his son a slave-girl and said, “Do not touch her, for I have uncovered her.”” It also says, “Yahya related to me from Malik that ‘Abd ar-Rahman ibn al-Mjuabbar said that Salim ibn ‘Abdulla have his son a slave-girl and said, “Do not go near her, for I wanted her, and did not act towards her.”” Ibn Anas, *Al-Muwatta*, 216.
that he wanted her share of the father’s estate. Did this make her a member of the father’s household to whom the father was obligated to give property? Because of the son’s disrespect for his father’s sexual rights to the concubine, the father faced the loss of the concubine as property and also any property that might be due her as pre-marital property.

The jurist decided that the concubine’s rights took precedence over the father’s property rights in her. In the answer, the father did not have the right to refuse her marriage to his son. The father was obligated to free her and act as her wali. However, the jurist mitigated the damages imposed by the son on the father by setting a limit on the sadaq to her at a sheep from the market. In this way, the jurist also limited the resources the father transferred to the son and prevented the son from using this woman to enrich himself at his father’s expense. The son acquired all of the obligation of marriage. If the son had the sheep slaughtered, the father could claim this as a ritual in which the son pledged himself as client to the father, thereby reducing his status in the father’s household. If the son let the sheep live, the concubine might generate some small income from selling its wool and raising a small flock. The jurist had reason to use this case to settle similar, potentially exploitive situations. For example, the al-Qadir, the referring jurist, asked about the possibility that in the marriage contract the son might have stipulated that the daughter had to be in perfect health or returned to his father if she had a deformity. The reviewing jurist agreed that the son could make such a stipulation in the contract but since he was technically marrying within the family, there was no recompense due for such imperfections. The concubine was a female client of the father who valued her assistance in his battle with his sexual urges, hence her job title as concubine and not slave. By
requesting his father to endow the concubine, the son elevated the woman to a quasi-
daughter or cousin. As a family member, there was no question about returning the son’s
daughter to the father because she was not a slave to purchased or sold. Even raising such
a question showed that the son did not see the woman as wife and life partner but as a
financial conveyance, further revealing his intent to exploit the woman. If the son had
claimed that the concubine was not a virgin, he could have changed his claim to say that the
daughter was not his. The jurist stopped any further possible attempts by such a son to
manipulate the situation to his benefit. If the concubine claimed that she was a virgin, she
was to be believed and no public spectacle was to be made of this case. The jurist insisted
that no one use any evidence to further hurt or disgrace her. The son was further obligated
to give her the minimum bridewealth. He could not contest this. The son had virtually
married her anyway and this contract and property transfer were subsequent to his
acceptance of her when she was not a free woman.\textsuperscript{19} It was clear from the actions and
questions raised by the son that this woman and her daughter were moving to the
household of a disrespectful man. The jurist made sure that this woman had the resources
(the ability to raise a flock of sheep) to leave this bad marriage if she wished.

The jurist’s concern with the woman’s rights and dignity in this case reveals much
about the day-to-day defense of Berian women’s rights by empowered men. Father and
son were interested in the accounting changes on the balance sheets as she moved from
property to heir status. The jurist shamed these men by focusing on this woman’s right to
some happiness in her lifetime. This concubine, regardless of her condition of servitude,

\textsuperscript{19} Alami, \textit{Kitab al-Nawazil}, 155-6.
was a human being endowed with rights to dignity and fair treatment. The fact that she was enslaved when this situation began did not deprive her of her humanity even as the jurist recognized that she had no free will in this situation. As property, her ability to deny the son’s sexual impositions was compromised. The fact that she was not yet impregnated by her owner also is a question that is not dealt with here directly, suggesting that she might have been extremely young, that the father might have become infertile, or that the father practiced birth control so as not to dilute the inheritance owed the other women in his household from his estate. The situation was presented as if only the son had been using the concubine. If the father had been enjoying her but was using *coitus interruptus* for birth control, two additional facts would pertain to the case. First, the father had chosen to keep her in slave status by not impregnating her himself. Second, if the father and the son were both using her, then it could be argued that she was being used as a prostitute and slaves were not supposed to be prostituted. Since the father was described as a noble, a *sharif*, then he could not be found to have violated the principle of non-prostitution of concubines. Nevertheless, the reputation of the sharif was no more important for this jurist than the humanity and dignity of the concubine.

In each of these cases, then, the qadi decided against the West Asiatic Islamic schools in favor of Berian matrilineal values and practices. While women’s defense of Berian women’s rights was contested in the private space of the home in Spain, in Morocco women were defended by men in the relatively public discourse of legal interpretations and
pronouncements. Navigating between the Berian and West Asiatic Islamic systems required skill and there were times when individual legal experts floundered, but Berian values were consistently confirmed.

In Morocco, jurists used their political power as a defensive weapon against the patriarchal incursions. The cases discussed above show that patriarchal approaches to women’s rights were acceptable to some men but there were other men who found the denial of women’s Berian rights, even those of enslaved women, to be deplorable. In the Berian system, there were many cases of men who defended women, as late as the Almoravid era and even among the Tuareg studied by Maher and others. Kenza married Idriss I and, according to Berber narratives mentioned in previous chapters, Idriss’ role was to lead the Awraba clan against the West Asiatic Muslim invaders. Zeineb married several times and each husband was charged with leading armies that she financed. Among the Tuareg of the twentieth century, a son-in-law was judged in part by his ability to defend his wife and children from hunger. In all of these cases, men protected women. This is quite different from men who sequestered women’s bodies. In the Berian model, men made no attempt to limit women’s mobility nor did they demand control of women’s finances. In the sixteenth century, however, women no longer had such public governing roles. There was an accommodation to the patriarchal incursion. The jurists in the above nawazil appeared determined to limit the extent of accommodation for they proscribed any efforts to impose male domination by father or husband.
Continuity of Berian values on both sides of the Strait

Berian women and men not only defended women’s power from pre-Islamic times and during the Reconquista, they celebrated their Berian cultural roots regardless of the cultural constraints imposed by the hegemonic colonizing government. Berbers managed to shape Islam to suit their local customs. For example, in Fez of the Marinide era (thirteenth through fifteenth centuries CE), the fuqaha “had to reckon, to a certain extent with the mystics, the saints living or dead, who exercised perhaps less influence than they did on the minds of the citizens, but who ruled them through the emotions.” There were at least two saint festivals, moussem, in Merinide Fez. The first of January on the Julian Calendar was a festival about food and farming known as Haguza. The other one, Ansra, was celebrated at the beginning of July “for a whole day people vied in sprinkling one another with water in the streets and on the terraces, for the women took an active part in the festivity.” In southern Morocco, moussem celebrations, such as the Tazeroualt in Sus or Regraga in Chiadma, took on a commercial nature in that merchants found the occasions good opportunities to make contacts for future business deals. One could call this a fertility ritual for fruitful commerce because male and female merchants were able to talk with one another as women learned of economic opportunities beyond their home town without traveling to each location. Once contacts were made, a woman could instruct an intermediary to carry out the details and work of the business deal. Where some scholars might focus on these festivals for evidence of libidinous liberty and manifestations of

patriarchal harem fantasies, one cannot overlook the importance of Berber women’s commercial activities.

Berian celebrations of women’s power, social importance, reproductive fertility and even women’s commercial skills, all Saharan African values, transferred to Spain and influenced Western Christian women. The *moussem* was replaced by veneration of female Catholic saints. An unexpected manifestation of these values occurred much later in the British garrisons at Tangier, late seventeenth century, and at Gibraltar, which will be discussed in Chapter 6. There evidence from court martial records shows that initially business women in these garrison towns surrounded and occupied in part by people of Berian persuasion demanded protection of their rights to body and property from the military court. In Tangier and in the earliest years of British occupation of Gibraltar through 1720, women, who were frequently described as business owners, were plaintiffs in cases about character defamation, assault and property ownership. However, by the beginning of the nineteenth century, women appeared in these records as items to be transported home when regiments were reassigned. What is interesting is that as long as Morocco and Spain dominated the Straits between Gibraltar and Tangier, and Britain’s presence was tenuous, women were present as legal equals in the court records. British women’s standing in the courts diminished in proportion to the increase in Britain’s military
power in the area. Matrilineal rights diminished as Morocco’s political influence on the patrilineal British decreased.

**The Almohad Challenge**

Evidence from the Strait also indicates that West Asiatic Islamic values acquired more followers over time and some followers migrated to Africa. The Almohad movement was an example of Berbers who adopted West Asiatic Islamic values living in the Maghrib. The Almohads imported a patriarchal Islam to southern Morocco, suppressing women in more ways than the divorce of Ghania’s daughters implies. Even if this divorce narrative served as a propaganda metaphor for a patriotic, Almoravid resistance movement, it is still a significant indicator of Almohad attempts to reorder the role of ordinary women. Again, because people practiced Berian values in the private space of family relationships, no matter who the governing authority was, these patriarchal incursions always failed to eradicate Berian culture.

The West Asiatic Islamic influenced Almohad movement promoted a fairly patriarchal agenda in promoting its own definition of orthodox social order. Almohads connected founder Ibn Tumart to Hellenized al-Ghazzali, some claiming that Ibn Tumart met with him in Syria and others that he studied with him and also that he studied in Mecca. Al-Ghazzali’s philosophies regarding women were so heinous to the Almoravids

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22. PRO, WO 284 Series. Much scholarship exists on the topic of violence against women in the early modern period that suggests a relationship between heightened violence against women and industrialization. However, since these garrison towns were not industrial centers, the change cannot be ascribed solely to the Industrial Revolution and the rise of capitalism.

that they burned his books. The forging of this *silsilat* or intellectual connection can be read as a power story in three directions. The Almohads might have appealed to resident Syrians for support as they took over the Almoravid power structure. The Almohads might have attempted to legitimize their movement by drawing upon West Asiatic Islamic sanction of their leader. Or, Syrians might have attempted to put an Arabized intellectual father on an African movement that overpowered them in Andalusia.

While race or nationalism is certainly a factor here, there is also the change in the liberties of women. Almohads were not supportive of women’s rights at the Berian level.

An eighteenth century Arab text recorded the efforts of the daughter of the Mahdi who obeyed him in constructing a series of ramparts so strong near the Tinmel *zawiya* that even the Mahdi himself would not be able to enter. This faithful daughter did as she was told. Who was this daughter? The Mahdi had no children. This daughter might have been a female protégé of the Mahdi but the movement was too patriarchal for that. There is a metaphor in Arabic in which a suburb/city relationship is described as a parent/child relationship. Hence, this daughter of Tinmel probably marks the founding of the walled city of Marrakesh. In this Almohad narrative, the female protagonist is a metaphor, and not a real person as Zeineb or Arwa or the Kahina were. In stories from patriarchal West Asiatic Islamic areas, empowered female characters rarely appear. Even more to the point was an order issued by the Mahdi targeting Berian women. Ibn Tumart in *al-Qirtas* wrote that the Mahdi “ordered his followers to treat [Almoravid] women, children and their properties” as

slaves. Patriarchal males confiscated property owned by women in the name of piety. By enslaving the children, he deprived these women of future financial support in their old age. By enslaving the women, he reduced them to bodies, to sex workers subject to a man’s pleasure. The Mahdi knew that the strength of the Almoravids was their women. This information renders the divorce case of Ghania’s daughters even more important as a rallying call for an Almoravid resistance movement. Without these Berian women and their wealth, the Almoravid military complex was vulnerable. The Almohad system enjoyed supreme power in Morocco for more than a century before they were displaced. During this time, the saint cults continued, giving women a place to remember and celebrate their power during this oppressive time. Berber women celebrated a life away from men, and ritually reminded their men that woman’s cooperation in the home was a gift and not a right. The last Almohad communities were destroyed by the Alawis, indicating centuries of coexisting systems regarding women’s rights.

**Variations in Matrilineal Legal Forms**

Matriliny varies in form; a comparison of the *Siete Partidas* and Moroccan Maliki Islam indicates how in these cases. The difference between the matrilineal forms of the *Siete Partidas* and Moroccan Maliki Islam can be fully understood after a review of the


arrival of patriarchal West Asiatic Islamic values in Iberia. This must be reviewed in order to appreciate the mélange of cultures in Castile by the time of the writing of the *Siete Partidas*. The flag of Islam was all that united the Muslim invaders by 712 CE/93 AH, especially with respect to women’s rights. On that matter, patriarchal Catholics might have had more in common with patriarchal West Asiatic Muslims than West Asiatic Muslims shared with Berian Berbers. West Asiatic Islam included non-Berian philosophies such as classical Greek philosophies and elements of Mazdaism, a dominant religion in Persia and Mesopotamia for more than two thousand years before the prophet Mohammed was born. This dualistic religion in which the world was divided into Truth and Falsehood, good and evil, was very patriarchal in its earliest form; however, the religious revolution led by Zoroaster around 1500 BCE elevated women to a new standard as priestess of the home which became the primary site of daily rituals. A priestly class, the Magi, coopted Zoroaster’s movement and shifted the location of worship to temples and away from the control of women in an effort to create a state religion acceptable to both Mesopotamian and Persian populations after the Roman. For most people, especially among the rural and working classes where Zoroaster’s reforms held, little changed in terms of the gendered practices of religion.

While ordinary people in portions of Western Asia adhered to more gender equalitarian values, the Sassanian elites purposefully fused Hellenistic philosophy with the state religion. Hellenization expanded the dualistic cosmology by inserting a gulf between the intellectual and the experiential worlds, between thought and emotion, and ultimately between men and women. This movement imitated the peripatetic method of seeking
knowledge and copied the homosocial environment of the Greek classical age and the fledgling Catholic monastic orders. This version contained a patriarchal association of reason with men and irrationality with women. The Mu-tazalite doctrine combined Zoroastrianism and Islam, creating a doctrine of divine unity, divine justice, the intermediary situation, and the moral imperative. Humans, and the community at large, were free to act and were responsible for their actions, with the possibility of punishment and reward met in this lifetime. “The Mu’tazilite attitude . . . consists in depriving God of all operative action and ends finally in agnosticism.”28 Another dominant school of West Asiatic Islam was the Ashar’ite philosophy which held that God positively manifested reality and was the author of all human action, giving some individuals a philosophy of irresponsibility for one’s actions.29 While West Asiatic intellectual Muslim men debated their accountability to God, they agreed that men dominated women who represented irrationality. Followers of both doctrines lived in Iberia where they debated with followers of Maliki jurisprudence. By the time Nizam al-Mulk founded the universities at Baghdad and Nishapur in 1085 CE/459 AH, the Ashar’ite doctrine was the official one of the ‘Abbasid empire30

The year 1085 CE/477 AH was a portentious one. The Ashar’ites of Baghdad and Nishapur had academies. Ibn Tashfin and the Almoravids ruled much of Iberia. Queen Arwa began ruling Yemen in her own right. Ibn Tumart was a youth and Al-Ghazali had not fully formulated his philosophy. The Pope and the Holy Roman Empire were

30. Corbin, History, 118.
preoccupied with the Investiture Crisis. Alfonso VI of Castile conquered Toledo and a few years afterward he married Zaida. While there was conflict in many areas around the Mediterranean, there was also a window for cultural fusion in Iberia.

Within two hundred years, Alfonso X el Sabio of Castile commissioned the *Siete Partidas*, which were heavily influenced by Berian values with regard to women’s rights. In both systems, slaves were legal persons with the right to marry. Slaves could also accumulate wealth and property. For free women, coerced marriages were illegal, fathers could not force their daughters to marry, nor could family members accept bribes to sway a marriage decision as they could in the Visigothic system. In Castile and in the Berian world, the groom paid bridewealth; however, in Western Christian Madrid, the bride paid a smaller gift to the groom than the groom brought to the bride, demarcating a Berian frontier.\(^{31}\) Married women had a right to their pre-marital property and they had the right to file a claim in court to protect that property from irresponsible husbands. Castilian women could not govern their nuptial wealth until they reached twenty years of age.\(^{32}\) Berian custom held that a married woman of any age was responsible enough to manage her money or choose a trustee. While Castilian women could file a claim for divorce on the grounds of adultery, Berian women could find the ultimate relief from such husbands because these women had greater divorce rights. At the most elite level of society, the *Siete Partidas* did allow women to inherit the throne, whereas Aragonese law did not. In the Moroccan system, women like Zeineb controlled the land and selected a general as consort. That

\(^{31}\) Dillard, *Daughters*, 53.
\(^{32}\) Ibid., 50.
practice was present in the Castilian system during this window for cultural fusion, but it is
clear that the *Siete Partidas* represented a compromise of Berian influence with Western
Christian forms as regards women’s rights.

**Conclusion: Matrilinearity varied in terms of class, culture, and over time**

Not all Iberian men appreciated strong women like Alfonso VI’s Zaida and Queen
Urraca, his daughter and heir. Some West Asiatic Muslim and Spanish Catholic men were
threatened by Berian women in Iberia and North Africa who refused to submit to
patriarchal notions shrouded in religious piety. Berian men and women refused to equate
the act of surrendering legal and property rights to men with an act of faith. Ordinary
women resisted patriarchal pressure by claiming new spaces, such as conversing in chapels
instead of public baths, while men and women redirected cultural expressions into different
rituals, such as substituting the veneration of female Catholic saints for the pre-Islamic
moussem. Unfortunately, military and naval technological advances occurred at this time
within patriarchal societies. To mark the change in the balance of power, Western
Christians raised their suppression of women’s rights to new levels. Concomitantly,
patrilineal influences eroded some aspects of Berian matrilineal values on the southern side
of the Strait where military power did not keep pace with Western Christian progress on
this point. By the seventeenth century CE, Muley Ismail selected wives from the southern
clans and these wives had substantial political influence. Sources studied to date suggest a
diminished political role for royal wives in the Moroccan system. In the interim, after all of
the official attempts to purge Berian Islamic values from the Iberian peninsula, many men,
especially Castilians in the Extremadura, refused to stop respecting women as empowered
economic and political agents. Dillard, after thoroughly comparing eleventh through thirteenth century Visigothic, Canon and Castilian marital customs, described a moment after a long marriage negotiation process.

“Contrary to the notably passive role officially assigned the daughter in the marriage process, custom not infrequently recognized the [Castilian]municipal wife as an able and invaluable contributor to the marriage partnership. Her rank and dignity were already proclaimed in the need for a mother's consent to her daughter's marriage and by the bride's procession through town high on a horse beside the man who, in many cases, considered himself fortunate to have won her.”33

While matriliny might have varied, it persisted in many forms over wide areas and periods, and affected women from royals to slaves.

33. Ibid., 67.
Muley Ismail married well when he returned to his mother’s people. He chose wives who, like his mother, were educated in the laws of the Koran and of their people. They were skilled politicians and knew how to bring their fathers and brothers to accord with the king. They all knew that the peoples of the northern coast were sometimes conflicted in their loyalties. If the Christian captives, renegades, and Moroccan sailors were correct, a new clan of European settlers was preparing to invade and take the best lands. They were worse than the Banu Hillal. They had taken over a vast place called the Americas and there was a great plague that followed these Europeans, killing and abusing people in the Americas, who were dying in large numbers. This Charles II and the English were different from the Portuguese and the Dutch. The English nomads were moving whole families in and not just setting up trading factories. Horrible stories of the ways they treated women in Tangier were spreading. They were not welcome, so the queen-mother, Umm Ismail, and Princess Lalla Khenatha and Princess Lalla ‘Aisha brought all of their resources to Ismail. He must lead the Maghfra and the Udaya clans, along with the Tuareg and other Berbers, to defend the homeland of Tiski’s children and keep these patriarchal Europeans out of the Maghrib.

Tiski al-Ardja’s Alawi Sultan Ismail was the victor in the late seventeenth century contest between the Moroccan defenders of Berian values and the English Western Christian practitioner of patriarchy. While he championed Berian women’s rights against a Western Christian incursion and vanquished remnants of the Almohad movement, the English compensated for their political inferiority in the Strait by misinterpreting Berian
and West Asian Islamic gender arrangements and by using that misinformation to create a new expression of masculinity that can be called hyper-virility. For the first time, the English had a port of their own at the Strait where so many cultures and gender systems intersected. The earliest English colonial garrison in the Strait was at Tangier, Morocco, from which Moroccans patiently and successfully expelled them. The related hostilities, marked by English military and diplomatic ineptitude and Muley Ismail’s brilliant revival of Berian political structures along the westernmost trans-Saharan trade route, were obscured in English historiography by a discourse hostile to Muslims. This chapter looks at the unequal power relations favoring Morocco vis-à-vis England, in the seventeenth century for evidence of women’s status in the two cultures. English perceptions of Berian values were later incorporated into Oriental Renaissance literature and later used to romanticize the patriarchal oppression of Anglo-American women.

The Almoravid movement was not extinguished by the Almohads. The movement retrenched and survived among sympathetic groups in southern Morocco and the Sahel. Muley Ismail (b. 1646 CE/1054 AH, r. 1672-1727 CE/1082-1138 AH), second sultan of the Alawi dynasty of Morocco, mounted a campaign from the Sahara to destroy the Tinmel zawiya near Marrakesh, the last stronghold of the Almohads’ imported West Asiatic Islamic gender philosophy. He also finished the expulsion from Tangier of the English garrison, who had arrived around 1662 CE/1071 AH after Charles II of England took title to the port as a wedding gift from his bride, Portuguese Princess Catharine Braganza. The English became only one more coastal, patriarchal society with imperial aspirations for patriotic, non-Berian Berbers to eject from Moroccan soil. While Muley Ismail and Charles
II both happened to be *de facto* polygynous men, the status of elite women in their respective circles could not have been more different.34 This chapter examines these two societies on the Moroccan side of the Strait and finds firstly, that the gynecentric Berian culture found new champions in the Alawi dynasty, and secondly, that a “masculine mystique,” to recall Marilyn French’s term, took the form of hyper-virility as compensation for the English sense of imperial inferiority inculcated by the Barbary powers and polished by the Oriental Renaissance in literature. Where West Asiatic Muslims used allegations of heterodoxy in their imperial histories to silence Berber culture, the English and other Western Christians used hyper-virility to obscure the matriliny-patriarchy contest in the Berian world.

*Tiski’s Alawi champions who resisted the patriarchal incursion*

Tiski’s children regrouped in the seventeenth century to launch the strongest offensive against patriarchy since the Almoravid empire. Almoravid culture did not disappear: it retrenched and survived. The strongest factions of the Sanhaja, also known as the Zenaga, centered on the northern shore of the Senegal river in Mauritania and they

34. I use a strict translation of “polygyny” as “many women,” using -gyn in the same sense as gynecology. Restricting the term to mean “many legal wives” allows for Europeans to claim a sort of exceptionalism in that very few Christian European traditions, religious or juridical, recognized legal co-wives. There is one legal wife or perhaps there is serial monogamy. The English language, therefore and quite conveniently, has no word for a system of one wife with several mistresses, living in the same household or kept elsewhere, even though such a system has been practiced by many men in all social classes. The absence of a word serves the purpose of limiting legal heirs, as will be discussed shortly in the dissertation. Linguistic limitations cannot change Charles II’s amorous history. For purposes of clarity, I will refer to *de facto* and *de jure* polygynous systems.
found sympathizers in the Tafilalt region among the Alawi sherifs, descendants of the Prophet’s family, who migrated in the thirteenth century from the port city of Yanbo’ on the Red Sea to the Tafilalt on the southern side of the Sahara. By the sixteenth century, the Banu Ma’qil Arabs had migrated from north of the Atlas Mountains to preserve their Yemeni cultural practices in a sympathetic region while the patriarchal, West Asiatic Islamic Ottoman empire became more entrenched in the north-eastern swath of the Maghrib. By the end of the seventeenth century, the Alawis and the Banu Ma’qil shared a gynecentric Sahel with the Tuareg, other Berbers, and the Wolof states, all of whom embodied a preference for women’s rights and Maliki jurisprudence.

Matrilineal peoples in the Western Sahel consolidated in the mid-seventeenth century to repel the dual incursions of patriarchal Ottomans and Western Christians from the north. Matrilineage mattered there throughout the centuries, out of sight of Western Christians and West Asiatic Muslims. Early consolidations of the Muslim Sahelian states coincided with Ottoman and European incursions into the trans-Saharan trade system seeking gold mines, slaves and salt. The Spanish and Portuguese directly controlled ports such as Ceuta and Melilla on the northern coast of Africa and were diverting Niger river trade to the Gulf of Guinea. The Ottomans met their match in the Bornu empire in 1576 CE/983 AH after failing to subdue it. The seventeenth century saw the rise of powerful warrior-clans like the Banu Hassan and its sub-branches the Awlad Udaya and the Awlad

Maghfar, the latter being the undisputed leaders following the Shurbubba (a non-religious war) of 1645-1675 CE/1054-1085 AH. King Lat Sukaabe (r. 1695-1719 CE/1105-1130 AH) of the Wolof state of Cayor on the northern side of the Senegal river, reinstated the customary law of matrilineal descent as an early sign of the coming “backlash reaction against patriarchal Islamic or Arabic customs.”

3 Scholars Karamoko Alfa and Boubou Malik were not qualified to rally the Futo Toro jihads of the 1770's until two sisters, Halba and Djiba married them and endowed them with legitimacy. Women still conferred legitimacy many centuries after Zeineb and the daughters of Ghania.

When Muley Ismail married Princess Lalla Khenatha of the Maghfar after journeying to the Western Sahel to find a wife from the federation of Berber clans to which his mother’s lineage belonged, he joined this matrilineal cultural revival in the Western Sahel that had been spreading along the trans-Saharan trade routes connecting the Wolof regions to the Alawis in a rising tide of patriotic energy. When in 1666 CE/1075 AH Ottoman pressure on the Mediterranean coast became too intense, the ulama of Fez called for an Alawi, Muley Muhammad al-Rashid, to defend them. He made some progress, especially against the Dila’ zawiya that was sympathetic to West Asiatic Islamic culture,

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but died in 1672 CE/1081 AH. He was succeeded by his half-brother, Ismail Ibn al-Sharif whose “only real claim to supremacy was that he was the brother to the first sultan of the [Alawi] dynasty.”⁵ Ismail refused to take an oath of allegiance to the Fez community and instead developed the nearby city of Meknes into his capital. He took a terrible military loss in 1674 CE/1084 AH when several clans who marched to battle with him fled at the sight of the Ottomans. Disappointed by the patrilineal, northern Berbers, he turned south to his mother’s homeland in Mauritania. In 1678 CE/1088 AH, he married Lalla Khenatha, daughter of Prince Bukkar of the Maghfar, and she endowed him with access to the Udaya cavalry and the Maghfar army.⁶ In 1680 CE/1090 AH, Muley Ismail, at the head of his wife’s invincible army, like Ibn Tashfin, “the just, the Himyari, then of the Lamtuna,”⁷ declared jihad against the dual, patriarchal empires encroaching inland from Morocco’s coasts.

Muley Ismail built upon a political foundation laid by Ahmed El-Mansour of the sixteenth century Moroccan Sa’adian dynasty who had taken advantage of expanded international trade on the Atlantic by leasing trading concessions and monopolies to Jews and Christians, especially with respect to produce from the sugar plantations of Morocco. The English knew that he was a power with whom they needed to negotiate. There is no

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question that El-Mansour was aware of the politics to the south and also that he learned to
master the politics of the Western Christian. His court was an impressive destination for
English visitors. According to Julien, “he received strangers with pomp. There mixed
influential renegades, Jewish financiers, Christian negotiators, foreign ambassadors and
trusted advisors, political missionaries, businessmen.” The court was financed in part by a
percentage of the profits from war and corsair revenues. 8 Another part was based on trade
with El-Mansour’s southern frontier, where beginning with the rise of the Songhay empire
(at least since the fifteenth century), gifts and ambassadors traveled between Morocco and
Songhay, which controlled the trading hub between northern routes to the Mediterranean
and eastern routes to the Red Sea below the Sahara. El-Mansour decided to cement his
position in the face of a European threat by taking control of the gold routes in a brutal
campaign beginning in 1581 CE/988 AH. He sought to create a Caliphate of the West by
taking Teghazza, Bornu to assure Ottoman exclusion from the area. An interesting point
here is that he sent an army composed of renegade Christians, Andalusians, and Africans,
armed with 2500 guns, 1500 lancers, six large cannons, and supplied by an 8000 camel
train. 9


Unfortunately, it supported itself by pillaging and massacring resistors. The occupying force ruled the area directly from 1591 CE/998 AH until 1612 CE/1020 AH, decimating the intellectual and elite classes to eliminate resistance and they secured their interests there by raising families with local women who endowed their children with legitimacy. Their
children became the new elite in an area abandoned by the Moroccan sultan in 1612 CE/1020 AH.\textsuperscript{10} This hybrid system continued until the Tukulor \textit{jihads} of the eighteenth century.\textsuperscript{11}

El-Mansour, who had traveled abroad, recognized that there was a change in the scale of what constituted a major power: control of formerly independent areas. Faced with the expanding Ottoman and Catholic empires, he knew that if Morocco did not become a colonizer, then it would eventually be colonized. El-Mansour also realized that alliances in the international arena were tenuous. Where ‘Abd al-Malik had been a friend of Philip II of Spain, Philip’s sons, including Prince Henry the Navigator, attacked Morocco at Ceuta in 1415 CE/817 AH. Islands off Morocco’s coast were falling into Iberian hands. Portugal’s goal was clear to Mansour: capture the islands and redirect the trans-Saharan gold flows to these ports to bypass and bankrupt Morocco.

El-Mansour sought an alliance with Elizabeth I of England, perhaps because he perceived her to be a \textit{kahina} or Sayyida Hurra or an unencumbered Zeineb or Kenza. He might also have wished a non-Catholic ally. England was moving into Portugal’s former trade in gold, sugar, leather, saltpeter and contraband. Instead, merchants convinced Elizabeth to charter the Barbary Company in 1585 CE/992 AH.\textsuperscript{12} Mansour recommended

\begin{itemize}
\item[10.] Julien, \textit{Histoire de L’Afrique du Nord}, 582-584.
\end{itemize}
the alliance of Morocco and England to strangle Spain, giving England easier access to New World silver and ridding Morocco of a threat to its regional monopoly. The offer of peace and allegiance was worthy of consideration from the English point of view because Barbary pirates, from Rabat to Tripoli, had been raiding the Irish, Icelandic and English coastal villages in addition to confiscating English ships in the Mediterranean and this alliance might end that hostility by redirecting the privateers to Iberia.

The English chose another tack in the seventeenth century by securing a trading port inside the Strait of Gibraltar. Tangier came to Charles II of England in the 1662 CE/1071 AH dowry of Catharine Braganza of Portugal.

“At this time the town consisted of about five hundred houses, and one handsome Parish-church, a convent of Austin Friars, and nine other chapels, or places of public devotion. The number of inhabitants esteemed between 4000 and 5000, of which women and children were allowed to be at the least two parts of three.”

13. Sir Hugh Cholmley, “The Memoirs of Sir Hugh Cholmley, Kent and Tart. Addressed to his two sons in which he gives some account of his family, and the distresses they underwent in the civil wars; and how far he himself was engaged in them. Taken from an original manuscript, in his own Hand-writing, now in the possession of Nathaniel Cholmley” (1787), 3, 13, 12. Bodleian Library, Oxford University.
The information that was reaching England at this time about the Mediterranean/Islamic world-system indicated that England had little hope of challenging either the Berian or the West Asiatic Islamic civilizations, whose navies and licensed pirates wrought havoc on English shipping in the Mediterranean Sea and the Atlantic Ocean. The English therefore initiated at this time a deliberate campaign of misinformation about harem life via the English printing presses. The degree of inaccuracy in this kind of literature is a direct, inverse indicator of the magnitude of political, military and economic envy directed against the Barbary states.

England’s hold on Tangier was always tenuous and their military quite capable of ineptitude. The Portuguese might have felt the right to transfer title to the town to the English as part of the royal dowry. The Moroccans did not assent to the transfer nor to its occupation. The civilian and military population in Tangier maintained England’s Mediterranean supply station and constructed a mole [an artificial jetty to allow dockage of deep draft ships] that, as of 1082 CE/1672 AH, was just over four hundred yards long. Sir H. Shere noted that “the Town is very poore & the people very mutinous for want of pay and provision.”[sic] He recommended to the Earl of Anglesey that if a choice had to be made between two wants, “people may live without money, but not without bread.” To

14. One of the hallmarks of Muley Ismail’s reign was the expulsion of Europeans from Moroccan soil. Sir Hugh Cholmley, “An Account of Tangier. By Sir Hugh Cholmley, Bart. With some account of himself and his journey through France and Spain to that place, where he was engaged in building the mole in the time of King Charles the second; and a journal of the work carrying on. And also some of his speeches in Parliament” (1787), 80. MS. Delta Collection, Bodleian Library, Oxford University.
complicate matters, the Moroccans were pressuring the English to leave. “The Moore this morning had laid a dangerous ambush neare our quarrye,” the source of stone blocks used to construct the mole. The English had hoped to negotiate better terms of co-existence during an internal civil war in which Muley Hammett challenged his uncle Sultan Muley Ismail. Word to the English of Muley Ismail’s victory included the news that “he had cut off some few heads of [these] principal rebels in Morocco and put out some eyes (a barbarous custom among these peoples) and hath now established all things in peace.” \(^{15}\) Hammett’s challenge abated, Muley Ismail turned his attention to evicting the English.

Muley Ismail completed the expulsion of the English from Tangier that Muley al-Rachid had begun. Isaac Hunt’s journal yields insight into the escalation of hostilities prior to the major siege of 1680 CE/1090 AH. Hunt sailed from Portsmouth in July 1679 CE/1089 AH in the food supply ship *Patience*, Captain George Batersby, and arrived in the “Tangir [sic] road” in September. They made several deliveries to Tangier of oatmeal, peas, cheese, beans, beef, fish, pork, and coal over the course of approximately three weeks. The ship had to offload by row-boat and not directly to the mole, getting off on a good day four trips to shore. During the course of the mission, Hunt made entries about the English and the Moroccans taking casualties as they sometimes shot at each other. By 3 October 1679 CE/1089 AH, the Moors had constructed a hill of sand and situated two

\(^{15}\) “Copy book of letters written by Sir H. Shere from Tangier, from his first setting out on his voyage thither, 25 May 1676 to 6 July 1679.” MS. Rawling Collection, Bodleian Library, Oxford University. The civil war is mention from 22 July 1676 to 20th July 1677, on which date Shere notes that Ismail had won but rumor had it that Hammett was not retired so quietly to Tafilet as he might have.
cannons on it to fire upon the *Patience* and any other ships in the Strait. By 14 October 1679 CE/1089 AH the English military convoy had arrived to assist the fort. After some time the siege was engaged.

Tangier was under siege from March 25, 1680 CE until May 19, 1680 CE/1090 AH. The town was protected by a ring of forts: Charles Fort, Kendal Fort, Pond Fort, Henrietta Fort, Peterborough Tower, Pole Fort, Norwood, Pools and Giles Fort. One diary kept by an officer who was probably inside Charles Fort gives a good description of the tenuous hold the English had on the port. He detailed almost daily the activities of the Moors. In fact, there was every admission of English military inferiority. This officer noted that at one point, the Moroccans “pitched eight of their colours in their Lines,” each colored flag representing a division of soldiers scattered between Kendall, Charles, and Henrietta forts. On April 1, “we espied their Army marching over the Hill in great Bodies, both Horse and Foot, Colours flying, but to what intent we knew not.” By night, the Moroccans dug into the earth in order to sever the lines of communication between the forts and also to enter some of the forts by tunneling beneath the walls. The earthworks,

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16. Isaac Hunt, “*A Jornall kept by Mr. Isaac Hunt on boat Patience George Batersby Comander wee being bound for Tanger [sic]and Malligo,*” (1679). BL, Sloan MS. 2034. These dates are problematic. This has a siege in 1679. The other letters say 1680. The town was supposedly destroyed and abandoned in 1680 but Kirke was there in 1684 and so was Dummer and Dartmouth.

17. Anon. *An Exact Journal of the Siege of Tangier: from the First Siting Down of the Moors before It on March 25, 1680 to the Late Truce, May 19, Following. In Three Letters, Written by Three Eye-witnesses of the Whole Transaction* (London: Joseph Hindmarsh at the Bull in Cornhill, 1680), Bodleian Library, Oxford University.
some “trenches being in all places deep, and in most places treble a mans height” effectively isolated the forts from the towns. By Sunday, 4 April, there were “ten colours pitched flying in their lines.” By 10 April, the English “perceived between us and Henrietta some sorts of engines made by the Enemy to run upon wheels, whether it was to shelter them from our shot in time of their work, or otherwise.”

The constant digging, and the display of large numbers of soldiers and the increasing isolation from other forts took its toll upon the English soldiers. “The same day happen’d a discontent among our men for want of Wine . . . very near to the height of Mutiny.” All the more frustrating was knowledge that there was at least one sloop in the bay and other boats who were unable to help the besieged forts. On 16 April, Captain Trelawny, the commander of Charles Fort managed to get a message through to Governor Inchiquin by way of “the Speaking-Trumpet” even though “the Moors fell a hallowing and shouting all along their line.” Without firing a single shot, the siege seemed to have worked by 27 April. A delegation from the Moors, “a French-man and an English-man from Tetuan” arrived under a truce to deliver the ultimatum. “They had undermin’d all our Forts, and if we would not yield ourselves Prisoners at War, every one of us to be Slaves; they would set Fire to their Gun-powder within an hour.” The English had not lost all hope. They sent two miners to inspect the Moors’ works under truce and based on their assessment, the English declined the ultimatum. The Moors fired but did little damage. Further complicating matters was an abundance of rain that began to flood the tunnels. On 10 May, the 170 or so English soldiers at Charles Fort found themselves surrounded by as many as 6000 Moroccan soldiers. The sight prompted the regular soldiers to give three
days’ notice of their willingness to accept the ultimatum and the officers decided to abandon the fort, after jamming the cannons. Only 44 of the men made it to the safety of the town. Captain Trelawny was not one of them.\textsuperscript{18}

Ismail’s army employed intimidation as a tactical weapon, parading the troops before the English. At first, as on 31 March, there were eight flags marching: “one all red under Kendal [fort], four with Yellow striped . . . as also one all Green.” By the end of April, “all their Colours to the number of 17 or 18 out of their Trenches” moved. By the end of May, “the Alcaid [decided] to draw down all his Forces upon the lines, and place them one by another like so many Sheep, as we thought, to the number of 5 or 6000.” Another journal claimed that “Omar Ben Haddu Alcaide of Alcaser, encouraged by former successes, came against Tanger [sic] with an Army of about seven thousand Men.” Ben Haddu was determined to capture the English: “he wanted not Stone-walls, but Slaves for his Masters [sic] Service.” Eventually Ben Haddu was able to take fifty-seven English: “12 of Giles fort, 30 in Henrietta, and 14 and the Boy of Charles Fort.”\textsuperscript{19} Being English was no guarantee of liberty in North Africa.

Further lessons of this siege were many and did much to remind the English that they were far from being the dominant power in the area. First, one Alcaide, Omar Ben Haddu of Alcaser (al-Qsar?) was able to marshal an army of 7000 men, according to the second journal in this collection of accounts, whereas the English had not yet developed a

\textsuperscript{18} Ibid. 

\textsuperscript{19} Ibid.
system of maintaining several garrison forts and units in a single port. Second, the Moroccans were more interested in Christian slaves so that Muley Ismail could employ them in the construction of his palace at Meknes. Third, “the Moors grow a formidable Enemy, being improved in all the Arts of War, as Mining, Sapeing [sic], Intrenching, Scaling and Battering. . . . So that we shall be brought to the condition the Portuguez [sic] were in, but we can’t bring the Moors to the same they were in.” Early reconnaissance reports alleging a weak Moroccan army had to be corrected as Ismail’s military power was increasing “from a cowardly and inconsiderable Enemy, turn’d to a puissant and formidable Foe.” Princess Lalla Khenatha’s Banu Hassan were impressive and England’s honor at this siege was sorely battered. Meanwhile, the English soldiers were “few, but of Fighting Men much less, many being superannuated, but more disabled by Debauchery.” There was no way to guarantee the loyalty of the few English soldiers who were incapacitated from alcoholism, sexually transmitted diseases, or arthritis. After the siege was over and business relations returned to normal, at least four of the English soldiers “turn’d Moors”, one of whom gained a sizeable promotion to Master Gunner for the Moroccans. The Islamic slave/civil-service system offered golden opportunities that the English class system denied the ordinary soldier.

Later in 1680 CE/1091 AH, Charles II sent new English troops to retake Tangier, including “Mr. Shere, His Majesties Surveyor-General” and an engineer by the name of Major Beckman. They endeavored to undo the earthworks that undermined the forts but

20. Ibid.
the Moroccans attacked. The author of this report claimed five hundred Moroccans killed (with no mention of the number of injured persons) while the English suffered only twenty-four dead and fifty-four wounded. The author asserted that “we pursued them scattered like sheep at least a mile into the country, killing several of them in every camp among their tents.” In this account there are no women mentioned, not even among the townsfolk or among the Moors. Perhaps the women were omitted to avoid detailing the rapine committed by soldiers confined for several weeks in a ship or fort, an aspect of English military life that will be reviewed in the next section. In the battle that occurred on 27 October 1680, there were nearly 2000 English foot and mounted soldiers, with a ratio of one horse to five foot soldiers.\textsuperscript{21} They did manage to occupy the port but at considerable expense. King Charles pleaded with Parliament on 29 November 1680 for more funds to finance the English outpost.\textsuperscript{22}

Propaganda from the Strait included “A Particular Narrative” useful in supporting Charles’ cause before a Parliament that was under the impression that Tangier was “under the command of Popish Governors.” Furthermore, the propaganda sought to instill a sense of national interest in a mercantile operation that was until then primarily a private venture.

\textsuperscript{21} Anon. “A Particular Narrative of a Great Engagement between the Garrison of Tangier, and the Moors, and of the Signal Victory which his Magesties Forces obtained against them on the 27th of October last” (London: In the Savoy, Thomas Newcombe, 1680). Wood Collection, Bodleian Library, Oxford University.

funded by the king and his co-investors. Propaganda was needed to draw Parliament’s attention away from Restoration politics. Securing a toehold, let alone a foothold, in the Mediterranean was proving difficult in 1680 CE/1091 AH: the enemy had to be exaggerated early in the year to explain the loss of life and property at Tangier, and then diminished later in the year to pretend victory worth investing national monies. The English were so focused on the mole at Tangier that they did not mention anything about Morocco’s interior territories nor Morocco’s domestic politics nor economy. Eventually, Charles II ordered the destruction of the mole and abandoned his Tangier project. England was a marginal power, a newcomer, in the Mediterranean where Catholics and Muslims were forces writ large.

**The English and hyper-virility**

England’s long-term success in the Mediterranean depended upon women in several ways and a culture of hyper-virility emerged to mask this reality, as shown among the English elite in Tangier when it was not under siege. Some of the English followed the Berian *amhars* custom of marrying local women. For example, Robert Cuthbert was an astute merchant who married a Spanish woman, much as opportunistic bridegrooms in the Spanish Extremadura did during the time of the Castilian conquest of Andalusia. Perhaps the most valuable asset Cuthbert acquired was information, a commodity he could have

pandered to other European merchants who were moving into the Strait between Tangier and Gibraltar. The Berber and Iberian women who ran some English gentlemen’s homes in Tangier port were valuable resources in terms of information about household management and cures for local ailments to the newly arrived English women, who became a sizeable portion of the population in Tangier after a deliberate campaign to recruit settler families. Sir Hugh Cholmley, one of the chief engineers of the mole, suggested financial incentives such as free rent for warehouses on the mole to those English who kept a family housed in the town and “granting either the inheritance, or such long leases as may be an encouragement to building, and fixing of families here, and by giving some allowance out of the public stock to all children born upon the place, for some years.” A document circulated that was similar to the type of document used to recruit families to the colonies in North America.

“To underscore the healthy environment, the author continued “the Moors thereabouts live commonly to a great age: I have seen many amongst them about eighty and ninety years of age, very lusty.” The author acknowledged some unnatural deaths but their causes were elective and not from plague. “I confess many have died in this place, but most through 

their own follies, debaucheries, and lust: which have destroyed here many of his Majesties good subjects.”  

The debauched expressed the worst aspects of hyper-virility. Some British men were able to protect their wives. For example, Mrs. Cuthbert might not have had many women of her social ilk with whom to socialize. She was an elegant hostess, according to Samuel Pepys, who dined with her and her husband in their Tangier home on 8 October 1683 CE/1093 AH. She earned a compliment, a rarity in his journal: she “gave me a Spanish dinner very good and neat and the finest Spanish woman, Mr Cuthbert’s wife, that ever I saw.” Her husband’s friend, Dr. Lawrence, was married to “the prettiest Moor, [Percy Kirke] said she was, that ever he saw and that the Doctor would not let him have anything to do with her.”

Dr. Lawrence secluded his wife to keep her away from the officers of the garrison. In this case, it was the hyper-virility of British men, a Western

25. Wood Collection 559, fol. 16:1, Bodleian Library, Oxford University. A similar description was printed in 1664 in another portion of a document entitled “the English at Tangier, June 16, 1663.” “They live till threescore, as lustily as we do at thirty, and then they droop suddenly, scarce any of them exceeding seventy.” This author complained of the spread of venereal disease in the area, “the French pox: a disease that came thither with the Jewes that were banished [from]Castile; with whose wives the Moors lay, and were infected.” Anon. “A Description of Tangier, the country and people adjoyning with an account of the person and government of Gayland, the present usurper of the kingdome of Fez...” (London: Samuel Speed, 1664), 46, Pamphlet Collection, Bodleian Library, Oxford University.

Christian version of patriarchy, and not the philosophies of West Asiatic Muslims that led a
man to restrict the liberty of his wife. That does not mean that she would have been
unavailable to other wives of this dining circle.

Meanwhile, many ordinary English women in Tangier were denied the protections
that Mrs. Cuthbert and Mrs. Lawrence enjoyed. Of all the wives in Mrs. Cuthbert’s circle,
the one who might have been respected the least by her husband was the Governor’s wife,
Mrs. Percy Kirke. Faced with an unbeatable Muley Ismail, Kirke seems to have taken out
his frustration on the local women, and thereby set an example of debauchery and rapine
for the Tangier garrison, as affirmed by the following behavior.

“Mr. Gargrave tells me of most foul acts done by Kirke in public, lying with a
woman in the market-place, and making another woman be taken from her husband
out of her bed and [14 words omitted]. And the ways taken by him and
his myrmidons to defame women that would not yield to their invitations. And that
Mr. Dummer can tell me as many stories of this kind as anybody.”

Samuel Pepys reported the abduction of Mr. John Mings’ wife in the town of Tangier. Mr.
Mings,

“complaining of his being beaten, put upon the guard, his wife coming to see him,
ravished, then carried up to York Castle and there lain withal; and in the meantime
their house robbed and goods carried away. But C. Fox himself do freely own to
me that she was lain with by three men upon the guard, and then he and Carill took
her to his house at York Castle and there they lay together that night, as also that
the man was laid up in the guard and afterward discharged contrary to rule. . . . Fox

27. Pepys, Tangier Papers,102-3.
denies the charge to Kirke saying he had his own wife and no need to take Mrs. Mings. ‘Yes’, publicly says Kirke ‘and a handsome one, but that is no argument, for I have a wife too, and yet I lie with other women’ . . . ‘Why, my lord,’ says Kirke, ‘I don’t pretend to be a saint.’”

According to further information supplied to Pepys by a Captain Silver, the Mings’ case was not unique. “There have been 30 or 40 men in these chains at a time, and men put into them upon the score of getting their daughters or wives to come to him to look after their husbands and fathers where he found them pretty, only to debauch.” Furthermore, Kirke was no respecter of matrimonial boundaries for himself, his wife, or anyone else’s wife for that matter. That Kirke participated in such dastardly behavior might have some truth to it as such events echoed in the following tract published to encourage the destruction of the Tangier mole because “the Governours themselves have been the examples to encourage the contempt of virtue and piety . . . and mind nothing but debauchery and lewdness. . . [and] enjoy their vices and filthiness without remorse of conscience.” It would be easy to dismiss Pepys’ reports as character assassination and exaggeration but that cannot be done so easily. The English political system supplemented poor pay for their soldiers with unlimited access to women’s bodies, exposing all English women in Tangier to unsolicited sex work. The entire female population of the port town was effectively the common public harem of English men. In the English culture circle, the very men who should have protected the rights of English women had they ascribed to

28. Ibid., 97, 92.

Berian values were the very ones who committed these atrocities and there was no higher authority in the English garrison structure to stop them.

It is not so easy to dismiss Kirke’s reputed behavior as invention for Charles II was a model of hyper-virility, having as many as seventeen mistresses, including the Duchess of Mazarin and the Duchess of Portsmouth. With a king who pursued “unabashed sexual indulgence” setting the tone for his administration, Kirke’s reported behavior suggests something endemic.30 There is more to these stories than Puritan propaganda against a king who favored Catholicism. Colonel Kirke and his dining companions, defenders of King Charles II’s interests in Tangier, confronted the reality of England’s position as underdog in the Mediterranean world. At the same time, Pepys portrayed Kirke’s behavior as a prime example of the hyper-virile, over-sexed, immorality typical of this garrison town. Male English aristocrats at this time practiced de facto polygyny, while some female aristocrats practiced polyandry. Men and women alike justified their behavior through harem envy, as expressed in the literature of the day, well before the translation of the Arabian Nights by Galland.

The Oriental Renaissance, with its harem preoccupations, was at once a campaign of disinformation and a palliative for England’s relative powerlessness in the Mediterranean

30. Some of this sexual license might have been a reaction to the end of the Cromwell era with the Restoration. E.S. de Beer, “King Charles II, Fundator et Patronus (1630-1685)” Notes and Records of the Royal Society of London 15 (July 1960): 39-45; Clyde L. Grose, “Charles the Second of England,” American Historical Review 43, no. 3 (April 1938): 533-541.
trade. Documents expressing harem envy, hyper-virility and national pride appeared in England from the Elizabethan era, when El-Mansour suggested a political alliance with Queen Elizabeth I, through the reign of Charles II and beyond. According to Blake Clark, this perhaps unprecedented public movement was fueled by “business contacts with India and China” that “naturally increased England’s interest in the eastern arts.” Ali agreed that “the growth of English mercantile interests in India and England” contributed to the intense demand for this genre of literature. An excellent example of this envy and misinformation is found in the 1615 CE/974 AH publication by William Bedwell, member of the Company of Translators of the Bible, Cambridge graduate and “the father of Arabic studies in England.” He translated *Mohammedis Impostura: That is, a discovery of the manifold forgeries, falshoods,[sic] and horrible impieties of the blasphemous seducer Mohammed.* This text was “a fictitious polemical dialogue between two pilgrims from Mecca, who discuss their reservations about the Islamic faith.” The Arabic original was published in Rome at the Colegium Romanum in 1579 CE/938 AH and was probably written by Fr. Eliano, a Jesuit priest engaged in the Arabic-to-Latin translation movement. According to Bedwell, Pope Clement V at the Council of Vienna, 1311 CE/670 AH, ordered “certain Universities to maintaine Professours of the Arabicke tongue, for the translating of books


out of that language into Latine.” His comment upon the Andreas Arriubene translation of the Qur’an of 1547 CE/906 AH is that it is a copy of an earlier translation by Robert of Reading “italianated; neither do I thinke that he understood much Arabicke.” Few Europeans would have the ability to read the Arabic text; fewer still would be able to detect a fraudulent document if enough catch phrases were used.

Bedwell’s text provides early documentation of misconceptions, perhaps purposeful, of the Islamic world. One theme is that of sexual envy. The Prophet Mohammed is recorded as “lustie, and is as strong for carnall copulation, as forty men are.” The document asserted that the Qur’an was full of some sort of “secret” knowledge. One concerned the place of women in the afterlife. Some thought that Islam taught that when a man enters heaven he will receive “fair houses, virgines, and damsels.” Others said that since humans will be immortal, there will be no need for children and, therefore, no need for women. One of the speakers in this text stated that “meate, drinke, women or such things . . . are given to us of God, in this world, . . . to preserve mankind; and are no waies [sic] necessary for this purpose in Paradise.” These words might have appeared to Roman Catholic priests as words that confirmed gender-segregated societies such as their own orders.

34. William Bedwell, *Mohammedis Impostura: That is, a discovery of the manifold forgeries, falshoods, and horrible impieties of the blasphemous seducer Mohammed...Written long since in Arabicke, and now done into English by William Bedwell.”* (1615), 71. MS. Archbishop Marsh’s Library. St. Patrick’s Close, Dublin, Ireland.

35. Ibid., 71-2, sect. 36
Bedwell’s text also reveals the dual imperial pressures faced by the English as they challenged the Muslim and Catholic economic powers. The text carried further discussion that directed one to conclude that celibacy was the superior state for men. As this line developed in the text, it became even more clear that this discussion between two supposed Muslims was merely a trope, an exercise in language training, and not a definitive text about Arab culture. The author of the text wrote that monogamy was the perfect marital state at the dawn of creation but “Man after the fall of Adam, fell into a state that was not very perfect, but disordered: And by this means one man is not content with one woman, but doth desire many and diverse.” Polygyny was the less perfect state in this discourse. It was not difficult for an audience of priests and novitiates to conclude that the Islamic practice of polygyny was inferior to the Catholic model of monogamy. Furthermore, there was a higher state still, that of perpetual virginity. “It is not for every one; but for saints,” listing “Eliase, . . . Iohn the sonne of Zachary, and Iohn one of the Disciples of Christ,” as virgins. This paragraph, more than any other, points to the Catholic origin of this text.

“And indeed, that which is commended of all and received for truth; and is also of our prophet received and greatly commended is, that Mary, the Virgine, the mother of Christ, was conceived by the Holy Ghost; and that after the birth of Christ she also remained a maid [and] virgine for ever as long as she lived.”

The text went even further to degrade the reputation of Mohammed. The author had the fictive Muslims say, “Moreover it is read also, that God willed him to lie with the wives of

36. Ibid., sect. 37.
the faithfull [sic]; that Prophets might be begotten by him.”37 Given the influence of queens and abbesses in Church political history, these ideas might have been inserted in the text to support the exclusion of women from church power by drawing a parallel from a more powerful, contemporary society which appeared to immure and silence their women behind high, windowless walls. Simultaneously, the claim that celibacy was an approximation of heavenly bliss rebutted the Protestant resurrection of the Arian tolerance of married clergy. Furthermore, reducing Muslim women to houris and mothers in this misrepresentation of Islam had a dual effect: first, it conditioned the readers to ignore powerful women in the Muslim world; second, it conditioned women to consider themselves as sex workers.

The fear of an Ottoman expansion into Europe is manifested in the dramas of the sixteenth and seventeenth centuries. Clark found fifty-seven such English plays written between 1579 CE/938 AH and 1642 CE/1001 AH.38 During this time, European merchants began to assume the mantle of active, not passive, trading partners, a transformation that also affected the literature of the era about Western European nations’ rise as possible colonial powers beginning with the formation of trading companies like the English East India Company, the French Compagnie du Levant and Compagnie de la Chine. As Elisséeff wrote,

37. Ibid., sect. 67, 71. The continued virginity of Mary is controversial among Christians, some of whom argue based upon Matthew 1:25 KJV that Joseph refrained from consummating the marriage to Mary “and knew her not till she had brought forth her firstborn son.”

“with the arrival of the potential for colonizing lands in the Orient, there arrived a taste for the exotic which encouraged the telling of the experiences of travelers, both the curious and the studious, who brought back information about the Orient. Such tales grabbed the public’s attention who, in response, began investing in new capital adventures in the East.” 39

One such recollection of travels in West Asia by a westerner was “A Relation of Some Yeares Travaile, Begunne Anno 1626,” [985 AH] which was a summary of the experiences of Sir Thomas Herbert, who spent considerable time in Africa, greater Asia and Persia. Scholars responded by consolidating information about the East in works such as the Bibliothèque Orientale (1697 CE/1056 AH), that contained some eight thousand entries. Begun by d’Herbelot and completed by Galland, it was the “first attempt at an encyclopaedia of Islam.” 40 This tome included, according to Ellisséeff, “extracts of works by Oriental authors” and can be said to be a summation of all information gathered by Europeans about Near Eastern cultures from the end of the twelfth through the end of the seventeenth centuries. 41 According to Irwin, such information had been translated during that period in Byzantium, Sicily and Toledo with the goal of transmitting “Arab learning — and the Arab literature of entertainment— into medieval Europe,” with particular emphasis on the philosophical and mathematical works of the ancient Greeks. 42 West Asia remained


41. Elisséeff, Thèmes, 8.

42 Irwin, Arabian Nights, 92.

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within the binoculars of eighteenth-century Western European traders and some texts were practical for merchants, such as *The East-India Pilot or Oriental Navigator*, a western version of the Greek *Periplus of the Eritrean Sea*, included sailing directions and charts in the East Indies. There is a third category of information that reflects Elisséeff’s “birth of the taste for things exotic,”: the 1704 CE/1063 AH publication of Antoine Galland’s *Livres des mille et une nuits, contes arabes traduits en français*. By 1717 CE/1076 AH, eleven additional volumes of stories attributed to Scheherazade had been translated. Elisséeff ascribed the international popularity of the book “among the Sun-King’s contemporaries” to the “seductiveness” of the fantastic reveries the tales inspired as well as the terrifying nightmares it spawned of “Turks and Barbarians.” Within a century, “there were Persian Tales, Turkish Tales, the Tales of Ferdosi; in all, eighty-six such collections of Oriental Tales or their imitations appeared in England by the time of the fourth edition of the *Arabian Nights* in 1713 CE/1072 AH.” Irwin estimates “almost 700 romances in the oriental mode were published in France in the eighteenth century.”

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43. Robert Sayer and John Bennett, “The East-India Pilot, or Oriental navigator: containing a complete collection of charts, maps, plans, etc, for the navigation not only of the Indian and China seas, but of those also between the British isles and the Cape of Good Hope. . .”, (London: 1782). Library of Congress, Washington DC.


Anti-Muslim military propaganda with a sexual theme existed in the seventeenth century even as sexual harem fantasies fed on the printed word. Sexual and military envy of this kind appeared in English literature as early as 1664 CE/1023 AH. The ruler of the Dila’ zawiya (a religious community) near Fez was known as Gayland to the English, a mighty military man who seemed to make his soldiers appear on the battlefield as if by magic.

“He trains up the Moors to so much discipline, that they shall march 20,000 together, with that order and silence, for forty mile, that they cannot be discovered; . . . and what is more remarkable, 2 or 3000 of them shall lodge themselves in the Fernes, and among the rising Grounds, so that you may ride through those very grounds, and not discover a man.”

To an audience in England wanting to know why it was so difficult to secure Tangier, the author added, “I tell you, that 10,000 of them shall hide themselves in the sand, so that you may go over them, and not discover them.” 47 Although to the English audiences this might have seemed like a far-fetched tale, the area has bamboo brakes along year-round creeks and gullies more than ten feet deep cut by seasonal rains and run-off water from the mountains to the sea, and yet appears to be an uninterrupted desert. Several of these gullies, which could hide hundreds of foot soldiers each, might be clustered with a few hundred yards, allowing for thousands of soldiers to be hidden within gunshot of a location. This text also talks about “the Sciapodes, that have such a broad foot, and but one,” 48

48. Ibid., 61.
perhaps derived from the camel saddle that places the feet over the neck of the camel and not on either side of the hump as the English did on their horse saddles. In spite of these obstacles, the author clarified the purpose of holding Tangier fort: “This place stands very convenient to secure and advance the Indian commerce as far as those

places where there are more riches than were ever yet discovered unto the world,”
including access to the gold routes from the Sudan.  

Sexual envy appeared in the description of Gayland. “You shall have him 8 times a
day at his devotion and as many with his concubines whom he never touched after [they
reached the age of] sixteen; having his ministers of pleasure to anoint him, and his ladies to
that purpose.” He accused Gayland of being obsessed sexually with pubescent women and
of intimate contact with men because “his brethren are his favourites, who yet are gelded,
and so not dangerous.” It is not clear if the author intends the potential danger to be that
of inability to produce a challenging lineage or if these eunuchs pose no adulterous threat
to the women of Gayland’s household. The harem fantasy appeared late in the text as the
author noted that “their women are veiled, and as I told you kept in.” In spite of this
supposed isolation of women, the author knew that women “gild their nails,” probably
referring to henna applications.

After the failed attempt to settle Tangier, the English persisted in penetrating the
Mediterranean trade, and, in the last years of the seventeenth century they began to enjoy
success. The English Navy hardly intimidated the North African powers in the seventeenth

50. Anon., “A Description of Tangier,” 6, 16. This was not new knowledge for England. Here, the association of the gold routes and the Indian trade routes is important. The description of the land forces might explain why the gold routes had not been accessed and conquered. The hope of conquest must have been the profit motive dangled here.

century. Admiral Sir Edward Spragge was commissioned in 1671 CE/1030 AH to take command of a fleet to challenge ships sailing out of Algiers. His fleet consisted of: the Mary, the Warwick, the Advice, the Garland, the Portsmouth Pink; two frigates, the Portsmouth and the Hampshire; and at least one fireship. The mission was beset with problems: the winds seemed set against them; more than one ship lost its mast in a storm; two attacks were aborted due to low winds; another one at night went awry when the sailors rowed right by the enemy; and not one but two fire ships posed more of a danger to their owners when they accidentally burned up. At last, the English set ten ships afire, seven of which were Algerian, while the remaining English ships managed to inflict damage on the town itself. The casualty report came from a “Dutchman who hath been a Slave in Argiers [sic] for three years” and had swum out to the English ship. His news said the “they confess 360 of their best men and upwards, all Turks, soldiers in pay,” as opposed to galley slaves, were lost. Whether Spragge or the Dutchman wanted to create an impressive report to please the English is a question. One of them inflated the casualty numbers to as high as nineteen hundred men. As if this was indeed a battle between the gods, the Christian god favored the English by placing the Algerian medics on the ships, where they perished in the flames. “They have not the least Medicine to dress a Wound with” This absence of physicians certainly taxed the women and the civilians of the town.
“The Castles and town miserable torn, with an infinite number of the Inhabitants killed and wounded.” Their death toll must have risen over several days. Spragge listed the English casualties at 41 wounded and 17 slain.\footnote{Sir Edward Spragge, Admiral, \textit{A True and Perfect Relation of the Happy Successe of Victory Obtained against the Turks of Argiers at Bugia, by His Majesties Fleet in the Mediterranean, under the command of Sr. Edw. Spragge. As it is contained in a letter from the Said Admiral, of the Eleventh of May, 1671} (In the Savot: Tho. Newcomb, 1671). Bodleian Library, Oxford University.}

\textbf{Moroccan intimidation of the English}

Each English victory at sea, no matter how problematic, spurred more hyper-virility by the turn of the eighteenth century. The Moroccans, in turn, learned to intimidate the English who already felt inferior to the Berber states of North Africa. In 1702 CE/1061 AH Sidi Muhammed Cardenas, Ambassador from Morocco, arrived in England. Jesreel Jones, Esq., had the assignment of bringing the ambassador to London from Portsmouth, a task that commenced with difficulty as the captain of the ship that brought the ambassador to Portsmouth hesitated to let him disembark. Cardenas did “shew me his master’s letter which were his credentials.” At one point over the next few days, Cardenas asked Jones how many wives an Englishman could have. The answer was one. Cardenas replied that he had twelve.\footnote{“A Journal of the Reception of the Morocco Ambassador Cardenas in 1706 by Jesreel Jones, esqr, interpreter of the Oriental Languages.” Rawlings Collection, Bodleian Library, Oxford University.} There is a question of the translation skills of both men in this conversation. Cardenas might not have implied that all twelve women were of the same
legal status in his home, since Islam limited him to four legal wives but as many concubines as he could support. In England men certainly had their mistresses and courtesans but they were rarely referred to as concubines and Englishmen did not have legal obligations toward the women, nor toward the children of these unions. Cardenas apparently felt sorry for the Englishmen and offered the climate as an excuse for what he surmised was low English libido.

Jones was not one to let the English libido be insulted. His response was interesting. He claimed that while the Moroccan climate might favor the male sex drive there, in England the “climate invigorated so our . . . women” that they were more than capable of handling all the sexual needs of a man. Furthermore, some of these women, “too many,” claimed Jones, were certainly capable of satisfying more than one man. Thus, Jones argued that, assuming all men equal in their virility, the true measure of a race was the strength of the women with English women being twelve times more lusty than Moroccan women. By the end of the journey he said Cardenas was at once “a saint and is a villain . . . a great lyer and dissembler a drunkard and sodomite.”54 Jesreel Jones and Ambassador Cardenas were portrayed as having opposing gender matrices. Ambassador Cardenas was presented with an English paradigm of monogamy, of men with relatively weak libidos, and of women with high sexual capacities. Jones believed that Moroccan

54. Ibid.
men had exaggerated libidos, that Moroccan women had little sexual appetite and that *de facto* polygyny, a system allowing multiple legal wives and harems, including concubines, were the luxuries of men.

There was more going on here than a patriotic testosterone contest. England was ruled by a queen, Morocco by a sultan. Jones was clearly concerned that Cardenas arrive at the palace with a proper respect for the Queen but his task was difficult. “The people of ye towne flocked to see ye ambr in great numbers.” Many women sought to kiss his hand. One innkeeper along the route vied for the business of Cardenas’ entourage by furnishing the rooms in a special way. “His Portuguese woman lay on ye floore in a corner.” Jones took the bait immediately. “I hired a lodging.” Even women of the upper classes crowded into a suite at another inn just to see Cardenas. Englishmen created a festive atmosphere facilitated by “15 quarts of wine and 12 of beer.” The men “would for the honor of the fair sex to declare their zeal for her Majesty as they pretended drink to her health & long & happy Reign & success to her fleets & armys.” It is doubtful that Cardenas returned to Morocco with tales of good and virtuous English women. One can only guess whether he had any respect for Queen Anne after such an introduction to English women.

Also intimidating was Mulay Ismail, champion of the gynecentric Moroccan empire that extended from the Sahel to the Mediterranean, with a diplomatic style that featured “conspicuous display at minimal expense.” It is doubtful that Cardenas returned to Morocco with tales of good and virtuous English women. One can only guess whether he had any respect for Queen Anne after such an introduction to English women.

55. Ibid.
away from his courts, they felt patriarchal England’s inferiority vis-à-vis this African military power and began discrediting the Catholic and West Asiatic Islamic hegemonies in the Mediterranean.

Muley Ismail’s psychological warfare was not limited to displays of military might, but extended to capital punishment used to reinforce the power of the sultan in the minds of his people and guests. E. Dummer’s diary (24 July 1682-12 Sept 1682) [1041 AH] contains details about a fracas between Ambassador Hammet, Lucas (doing business on the side) and Cuddum Hammett [Hammet-the-servant], when Cuddum was enraged at a renegade interpreter. A fight erupted with the Moors divided into two factions, while the Christians fought the Moors and in the mêlée, Cuddum struck the Ambassador. The Captain ordered Cuddum confined and the Ambassador refused thereafter to stay in the great cabin, fearing “for his personal security.” This battle was revisited in a letter sent from Fez on 3 November, 1682 [1041 AH] by one A. B. Supposedly, the Sultan ordered the death of Cuddum Hammett for striking the ambassador, an act tantamount to treason against the representative of the Emperor and also of Ambassador Hammet for not immediately killing Cuddum for the affront. The Ambassador blamed Dummer’s captain for stopping the punishment, at a moment when the English captain of the English ship asserted authority and limited the power of the Moroccan king. In that moment, Ambassador Hammett subordinated Morocco to England. He therefore was punished by a severe beating, his death sentence having been commuted at the urging of other nobles of
the Emperor’s court. Only the threat of a death sentence could overpower the momentary equality between a servant and royalty symbolized by the Ambassador’s mistake. Only mercy in commuting the sentence showed the sultan to be secure enough in his power, and his position vis-à-vis the English that he need not carry out the death sentence.

Mulay Ismail further intimidated the English at his Meknes palace, the gateway to his vast inland kingdom beyond the Atlas mountains, increasing the degree of English envy of Morocco through material culture more than ideology and political theory. English visitors envied Mulay Ismail’s wealth and prowess, especially after Colonel Kirke and his delegation visited the walled city of Meknes, court of the powerful sultan of Morocco, who had a reputation for performing terrible and cruel acts. This journal writer spoke of the wonders of the court much as one did of the great Coliseum in Rome or the pyramids of Egypt. He saw “the largest and most stately stable I ever saw, for length and breadth, capable to hold above 200 horses and supported with lofty pillars of at least fifty foot high, [58]


58. This account is undated. Percy Kirke was governor of Tangier in E. Dummer’s narration. Dummer’s tone is decidedly more positive than Pepys’ and lacks animosity, whereas the “Last Account from Fez” holds several pejorative connotations, leading to a conclusion that the Dummer account occurred before Charles II decided to shut down the garrison as a hopeless, money-draining lost cause.
being refreshed and cooled by artificial vaults of water underneath necessary against the
heats of this climate.”59  He decided that the royal city could never be taken by an English
army at that time.  This description might have been made to explain the failure of the
English to hold Tangier.  Even what remains of Old Fez and the Meknes palace grounds is
impressive; the journal author described only an early phase of the construction without
exaggeration.  He mentioned that “their lines and fortifications is [sic] a thin wall with
flankers after the manner of German Bourges, which, though they be not rampiers of
Defence against us in Europe, yet they are sufficient against any offensive war they are
capable of amongst themselves.”60  The city eventually had three concentric rings of
defensive walls with clear land between each ring that prevented surprise attack, the outer
wall being at least ten to twelve feet thick.  In the eye of the seventeenth century visitor,
“Mequinez, which is the Versailles of this Kingdom [was] situated so well for Security and
leisure.”  The anonymous author mentioned that a new palace was under construction
using the “misery and Slavery of 500 Christian Slaves continually working upon it.”61


60.  Ibid., 6.

61.  Ibid.  On page two of this text, Muley Ismail referred to some of his war
prisoners as “lyons,” perhaps referring to the blond hair of some of his Europeans.
Captain Norbury, English Ambassador to Meknes in 1717-18, went hunting for hares and
then for “some lyons [which] had been seen just by a few minutes before” one of said lions
“of a prodigious size seize’d upon one of the huntsmen and tore his thigh very much.”
“Journal of the proceedings of Capt. Coningsby Norbury” (1717-1718), MS Rawlings
Collection, Bodleian Library, Oxford University.
Henry Stubbe was another contemporary of Muley Ismail and Charles II. In 1673 CE/1032 AH Henry Stubbe drafted a history of Islam, which was copied in 1701 CE/1060 AH by Charles Hornby. Each of these years marked a major era in English presence in the Strait with the first being the determination of Britain to stay in Tangier and the second being the decision to occupy Gibraltar instead. Stubbe at once traduced Islam, the religion of the more technologically advanced society, and Catholicism, the religion of the Holy Roman Empire from which England had relatively recently liberated itself. In other words, England, like Morocco, asserted its independence as it entered the diplomatic and economic spheres of both West Asiatic Islamic and Western European empires. “Yet it may be conjectured,” said he, “that the astronomy, astrology and other knowledge of the Persian magi & Chaldeans was derived originally from them,” the Arabs, and “there want not some who essay to prove this.” He advised against this effort, saying “to insist thereon would not be to our purpose.”

Stubbe employed patriarchal values in denouncing both Catholicism and Islam. First, he impugned the Christianity of the Catholics and the Abrahamic claim of Islam by linking both to a trinitarian polytheism. According to Stubbe, the Mesopotamians had a supreme god named “Alla Baal,” who was imported to Arabia where two more deities were added: Araf, a male with seven unfeathered arrows in his hand, and Nayola, a female.

62. MS537 A copy from 1701 of The Originall and Progress of Mahometanism. c1673, by Henry Stubbe (or Stubs).

63. Ibid., 49.
Stubbe labeled Catholicism a degenerate Christianity, “there wanted not some who did make themselves Gods of ye trinity others made a Goddess of the Virgin Mary.”64 Using female veneration as a marker of polytheism in Islam is more subtle but nevertheless present. Khadijah, “a noble Lady being an widdow [sic] & who for riches & birth was courted by sundry Arabian princes,” chose Mohammed, a young warrior, for a husband. The elevation of women showed in the recollection of the name of Mohammed’s mother, “Amena or Emena” and his father Abdallah. In the story about Khadijah, Mohammed, the bridegroom, was helped by his uncle in paying bridewealth, “it being a custom of the Arabians that the husband should endow the wife upon marriage.” Stubbe also referred to the Arabs by the matronym of the “Hagarens,” the mother of Ismail.65 In this manner, Stubbe associated matriline with polytheism and intimated that it was inferior to England’s patriarchal/patrilineal social structures.

The author of “The Last Account of Fez” managed to turn Muley Ismail’s perceived hyper-virility into a negative attribute within a framework that denigrated the Sultan’s Black Guard. Stubbe wrote that the cavalry, performing the fantasia that was mentioned in the fourth chapter, was disorganized and undisciplined “which makes me conclude, they are the easiest people conquered I ever saw.” This cavalry was the famous Abid al-Bukhari, slave soldiers composed of dark-skinned men of Western Sahelian descent gathered from throughout Morocco and imported from West Africa, loyal only to the

64. Ibid., 50, 54, 41.

65. Ibid., 57-8, 48. Here is possible evidence that Qahtani or Berber gynecentric marriage customs were known to the English.
Sultan. While the skin color of the soldiers did not matter to this author, the harem did. It was and became yet another symbol of Muley Ismail’s perceived excesses. In 1701, when Britain relied heavily on African slave labor in its plantation economies and was wary of slave insurrections, it would have been difficult, and perhaps even dangerous, to admit that given equal ammunition, sub-Saharan Africans were able to enslave Englishmen.

While Stubbe might have had economic and social reasons for suppressing this knowledge, he was at liberty to make the compulsory harem description. The English entourage was invited to see the stable of horses and the gardens of the Queen, but they “were not permitted to see the inward lodgings, each room being a several [feverish] cabinet to lock up the King’s treasure of women, who were almost an army of ladies under cruel confinement.” He mistook the daughters or future wives of the Black Guard, women who were learning the domestic arts by apprenticing at the royal palace, for the Sultan’s sexual partners. The author described Muley Ismail as a “game cock [who] struts in his own walls, and keeps all but capons or eunuchs from his flock of mistresses.” The author imputed the tyranny of Sheherezade’s husband to Muley Ismail. “If I may be bold with the character of an infidel prince, he excells all mankind in barbarous and bloody actions; massacre and murder, being his royal game and divertisements.”

paralleled military might and polygyny was increasingly defined as a characteristic excess of barbarism.\textsuperscript{67}

Cardenas might have reported the English public’s awe of Moors, for in 1718 CE/1077 AH, the Moroccans baited a British delegation with terrible stories of the Sultan on the occasion of Captain Coningsby Norbury’s mission to negotiate a truce with Morocco. If it was not Cardenas who made this report then it was certainly the aforementioned Ambassador Hamett ben Hamett ben Haddu Ottor, the Moroccan ambassador who spent six months in England around 1682-3 CE/1041-2 AH.\textsuperscript{68} The strategy was magnificent for it undermined whatever sense of diplomatic equality the English might have felt now that they were entrenched in the garrison at Gibraltar across the Strait from Tangier. The English delegation landed at Tetuan on 24 December 1717 CE/1076 AH. Norbury assumed the rank of monarch and refused to meet with the “Bashaw from the Town,” who had arrived “with a vast concourse of people, horse and foot attending him and attempted to have received the ambassador on horseback.” Norbury would not look up to a mounted bashaw for that would indicate an English submission to the authority of a lower ranking official and so he went into his tent and stayed there. The bashaw returned to his town, after which a stalemate ensued regarding

\textsuperscript{67} Much later in the nineteenth century CE, English jurist Harry S. Maine used this to explain the English and the oppression of women as did German philosopher Friedrich Engels. Friedrich Engels, \textit{The Origin of the Family, Private Property and the State} (Moscow: Progress Publishers, 1948), 79.

\textsuperscript{68} Dummer, “A Voyage,” 5.
who would pay the first visit. A Mr. Cardenash [sic], perhaps the same who had visited England, suggested that Norbury send him to pay a call on the bashaw, who would return the call on the following day. Norbury dispatched him on 26 Thursday December, and expected a return call on Friday, the 27th “but the day after some of the bashaw’s people excuse’d the returning the visit that day; because it was their day of devotion.” On Sunday, the ambassador sent one of his men “to resent the usage he had met with upon this occasion” and demanded that he be given horses and supplies to make the journey to Meknes beginning the coming Thursday. Now Mr. Norbury had shown himself not to be a person of the book 69 at all, having ignored both the Muslim and the Christian sabbath.

The bashaw did not make a visit until Wednesday, 1 January 1718 CE/1077 AH, still not signing the three month truce until yet the day after that. Within six weeks, two British ships were attacked by corsairs out of Sale, one ship reportedly blown to bits with 700 barrels of gunpowder aboard and the other forced into port at Essaouira. Norbury’s treaty might not have applied to the semi-autonomous states at Sale and Essaouira, reflecting internal political divisions in Morocco. 70 Or the reported explosion might have

69. This is a metaphor in Islam to refer to anyone of the Judeo-Christian-Islamic traditions.

70. Anon., “Journal of the Proceedings of Capt. Coningsby Norbury (1717-1718).” Rawlings Collection 145, Bodleian Library, Oxford University. There has been a resurgence in the topic of Europeans held captive by pirates of North Africa, some of whom were licensed to raid ships on behalf of a ruling family. There were entire orders of priests, such as the Trinitarians and the Mercedarians, dedicated to redeeming Christian captives. To begin an inquiry into the business of redeeming captives, consult Daniel Panzac, Barbary Corsairs: the End of a Legend, 1800-1820. Trans. Victoria Hobson and John E. Hawkes (Leiden: Brill, 2005); Jacques Heer, The Barbary Corsairs: Warfare in the Mediterranean, 1480-1580 (London: Greenhill, 2003); Robert C. Davis, Christian
been fabricated to cover the taking of contraband. Such attacks surely reminded the British that it was they who needed protection from the Moors. No further permanent treaty had been reached months later and Norbury enquired about an extension of the truce.

On 7 May 1718 CE/1077 AH, on the occasion of a different English delegation to Meknes, news of another intimidation tactic reached the delegation. “The Emperor (‘twas reported) kill’d last night four of his women: and this morning three men: and imprison’d about a hundred of his sons for changing (without his leave) mules and horses out of the present Bashaw Hamet brought him.” It was clear to contemporaries that only a tyrant of magnificent proportion would be so cruel to so many of his own sons.71 On Sunday, 9 May, Bashaw Barzi visited the British delegation to inculcate proper respect among the English, calling upon them on the Christian sabbath, an action of cultural dominance in ignoring its sabbath status. Barzi informed Norbury that Muley Ismail had taken on “the French, Spaniards, all Europe and the Grand Turk himself” and defeated them in land

71. The key to the report is the mention of the mules, for at one point in their training, adolescent males of the Abid al-Bukhari learned to handle the beasts. It should also be mentioned that the Guards were Muslims held in slave status. It was widely known that this condition of servitude was forbidden within Islam. Muley Ismail pressure the ulama of Fez to issue a fatwa authorizing the corps. Ismail might have considered them to be clients more than chattel, a West African servant class. At one point, Ismail jailed and then executed a qadi name Guessous who refused to bend the Maliki law to the king’s wish. Younès Nékrouf, Une Amitié Orageuse: Moulay Ismail et Louis XIV (Paris: Albin Michele, 1987), 348. Mohammad V University Library.
battles, and “had his master apply’d himself as much to the seas, as he had to the land, he would have beat all the fleets in the world put together.” This was not unfounded boasting for Muley Ismail had defeated all of the nations in land battles in his quest to expel Western Europeans and West Asiatic Muslims from Moroccan territory. To further educate and condition Norbury, Barzi recalled for him that Queen Elizabeth had entertained the idea of marriage with Muley Zidan. More toward the present, “the Spaniards, continued he, have offer’d the Sultan my master 400,000 pieces of eight and 100,000 yearly, only to raise the blockade of Ceuta. And there’s nothing they would not give my master for a peace.” To demonstrate the implied unwarranted respect shown to the British at this time, a slave was sent that evening to have his throat cut for stealing a silver button from a British jacket. The next day, Norbury was escorted to the palace and the negotiations began. Midway through, the king left the room.

Norbury’s party was treated to a tour of the royal stables of the Meknes palace, much as Kirke had done at the end of the seventeenth century. The place was even grander by this time.

“We passed out of town through the broad street by the judery afterwards turn’d to the left through a gate and entered into a place wall’d like a park, set with olive trees in a pretty regular manner we pas’d at the end of this through two gates, which brought us into another park: where we saw severall ostriches and deer which are kept here as rarities. At the end of this was the stable; which has stands in it for 559 horses; all we saw were bridled and saddled.”

Norbury’s journal keeper remarked that even the kitchen of the palace had two hundred slaves.73 He also made the following description of the sultan. “The Emperor was mounted upon a dark iron grey horse with plain furniture; seems to be of a healthfull constitution, has a lively aspect, and about 75 years of age, is said to have deflor’d, within these few years, 23 virgins in one day.” The journal does not omit the obligatory description of the harem. “His seraglio consists of about 8,000 women [and he] has about 1,500 children now living of which 700 are sons.”74 The pattern of sexual envy appearing at moments of political inferiority continued.

A last example is definitive. In 1729 CE/1088 AH, Britain dispatched an embassy to Essaouira to retrieve some captives. The embassy was led by a Mr. Russell and included six European gentlemen, four servants and a Jewish interpreter. After paying numerous bribes to persons of influence and those who pretended to influence, Mr. Russell was able

73. Ibid. This journal does not comment upon the gender of the kitchen slaves. Since the Black Guard were escorting the king, these slaves were probably Bukhari daughters-in-training.

74. “Journal of the Proceedings.” It is quite possible that the interpreter was describing the Abid al-Bukhari, the Black Guard, stationed at this particular palace. This would make these women and children members of the Sultan’s household but not necessarily his children. I believe this particular palace was a school or training location for the daughters of the guard, hence the gender imbalance as observed. As for deflowering the virgins, this was perhaps a mistranslation about a mass wedding ceremony. The tour guide was probably attempting to educate the English on the benefits of according marriage rights to slaves as a means of creating a self-reproducing population. The Alawis through the matrilineal connections to the Sahel and political connections to the Wolof states were certainly aware of the population drain from West and Central Africa due to the Atlantic Slave trade. Muley Ismail’s method took an initial slave population from 3000 to 150,000 in his lifetime. Nékrouf, *Amitié.*
to make contact between 13 and 18 June “via Black Alcaydes” with the Empress, the Queen Mother of Muley Abdullah, Muley Ismail’s descendant. Russell was ordered by Emperor Abdullah to proceed overland to Meknes and the Empress sent her brother and about a thousand cavalrymen to accompany them on the last four miles of the journey.75 This journalist made a particular effort to show that the entire captive business was one of extortion, from the taking of the captives to the giving of money to every servant who opened a door in the palace, every messenger and go-between. Nevertheless, Russell was able to impress the Empress, who “did Mr. Russell the honour to send two of her black women to him to tell him not to regard what any body said to him and that her son the Emperor, should dispatch the business he came upon to his satisfaction.”76 Russell began this journey in the south of Morocco, not in the north. His mission was compromised in that the gunpowder that was scheduled for delivery to Fez to redeem some captives was never received by the emperor, at least that is what Bashaw Hamet of Fez claimed.77 Russell was finally to meet the Emperor at a camp on the road to Fez. “We were met by a

75. The Sultan in 1729 was Muley Abdullah whose mother was Princess Lalla Khenatha from the Sahelian Awlads or clans. The mother of the sultan frequently has higher rank than the wives of the sultans in the Islamic world. This Queen-mother is distinguished from those in the Sublime Porte in that she has her brothers nearby (Russell’ “Black Alcaydes”) and that she commands her own guard through her brothers. The brother-sister bond is very much an African pattern that dates back to pre-Islamic, gynecentric Berber social patterns. “An Account of Mr. Russell’s Journey from Gibraltar to Sale, Mequinez and Fez, and of his return back again by way of Tangier,” MS Pamphlet Collection — English History, Bodleian Library, Oxford University.

76. Ibid., 1 July, 1729.

77. Gunpowder was difficult to deliver, apparently, since Mr. Norbury had difficulty with the same commodity earlier. Ibid., 2 July, 1729.
bashaw, several alcaydes, two thousand horse, who cavalcaded in a much finer manner than those at Mequinez; the emperor himself came out on the plane [sic] with all his army.”

Russell was not granted an audience with the emperor but communicated through a negotiator to take home some captives in exchange for 100 barrels of gunpowder from Gibraltar. Before he left, Russell received a request to attend an audience with the empress. Upon arrival at the palace, Russell learned “it not being customary for her to see any men, especially Christians, she sent one of the ladies of her bedchamber to Mr. Russell to acquaint him that she was much overjoyed to hear that the emperor her son had dispatched the affair he came upon.” The scribe once again commented that “this compliment cost Mr. Russell very dear, having the Lady who delivered it, the maids of honour, eunuchs, porters [and] guards to pay.” Clearly, she had the authority to command his presence and she was herself intimidating.

**Conclusion**

After the death of Muley Ismail in 1727 CE/1086 AH, with the civil wars of succession that followed, in addition to England’s successful colonies in the New World and in Asia, a change in the balance of power was evident and expressed in terms of race.

78. Ibid., 8 July, 1729.

79. Ibid., 10 July, 1729.

80. Ibid., 16 July, 1729.
but not in terms of patriarchy. Nonetheless, Muley Ismail and King Charles II were contemporaries, political peers, and polygynists, *de facto* in Charles’ case, ruling nations at the margin of the Catholic and Muslim trade systems in the Mediterranean basin. They also ruled nations that were restoring former ways of governing their nations after fairly short-lived revolutions. Beyond that, Muley Ismail clearly ruled the more powerful kingdom but a change in the balance of power was in progress. The English compensated for their lack of political power through demonstrations of hyper-virility, sometimes at women’s expense, in part influenced by the end of the Puritan era and in part influenced by the Oriental Renaissance in literature. English propagandists, including Pepys and Stubbe, traduced Catholicism and Islam to serve the political and economic agenda of the king and the elite. Meanwhile, the English appeared to have had no concept of the social power of Berian women until Lalla Khenatha, wife of Muley Ismail, patronized Mr. Russell’s embassy to Meknes. Muley Ismail’s success as a monarch was due directly to his revival of Berian matrilineal political traditions through his marriages that afforded him loyal armies to subdue the northern West Asiatic Muslim clans, a success that proved the value of a Berian political renaissance in North Africa. Charles II and Muley Ismail presented clear, alternative definitions of masculinity. This seventeenth century patrilineal challenge to female-friendly Berian world values; the next engagement occurred in the Berian Atlantic of the late eighteenth century on both sides of the ocean.

81. This development is significant and will receive further attention in another venue.
As a former governess, Mary Wollstonecraft knew that some elite girls would pass through life well-tended. Their marriages would be arranged, their dowry paid, their husbands bedded by mistresses or slaves, their children wet-nursed and nannied, so that they could concentrate on the important matters of their day: embroidery, tatting, music, painting, dancing and grooming. And as a former governess, Mary agreed that class and accident of gender prevented her from full employment of her mental gifts. Did she not manage her common-law husband Gilbert Imlay’s financial affairs in Holland? Did not her linguistic skills and wealth of knowledge equip her for a career as a merchant like her brother? If only her sex were free to follow such a career. Pre-Revolutionary Paris at least had a social circle of intelligent men and women who welcomed her ideas as an equal. Her skirts did not proscribe her. As she discussed the Arabian Nights with a friend, it occurred to her that elite women were no better off than Sheherezade’s predecessors. “Surely these weak beings are only fit for a seraglio!” Furthermore, such women ought never “leave their harams” for they “do not cultivate their understandings, in order to plant virtues in their heart.”

One of the societal revolutions at the end of the eighteenth century was the application of harem envy and hyper-virility to the reconstruction of elite gender roles in English, American and French societies, specifically the invention of a patriarchal,

homosocial sphere, a culture espoused by some Enlightenment Freemasons, and the concurrent reduction of their ideal wives from business partners to ornamental housewives. In the century since the Alawi champions of Tiski’s and Ghania’s daughters expelled the English interlopers from Tangier port, Anglo-American merchants and military officers affirmed their presence in the Mediterranean world trade system. The Freemasons and other intellectuals effectively integrated harem envy into Enlightenment social philosophy, resulting in a Western Christian societal ideology of theoretical male equality, similar to the Kharijite equality of all Muslims, and reinforced male dominance using Greco-Roman rationalism present at least since the fourth century formation of Roman Christian doctrine or during the more recent eleventh century when cultural contacts were made in the Christian Crusader states in Palestine where al-Ghazzali’s works could be accessed. This chapter will explore the late eighteenth century Western Christian patrilineal challenge to gynecentric culture via harem envy and the “masculine mystique” as evidenced in travel narratives and the continuing Oriental Renaissance. There were two camps in this challenge: one camp included people like those in Mary Wollstonecraft’s social circle in Revolutionary Paris who were strongly influenced by the Oriental Renaissance; the other camp included betrayers of the Oriental Renaissance who demonstrated that the Western Christian perception of the harem was fantasy. Meanwhile, some of Mary’s Freemason friends advocated for homosocial models of elite society in the

Christian West and elite defenders of Berian values were in retreat from the pervasive patriarchal incursions in Morocco. Elites like Moroccan jurist al-Kiki were undefeated in their battle to uphold Berian women’s rights but found themselves almost inundated by West Asiatic Muslims.

Mary Wollstonecraft’s social circle in revolutionary Paris and Oriental Renaissance influence

The seraglio was eighteenth century Mary Wollstonecraft’s metaphor for the domestic sphere to which Western Christian elite women were increasingly restricted. Negative stereotypes about Islamic culture were more prevalent than accurate knowledge in a Western Christian society engaged in challenging the Ottoman empire for more access to Mediterranean markets, including an English-speaking expatriate community in Paris, where such knowledge was often skewed to demean women. Wollstonecraft opined, “Surely these weak beings are only fit for a seraglio!” As a temporary resident of that influential Parisian community, Mary Wollstonecraft argued that more and more of her female contemporaries were hardly fit “to govern a family with judgment, or take care of the poor babes whom they bring into the world.” Furthermore, she complained, such women ought never “leave their harams” for they “do not cultivate their understandings, in order to plant virtues in their heart.” What does it mean that she used “seraglio” and “harem” as metaphors for the Western European woman’s situation? Wollstonecraft had


4. Ibid., 269.
lived in England, France and Holland. She visited Portugal but there is no evidence that she ever traveled to the Ottoman empire or to North Africa. She dined with people who had access to information about those regions; many of her dining companions were Freemasons.

Many of Wollstonecraft’s Freemason friends glorified what they perceived to be Mesopotamian, Persian and Egyptian cultural symbols, including the mysterious harem. One such friends, Thomas Paine, displayed familiarity with pre-Islamic, West Asiatic Islamic and Egyptian lore and he was not unique, as excerpts from Paine’s *Origin of Freemasonry* reveal.

“Masonry (as I shall show from the customs, ceremonies, hieroglyphics and chronology of Masonry) is derived and is the remains of the religion of the ancient Druids; who, like the magi of Persia and the priests of Heliopolis in Egypt, were priests of the sun.”

“It is generally ascribed to the ancient Egyptians, the Babylonians and Chaldeans, and reduced afterwards to a system regulated by the apparent progress of the sun through the twelve signs of zodiac by Zoroaster the lawgiver of Persia, from whence Pythagoras brought it into Greece.”

“The religion of the Druids, as before said, was the same as the religion of the ancient Egyptians. The priests of Egypt were the professors and teachers of sciences, and were styled priests of Heliopolis, that is, of the *City of the Sun.*”

“From the remains of the religion of the Druids, thus preserved, arose the institution which, to avoid the name of Druid, took that of Mason, and practiced under this new name the rights and ceremonies of Druids.”

Of the ancient cultures mentioned, the Druids, the Persians, the Greeks and the Egyptians, the latter three cultures were Mediterranean ones whose economic dominance the Americans and Western Europeans challenged at the end of the eighteenth century.\textsuperscript{6} John Paul Jones, who was a companion of Benjamin Franklin for a time in Paris, was an admiral in 1788 for Catharine the Great of Russia, for whom he battled the Ottoman’s hold on the Bosporus, returning to France in 1789 CE/1148 AH.\textsuperscript{7} In 1798 CE/1157 AH Lord Nelson handed Napoleon a naval defeat at the Battle of the Nile over France’s attempt to interrupt British trade in the Mediterranean and the Red Sea route to the India and China.

\textsuperscript{6} R. Stephen Doan, Grand Master of California Masons, wrote a history of Freemasonry. He suggested that the arch used in Gothic architecture “was borrowed from the Arabs and that it was introduced into Europe by Crusaders or Knights Templar returning from the Holy Land. . . It is ironic that something borrowed from the people whom the Crusaders sought to destroy could so revolutionize construction in Europe.” He claims that Masonry began as a guild during the construction of the great Gothic cathedrals and “sometime around 1600, Lodges began to admit members who did not actually work for their livelihood as stonemasons.” Another borrowing from the Muslim world, according to John Edwards, was the structure of the university system which he attributed to an original model from the city of Toledo, a center of the translation of ancient Greek texts for European audiences, which Castile wrested in 1085. David Stevenson’s research puts the beginning of Freemasonry at a much earlier date. R. Stephen Doan, “Origins of Masonry,” \textit{Education} 114, no. 1 (Fall 1993): 24-26; John Edwards, “A Conquistador Society? The Spain Columbus Left,” \textit{History Today} 42, no. 5 (May 1992): 10-16; David Stevenson, \textit{The First Freemasons: Scotland’s Early Lodges and their Members} (Aberdeen: Aberdeen University Press, 1988); David Stevenson, \textit{The Origins of Freemasonry: Scotland’s Century, 1590-1710} (New York: Cambridge University Press, 1988); Ran Halevi, \textit{Les loges maçonniques dans la France d’ancien régime: aux origines de la sociabilité démocratique} (Paris: Armand Colin. 1984); Margaret C. Jacob, \textit{The Radical Enlightenment: Pantheists, Freemasons and Republican} (London: George Allen and Unwin, 1981).

The eighteenth century would see Europeans as free men, not slaves, on the global stage; their fascination with stories about West Asiatic Islamic harems focused more on power relations between genders.

Mary Wollstonecraft was one of many eighteenth century Western Europeans who read and wrote about harems and harem fantasies. According to Clark’s research, “there is not a writer from Defoe to Walpole who fails to show some attention of more than a merely passing sort to these compelling stories out of the strange and inventive East.”

“Give me the *Arabian Nights Entertainments,*” said Coleridge, “which I used to watch till the sun shining on the bookcase approached, and, glowing full upon it, gave me the courage to take it from the shelf.” Coleridge’s fascination continued into adulthood when he, with Schlegel, “found themselves entangled in the raging controversy over their origin and authorship.”

Herman Melville read them as did Swift, Percy, Defoe, and Johnson. Not all readers of the *Nights* praised them: many were critics. Bishop Francis Atterbury, who received his copy of Galland’s *Nights* from Alexander Pope, decided that the stories “may furnish the mind with some new images but I think the purchase is made at too great an expense,” he wrote, calling the reading of the stories “penance” for those who disliked


them and “dangerous” and an “infection” for those who did like them. Many writers mimicked the literary style of the *Nights*. Voltaire, who claimed to have read the *Nights* fourteen times, had a penchant for mocking the tales even as he copied their format in several of his fictions. Samuel Johnson was known to satirize the “lush ornateness of the Arabian originals,” even though he published sixteen “sermons tricked out in oriental fancy dress.” Horace Walpole was another who “made fun of the Oriental stories.”

Another popular tale about harem life was Montesquieu’s satire, *Persian Letters*, published and translated numerous times beginning as early as 1722 CE/1081 AH. It is an excellent example of harem envy, the “masculine mystique” and hyper-virility set in the context of Western Christian Europe’s rising power in the West Asiatic Islamic economic zone, and the cultural fusion of the dual hegemonies wrought on the field of women’s bodies. The letters purport to be between Uzbek, the chief protagonist traveling in Europe, and his friend Rhedi, or his wife, Roxanne. “History demonstrated,” says the fictive writer of the letter, “that among the most civilized nations women have always dominated their husbands,” referring to Isis in Egypt, Semiramis in Babylon and even among Romans who commanded all nations but obeyed their wives.” Uzbek proffered the opposite: “If the Europeans say that there is little generosity in making those we love unhappy we Asiatics can respond that there is something debasing to men in renouncing the authority which

12. Ibid., 17.


nature had given them over women.” This portion can be read on two levels. If one associates the Freemasons’ identity with ancient West Asiatic Islamic cultures, then one can see a rational, scientific justification for a homosocial body politic. Montesquieu also parodied monarchs in the role of the Asian emperors, supposed despots in the eyes of Europeans, and the populace as subordinated women. In this allusion, as in Enlightenment representations of classical Roman society, emperors sought approval from the mobs at the expense of the empire. Writing a generation after Charles II’s restoration and the Parliament-regulated rule of William III and Mary, he presented the concept that enlightened European monarchs ought to serve the people in a binding social contract.  

If there was a binding social contract between France and the United States at this time, it must have included assistance in acquiring a replacement for the territory France lost to England in the Treaty of Paris in 1763, since American and French Freemasons discussed a French invasion of North Africa. This plan was plausible after the Sultan of Morocco had granted the United States most favored nation status, giving the infant nation access to a market that Britain could not secure with its Tangier base. Britain’s former advantage in the Strait of Gibraltar had been challenged and now France, no longer so intimidated by England, could think of an invasion of North Africa led by Gilbert du Motier, Marquis de Lafayette, or so said John Paul Jones in the mid 1780’s. “It won’t take a long time for your Excellencies to discern that the real destiny of France lies in North

Africa. . . The laws of geography indicate that the whole [of] North Africa, from the Colonnies of Hercules to the sands of Suez, will soon or late fall under the benevolence of France.”¹⁶ Freemasons and Republicans believed in Reason more than monarchy or religion, for it was Reason that inspired the Americans to nationhood. Freemasonry prized merit and science over hereditary society. Since Christianity had proven impotent in the face of Islam, as far as military might was concerned, and since Freemasonry fostered men who were powerful enough to take on the British adversary, did it not follow that Freemasonry’s rational fraternity was a better environment for producing leaders than political systems that accorded power and influence to women? The Reason of the Sassanian Magi was resurrected and it inspired a generation of patriarchalists from Western Christian lands to conquer the Berian Muslims. It almost seems as if a dormant dream of Sassanian revenge was ultimately fulfilled. In reality, Western Europeans possessed sufficient military advantages at this time to invade North Africa successfully.

Part of the West Asiatic restructuring of Western Christian elite society, if one continues with this West Asiatic imperialist line of thought, was the imposition of gender-segregated society. This could be accomplished in part through normalizing the harem fantasy. At a literary level, those of moderate education and those who read the Persian Letters for entertainment might argue the disadvantages of fidelity and the changing role of women in Western European society. At one point Usbek complained to his wife that

¹⁶ Thomson, Knight, 399.
European “women here have lost all restraint.”\textsuperscript{17} He tried to convince her that it was for her own good that he kept her and his other women under the guard of eunuchs in “that sacred place, which for you is a harsh prison, even as it is for your companions an asylum from the assaults of vice, a holy temple where your sex, despite its natural disadvantages, loses its weakness and becomes invincible.”\textsuperscript{18} An asylum from assault supports a hyper-virile notion that men by nature had no self-control and were bound to behave like Kirke of Tangier if not supplied with a harem of their own, like Charles II. However, unlike Jesreel Jones, Montesquieu through Usbek suggested that a single Western European woman could not satisfy a man because the Christian man, unable to divorce and “disgusted with one everlasting woman, soon turns to prostitutes, — a shameful commerce.”\textsuperscript{19} Christian monogamy, in this argument, condemned women. The recommendation via Usbek was a change in marriage laws to model those in Islam as Montesquieu understood it: “nothing contributed more to mutual attachment than easy divorce” that affords husband and wife “power throughout their lives.”

For Western Christian women like Mary Wollstonecraft, whose own sister was in an abusive marriage and who, herself, was in a common-law marriage with Gilbert Imlay, the good intentions of Usbek had a debilitating effect on his wife, Roxanne. In order for

\begin{itemize}
  \item \textsuperscript{17} Ibid., 47.
  \item \textsuperscript{18} Ibid., 38.
  \item \textsuperscript{19} Ibid., 194-5.
\end{itemize}
more men to imitate the hero of this harem fantasy in their daily lives, women were forced to divest themselves of their sexuality, an impossible task.

“A woman is indeed unfortunate to have such violent desires when she is deprived of the only one who can satisfy them . . . Far from being happy, she must even forego the pleasure of serving another’s happiness; a useless decoration of the seraglio.”

“Seraglio” was an apt foreign word to describe palace social structure among French royalty. Madame de Pompadour, mistress of King Louis XV, secured her position at Versailles by procuring “insignificant if ravishing young girls . . neither well-born nor wealthy” for the king’s amusement. It was not unknown for her to endow those who conceived a child by the king. Madame de Pompadour created a harem system in order to perpetuate her own importance in Louis’ life. The key to a Western Christian woman’s importance was the sexual satisfaction of her man and her man dreamed of a bevy of houris in a harem of his own. This stands in stark contrast to the role of Alawi women.

Western Christians imitated the West Asiatic Islamic temporary mut’a marriage with the unofficial institution of the left-handed marriage as a method of imitating concubinage without slavery. For French and English women, the idea that women in the Islamic world could divorce their husbands and that they were entitled to support for themselves, even if temporary, and for their children percolated into the Revolutionary and

20. Ibid., 16. “Serving another’s happiness” reflects the Shi’i marriage vows in which a woman “surrenders” to her husband’s pleasure as discussed in Chapter 3.

21. Thomson, Knight, 418.
Enlightenment idea of liberty for women. Usbek phrased the question thusly: “It is an important question among men whether it is better to allow women their liberty or to take it from them.” For example, did a free-born Western Christian mistress possess as many rights as a concubine? Even Benjamin Franklin chimed in on this criticism of kept women with the publication of “the Speech of Polly Baker” in which he argued for child support. Mary Wollstonecraft, a common-law wife, knew that without formal marriage there was little hope at that time of enforcing child support money. For readers like Paine, the capriciousness of some monarchs, from Russia to England, might have resembled the husband in the Letters who ordered the women of his harem to “take a thousand different positions; ever new commands brought ever new compliances.” Paine, whose first wife passed away due to complications after childbirth, was in a good position to draw parallels between women who suffer to please a husband’s demands and working citizens who struggled to comply with the rulings of monarchs, especially those who styled themselves after the oriental despot stereotype. He most certainly was attentive to Montesquieu’s discussion about divorce, having himself separated from his second wife around 1774 CE/1133 AH, sometimes honoring his lifelong obligation to support her financially.


Westerners practiced cohabitation without the benefits of benefits of mut’a contracts with respect to child support.

**Informed Western travel writers debunked harem fantasies.**

Without a doubt, Europeans had first- and second-hand knowledge of domestic life in the Islamic world. Many chose, however, to distort their information to suit their own purposes, while some authors betrayed that project. For some of the confrères of Freemasonry, a world of empowered men in public and delightful women at home was preferable to the unbridled, adulterous wives of Paris. Some fanatics of the literature devoured published travelogues by Carsten Niebuhr and Robert Heron’s *Travels through Arabia and Other Countries in the East* (1799). For many travelers, the real world of gender relations that they encountered in the Muslim world did not support the harem fantasies.

The misinformation campaign was sometimes a matter of naïve gullibility. Francis Carter understood this source of bad information very well, having seen it in action. He might have been of English heritage but he was raised in Iberia, making him an informed observer. “I have known Spain from my very childhood, since the year 1753 CE [1112 AH] to 1773 CE [1132 AH]; all my time (except five years spent in France) was past in Andalusia and the kingdom of Granada.”

because other accounts in English were poor, owing to the “cursory remarks and vague descriptions of English gentlemen, who, making but a few days residence at its capital towns, often only as many hours, could not be expected . . . to give any regular history of a people, with whose language they were wholly unacquainted.” Carter criticized the gullibility of such men, many of whom joined the societies of professional and amateur “seeing-men” and presented manufactured antiquaries as genuine. To bolster his point, he described the typical tour an Englishman might receive at Gibraltar.

“There are not wanting those, who will have this reservoir [twelve feet square and built by the Moors to contain rain water on a rock without a natural spring] to have been a bath, and shew you another room where they assure you was a royal hot bagnio; nay they go so far as to parcel out each plot and wall into kings and queens dressing-rooms, bed-chambers, halls of audience, guard-rooms, and all the necessary apartments of a king’s residence.”

Carter found no proof of any king having lived in Gibraltar. The visitor would be quite impressed and leave with an indelible and printable impression of a place that would come to exist in the European imagination grounded in the Oriental Renaissance in literature.

Other observers, including some of whom Carter might have approved because they resided in North Africa, regaled their American audiences for years with accounts of their adventures. One topic that was always popular was that of the elusive Muslim woman.

27. Ibid., 1:v. Language barriers affected communication and comprehension in the Russell embassy to Meknes.

28 Ibid., 1:vii.

29 Ibid., 26.
For example, William Eaton, the Massachusetts school teacher who became the template for Lawrence of Arabia, enjoyed his notoriety derived from his adventures in North Africa. He conversed in eleven languages, including French, Latin, Greek, four Arabic dialects, one of which was a local “patois, part Italian, part Turkish, and part Egyptian-Arabic” and looked like a blue-eyed sheikh in his desert robes. “Wearing flowing Arab robes and a scimitar in his belt, the heavily tanned Eaton looked at first glance like a leader of the Bedouin, the ferocious Arab nomads who were respected throughout all of North Africa as fighting men.” When he spoke about North Africa, he was an authority. “He was so completely the Arab in his personal mannerism that wandering tribesmen whose path crossed that of his column automatically assumed that this tall man with the air of command was Hamet Karamani, future Bey of Tripoli and rightful heir to the throne.”

Charles Prentiss wrote a biography of Eaton that included observations about the life of women in North Africa. Eaton at least acknowledged their presence (the captain of the USS Adams, in contrast, omitted local people from his description of Malaga). In 1799 CE/1158 AH, Eaton described urban women, not rural ones as observed in some of the travel narratives. “The women are never seen abroad, except the poorer classes, and

32. “Log of the USS Frigate Adams, 1799-1814.” US Naval History Division, Ships’ History Section, Washington Navy Yard, Washington, D.C. The captain commented upon the architecture of the place and his description was perhaps more intended for military reconnaissance than social commentary.
these not without being wrapped about in blankets and handkerchiefs from the crown of the head to the ankles [sic]: they are always barefoot, or in slippers only.” He did not see any indication of corsets, high-heeled shoes, stockings or any of the refinements of western women’s dress. He mentioned handkerchiefs, not veils. Ordinarily, when women were veiled with vision impediments or eyeholes, observers made clear references to them. In a letter to Stephen Pynchon, his friend in Brimfield, Eaton suddenly became an expert on North African women, referring to “ladies,” presumably upper class women. Although he had told his wife two days before that he had not had any contact with upper class local women, his friend got a different story. He might have been describing Turkish women imported for the Ottoman rulers when he mentioned their shoes, “square toed . . . generally without quarters or very low ones.” Somewhere around mid-leg, whether he meant mid-calf or the knee is unclear, “commence writhes of Muslin like sailors’ trousers, loosely twisted about each leg” that eventually form trousers. “Over this, suspended like curtains from the head to the ground, roll huge dirty folds of flannel or muslin blankets.”

Eaton had the rare opportunity to observe the private quarters of numerous families because the American house was “the largest in the city and by far the handsomest,” affording the opportunity to intrude into the inner courtyards of many families without their consent. At four stories tall “from the magazine”[perhaps above the storage floor], the second floor alone had “one and twenty rooms and closets” and the foundation measured

33. Eaton to Mrs. Eaton, Tunis, 6 April 1799; Eaton to Stephen Pynchon, Tunis 8 April, 1799, in *The Life of the Late General William Eaton*, Charles Prentiss (Brookfield: E. Merriam and Co., 1813), 154, 156

280
120 feet by 50 feet. The average house of a diplomat was three to four stories high while “the houses of Tunis are low.”\textsuperscript{34} His rooftop walks or his windows allowed Eaton to view women in the unveiled privacy of their home courtyards.\textsuperscript{35} He distinguished between paler Turkish women and “the daughters of Abraham,” who are “ill shaped, short and dirty. They are all brown.” He did not find them beautiful nor did his experience confirm that these women were “accessible” as reputed by “common fame.” He was not attracted by them, saying that “it is an abominable falsehood [\textit{sic}] recorded by geographers, \textit{that the women of Tunis are handsome.”} [his emphasis. In a letter to Stephen Pynchon of 8 April 1799 (1158 AH), Eaton confided that his sexual urges, referred to as his “curiosity,” were restricted by his marriage vows.\textsuperscript{36} He further underscored this by pointing to the “silence and solitude” of his residence, “for we have not a woman in the house.” Was he only commenting that his three servants, interpreter and his houseguest, a Baltimore “physician and a philosopher” were all male? Or was he hinting at homosexuality as a means of relief? Or perhaps he lamented the absence of slave women to satisfy his urges as many slave

\begin{quote}
\textsuperscript{34} Ibid., 161.
\end{quote}

\begin{quote}
\textsuperscript{35} Le Tourneau’s description of rooftop life matches my own observations of Fez and Es-Saouira /Mogador. “The terrace serves as an area for drying laundry, fruits, and vegetables, but is first of all the domain of the women, who can go there to enjoy fresh air and sunshine and chat with the women of the neighboring houses. A small ladder is often seen there. . . . It is possible to go from terrace to terrace for several hundred yards, if one does a few gymnastics and is acquainted with a sufficient number of families.” Le Tourneau, \textit{Fez}, 59-60.
\end{quote}

\begin{quote}
\textsuperscript{36} Prentiss, \textit{Late Gen. William Eaton}, 158, 161.
\end{quote}
women did in the United States. By 1802 CE/1161 AH, apparently reconciled to the long separation from Eliza, Eaton had taken an “expensive young Italian mistress.”

Eaton’s personal frustration must have been exacerbated by Western Christian envy of legally sanctioned polygyny. He described a marriage celebration he observed while on a caravan during the desert march to Tripoli. The bride was thirteen years old, whereas the groom was older than fifty years and already married to at least one other woman. His rank as sheikh seems to have afforded him this polygynous opportunity or might have obliged him to take in an orphan or a pawn wife, or he might have been without an heir.

Eaton, coming from a patriarchal, slave-holding society, could fathom no other purpose for the marriage beyond the gentleman’s personal pleasure. He defined bridewealth as bride purchase. “This newly married dotard...was a Cheik; his new bride a daughter of a family of the Samarank, whom he had bought of the parents, according to custom, before marriage.” Western Europeans filtered Islamic women’s rights to marital sadaq and nihlah through the notion of purchasing wives, who Western Europeans assumed became femmes coverts and the property of their husbands. The term “brideprice” eventually became common usage among Westerners for bridewealth, but no one called dowry, “husband price.”


Another diplomat, Dr. James Curtis, a British surgeon attached to an English diplomatic mission to the court of the Alawi Sultan Muley Suleiman II in Morocco, was the sort of author Francis Carter despised. His account was based on several weeks’ stay and is loaded with misinterpretations veiled by harem fantasies. Dr. Curtis was one of the very few westerners to enter the harem of the emperor. He did so on 9 June 1801 (1160 AH), supposedly to advise on the installation of some modern gadget in the building. It is evident that he did not have permission to do so because the women had not been cleared from the area. He interrupted their singing, walking and music making. Once he and his male friends were observed, the women “took to their heels.” Just as Eaton commented about Tunisian women, Curtis, a British subject, proclaimed that not one of these harem women “would be accounted handsome in England.” As an interloper in the private portion of the Emperor’s own harem, he dared to look for further evidence to support his assumption about the debauchery of Moors. He took a walk on an unspecified terrace but not before he put some fruit in his pocket. For some reason, the women among whom he walked began “dancing and romping [and] absolutely put me to the blush.” He shared his fruit with them and commented that these women had heard rumors that Western men were somehow different than Moors, presumably in the department of physical endowment or circumcision if the sexual overtones of this passage are to be believed.


40. The sharing of fruit can also be a polite code for seeking the company of a prostitute in much the same way that orange sellers at Shakespeare’s Globe Theater had a bad reputation. Curiously, a letter of 8 January 1827 from R. W. Hay to Downing Street concerned a claim made by a Moroccan, “Inerza Houd Ben Elias, who represents himself to be the son of a late physician to the Emperour of Morocco.” I have no evidence to
wearing tight pantaloons, the customary attire at that time for European gentlemen, then it was probably Curtis who appeared to be suggestive and immodest, since no Moroccan would have walked in public in clothes that would allow any eyes to know so much about a man’s nether regions.

Curtis confirmed Eaton’s observation that “the higher classes of the Moorish women are never suffered to walk abroad” and are restricted to “the tops of their houses, which are flat, and terraced for this purpose exclusively.” Such terraces were not designed only for women’s walks. Rooftops in this region have/had many functions among others as sleeping porches, laundry-drying areas, and kitchens. Curtis had a narrow interpretation of seclusion when he wrote “unless by accident, the women never see any other man besides their husbands.” His interpretation shows that he clearly did not understand the nature of an extended family, including married sons and their families, sharing a house. In his patriarchal mind, nurtured by harem fantasies, there was only one adult male per household.

Curtis made another observation that suggests a parallel with the practice of men and women separating after dinner at Victorian dinner parties. “When they have a party to tea the men are desired to quit the house, and when the husband receives the visits of his friends, the women always shut themselves in their appartments [sic] until the company

connect this man to Curtis’ 1801 visit except the years and Curtis’ habit of boasting of his access to the Emperor’s household. R. W. Hay to Downing Street, 8 January 1827, PRO, FO 95/166.

41. Curtis, Journal, 61-63. The harem household structure is discussed in Chapter 8.
have departed.”

Curtis’ concept of marriage here is still further likened to the institution of Western slavery with an improvement some men found enviable. According to Curtis, there was an eight-day warranty on brides, during which time “no disgrace whatever is attached to the female in case she should be returned to her parent.”

Harem envy and virility issues similar to the Cardenas/Jones debates colored Curtis’ vision. Two men presented to Dr. Curtis complaining of their impotence following a plague. Curtis claimed that the Governor of Alkasar complained that his wives (age unspecified) had left him due to sexual dissatisfaction. Only one wife remained. “Both these persons appeared to be above seventy years old, but had no conception that old age made any difference in the human constitution.” These men were unaware that proper older men, according to Curtis’ British standards, should withdraw from sexual activity. “To their last moments, however, they continue to be strongly addicted to the pleasure of sex.” He even ascribed the rumored blindness of the previous emperor to “the habit of excessive intemperance and debauchery.”

42. Ibid., 63-4.

43. Meakin reported in 1895 an annual day in which unveiled women were paraded to attract a suitor who then went with her to seek her father’s permission. “The only engagement entered into is to bring her back to the same place on a market day if tired of her, that she may better her lot.” Meakin, “Morocco Berbers,” 10. Curtis’ narrative gives insight into a sad situation for women’s lives: lack of gynecological medical care in any nation at the time. One local man asked for English medicine to help the unborn baby his wife carried. The child had gestated 16 months and refused to be born. The husband insisted “that the foetus was still asleep. He entreated me to give her something to awaken it.” Curtis, Journal, 85, 63.

44. Ibid., 75.
About fifteen years later, after the Americans won a victory at Tripoli in 1805, Dr. Robert Richardson made a journey to the eastern Mediterranean. While this is far removed from the Strait of Gibraltar, he commented upon much the same themes as the previously mentioned authors: veiled women and male virility. However, there is a change that is inversely proportionate to growing European and American power in the southern Mediterranean. As Egypt and North Africa lost their ability to dominate the West, Europeans no longer felt inferior to Muslim men, as evidenced by Richardson’s portrayal of them as increasingly impotent. He spent ten days at Gibraltar before continuing his journey via Malta. In Alexandria, he complained of the “remarkably dull appearance, from there being few windows” of the houses along “narrow, dirty, and irregular” streets. He, like Curtis and Eaton, was disappointed with the draped bodies of women in the street who “seldom go abroad, except on holiday, to visit the tombs of their departed relatives.”

There was a change, though, in his description of women, which suffers from delusions of omniscience. “The display of female charms in form, finery and conversation, is entirely confined to the domestic circle, the society of their husbands, or that of their own sex.” These women were somewhat “lively and intelligent” when companions of their husbands and “equally vapid when removed from his presence.” The word “harem” has been discarded for the English term “domestic circle.” The men were far from the oversexed senior citizens of Curtis’ narrative. Now they sported “gloomy aspects.”

45. Robert Richardson, MD, *Travels along the Mediterranean, and parts adjacent: in company with the Earl of Belmore, during the years 1816-17-18 extending as far as the second cataract of the Nile, Jerusalem, Damascus, Balbec, etc, etc.* (London: T. Cadell, 1822), 1, 22-23.
Richardson hinted at divisions based on Christians’ contempt for Muslims within the Turkish empire. “I have seen the Christian boys praying in ridicule of the Mahometans, calling out the same words, and performing the same genuflexions” [sic] In Tripoli the Turks were not as feared nor as powerful as they were in Syria.” 46 Furthermore, the English consul was “a very old man, [who] seems to be always asleep; he had lately married a young Arab girl for his wife, who immediately laid aside the veil, walked about in the company of gentlemen, and received visiters [sic], as the ladies do in Europe.” 47 Here again, in inverted power proportions, a physically debilitated, older English man was able to attract a young *houri*. Europeans appropriated virility, so to speak, moving its epicenter from an imagined Orient to the Occident. For the Freemasons, the process entailed appropriation of virility from ancient cultures to their own.

Harem envy and the misperception of gender relations in the Islamic world had so much currency in nineteenth century CE England, that when John Galt, a famous Scottish traveler and author, traveled to Constantinople in 1810 CE/1169 AH, he was shocked to discover an entirely different reality.

46. Ibid., 518.

47. Ibid., 519-520.
“The state of the women in Turkey is one of the greatest curiosities which the empire affords. Accustomed to hear and to read of their secluded apartments, and the danger and difficulty of obtaining access to them, I was rather surprised to find, in fact, much less difference in their condition from that of our own females, than I thought reconcilable to the doctrines of Mahomet.”

Galt did some research to prove that gender segregation did not originate with Islam but “was general over all Europe, till the middle of the fifteenth century” and dated back to the ancient Greeks. “Mahomet only exalted the principle into a religious obligation.” Galt did not specify the tenets of Islam as he understood them except that women were supposed to be veiled to strangers and confined to the home. Galt undermined the myth of the unreachable Muslim woman when he wrote that, “considering the state of society in the country, the women cannot be regarded as stinted in their freedom; and the uniformity with which they dress when they do go abroad, furnished the licentious with abundant opportunities of indulgence.” He perceived that women socialized with whomever and whenever they chose. “No restriction is laid on their intercourse with each other; and I question if scandal be less eloquently worshiped in the harams of Constantinople, than in


49. There are numerous ways to read this statement. First, Galt wanted Europeans to own the idea of gender segregation. Second, Europe and West Asia shared a common history with respect to gender, therefore uniting the dual-hegemony in the Mediterranean Sea. Third, if Galt is correct, then gender desegregation coincided with the expulsion of Berbers and Arabs from Spain, meaning that Berian gynecentric values reached the edges of the European zone. Further research is required. Ibid., 1: 279.
the boudoirs and the drawing-rooms of Paris and London.”

Perhaps these women merely were not interested in passing time with Western Europeans.

John Galt’s reading of women’s place in Turkish society is humbling in that he performed what is now called a feminist reading of the social structure; indeed, had I not held the 1812 CE/1171 AH text in my own hand I would doubt that it was a nineteenth century document. It is troubling to think that a veil had been drawn on this knowledge, a veil so thick and foreboding that it took the great efforts of Drs. Fatema Mernissi, Leslie Peirce, Nawal Sadawi, Judith Tucker, and many others to uncover this same knowledge in the twentieth century. For example, Galt discerned a matrilineal structure in the hierarchy of power within the Sultan’s seraglio.

“The second person in the state, corresponding in rank to the Christian queens, is the Sultana mother... Next to her, in degree, are the sisters of the sultan; deriving this eminence from the double consideration of being daughters and sisters of sovereigns. Next to them are the daughters of the sultan, etc. The wives of the grand signor are not dignified with the title of sultana; nor, whatever may be their personal influence, are they considered of the same political consequence unless they happen to be immediately of the imperial blood.”

A piece of troubling information for those interested in de facto polygyny was Galt’s observation that “adultery is a capital offence.” Mary Wollstonecraft and Thomas Paine, had they been alive, would have debated this next bit of information, although in itself it was not news. “Divorces in Turkey may take place, at any time, by mutual consent,” with

50. Ibid., 1: 277-78.
51. Ibid., 1: 278.
the husband owing a financial settlement if he initiated the divorce action. Galt did not mention that women had the same obligation if they initiated the divorce, suggesting that he obtained his information from male informants and not from Islamic legal texts.

Galt raised a question about polygyny leading to a lower birthrate for he met a bey who “had four wives, but only three children.” This is a startling contrast to American families who practiced serial monogamy because of the frequent puerperal fever deaths and the debilities of too frequent and too many pregnancies. However, Galt might also represent purposeful misinformation on the part of the Turks, if Carter’s observations are applied. It cannot have been a secret from West Asiatic Muslims that European travelers like E. Dummer often published their journals, and the information was used as military reconnaissance. Hence, reports of under-population might have been planted to disguise the size of the potential land army. Galt might have had an interest in this agenda also. He reported in his description of the Barbary states that the population was twenty thousand or less. He also reported that upwards of four thousand ships stopped at Gibraltar each year. In reality, the harbor simply did not have the capacity to handle a seventy ships a week. Now, if Galt’s informant was a native speaker of Arabic, he might have said “mia,”

52. Ibid., 1: 279.

53. Ibid., 1: 296.


55. Ibid., 1:4-5.
meaning “hundred,” and Galt might have mistranslated it as “mille” (French) or “mil” (Spanish), each meaning “thousand.” Galt also stressed the growth of American trade in the Mediterranean as representing a missed opportunity for Great Britain. A report of American ships docked in Gibraltar over approximately ten days in September, 1807 CE/1166 AH showed only three ships, with another ship detained by Spanish privateers. Mary Wollstonecraft’s nightmare of women ensconced in a seraglio had grounding in reality as some travel narratives provided evidence from Christian Mediterranean culture to support the sequestering of women to the domestic sphere and their lack of education.

One of Carter’s descriptions of the town of Gibraltar juxtaposes Moorish culture and convents-cum-harems when he disclosed that the “the remains of the Moorish castle” were not far from “Crouchet’s house and garden, where I resided fifteen months” and “Bethlehem barracks, formerly a convent of Nuns; the admiralty-house, in the time of the Spaniards a monastery of white friars.” In one sentence he summed up one thousand years of cultural history at the Strait of Gibraltar: Moroccan, Catholic Spanish and British.

In Gibraltar, one of the former Catholic cloisters was filled with “barrels of American flour.” He was careful to note, “and I may add with rats.” When General Cockburn arrived in Sicily, with its history of Aragonese law, he was shocked to find that elite

56. John Galt, 1:130-34.


women were less educated than their French, English, and American sisters.

“. . . the women are in general poorly educated. . . . The usual mode of educating girls, even if the mother is alive, is to put them into a convent; and a match is made between parents for a son and daughter, without ever asking the consent of the parties, or their seeing each other till brought together to sign the marriage contract — hence so many unhappy marriages. . . . I have been assured, that parental authority is carried very far here, which seems odd, as they see so little of their children.”  

During his stay in Sicily, Cockburn encountered a strange mix of morals. He met a woman who was unhappy with her arranged marriage; the family could not reconcile the differences between her and her estranged husband. She faced an unhappy consequence.

“Such is parental authority, that if her father orders her to go into a convent, she must go— not to take the veil, but as an inmate, and shut out possibly for ever from the world.” Adultery, he said, “is not looked on as very criminal, we cannot be surprised that it is frequent.” He was quite skeptical of the talk of sexual indiscretions, believing the conversations about it to be more frequent than the rate of its actual occurrence. He also believed the poor to be more suspicious of “anything like a liberty towards” their wives even though “a man will sell his daughter or his sister, sans ceremonie.” Cockburn would have sided with Paine and Wollstonecraft had he joined them at one of their dinners. He decided that the Catholic church was to blame for not allowing divorces.

Cockburn found in Lisbon another instance of women confined to harem lifestyles

59. Ibid., 2: 100.

60. Ibid., 2:101, 103-104.
such as the daughters of his host, Baron Quintella, who,

“has two daughters, one fourteen, the other nine years old, both in a convent for education. They never come home, not on Sundays, Easter, nor even Christmas, and yet he has a sister who lives with him a notable old lady. I remonstrated against this custom, so different from ours; but the baron very coldly replied, ‘Oh! They will come out to be married when they are fit, and when I make a match for them.’ All his intercourse with them, in the mean time, is an occasional visit.”

For entertainment, Cockburn, in the company of a Captain Azedo, attended the ballet in Lisbon where there were “some excellent women dancers; but the greater part of the men only fit for Astley’s or Sadler’s Wells. . . . the women were, as to dress, nearly naked.” Even a eunuch-type figure was present; Cockburn observed that the baron employed for his son a household tutor, “really a genteel young Irish priest.” For Cockburn, the sequestering of daughters, the segregation of the sexes, semi-nude dancing girls and arranged marriages might have been part of a Christian society but the elements he listed for this land of olive-skinned foreigners approximate the structure of harem households of Scheherazade’s lore. Furthermore, in these lands of relative sexual laxity and questionable female education, men were the absolute controllers of women’s liberty. Cockburn gave his audience the impression that immuring women in domestic space is the continental, patriarchal tradition.

61. Ibid., 2: 195-96.
62. Ibid., 2: 181-82.
63. Ibid., 2: 194.
The garrison of Gibraltar held further examples of the conceptual acquisition of European male virility at the expense of female liberty in the intersection of Christianity and Islam in the Berian Atlantic, especially with respect to Wollstonecraft’s claim that some women aspired to being nothing more than a decoration in a harem. The court martial records of Gibraltar garrison suggest that women resented their status as legal minors and that they preferred a more respectful and law-abiding society in the public sphere to isolation in the home. For example, women in Gibraltar came under garrison discipline. Unruly prostitutes were generally tamed by being sentenced to the whirligig, a bamboo cage shaped like a millwheel, over six feet high and revolving on an axle. The woman was placed inside and the cage revolved at a speed that the willing soldiers could raise so high that fluids drained from the body of the victim. In one entry, the location of the whirligig was listed along with the existence of a tennis court, suggesting that its use was a form of diversion for the garrison men. Allen Andrews suggested it was perhaps one of the most uncivilized punishments ever employed by British justice, and it was used during Gibraltar’s sieges as an occasional diversion for the entertainment of soldiers. “This whirligig, a well-known feature of Gibraltar discipline, was reserved for the punishment of garrison ladies who in one way or another had transgressed the fairly free-and-easy codes

64. PRO, WO 284, 1st Feb 1748.

of the town." Sex workers were punished for forgetting their function in garrison society. Soldiers were reminded that they could enforce access to women’s bodies. Only a patriarchal sense of male entitlement to women’s bodies as an expression of hyper-virility could contribute to such abuse of women.

Mary Wollstonecraft’s Freemason friends and the rise of a homosocial Freemason model

Male and female members of the dining circles of the White Hotel in Paris, and in the Auteuil suburb of Paris, and the White Bear Inn in Picadilly, London, relished plans to conquer the Persians, Greeks and Egyptians. They appropriated symbols of these empires, such as the pyramids, gods of light such as Ra, and scientists such as Pythagoras. Europeans had long been envious of the luxuries of the eastern Mediterranean and West Asia and were bringing more and larger relics to their homes and museums, especially after Napoleon’s invasion of Egypt in 1798-1799 CE/1157-8 AH. They also began imitating what they perceived to be the most opulent symbol of civilized man - the homosocial environment.

Freemason society in France at the end of the eighteenth century was not gender exclusive. In the 1780's, Mary Wollstonecraft was a good friend of Thomas Paine and Joel Barlow, one of America’s official representatives to North Africa. She and Paine shared a

publisher.\textsuperscript{67} In fact, she was one of the few female friends Paine had in his entire life and she was part of his social circle in London at the White Bear Inn in Picadilly, and at the White Hotel in Paris.\textsuperscript{68} Other people who were members of this republican revolutionary circle included Benjamin Franklin, Thomas Jefferson, John and Abigail Adams and their son, John Quincy. The letters of Abigail Adams reveal the intimacy of the set. The Adamses settled in 1784 CE/1143 AH in a large house in the Parisian suburb of Auteuil some four miles from the cosmopolitan city. Almost immediately she “dined once at Dr. Franklin’s and once at Mr. Barclay’s, our consul, who has a very agreeable woman for his wife.” Mrs. Barclay proved a valuable friend to Mrs. Adams, who did not speak French, by translating for her as she and Mrs. Adams went shopping to acquire linens and such things for the Adams household. Mrs. Adams hosted dinners for Mr. Jefferson and Colonel David Humphreys, and was hostess to “every American who comes into Paris, no matter from what State,[who] makes his visit, and pays his respects, to the American

\begin{quote}
67. Keane,\textit{ Paine}.

68. Keane,\textit{ Paine}, 52, states that after “the death of his wife and child [Paine] was decidedly cool towards women and enjoyed the company of men”, suggesting that he was impotent because he felt that he had caused his wife’s death by impregnating her. As for Paine’s friendship with Wollstonecraft, this relationship is confirmed by Keane,\textit{ Paine}, 305, 371; and by Thomas Clio Rickman, “Life of Thomas Paine,” in Daniel Edwin Wheeler, ed.,\textit{ Life and Writings of Thomas Paine} (New York: Vincent Parke and Company, 1908), 38, 53. Reference to the White Hotel is made by Rickman, “Life,” 57; Keane,\textit{ Paine}, 370.
\end{quote}
ministers.” Mrs. Adams’ circle expanded to include a growing friendship with the Marquise de Lafayette. Others in her dining circle included Commodore John Paul Jones, Mr. Bingham and his lady.69

While Mrs. Adams’ dining room was a popular place, there was another hostess in the suburbs who was even more central to this group; Madame Helvétius. Mrs. Adams mentioned M. Helvétius and Molière as famous former residents of Auteuil.70 Mme. Helvétius continued cultivating the intellectual milieu through her special relationship with Benjamin Franklin. Or, rather, she might have used Ben Franklin to continue a project of her deceased husband’s: the Nine Sisters Masonic Lodge, “the most important Masonic Lodge in Paris.”71 Franklin, for his part, used the opportunity to inculcate “American ideas of Liberty” into a new generation of French thinkers like Morellet, Lalande, and Condorcet, and to inspire France to go to war with Great Britain.72

Freemasonry has been described as a “flight from domesticity” and “a male civic religion.”73 In his study of nineteenth century German Freemasonry, Hoffman described


70. Ibid., 265.


72. Ibid., 157, 159.

how the initiation of a member’s son into a lodge, with all its rituals, served as “a kind of rite of passage from the domestic-familial sphere of women and children into the male world of associations and the public sphere”74 However, there have been female Masons, according to Paul Rich, since 1408 CE/767 AH and female lodge masters since at least 1683 CE/1042 AH in Scotland.75 Janet M. Burke compared female Masons in pre- and post-Revolutionary France. She found in the 1780’s “an incipient type of feminism” based on the Enlightenment pursuit of liberty and equality forming in French lodges that admitted women and men. This feminism faded after the 1793-1794 Reign of Terror when Freemasonry could be practiced openly by members such as Napoleon Bonaparte and “a certain religious orthodoxy also insinuated itself into the women’s rituals.”76

Some American Freemasons were appalled by the libertine French elite. Dinner conversation turned, no doubt, over political theory supported by the latest gossip. For

74. Hoffman’s description of the secrecy of lodge knowledge and ritual is similar to that of the Poro male secret society in West Africa. “The rituals of the lodge might be interpreted as an attempt to replace the female education which young men had received within their families with an education for masculinity and virtue within the brotherhood of the lodge.” Hoffman, “Civility,” 237, 239.


76. Janet M. Burke, “Leaving the Enlightenment: Women Freemasons after the Revolution,” Eighteenth Century Studies 33, no. 2 (2000): 255-265. Burke found suggestions that Josephine Bonaparte might have been initiated into Masonry. Burke also found a Dutch complaint about admitting women into temples. Since Mary Wollstonecraft spoke Dutch, conducted business on behalf of Gilbert Imlay in Holland and was accustomed to pass time among Masons, it could be that this comment was directed at her.
instance, John Paul Jones was anxious to be in charge of a naval fleet and he was not particular about whose fleet he commanded. He urged the United States to maintain a navy but that was not to be for some years. He developed a plan in 1784 CE/1143 AH whereby he and Lafayette would lead soldiers to regain France’s international prestige injured by the loss of North American territory by securing control of the Barbary states, which were so much closer and easier to maintain. The Americans discussed their impressions of French aristocratic couples. Benjamin Franklin is reported to have proposed marriage to Mme. Helvétius or she to him. John Paul Jones was smitten with a French lady. Thomas Jefferson was impressed and afraid of French women, who for him were “a new type of woman abounding in meaningful, seductive, poetic, even dangerous possibilities,” so much so that for the first time in his life he had “close and unprecedented engagement with female society.” The scholar who noted this also observed that “the husbands of the strong, independent women in his growing circle of friends seem to have remained in the background.” Meanwhile, Abigail Adams was attending the theater without her husband. Future president John Quincy Adams, seventeen years old at this time, certainly enjoyed staying with his parents in France and visiting Thomas Jefferson. However intriguing these French women were, John Adams and Jefferson reached the same conclusion after their sojourn in France: “Women . . . might undo the holy cause of

77. Ibid., 398.

Jefferson returned to the women of his harem — his wife, Martha, and her step-sister and slave, Sally Hemmings.

Other men of this era relied upon tales that affirmed harem fantasies as told by eyewitness reports from sailors, diplomats, and redeemed captives. In England, sailors talked about their adventures with the pirates of North Africa. One such mariner was Richard Parry, from Cornwall, and there is “no doubt his grandchildren had many times heard the tale of his great fight, long ago and far away, with the fearsome pirates of Barbary.” Popular legend had it that Turks “were, first and foremost, professional kidnappers.” Algerian pirates at this time were Ottoman subjects and from “a polyglot community of many different religious, racial and cultural backgrounds. . . . They were motivated by considerations, part religious but mainly commercial.” Many of the pirates were renegades -- Europeans who converted to Islam in order to participate in this lucrative business. The change in religion was enough to draw the opprobrium of the citizens of Europe, but they were feared and hated even more because they preyed on Europeans on ships and in European coastal villages and enslaved them, selling their fellow citizens. They came home to locate new human merchandise. “As more and more
renegade European sailors rose to high rank in the Corsair fleet, so did the audacity of the raiders increase. As Rais (captain) . . . [a European] could with confidence sail back some years later and raid the area where he had been raised as a boy or young man."81 In the seventeenth century, “the coasts of Madeira, Portugal, France, Spain, England and Denmark” were frequent targets. An entire fishing village was captured in Cornwall in 1654 CE/1013 AH."82

Kidnapping, piracy and plundering were businesses with long traditions and government licenses. According to Russell Buhite,

“While the activities of the Islamic corsairs are generally well known, most Americans are not aware of the existence of Christian equivalents licensed and sanctioned by, among others, Spain, Sardinia, Monaco, Tuscany, and most especially, the Pope” who using the “Order of St. John of Jerusalem, stationed first at Rhodes and then at Malta, preyed on more Muslim shipping, captured more booty, and took far more hostages than the North African pirates ever did.”

He reported the volume of Christian Mediterranean slavery at Malta as 6,000-10,000 Muslim slaves during the 1720's and 1730's.83 Corsairs were not of the same class as common pirates. Corsairs carried a letter of marque that gave notice that a high ranking

81. Ibid., 17.
82. Ibid., 21-22.
government official licensed a captain to engage in this business. The point of the entire kidnapping business was to generate revenue on the high seas, and pirates patrolled shipping lanes to secure their prey. Regimes reliant on corsairs for revenue were less dependent on peasant taxes. The funds gathered could support the lavish lifestyle of the potentate, who in turn frequently redeemed his own citizens who had been captured by the other side. One could argue that this was an extension of the responsibilities of the feudal elite for the public. Governments, Christian and Muslim, simply appropriated a portion of the profitable trade and the populace generally benefitted from lower taxes.

By the 1780's, American sailors were numbered among the Christian captives in the Maghrib and the business of redeeming them might have contributed to the collapse of the Articles of Confederation and the calling of the Constitutional convention. It was no coincidence that one of the men involved, Benjamin Franklin, had recently returned from Paris where Thomas Jefferson and John Adams were still crafting a U.S. foreign policy on the corsair issue. Franklin had originally been part of that committee and he surely was aware, as were others, that the Articles of Confederation did not allow the U.S. federal government to respond adequately. There was not enough revenue, according to Buhite, to pay annual tribute and redeem hostages. Nor was there revenue to finance a naval force to escort U.S. merchant ships through the region. Buhite surmises that Adams was


worried about the financial costs of these efforts, while Jefferson was “the more militant on the issue of pirates.” Punishment was Jefferson’s solution. However, Jefferson saw a “unilateral action by the United States” as only one option.\footnote{86} Essaouira connected to the following ports for trade: Amsterdam, London, Cadiz, Marseille, Livorno, and Lisbon.\footnote{87} Between 1765 and 1791 CE/1124 and 1150 AH, about twenty to thirty ships a year sailed from the port, carrying merchandise from the Western Sahel. The United States took over the French warehousing and brokerage complex between 1792 and 1815 CE/1151 and 1174 AH, averaging about five ships a year heading to New York or Salem, Massachusetts, compared to Holland’s two and Genoa’s three or four ships per year.\footnote{88}

When the Americans were finished with their diplomacy with the Barbary states, they had accomplished what no European nation had. Where European nations had purchased peace from the North African states, the U.S. had negotiated a truce with Morocco beginning in 1785 CE/1144 AH. For men of this era, such successes entitled American men to the spoils of battle. In this case, they believed that they had acquired the right to have harems of their own.

\textit{Conclusion: retreat of the Berian system from the North African coast}

Meanwhile, patriarchal pressure spread southward across the Strait, whether imported by West Asiatic Muslims or patriarchal Western Christians into the Maghrib.

\begin{itemize}
  \item \footnote{86} Buhite, \textit{Lives at Risk}, 7.
  \item \footnote{87} Ben Driss Ottmani, \textit{Mogador}, 155.
  \item \footnote{88} Ibid., 152-153.
\end{itemize}
where Maliki jurists checked its advance and defended Tiski’s daughters. Mohammad al-Kiki was a jurist who lived in late eighteenth century Morocco. His *fatwas*, legal decisions, have been transcribed in Arabic by Ahmed Toufiq, who also wrote an introduction that included some biographical information about al-Kiki, a summary of some of al-Kiki’s main points, and a context for al-Kiki. Toufiq seemed to be surprised that there was “a Moroccan learned man” living “in a rural area in the Middle High Atlas” mountain region where Berbers were supposed to be, an “isolated region” and in a community with an oral culture.\(^9\) If an oral culture is a negative thing, then perhaps by extension, one would have to do the unthinkable and discount the transmitters of *hadith*, who also lived in an oral culture. Toufiq also described the “Maghrib which is the margin of the Islamic world with a great deal of pre-Islamic heritage of customs and beliefs.” He dated civilization from the rise of the Merinids of Fez and linked the presence of scholars in rural areas to unemployed graduates of Fez’s universities.\(^{10}\) If one accepts that knowledge and civilization began with Fez and the fourteenth century Merinids, then one opens the way for an argument that Arabized northern Berbers enlightened the African southern Berbers. For Western Christians, this then makes the Berbers subordinate to the West Asiatic Islamic culture that they in turn subordinated to themselves.


\(^{90}\) Ibid., 148.
Al-Kiki was a careful and compassionate jurist who was fully aware of the patriarchal incursion and its effects on his society. He was wise enough to see the importance of a particular case brought before him. He called this “the case of the dispirited daughters of the qabilya.” He knew that this case “affects many who write fiqh and nawazil. It affects their clan, people at zawiyya (religious communes) and people in general,” and he was aware that he was writing a decision that would counter interpretations by people who preferred the teachings of others. Al-Kiki knew that the land of Islam was widespread and far from monolithic. In the introduction to his treatise, he divided the area into the following regions: the Holy Lands of Palestine, the Arab lands, the Mediterranean area, Ifriqiyya, Andalusia and Marrakesh. Al-Kiki held that Caliph ar-Rashid of classical Baghdad was responsible for the move away from the practices of the people of Medina. “Ar-Rashid was determined to carry the people to a particular path.” He identified those who settled in Iraq as a group different from those who settled in al-Sham (the Palestine/Syria area), from those who lived in Egypt, and from those who lived in Ifriqiyya (Tunis). “Among those from Marrakesh they follow a steep path, thanks to the Companions.” “Path” is a metaphor for a spiritual journey to righteousness. The steep path refers to a degree of orthodoxy or asceticism. He reminded his readers that in his area

91. Ibid., 19.

92. Ibid., 32-33. My interpretation is affirmed by Le Tourneau’s description of Maliki law as practiced during the age of the Marinides. He said that system of jurisprudence is compatible with “a certain Berber austerity which manifested itself throughout the whole history of North Africa and adapted well to the minute and precise regulations of the Maliki school.” Le Tourneau, Fez, 144.
the concept of collective wealth was still valid and binding.93 This must be distinguished from the individual ownership perhaps espoused by the Christian Europeans who traveled Morocco as ambassadors, merchants, or captives.

Al-Kiki was certainly sensitive to the plight of virtuous women in patrilocal situations since such situations were increasingly more common in the Berian zone. “She cannot reach the Prophet, nor the sultan, nor the qadi... There is no man looking out for her.” A woman’s life was difficult: she was born, had her childhood and then she left for her husband’s family. “She is detached from all of her possible connections” and without allies or social reinforcements. “She hides all of her body except the face and the feet. She is careful to hide her bosom or her hair or limbs in a timely manner. Neither the imam and truly not even her husband can tell a lie about her on this matter.” She is truly a burdened, virtuous woman who has more strictures on her behavior minute by minute under Islamic custom than any man. Her knowledge of Islam should not be limited to reproductive work. Al-Kiki wrote, “Truly educating young girls is one of the greatest works of the masjid.” He advocated the education of girls until they begin to show signs that they are ready for marriage. “She moves her hands a certain way and she shrouds in seven veils. She collects them on her. She does not hide her eyes, and she is obviously begging to be irrigated.” Such a girl was obviously mature enough to be married. Even if one claimed this was the case, al-Kiki holds that such a girl does not act as her own wali. Her husband was often chosen for her. He admonished men “do not mount her like her slave. A man can marry

93. al-Kiki, Taking, 46.
four wives. She can have only one husband.” If her husband respected her needs for passion, “she will love her husband to exhaust her.”94 A man who treated his wife well could anticipate virtue, piety and passion.

“According to the chauvinism of the world,” al-Kiki continued, “he inherits but she is excluded. She does not inherit from the one to whom she has been loyal if he releases her.” She can be loyal for life to a man chosen by her parents. “If she covers her legs and hands with henna, if she puts on her make-up to get him to be with her again,” it might not be enough to persuade him to deal justly with her. It might be that the only man she knows is her husband, all other men being forbidden her. There might be no other man to advocate for her against injustice. The male relatives who are permitted in her company might be the very ones who threaten her life if she refuses to do what they say.95 The most righteous woman can be a prisoner, denied justice through no act of her own. Such was the plight of the dispirited daughters of the qabylia. Isolated and threatened, these women were being forced by patriarchal pressures to surrender property that was by all rights

94. Ibid., 49. There are quite a few farming metaphors in Arabic to politely discuss intercourse, such as irrigation, plowing, etc.

95. Matrilineal, collective land ownership continued to be challenged into the twentieth century, as evidenced by N. de Cleene’s study Le Clan matrilineal dans la societe indigene: hier, aujourd’hui, demain (Brussel: Librairie Falk fils, 1946); al-Kiki, Taking, 50. C.K. Meek referred to this as “mother-right” and described a matrilineal inheritance pattern among the Bachama, the Mbula, and the Verre of Northern Nigeria, who allocate real property to the patrilineal line and moveable property, sometimes including the harvest, to the matrilineal line. This supports the matrilineal factor in the pre-Islamic, northern half of Africa. C.K. Meek, Tribal Studies in Northern Nigeria vol. 1, (London: Kegan Paul Trench, Turner and Co., Ltd, 1931).
theirs in their matrilineal culture. For example, one such inheritance practice among the Kel Eweg Aïr Tuaregs is “akhudderan” or “living milk” inheritance. This is property that passes only from one female to other female relatives. “It is intended to counterbalance koranic[sic] inheritance which favors males.”

Al-Kiki was asked, “Suppose an ill man asked his wife to go into her financial assets and give him a gift of charity and she does it. [He dies.] Then she inherits after his death. How does that debt enter the category of his estate?” Al-Kiki referred to Muhammad Ibn Rushd who said that there was no difference between what is given by the wife to the husband, whether from her personal wealth or from her charity to him, whether he is well or ill. Whatever she gave him was still indissolubly hers and merely a loan. In this case, there was no satisfactory restitution to her during his lifetime nor after his death. “I say,” wrote al-Kiki, “he hardly forgot that she did it. On the contrary, he feared poverty and living. There would have been a profit on this gift from a daughter of the qabyla. Do not separate that from the matter.” The man knew that he could not repay the money to her. His intent was unjust. First, the widow had to be repaid the loan as any other creditor should be paid. In addition, she inherited her share from what remains of the estate. Al-Kiki preserved the female-friendly Berian traditions after a millennium of patriarchal challenge from those outside the Berian Atlantic culture.


97. al-Kiki, Taking, 84-5.
Berian culture still existed even as the twin children of the French salons — Liberty and Patriarchy -- were nurtured on West Asiatic Reason and Patriarchy and clothed by fiction, envy and misinformation. The Oriental Renaissance brought a new wave of fantastic images of luxury and heights of civilization to which Europeans, long accustomed to being the underdog in Mediterranean trade and the target of enslaving corsairs, aspired. As the Freemasons acquired more political influence in policy-making circles, they also perpetuated a myth that men acquired strength in homosocial circles, that libertine women were a distraction, and that a true man was not only lord of his castle but also the master of his harem, whether it be filled with mistresses or with slaves. Convincing women that their place was ordained by Nature to be in the domestic sphere required much effort. Women like Mary Wollstonecraft and Abigail Adams resisted this new order but were often undermined by other women such as Madame de Pompadour, who learned to benefit from harem structures. Men such as Galt, Carter and al-Kiki are perhaps some of the earliest male feminists on record in the Berian Atlantic, for they recognized the misinformation campaign as being a power move based on misinterpretations of Islamic prescriptions of men and women’s rights.

However adept Wollstonecraft was at utilizing the language of the Oriental Renaissance, she might have advanced her argument more soundly had she been aware of the real experience of Muslim women in northwest Africa and other parts of the Berian world such as the city of Fez from before the Alawi dynasty, where a man had the legal right to marry up to four wives and to keep concubines, provided that he treated each wife equally. Le Tourneau wrote,
Le Tourneau found “the custom of Fez was more restrictive and concubines do not appear ever to have been numerous.” Even though men had a legal right to practice polygyny, they did not and one can conclude that either men preferred monogamous marriages or that women and men refused to participate in polygynous marriages because of Berian gynecentric customs.

While Berian culture continued to thrive, there was a change in the balance of power on the sea. The Americans made a rapid entry to Mediterranean trade, due initially to most favored nation status at the Strait proffered by the generosity and skillful diplomacy of the house of Alawi in Morocco, and sent a shock wave throughout Western Europe. The former colonies’ success presaged the end of empires. In England, the concept of commonwealth would soon appear. In France, Haiti’s rebellion no longer seemed like an anomaly. Spain would also know the penalty that losing colonies imposed

98. The orientalist fantasies about bevies of Muslim women in search of men to satisfy sexually is disappointingly unsupported in Le Tourneau’s work. As he argues that Arabs, not Berbers, civilized North Africa by writing statements of probabilities, so too does he insert the harem fantasy into his work. He talked about the women of Fez being isolated in their homes. “That did not prevent some of them from having amorous adventures, on condition of course that they were able to obtain some kind of complicity.” He admits but adds hopefully, “but not negligible.” He is merely unable to substantiate the claim. Le Tourneau, Fez, 65, 69.
on national income. In France, the Americans were sought after in part for their daring success against England, in part for their applied ideas of liberty and social contracts, but perhaps also at times for transportation of goods under their flag. The economic and political success made the American Freemasons rather popular and gave some of their members, Jefferson and Franklin included, opportunity to justify the patriarchal confinement of elite women to the shadows of the domestic sphere by employing misrepresentations of women’s rights in the Berian Atlantic system as distorted by Oriental Renaissance literature, harem envy and hyper-virility. However, on the western side of the Atlantic, new defenders of gynecentric values in the Berian Atlantic continued to press for women’s rights.
CHAPTER 8

HARRIET BEECHER STOWE AND THE
SOCIAL FACT OF AMERICAN POLYGyny

Little Harriet Beecher grew up in an American harem. Her Uncle John Hubbard in
Jamaica had two wives and he was a lot like Abraham in the Bible. He married
Harriet’s mother’s sister Mary, but she did not stay in Jamaica long enough to have
children, so she was like Sarah. Uncle John Hubbard had already had children by
his Nubian slave, which likened her to a wife like Hagar or Keturah. Aunt Mary
came to live with Harriet and the Beecher clan in Litchfield, Connecticut. So, when
her father Lyman got angry, Harriet could think of him as the mad Sultan Shahriar
and her mother, Roxanne, as Sheherezade and Aunt Mary as Dinarzade while all of
the law students and boarders in the house were the palace retinue. Although the
Beechers did not have slaves, they did have Black indentured servants. So, each
time Harriet read the Arabian Nights, she probably understood the stories,
especially when Roxanne’s seafaring brother, Captain Samuel Foote, gave little
Harriet those precious Moorish slippers from Araby.

The romance of the Oriental Renaissance helped cement marital slavery for Western
European women by conditioning them to accept the Enlightenment division of public and
private spheres as if ordained by the Freemasons’ Master Mechanic of the Universe.

Women like Catharine, Isabella and Harriet Beecher opposed the oppression of American
women while at the same time they participated in imperial consumerism that acquired
North African goods, such goods affirmed misperceptions about “oriental” sexuality and
harems, misperceptions that were reinforced through travel narratives. West Asiatic Islam influenced Western Christian culture with the transformation of the elite American wife into the American odalisque, and Berian culture influenced American culture when the gender-segregated social sphere for women was transformed by women like the Beecher sisters into a source of political power for women.

By the early nineteenth century, the struggle between the Western Christian and West Asiatic patriarchal hegemons favored the Western Christians while the Americans used the gift of most-favored-nation status from the Alawi sultans to launch an invasion of Tripoli by sea and by land. Europe’s military advantages underwrote its transformation from a mercantile to an industrial capitalist global power while at the same time there was an increased emigration of Europeans to colonies around the world to secure the raw materials needed for the rapidly developing industrial European economies and by an increased efficacy of the British military in ensuring safety in those colonies. The United States had been the first Western Christian nation to best a Barbary power and it affirmed its non-colonial status by defeating England a second time. England responded to the defeat with new resolve and entered its second imperial phase. England and France were slowly and deliberately drawing the Ottoman empire and the North African powers into their own economic sphere. At the same time that Western Europeans imposed their military prowess onto West Asia, Anglo-Americans absorbed distortions of West Asiatic Islamic culture through a widely circulated travel narratives about the Berian Mediterranean world and manifestations of the Oriental Renaissance with imported objects from “Araby.”
In other words, despite its increasing political dominance of West Asiatic Islamic economies, Western Christian culture at the base was simultaneously colonized by West Asiatic Islam as seen in England and America in the restructuring of elite society into homosocial public and gynesocial private spheres. In addition, American polygyny combined Christian religious ethics and Oriental Renaissance harem fantasies into a rational, juridically supportable form of patriarchal marriage: one master, one legal wife, and concubines classified as chattel property. This chapter focuses on Cincinnati, Ohio and the harem fantasy discourse in that city as it informed the reordering of American gender relations into a triumphant manifestation of hyper-virility.

**Travel Narratives**

The change in the balance of power around the Strait of Gibraltar allowed Western Christian states to assemble an historical narrative in which race and gender paradigms supported political and economic agendas in Northern Africa and elsewhere around the Mediterranean. West Asiatic Islamic interpretations of Mohammad’s lineage and crediting Christian Spain for the accomplishments of the Almoravids and other Berian Africans in Iberia were two features of the Western Christian historical project. Harem fantasies and the Oriental Renaissance continued in the nineteenth century. Indeed, by the early nineteenth century, Anglo-Americans with their increasing political and economic activity in West Asia cultivated such an established presence that middle class families began to take leisurely excursions there, searching for evidence to affirm their fantasies. Westerners seized any tangible evidence that affirmed such beautiful, fragrant worlds of “azure domes,
seraglios with veiled women and eunuchs, magic mirrors [and] spells.” There was a hunger to find “a dream-like region, a languorous and enervating atmosphere, where there is passionate love and music, and where roads are sprinkled with rose water and palaces studded with gems and jewels.”

Western Christians, who were in the process of ending the Atlantic slave trade but had not yet reached a consensus about ending the enslavement of Africans, edited the history of Islam to remove the African elements from the imperial system that had so long overpowered them in Mediterranean, as seen in the nineteenth century version of Mohammad’s lineages. The reshaped history of West Asia and North Africa, including Andalusia, served the British occupation of Egypt, justified the French invasion of North Africa and historicized the ante-bellum American racial paradigm. In 1812 CE/1171 AH, Richard Molesworth Reynell reprised Henry Stubbe’s seventeenth century project of removing the African element from Islam and by-passing Andalusia in favor of elevating a Persian route of civilization. In this edition, Reynell informed his audience that the Prophet’s mother was Jewish and his father was a pagan. He contrasted “the value set on sensual gratification [and] the notions of intellectual enjoyment which prevail among the Moslems” against “the systems which a Plato or an Aristotle, men of subtle wit, sublime genius, [and] acute understanding, endeavored to erect.” The geographic turn toward

1. Ali, Scheherazade, 45. There are numerous spellings of Sheherezade’s name, depending on the dialect.
West Asia appeared in the intellectual lineage Reynell attributed to Mohammed: “his predecessors [were] Socrates, Pythagoras and Zoroaster.”

Some Western Christian historiography of Spain reassigned credit for the accomplishments of Berian Africans. For instance, the French were quite aware that Iberia had been colonized by Africans. French imperial historians preferred the eight century Moorish occupation of Andalusia to the myth of “eternal Spain,” the Gothic or Roman kingdoms, thereby allowing the French to Africanize North Africa. Napoleon had declared Spain an African outpost south of the European border at the Pyrenees mountains until there was a need to reverse this opinion. In preparation for the French invasion of Algeria, French chroniclers lowered their esteem of Berbers by inventing a distinction between the Barbary States from the rest of the Berian culture zone. For example, the French decided that intellectual accomplishments had to be linked to Europe and could not have been achieved by Africans; therefore, the architecture of Timbuktu, especially the royal palace, was attributed to a Spanish workman without recognizing that Spain was a Moorish state or allowing that workman to have an African lineage. The caravan network was attributed to the Moors, as if there was a national barrier between Moors and coastal Berbers, and


was centered at Timbuktu, further south than Marrakesh, capital of the Almoravid empire. René Caillié claimed, the Moors “act as consignees for the merchants of the Barbary States, and as consignors for those of Jenne, and various other parts of the interior beyond . . . those Moors who pass through Timbuktu for places farther south, generally tarry here some six or eight months.” By connecting the Atlantic slave trade to the Moors, who were known for trading in salt, tobacco, paper, and cloth, as well as slaves, the explorer Caillié and France could claim a moral cause of abolition to justify the invasion. Pre-invasion French historiography deprived the Berbers of the northern coasts of any significant cultural heritage, effectively making the coast an empty quarter by assigning intellectual culture to Europe and economic culture to sub-Saharan Africa.

For antebellum elite Americans, there was a need to remove Africans from Andalusian history because African diasporic peoples in the United States, free or enslaved, had to be deprived of any knowledge that Africans had ever ruled Western Christians. Washington Irving in his *Alhambra* betrayed those who benefitted from denying civilization to Africans. Two years after Caillié’s travel narrative was published, a review article appeared in a Cincinnati newspaper about Washington Irving. The reviewer mentioned Irving’s belief in the intelligence of Africans and the equality of women. The reviewer attributed to Irving sensitivity to the Arab-Berber debate for ownership of Andalusia. “The period of the Moorish ascendancy is, perhaps, the most interesting in the annals of Spain . . . the Moors exhibited a dauntless bravery, a high sense of honor . . . and an elegance of

taste, which throw[s] a vivid poetical light over the course of their adventures.” Irving had no trouble writing that when Iberia was ruled by the Moors, it was “undoubtedly the most highly civilized portion of Europe” with Cordova, Seville and Granada setting the “standards of art and fashion, for all the West.” If his political comments were not enough, his observations of the physical features of the Andalusian population added more evidence. “Thus, the country, the habits, the very looks of the people, have something of the Arabian character . . . . This talent of singing and improvising is frequent in Spain, and is said to have been inherited from the Moors.” Cultural remnants of Moorish Spain were transmitted to readers in Cincinnati and the United States. One correspondent wrote about the class distinctions evident in Madrid fashion, stressing the veil, or mantilla. Poor women wore colorful clothes while elite women dressed in black and wore mantillas that were described as,

“a scarf thrown over the head and shoulders: behind, and at the sides, it descends nearly to the waist, and falling, in front, over a very high comb. . . . of old, there was a veil attached to the fore part of the mantilla, that was used or thrown back, according to the fancy of the wearer; but veils are now rarely seen in Spain, excepting at mass.

The more lace incorporated into the mantilla, the wealthier the wearer was.”

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Irving’s argument was contested by an author who wrote a twenty-two-page article, printed in the *North American Review* to clarify, or whiten, the history of Spain. The author spent more than ten pages revisiting the Greek and Roman empires in Iberia and then talked of “the genius, social institutions, and civil polity of the Spanish Arabs.” Furthermore, civilization flowed from Europe to Africa. “The social and moral institutions of Arabian Spain experienced a considerable modification from her long intercourse with the Europeans.” The great eras of Iberian history were the Umayyad one, cited as 755-1030 CE/114-389 AH, and “that of the Kingdom of Granada, extending from the middle of the thirteenth to the close of the fifteenth century.” His summation of the Almoravid era? “Only a spectacle of inextricable anarchy.” Yet, even these eras of Spanish brilliance were tainted, according to this author. He reckoned the reign of “Ferdinand and Isabella” as,

“undoubtedly that, in which the Spanish nation displayed the fulness of its moral and physical energies, when, escaping from the license of a youthful age, it seems to have reached the full prime of manhood, and the perfect development [*sic*] of those faculties, whose over-strained exertions were soon to be followed by exhaustion and premature decrepitude.”

For him, Fernando outranked Isabel, despite the matriarchal marriage contract described in Chapter 4. Also for this author, Spain did not mature until it could defeat the black Moors, an argument a pro-slavery author would stress. There could be no admission in
America that any black Africans had ruled Spain or that women had ruled over men. Irving's narrative was consigned to romantic imaginings.

An anonymous author known as M. addressed the southern plantation owner with a harem fantasy, a description of the Shubra palace on the Nile, the residence of Albanian-born, Egyptian Mamluk Muhammad Ali. “All the splendor of the Arabian Nights is realized in the Court of Egypt. The guard of Nubian eunuchs with their black glossy countenances, clothed in scarlet and gold, waving their glittering Damascus sabres, and gently bounding on their snow-white steeds [sic].” The racial and sexual tension of desexualized black servants mounted on white horses was not lost on the audience in Cincinnati.

“...the crowds of civil functionaries and military and naval officers in their embroidered Nizam uniforms, the vast number of pages and pipe-bearers and other inferior but richly attired attendants, the splendid military music for which Mehemet Ali has an absolute passion, the beautiful Arabian horses . . altogether form a blending of splendor and luxury which easily recall the golden days of Bagdad [sic] and its romantic Caliph.”

For those familiar with the quadroon balls of New Orleans, the subsequent image of Ali in a boat with his harem occupants would have been familiar and the idea of him intentionally upsetting the boat so that he could watch the reaction of “fair Circassians-shrieking with their streaming hair and dripping finery, the Nubian eunuchs rushing to their aid” was


completely plausible.⁹ An excerpt from Harper’s *History of Arabia* repeated the imagery of abundance: heavenly riches, foods, gold, jewels, delicacies, and a “train of gorgeous and sensual luxury . . . the seventy-two damsels (the portion of the humblest of the faithful,) whose charms shall eclipse all other glories” and who would have eyes only for their husbands.¹⁰

Harriet Beecher Stowe and her social circle in Cincinnati, Ohio in the 1830's provide excellent examples of the pervasiveness of the Anglo-American obsession with the Islamic world in the American press and among dining companions. Young Harriet had reason to believe that the *Arabian Nights*, her favorite book as a child, what Wilson called “her Araby,” might be factual.¹¹ For example, John Foote, biographer of his seafaring brother and Mediterranean merchant, Captain Samuel Foote, described the Caribbean trading zone as “the fairy isles, whose delicious fruits and mild, genial climate, made it seem to the youth of the cold north like the enchanted regions of the Arabian Nights.”¹² Uncle Samuel Foote’s tales from his days as a trader in Jamaica confirmed the tropical weather to

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9. Ibid.


young Harriet, who was accustomed to Connecticut’s grey winter skies and short summers. The oriental decor in Harriet’s bedroom at her grandmother’s home suggested a scene from the *Arabian Nights*. The fabric that draped Harriet’s canopy bed was an East Indian print sprinkled with “pagodas, mandarins, and mammoth trees and birds.” Along with some Moorish slippers for Harriet, Uncle Samuel brought “Mogadore [Essaouira, Morocco] mats and baskets, frankincense from Spain.” Wilson wrote that this “exotic collection formed a romantic prelude to the subsequent entry of this fascinating uncle into Harriet’s consciousness.” At the age of twenty-five, Harriet married Calvin Stowe, described by a descendant as “a man rich in Greek and Hebrew, Latin and Arabic, and alas! rich in nothing else,” replacing her deceased best friend as his wife. With fairytales buttressed by an Arabic speaking, scholarly spouse, Harriet’s Araby evolved into a source of objective fact for Harriet. In an introduction to Antoine Galland’s edition of the *Arabian Nights*, Harriet penned words to the effect that “to understand this [material charm] aspect of Galland’s version, one must see it through non-romantic perspectives, stripped of that ‘golden cloud of vision’ and halo of fancy.”

When Harriet moved to Cincinnati, Ohio, she was introduced to a society conversant with oriental fantasies and American polygyny. Lyman Beecher moved his


household to Cincinnati, Ohio in the 1830's, where he became head of Lane Theological Seminary, due in great part to his brother-in-law’s influence. Samuel Foote had by then retired from the sea and was in the process of earning a small fortune as co-founder of a Cincinnati public water company and also an insurance company. He was a founder of the Semi-Colon Club, a literary society in which members, male and female, shared their writings. This was also the era of Mrs. Trollope’s Bazaar in Cincinnati, a building known for its Moorish architecture.⁴

Cincinnati’s populace gained much information about the Islamic world through the newspapers. Stories of harems resonated with women from the American South, who, like Mary Foote Hubbard, competed for their husbands’ affections with their slaves. For example, one of Harriet’s acquaintances was author Mrs. Caroline Hentz. In her play “De Lara” she pitted a Moor against a Spanish family. In this story, Fernando, the Spaniard’s son, loved Zoraya, the Moor’s daughter who had converted to Christianity. The dark Moor had, though, just recently murdered Fernando’s brother.⁵ The moral in Mrs. Hentz’s play was that nothing but sorrow could come of an inter-racial marriage. Another article echoed a pro-slavery theme. In the New York Mirror a story appeared about Abdalla, a servant, and Benhadad, his master. In this tale, the servant wished to trade places with the master, who could “revel in luxury; command the smiles, the endearments,


17. Cincinnati Mirror and Western Gazette, November 12, 1831: 30.
the homage of fifty women, beautiful as the houris that people the region of the blest; and make me, and hundreds of others, the slaves of his power, the victims of his appetites.” Manhood was still defined by hyper-virility, that is, as sexual access to many women and power over slaves.18

Cincinnati’s middle and upper classes had access to historical narratives focused on the Berian Atlantic world, some of which also fed Cincinnati’s discussions about racial superiority and slavery. Cincinnati was well known as a pro-slavery town with a strong obsession with racial categories, although the racial classification of Berbers was perplexing for them and others in the U.S. Nonetheless, the harem fantasy, hyper-virility and the “masculine mystique” were ideas feeding the Western European challenge to the West Asiatic Islamic economic hegemony. By the 1830’s there was a new trend: the reproduction of the harem odalisque in American homes through the miseducation of women.

American Odalisques: The West Asiatic Islamic Triumph

The harem envy and hyper-virility that were symptoms of Western Christian exclusion from the Mediterranean trade was replaced by Western Christians’ adoption of what they perceived as West Asiatic Islamic gender segregation in what could possibly be a statement that they were finally equal to the formerly higher civilization. Elite homes began to function like West Asiatic Islamic harems but with only a single male patriarch in charge

of a bevy of women. Samuel Foote, who lived in Constantinople for as long as three years, might not have recognized any functional difference between a Turkish household and Lyman Beecher’s Litchfield home. The home was administered by his wife, Roxanne, until her early death. Bondservants Rachel and Druscilla Crooke were assisted by Candace the laundress and Charles Smith, all of whom were African-Americans. There were eight children. Mary (Roxanne’s separated sister), and Harriet (Roxanne’s unmarried sister), were known to make extended stays. Orphaned cousin Betsy Burr was a long-time resident in the home. Lyman’s unmarried sister, Esther, and his stepmother took up residence nearby. Since few people are likely to suggest that Lyman Beecher took sexual advantage of his servants, the category of concubine seems not to apply to the servants. Otherwise, the household of Lyman Beecher matched the definition of a harem in that there was a patriarchal male in charge, additional males and females of marriageable age, widowed and separated women, minor children and servants.

19. Wilson, Crusader, 27 for Druscilla and Rachel; Hedrick, Harriet Beecher Stowe, 18 for Candace; Paxton Hibben, Henry Ward Beecher: An American Portrait. (New York: George H. Doran, 1927), 30, for Charles Smith. Connecticut at this time was in the process of a gradual emancipation of black slaves. Those born into slavery were manumitted upon reaching a certain age, often 25 years of age.


The structural similarity of her own home to that of a harem goes further to explain Harriet’s identification with the *Arabian Nights*, which even figured in Harriet’s semi-autobiographical work, *Poganuc People*, in which she described little Dolly’s discovery in an attic one day: “But oh, joy and triumph! one rainy day she found at the bottom of an old barrel a volume of the *Arabian Nights*, and henceforth her fortune was made.” Dolly read the book daily until its stories had become “dear as an old friend.” Wilson wrote that Harriet read this particular fiction beginning in 1818 CE/1232 AH until she knew it by heart. Hedrick noted that this discovery liberated Harriet from the burdens of being a small girl in the Litchfield home in which boys frequently had more fun and frolic time. Adams provided a comment that might yield additional insight into Harriet’s feeling of liberation. He said that, “the essence of Harriet Beecher’s early life [could be summed up] in the word ‘subservience.’”

Harriet’s familiarity with Anglo-American polygyny stemmed largely from her experiences with her aunt, Mary Foote in the slaveholding Americas. Mary Foote married John James Hubbard, an English merchant who resided in Jamaica. Samuel, her brother, accompanied his sister to Jamaica in 1803 CE/1162 AH. He observed Mary’s shock on


discovering that she was not the first lady of the house, only the legitimate wife. “In her new home, she found a family of mulatto children fathered by her bridegroom with one of his slave women.” Hubbard apparently had never thought it necessary to mention these occupants to Mary since they were slaves. After all, “by law and custom he had the right to propagate his own human livestock, if he chose.” Despite the customs and laws that stated she was the only legal wife in the household and that her children would be the legal heirs to Hubbard’s property, including their step-siblings, Mary felt that she had been wronged, duped, and humiliated. She stayed for about a year, unable to accept her de facto co-wife status. She returned to Litchfield, Connecticut where she found refuge in Lyman Beecher’s home until she died of consumption. 

Mary’s experience demonstrates that while men like Thomas Jefferson and John Adams might have succeeded in keeping libertine, polyandrous women east of the Atlantic, American polygyny was entrenched with no scarcity of concubines for men’s harems.

American men not only enjoyed de facto polygyny in harems, they also approximated the mut’a temporary marriage with the practice of “left-handed marriages” or the keeping of non-slave concubines. Left-handed marriages, in which a young man of good breeding took a regular mistress and supported her while he made his fortune, was a variation of the concubine practice. Men such as John Quincy Adams advocated this option for young men who had not yet earned enough to acquire a wife of proper

27. Wilson, Crusader, 37-38.
background capable of breeding legitimate heirs. Mary Wollstonecraft wrote that “these women should not, in the full meaning of the relationship, be termed wives, or the very purpose of marriage would be subverted.” She did advocate the legal obligation of men to support these concubines and their children. Child support was hardly an issue for men such as Harriet’s uncle John Hubbard, who was far from alone in using slave stock for sexual purposes. “In 1788 [President-to-be Andrew] Jackson . . . found $300 to purchase a ‘negro woman named Nancy, about eighteen or twenty years of age’ from one Micajah Crews. Jackson had little use of the domestic services of a slave at that time in his life for he was on his way to Tennessee and did not yet own a domicile.” Female slaves “constituted a kind of harem readily available to their masters.”

For the outsider observing the Anglo-American woman, there were other signs that these women were being treated as harem slaves and not honored as Maliki wives with legal standing and economic independence. Other observers of Anglo-American culture recorded women’s low intellectual development. In an article in the North American Review that was certainly discussed in Mrs. Stowe’s social circle, Mrs. Trollope wrote

28. Alexander Walker, Woman Physiologically Considered as to Mind, Morals, Marriage, Matrimonial Slavery, Infidelity and Divorce (Hartford: Silas Andrus and Son, 1854), 118.


about “the insignificance of the women in America, the neglect of their education, and their depressed state in society.” Mrs. Trollope’s portrayal of American women could not have been well received in Cincinnati. Meanwhile, a German traveler in England observed “the English, like true Turks keep the intellects of their wives and daughters in as narrow bounds as possible, with a view of securing their absolute and exclusive property in them as much as possible, and in general their success is perfect.”

Odalisque status extended to lack of property rights. Upon marriage, the American wife “yielded to her husband both property and person, and the law would uphold him in demanding his ‘rights.’” His claim to her property took precedence over her use of it, even if she needed the income to feed her children. He was even entitled to her wages if he allowed her to work. The American male was master of his wife’s body, her labor, and her offspring. The American wife was invisible to the court, femme covert, hidden behind her husband. His ‘free’ wife was his property and confined forever within the walls of his home.

Another author supported Mary Wollstonecraft’s claim that women were educated to be decorative odalisques in harems. “A large class are taught less to think than to shine. If they glitter, it matters little whither [sic] it be the glitter of gilding or of gold.” This


author lamented the tendency of a man “who tacitly says, when he enters into the society of women, that he needs not to bring his intellect with him” and stopped short of advocating independent careers for women. “In intellectual, as well as other affairs, they ought to be fit helps to men.” Inferior female education was a detriment to society.34

The limited education of elite women served the trend toward homosocial behavior, as espoused by some Freemasons from Benjamin Franklin’s Parisian circle who absorbed reports about West Asia as they guided the nation to a new American social order. This new society was strikingly gender-segregated. Mrs. Henry Trollope, reported that “all the enjoyments of the men are to be found in the absence of women. . . The two sexes can hardly mix for the greater part of a day without great restraint and ennui; it is quite contrary to their general habits.”35 Freemason language and imagery permeated literature in Cincinnati. Connecticut’s Mrs. Sigourney had a mind, for example, described by a newspaper editor in favorable Masonic terms as “the dwelling of light and beauty,” terms that echoed Mazdian dualism. Her views embodied the Freemason separate sphere ideology and illustrate how it was embraced by ‘enlightened’ women. She suggested that even if a man and a women were educated to perform the other gender’s role in society — man as a nurturer and woman as a political orator — they would suffer “the abuse of physical and intellectual energy; while the beauty of social order would be defaced, and the fountain of

34. “Education of Women,” Cincinnati Mirror and Western Gazette, 10 December, 1831: 45-6

35. Smith, Daughters, 90.
earth’s felicity broke up.” This cataclysmic upheaval would surely arise because “the sexes are intended for different spheres . . . by Him who bids the oak brave the fury of the tempest.”

The elite Western Christian women’s curriculum educated her to entertain her husband in the domestic sphere that Wollstonecraft called a seraglio. Mrs. Sigourney’s nineteenth-century position on women’s education was far different from Roxanne Foote Beecher’s eighteenth-century experience. Descriptions of Roxanne Foote Beecher’s own education provides evidence about the decline in the quality of elite women’s education. Wilson lists Roxanne’s talents as being able to “draw, paint, spin, embroider, and make cobweb and other varieties of lace, all beautifully.” She spoke fluent French. She even played the guitar. To this point, Roxanne’s education was identical to that of an odalisque as defined by Fanny Davis. A harem slave, between being purchased as a child and being auctioned off for harem service

“learned to sew and embroider and very likely to crochet the fine lace called oya. She learned to speak and to read Turkish. . . . On the one hand she was taught the tenets of Islam, on the other instructed in the art of playing Turkish musical instruments and in the dance.”


The Foote family saw to it that Roxanne had more than an odalisque’s education. Her grandfather, General Andrew Ward, characterized Roxanne as one who would mostly likely ask “Which do you think was the greater general, Hannibal or Alexander?” rather than ponder the fashion trends of the day.\(^4\) She followed developments in the field of chemistry, with her knowledge of metallic oxides and galvanic batteries.\(^4\) Catharine Beecher, her daughter and Harriet’s sister, described her mother as one who enjoyed solving mathematical problems, a pastime perhaps shared with Samuel in their youth.\(^4\)

It was the influence of Harriet’s mother’s seafaring Foote family that gave Harriet an education that was highly atypical for middle class, nineteenth century American women. Mary Kelley recorded that it was the Foote family who exposed Harriet to Scott, Burns, Shakespeare, Dr. Johnson, Rees’ *Cyclopedia*, the Bible, and the Catechism of the Episcopal Church.\(^4\) Gerson noted exposure to Dr. Johnson, particularly the *Works*, in addition to Bishop Heber’s *Life* and Lowth’s *Isaiah*. She read or was read Buchanan’s *Researches in Asia*.\(^4\) Harriet’s son, Charles, wrote that she read *Don Quixote* and that


\(^{41}\) Ibid., 7.


Lyman’s sister Esther gave her a copy of Byron’s *Corsair* to read. Wilson noted that Lyman was not fond of novels as entertainment for his children. “He had forbidden novels to his children,” but he did offer them a copy of Scott’s *Ivanhoe* that he had pulled from Catharine’s late fiancé’s library. According to Harriet Beecher Stowe’s biographer, Joan Hedrick, “Lyman Beecher. . . remained to his death a provincial, whereas Harriet was better able to comprehend and translate the competing voices and cultural values of the geographically diverse nation.” Where Lyman preferred to operate in a purely Anglo-Yankee culture, the Foote family was quite aware that there were other values and other social patterns in the world.

Roxanne Foote (b. 1775) was a daughter of the American Revolution. Lydia Sigourney (b. 1791) represented rather the vanguard of a daughter of the patriarchal coup in the United States, materially informed by misreading harem stories. These Connecticut women lived with dramatically different expectations of women, demonstrating that West Asiatic Islamic patriarchal hegemony was now as fully rooted in the American gender system as British accountants were entrenched among Nile Valley cotton brokerages in Egypt. However, the Beecher sisters continued the Berian challenge to patriarchal norms, while the *Siete Partidas* influenced American law.


46. Wilson, *Crusader*, 58.

Conclusion: Woman’s Sphere: The Berian Challenge Continued

The Beecher sisters managed to turn the Western Christian harem into a justification for increased political power for women by resurrecting the Berian notion of public spaces ruled by women or with women. They did this in an era when coverture laws were strong. Their efforts occurred at a time when the Spanish cession of Florida to the United States forced the American judicial system to recognize Floridian women’s property rights guaranteed in Spanish law but non-existent in Anglo-American law.

Harriet Beecher Stowe, her sisters (Catharine and Isabella), and her niece (Charlotte Perkins Gilman) were surrounded at times by material culture and stories from the Berian Mediterranean and Atlantic coasts and they wrote a peculiar vision of woman’s place in American society as they expanded the American harem into the public sphere. Given this inundation of information about West Asia that seemed to feed the homosocial revolution, how did the Beechers acquire a Berian Atlantic perspective on a woman’s sphere? They, like Galt, Carter and al-Kiki had access to information that supported a different understanding of the Islamic system. They also inherited a different definition of womanhood from their matrilineal linkages. Not only had society accepted the concept of the sanctity of the American home, women of Harriet Beecher Stowe’s pedigree and higher had been conditioned to accept their positions as occupants, or inmates, of the home.

There is evidence, however, that this conditioning was strongly contested. Woman’s sphere, an American purdah, was growing into a completely segregated and ordered society, but the Beecher sisters, resident in Cincinnati at this time, managed to
convert woman’s sphere into a base of power. An 1834 CE/1193 AH article in Cincinnati
gave detailed information about the Persian king’s harem. “Female officers arrange the
crowd of his wives and slaves with the strictest attention to the order of precedency” as he
listened to reports about the running of the palace. In the evening he returned to be
entertained and to hear “nothing but the language of submission or of complaint.” The
author described a household structure that closely mirrored that of an American
plantation, a system in which a plantation mistress was effectively the senior wife in a de
facto American polygynous system. The conclusion of the Persian Letters also echoed the
sentiment in mentioning the “pretended fondness” the slaves offered that could not
substitute “for the spontaneous effusions of real affection.”

An 1828 Cincinnati book review of Peregrine Bingham’s The Law of Infancy and
Coverture and Pothier’s Traites du contrat du mariage, de la puissance du mari, du
contrat de la communauté, et du douaire [Features of Marriage Contracts with Respect to
the Power of the Husband, the Right to Communal Assets and the Dowry] informed the
literate public about laws limiting women’s rights. The social evolution of women’s status
along Darwinian lines offered much material for parlor discussions. Among
gatherer/hunter societies “man arrogates to himself all the nobler pursuits of ambition” and
the wife was “the over-tasked bondwoman of her selfish lord,” who tended to reproductive
work or even field labor if her husband was a “savage.” (Slave owners and frontier farm

48. “Occupation of the King of Persia,” The Cincinnati Mirror and Western
husbands surely took offense at this label.) At the next level of society one found “woman amid the dazzling splendors of oriental luxury,” where she entertained a man “as the purchased or favored companion of his hours of softness,” a task that required no intellectual development. This was harem fantasy writ large. At the highest level, the European one, women had obtained “just equality with the other sex” and the “rational pursuit of their common felicity” consisted of the man who gives and the woman who receives sustenance and support from his hands. Here, the Freemasons’ Master Mechanic ordained in “the constitution of nature” as “written over the face of the universe, and stamped indelibly upon the very organization of our race” that women and men have their own “orbit, in which either sex should revolve.” In 1834 CE/1193 AH a female author protested the naturalizing of separate spheres by recommending reversed gender education as an experiment to prove that “it is education which constitutes the apparent inequality” between genders, not nature.

The Bingham and Pothier review article author referred to the Sabine women and then to Rome’s patria potestas, the tyrannical paternal power that gave the right to life or death to the patriarch, “in the government of his wife as well as of his children and household” until Cato the Censor modified this to say that “he who struck his wife or child,


50. “Equality of Male and Female Intellect” Cincinnati Mirror and Western Gazette, 26 April 1834. The “aggrieved one” who wrote this might very well have been Catharine Beecher, whose mother was far more intelligent than her father and who made it publicly known that she would have preferred to be a minister if her gender had not prohibited her from mounting the pulpit.
laid his sacrilegious hand on the most sacred things in the world.” Even in Rome, ill
treatment was grounds for divorce. The author then leaped to the Napoleonic Code, which
“authorizes the husband to require the society of his wife, and to exert such control over
her person as might be necessary for the attainment of that object.” Man’s fear of libertine
women and gender-just inheritance laws from the Terror were allayed.

Mary Wollstonecraft, who might have been thinking of her sister, who was abused
by her husband, wrote, “Thus, it is said, the wife cannot allege, as sufficient reason for
leaving his house, that the atmosphere of the place is injurious to her health, or calculated
to engender infectious distempers.” The mental and physical abuse grounds for divorce,
legal among Berber interpretations of Maliki law, were not acceptable in post-Terror
France. One also sees evidence of the chauvinism al-Kiki referred to in that a woman “was
not proprietor of the dowry during marriage, but only creditor of her husband for its
restitution.” The author called this view expressed by Pothier “rather artificial.” Unlike the
Siete Partidas that required a woman to complete a written statement that she voluntarily
released her dowry to her husband, Pothier insisted that a man could only “alienate or
mortgage” his wife’s property in specific conditions and that she always “had a general lien
upon all his property to the amount of her dowry, and was entitled to preference over all
other incumbrance.” The author of the article wrote as if women were never partners in
the family business nor had their own businesses as they did in the seventeenth and
eighteenth centuries.51

“She is bound to his house and his hearth by the nature of her duties, by the care of her children, by the laws of the land, and by the despotic usages of society, more imperative and imprescriptible by far than all the codes in the universe. Her functions are domestic; her education is domestic; her temper is domestic; the constitutions of Providence have made her domestic; her happiness, her pride, her glory, all that exalts her in estimation above the other sex, lies in the round of endearing charities, which enliven, bless, and purify the domestic circle. . . . It is a principle too firmly implanted in her soul to be shaken by slight causes.”

This was the new model, influenced by misperceptions of the harem and the desire to inflate male power.

When a story in the *New Monthly Magazine* proposed that there were Muslims who were better than Christians, the Beecher daughters merely had to recall tales from Samuel Foote’s three year residence in Turkey. The author of the *New Monthly* travel sketch had lived in Constantinople and was acquainted with “Mr. C. Z___, a native of the place, descended from an American family, and informed by travel and the constant society of the better class of Franks that frequent Pera.” When the daughter of Mr. Z___ contracted the plague, the Christian friends, servants and her husband, deserted the family while “the old Turkish menial” remained to tend the needs of the father and daughter. The author concluded that “the petitions of the Mussulman might be as efficacious at the throne of heavenly grace and mercy, as purer and sounder homilies” than sermons written by learned Christian preachers.

52. Ibid.

Four years later, a version of the ordered society within the female sphere of the harem, this one referencing a Mogul seraglio, mentioned that the work within the harem was conducted by females. Here is the same educational pattern that Fanny Davis described about the Ottoman harem. “The inmates who form the matrimonial confederacy of the Mogul potentate, are . . . taught embroidery, music, and dancing, by certain old women hired to instruct them in every blandishment that may captivate the senses and stimulate the passions.” In this Cincinnati article, there was a distinct difference, something that presaged Catharine Beecher’s call for an army of female teachers to civilize the western frontier of the United States.

“The harem is an enclosure of such an immense extent as to contain a separate room for every one of the women whose number exceeds five thousand. They are divided into companies, and a proper employment is assigned to each individual. Over each of these companies a woman is appointed darogha; and one is selected for the command of the whole, in order that the affairs of the harem may be conducted with the same regularity and good government as the other departments of the state. Every one receives a salary equal to her merit . . . . The inside of the harem is guarded by women, and about the gate of the royal apartments are placed the most confidential.”

54. “The Seraglio,” Cincinnati Mirror and Western Gazette, 28 February 1835. This article might have been written by Catharine for the Semi-Colon Club as a test for her formal presentation, “An Essay on the Education of Female Teachers, written at the Request of the American Lyceum and Communicated at Their Annual Meeting, New York, May 8, 1835” (New York: Van Nostrand and Dwight, 1835). Later she would call for ten thousand female teachers from the surplus “female population in the older states” to go to Ohio and Kentucky to teach two hundred thousand children there. Female teachers could extend their “instinctive delicacy” and maternal nurturing on the “plastic mind” of young boys and rescue these students from male teachers whom she characterized as “coarse, hard, unfeeling men too lazy or too stupid” to teach good morals to America’s next generation of voters. Female teachers were to be mothers to society, by extending the female sphere to the classroom. Catharine E. Beecher, “The Evils Suffered by American Women and American Children: the Causes and the Remedy.” (New York: Harper and Brothers, 1846), 2-5,11. For more information about Catharine’s agitations to
In this version the eunuchs guard the outside of the harem, mirroring Catharine’s antebellum, male-dominant, gender-segregated society. It is a woman’s sphere with paid female employees, a model that reflected her desire to see empowered women within woman’s sphere. The harem, symbol of female seclusion, was coopted by an early feminist.

In Cincinnati, a slavery border town, white women did not want to share status with black slaves but they nonetheless were subject to the “rule of thumb” that husbands had the privilege to beat their wives. In a Cincinnati Mirror and Western Gazette article, the author wrote that “as all the ladies could not get gentlemen with delicate little fingers, it was, probably, sometime a pretty hard case with some of them.” Another essay used historical information to justify current practices in claiming that “in Arcadia, young women were sacrificed . . upon the altar of Bacchus” and the practice extended to the Phoenicians, Egyptians, Carthaginians, Syrians, Romans, and Greeks.” Its author also wrote that among the Spartans, “in honor of the goddess Diana Orthia, they whipped boys with such severity on her altar, thus that they often died under the infliction; the unfortunate victims, however,

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were honored with a public funeral, and statues were erected to commemorate the fortitude with which they bore the lash.”

However, the greatest challenge to patriarchy occurred with the Spanish cession of Florida to the United States in 1819 CE/1178 AH. St. Augustine, Florida, named for the Romanized Berber Bishop of Hippo, was founded in 1565 CE/924 AH by Pedro Mendez de Avila. Women’s rights, as transferred from the Berbers to the Andalusians, were planted in the Florida colony in the form of the *Siete Partidas*. Many individual women held several titles to property at the time of the cession. Of the widows’ claims made to the U.S. government for land title recognition, Susannah Cashen was successful in holding 2,880 acres of land in several parcels including islands. Not all of these women acquired land as widows or inherited their land as daughters. Dorcas Black, a native of the United States, and the head of a family, cultivated land on the St. Johns River. Marianna Bonafay and Manuel Bonafay owned several tracts of land in their individual names and according to the surveys, these plots were divided between them in a pattern similar to that of a *leff* arrangement. Mary Ann Davis’ holdings are a different matter. Her husband, William G. Davis, in a September 12, 1822 CE/1181 AH, document of indenture did

“hereby become a party to these presents, for the purpose of giving his consent and approbation to the purchase being made by and in the name of the said Mary Ann and he hereby renounces all claims and control over said premise hereby conveyed

to his wife and consents to her forever holding the same as her own individual property or at any time selling and disposing of the same as she may think proper without any hindrance or interference on the part of him the said William G. Davis.”

Mrs. Davis on more than one occasion purchased land from men who did not have enough funds to file the paperwork with the United States government. She was quite the investor, having procured from the Andrews family 175 acres on Key Biscayne for one hundred dollars and from John Barker 500 acres for ten dollars. In several cases, men appeared as witnesses or supplied notarized depositions to support the claims of women. Someone must have challenged these title recognitions for in the *U.S. v. Percheman* 1833 (7 Pet. 51) case, the U.S. Supreme Court ruled that with respect to the 1819 Florida territory cession, “The people change their allegiance; . . . but their relations to each other, and their rights of property, remain undisturbed.” The Court upheld the *Siete Partidas*, thereby introducing Berian gynecentric law to United States' jurisprudence. The result was a series of statutes in several states “creating separate estates for women,” ostensibly to protect inheritance from profligate husbands. In this way, Berian Atlantic culture, which expanded from the

58. Susannah Cashen, Box 7, folder 1, 2, 3, 5, and 6; Dorcas Black, Box 4, Folder 21; the Bonafays Box 4, Folder 27 and 28, Box 5, folders 1 and 2; Mary Ann Davis Box 10, Folder 2; Florida Memory Project, State Library and Archives of Florida. www.floridamemory.com/collections/Spanish land Grants/.


Mediterranean when Spain instituted the *Siete Partidas* in its New World colonies, incorporated the United States into its world-system.

The American branch of English culture temporarily triumphed in the Mediterranean over West Asia. Western Europeans saw themselves as progressing in ‘civilization’ from the days of Colonel Kirke by advocating good treatment of women, although there was little to protect women from widespread domestic violence. Western Europeans practiced Orientalism and imported harem culture by advocating not only the *femme covert* but also the gendered segregation of society into homosocial public and gynesocial private spheres, while advertising conquests through appropriation through North African material culture.

Not all Western Europeans accepted this form of patriarchy. There was a successful dual attack by keepers of Berian Atlantic values: the conversion of woman’s sphere to a space of female social power and the adoption of married women’s property rights by the U.S. Supreme Court from the *Siete Partidas* used in colonial Florida.

That which Germanic legal traditions could not do, Berian Atlantic ones could do, although somewhat limited in scope. The Berian challenge was successful and patriarchy had to retreat one step.
CHAPTER 9

CONCLUSION: THE PATRIARCHAL CHALLENGE TO FEMALE-FRIENDLY BERIAN VALUES CONTINUED

The Strait at Gibraltar is, according to Zakya Daoud, a bridge, a dialectic, a spatial and temporal fracture, a mirror, a beating heart imbibing and releasing water like a physical being. Above all else, it is a crossroad of the world.¹ What is most beautiful about this image of the Strait as a beating heart is that it echoes images of life in a female-friendly Berian world where Western Christian and West Asiatic Islamic patriarchalists want to remember battles and invasions . . . and ultimately death, whether of each other, any other, or simply the juridical death of brides on the marriage bed.

The sons of Tiski hammered Christian, Islamic and Enlightenment legal codes into shields to protect the daughters of Ghania from chauvinists. Matrilineage mattered because women have always been important in the Berian world and women continued to matter in the oldest legal system transferred to the Americas from the eastern side of the Atlantic Ocean. Some of the Siete Partidas’ roots were in a cultural system that reaches

across the Sahara desert to the Qahtani culture of Yemen. This gynecentric culture might even be older than the patriarchal ones that have challenged it, namely the Western Christian/West Asiatic Islamic dual hegemony. Over time, men who ascribed to the Berian system lost influence and became a minority, finding refuge in Spanish colonial Florida and the mountains of Morocco as other territories came under West Asiatic Islamic values.

This dissertation has shown a pattern of legal protections of women’s economic and political rights, including a woman’s rights to control her own property and to have a happy marriage and/or life, common to the Berian culture zone — a subset of the Afroasiatic world covering portions of southern Arabia, the Maghrib, and Iberia. This female-friendly pattern was quite resilient, surviving whatever religious and political hegemonies arrived in the area. The male and female children of the legendary Berber ancestor Tiski actively modified invading hegemonic systems to fit their ways of honoring their first mother. Delafosse described Saharan Berbers as transmitters “not only of commercial traffic, which lasted for centuries... but, also of exchanges of ideas, little by little which was more important in the development of civilizations than the mere exchange of merchandise.”

R. Montagne observed several moussem (religious festivals) and pilgrimage celebrations in which Berber women celebrated a life away from men, asserting their power as women, reminding their men that women’s cooperation in the home is a gift and not a right. The ritual affirmed a communal value of gender equality among the people who, during the Almoravid and Almohad eras, transmitted this strong women’s culture to

Iberia as discussed in the first part of this dissertation. The Berbers factored as the Saharan-Iberian cultural link.

This dissertation also traced the tenacious patriarchal challenge to Berian values with the arrival of West Asiatic Islam. The entrenchment of patrilineal West Asiatic Islamic values in the Berian zone can be seen in the case of Villetta Laranda. The patriarchal system remained strongest near the Mediterranean coast where descendants of the Banu Hillal and exiled Andalusi-West Asiatic Muslims settled. Laranda’s captivity narrative provides an opportunity to look at the experience of women in non-Berian societies in North Africa. Villetta Laranda, an Italian woman, was captured in 1829 CE/1256 AH, purchased by a nomadic Arab family, and was ultimately rescued by the invading French army in Algiers. While this narrative was written for Laranda by a third party, who obtained the story from a French officer, and was used for propaganda, there are enough common features in this text to treat it with a degree of authenticity: the separation of the ship’s complement of crew and passengers; low rations in the form of a handful of food and a pint of stale or briney water; the loss of clothing and separation from cultural identity; complaints about the vermin acquired while sleeping; taunting by children and women; the knowledge that one would eventually be redeemed; and the long, will-breaking treks through the hot desert.

Scholar Paul Baepler challenged this narrative because Laranda did not dwell on sex work while a captive. He insisted that “if female captives became part of an Algerian seraglio, then the survivor would be forced to recount her rape — something we rarely read in Indian captivity narratives—or her willful violation of the racial/sexual boundary or of her vigorous defense against imminent sexual violation.”

Laranda said that she “was permitted to repose my wearied limbs beneath the tent of my master until morning” and a few sentences later she mentioned that “the Arab (whose property I now was) [my emphasis] closely following me mounted on his camel.” Something transpired that night for this was the first time that Laranda referred to herself as property. She also created an image in which the Arab was mounted, perhaps hinting that he mounted her also. She told how she was pricked during the march preceding that night by “a sharp pointed stick,” that “the brute was pleased to inflict upon me” as torture. The trauma of this event continued in Laranda’s nightmares but the way in which she described it begs a question. “My sleep was broken and un-refreshing, for no sooner did I close my eyes than I would imagine myself surrounded by a cluster of barbarous monsters, preparing to commit that violence upon my person that they had not yet attempted.” Was she glad that she had not been gang-raped, as Mrs. Mings was in Tangier garrison in the seventeenth century? Was this threatened? Or did living in such close proximity with a head full of stories to frighten


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proper young women from sailing the seas cause Laranda to assume that sexual violence would soon befall her?

Baepler assumed that sexual violence would indeed occur for captive Christian women. He did so by referring to the controversy over American Harriet Jacobs’ slavery narrative. If we read this incident from an American slavery template, sexual assault of Laranda was certain. However, in North Africa the legal system was different. Whereas the children of American slave women were property of the master, the children of slaves fathered by a master in many Islamic systems were children with inheritance rights. Also, the mother could not be sold once she had children by her owner. Sexual assault of a woman had definite legal consequences affecting other members of his household to the extent that a man frequently refrained from impregnating his slave or even from having sexual relations with her. Absence of sexual assault from female captivity narratives is not unreasonable nor is such absence an indication that the narrative is a fiction.

When one examines the behavior of the women in the household to which Laranda belonged, however, there is further evidence to suggest that her labors included sex work: women and children were particularly abusive towards her. The ability to feed this family


7. Among the Toubous, who occupied lands in present-day Libya and Chad and Sudan, “marriage between a free person and a slave was forbidden. All sexual relations with a female slave were violently reproved and the offending Toubou was subject to ridicule and shame.” While these persons are not Berbers, some scholars note that they have occupied this area before the arrival of Islam and might possibly be descendants of ancient Egyptians. Since it appears the children of Tiski passed through this region in their migrations west, it is not improbable that they might have acquired the same practice. Jean Chapelle, *Nomades noies du Sahara* (Paris: Librairie Plon, 1957), 27, 273-274.
of about fifty adults seemed to be marginal even though they had about one hundred camels. Once Laranda, while milking one of the cattle, drank some of the liquid. “I was discovered and so unmercifully beat with some strips of dry hide, that for the 24 hours after I could scarcely raise my hands to my head.” Her daily ration was withheld also. Laranda thought they abused her because of her religion; “indeed, I soon found that they detested nothing so much as the name of a Christian.” However, if it was known among these women that Laranda had been used sexually, then they might have perceived a threat that she would dilute their inheritance if she were impregnated. These women might have assumed that Laranda knew that pregnancy would secure her in the master’s family and they were doing their best to dissuade her from wanting to stay with this family. Further evidence that the master had plans to keep Laranda was embedded within the effort to convert her. They frequently asked her to kiss a tablet on which some words of the Koran were written. Such tablets are used in Koran school for young children. When she refused to kiss the board, she “was beat with it so unmercifully as frequently to occasion the blood to issue in a stream from my mouth and nose!” Conversion seems to have been the goal. Laranda claims that once she grabbed the board and stepped on it so violently that she broke it. The sacrilege was punished.

“I [learned I] should be placed, (stripped naked to my waist) upon the back of a Dromedary. . . which was to be led three or four times circuitously around the tents, while in the meantime I was doomed to receive a severe flagellation from an Arab selected for that purpose, which was to be inflicted with a bunch of rods on my naked back!”

They even made a show of making sure that the people knew that Laranda had blasphemed by preceding her in the procession with a Muslim banner raised above a depiction of a cross to show the superiority of Islam to the older divine revelation still practiced by Christians. Before the beating was over, Laranda’s “back [was] rendered a complete gore of blood from my shoulders to my hips…” and required five days to heal.⁹

There is yet one more piece of information to be considered: Laranda was owned by an Arab family, one more patriarchal than a family of the Berian persuasion. In such a family, the wives had fewer rights such as less influence on the husband’s sexual exploits and fewer legal opportunities to obtain a divorce. It might have been that the only power wives in this clan had to stop the dilution of the husband’s estate came from discouraging new women from joining the household. These women benefitted from Laranda’s productive work. They were threatened by Laranda’s reproductive capacity. Where women’s futures were determined by the whims of their patriarchs, women were destabilized and competitive. Patriarchy is ultimately counterproductive to the accumulation of lineage wealth because where women are deprived of economic security and legal protection, the motivation for positive, cooperative economic ventures is undermined by insecurity and jealousy. While Almohad and other patriarchal influences

⁹. Ibid., 17-19.
triumphed in many ways, this triumph was not complete. Laranda was not defended in her rights by al-Fasi.

Many West Asiatic Muslims moved to North Africa from Iberia and transferred patriarchal values from Andalusia into Morocco. Vanessa Maher conducted a twentieth century study of the relationship between the rate of divorce and the form of property owned by Moroccan women, which demonstrated the continued coexistence of Berian and more patriarchal social systems. Historically, many Arab and Arabized Andalusian exiles settled in port towns like Sale, Rabat and Tetouan, bringing with them a different gender culture than that practiced by Moroccans from the interior of the country. “Townspeople for the great part speak Arabic, observe orthodox Maliki law and religious practices, and seclude their women.” For urban households, by the end of the twentieth century, “the economic and social situation of women differs from that of men primarily in that they do not control [real] property, they cannot enter the public sphere, and that it is considered immoral for women to work for wages.”

Rural women had access to real property and were not secluded. Maher observed people oscillating between the Arabized urban and Berian rural system. The two systems continue to exist after thirteen centuries of contact, neither obliterating the other. In these cases, the systems themselves have changed very slowly but ordinary people retained the agency to move between the hegemonic and indigenous systems at will. In urban areas, however, the ideology of female repression triumphed.

Another locus of patriarchal insecurities for women was the United States where women suffered marital death as a *femme coverta*. Some Berian practitioners, male and female, migrated to Spanish Florida and they fought against the change in sovereignty to the patriarchal United States. The Berian resistance to patriarchy in the New World (many of whom were fully knowledgeable of Islamic culture in addition to married women’s property rights under the *Siete Partidas*) successfully checked the implementation of a patriarchal harem fantasy when the land rights of male and female colonists of Spanish Florida were recognized by the 1833 U.S. Supreme Court decision in *U.S. v. Percheman*. This offensive line held until the next generation of women and men, beginning in 1848 CE/1207 AH at Seneca Falls, NY, could champion anew the rights of Ghania’s daughters and sisters. It is quite significant that the post-Enlightenment, post-Revolutionary patriarchal philosophies, like those advocated by homosocial Freemasons, were not constructed in a vacuum; rather, they were the product of centuries of Western Christian economic and political envy during an era of submission to the dictates of the *maghribi* and *mashriki* powers.

Patriarchal morés were expressed in harem envy and hyper-virility fed by the Oriental Renaissance, to such effect that Anglo-American wives were reduced to odalisques, who were “fit for a seraglio!” as Wollstonecraft proclaimed. Women in Harriet Beecher Stowe’s day felt sorry for and superior to women in West Asia and North Africa. “In her *Geography* Harriet contrasted the veiling of Muslim women to the more favorable
situation of women in republican America.”\textsuperscript{11} Harriet’s opinion reached tens of thousands of Americans, as her \textit{Geography} was one of the best selling textbooks for teaching children. The veil became the marker of otherness for American women, who otherwise were more confined by patriarchy than Muslim women. Leila Ahmed has noted that “the veil has stood, for Europeans, for the oriental oppression of women, which in turn came to denote oriental backwardness generally.”\textsuperscript{12} The more negative stereotyping seen in popular discourse in Cincinnati, Ohio, complicated but did not stop the Berian expansion into United States’ culture, as evidenced by particular legal aspects relevant to Spanish Florida where the \textit{Siete Partidas} were applied to married women’s property rights. Berian Atlantic culture was also manifested in the positive adaptations by the Beecher sisters of separate-spheres-ideology in order to empower women. This female-friendly culture was defended by women and men on the western side of the Atlantic where, as happened in Andalusia, it faced patriarchal challenges from Western Christian patriarchy in the form of the \textit{femme coverta}, supported by Orientalist stereotypes derived from West Asiatic Islam.

\begin{thebibliography}{12}
\bibitem{11} Hedrick, \textit{Harriet Beecher Stowe}, 89.
\bibitem{12} Ahmed wondered “why Westerners so construed the veil. . . . After all, in itself, it is an innocuous enough garment which - unlike corsets or high heels, for example, — causes no physical damage.” Leila Ahmed, “Arab Women: 1995,” in \textit{The Next Arab Decade}, ed. Hisham Sharabi (Boulder: Westview Press, 1988), 209.
\end{thebibliography}
American domesticity as the imprisonment of women

The tragedy of American domesticity was the imprisonment of middle and elite women in their own homes/harem as the ultimate, misinformed, Western Christian expression of political and economic equality with the Muslim states. Laranda’s story suggests that such chauvinistic, patriarchal retrenchment of the mid-nineteenth century, especially at a time when abolitionism became a serious threat to the southern harem owner, was also occurring in the Western Christian world. After rereading women’s captivity narratives it becomes clear that some patriarchalists used knowledge about Muslim women to scare American women into accepting being immured within abusive, patriarchal domestic environments as an act of saintly martyrdom. This was harem envy, hyper-virility and sadistic libertine control at its worst, justified by religious superiority and racial privilege.

Perhaps the epitome of this kind of thinking is represented by the writing of the Reverend Hubbard Winslow and Mrs. John Sanford, who constructed an argument in 1854 CE/1213 AH to browbeat Western Christian women into accepting life in their domestic sphere and also to shame any female who would make public the abuse she received within that sphere. They began by reminding readers that in societies in which women were

13. Winslow was born in Williston, Vermont, October 30, 1799 and he attended Yale College in 1825. He was a Congregational pastor in Dover, New Hampshire and in Boston, Massachusetts and a Presbyterian pastor in Geneva, New York. He served on the Executive Committee, the Board of Directors, and was an Honorary Vice President of the American Education Society between 1842 and 1851. He served with Edward Beecher, then President of Illinois College, and with Lyman Beecher. American Education Society Records, 1815-1894, RG 0752, Congregational Library and Archives, Boston, MA,
preoccupied with fashion, amusement and socializing, their sons inevitably turned out weak and the whole society crumbled.\textsuperscript{14} A woman’s function was to become the companion of a man, serving him as an entertaining conversationalist and a moral conscience to her mate. Because of man’s unquenchable drive for female companionship, a good woman had the power to manipulate him to do anything she wanted, even to apply her desires in the political and business worlds on her behalf. She held “an irresistible dominion over the affections and the conduct of the other sex.” There was a limit to the way in which she exercised this power. “She can do it only by observing her appropriate sphere and putting forth her characteristic graces.” The ultimate Christian woman was one who “imparts a martyr’s courage to the gentlest spirit, — when she teaches woman in the stillness of a sick chamber to bow her head in patient resignation, and to endure her trial with Christian fortitude and faith.”

Rev. Winslow constructed a thorough exegesis to support his claim that women must stay in the domestic sphere. His citations were verifiable by any female with a Bible

\textsuperscript{14} Winslow and Sanford, \textit{Lady’s Manual of Moral and Intellectual Culture.} (New York: Leavitt and Allen, 1854), iv.
in the house and therefore incontrovertible. He referred to the Old Testament book of Proverbs, thirty-first chapter to show that the good woman was busy with weaving and clothing her household. Her husband was the one who was active in the city life while she remained at home with her children. He conveniently omitted the verse that lauds this woman for traveling beyond the home to acquire investment property and manage it herself. A good Western Christian woman in this model was a modern Scheherazade facing death at the hands of her husband with every dawn.

Winslow also created in his essays a rather sinister exegesis to coerce women into accepting domestic abuse. He began by asserting that all women in what he called pagan and Mohammedan lands faced a terrible plight. Women were by nature destined to occupy the domestic sphere. Only from there could she exercise her “benign and almost irresistible dominion over the affections and the conduct of the other sex.” As proof, he introduced the cases of lands where “women are ignorant, and devoted to dress and amusement only.” Invariably these countries found themselves ruled by tyrants. They were a direct result of the weakness of women and their refusal to accept a subordinate role. He might have concluded that Liberty and Reason reigned in the United States because women allowed themselves to be ruled by men. He did claim that female subjugation was a law, “implanted in the human constitution and enjoined by God” and that this law was

15. Ibid., 9, 43, 23.


17. Ibid., iv.
“misapprehended, perverted or abused in all but Christian nations.” The superiority of Christianity, for him, was that it did not, like “pagan religions crush the female sex into the dust” nor like “Mohammedanism [make] them little superior to abject slaves.” In other lands, asserted Winslow, men “abuse her, who was made to be ‘an help-meet’ for man, to a condition of invidious inferiority and even of servile abjectionism.” In the United States, women were free to “render themselves suitable companions for educated and intelligent men.” He referred to I Corinthians, 11:3, 8-10 where the author Paul recommended that women wear a veil “the then customary badge of modesty and subjection.” Veils signified that a woman was “under the power of her husband.” The same scriptural passage recommended that women are to “be in silence.” To clarify that, Winslow turned to another passage, I Timothy, 2: 9-14, which he interprets to say “that in public they should always be learners and never teachers, and that they should never assume the position of dictation or of authority over men.” Winslow claimed that it was even dangerous to society if women ever become “teachers or governesses” of men.

Women were assured by Winslow that they were spared the cruelty of pagan gender systems. They were elevated to the role of helpmeet and spared the burden of equality. Elite women should consider themselves fortunate that they were kept from the “severe manual labors of the field, the mechanic arts, the cares and burdens of mercantile


19. Ibid., 15-16.

20. Ibid., 17.
business, the exposures and perils of absence from the home, the duties of the learned professions.”

21. Ibid., 18.

22. Ibid., 34-35.

The Reverend Winslow either had a very exclusive, urban parish or he himself had lived a cloistered life. Westward expansion was not a new trend and for decades women had broken soil with men to establish new farms. In urban areas, women worked in factories. True, very few women were owners and captains of merchant ships. However, more of them were travelers on such ships, escorting or meeting spouses, settling in new colonies. These women were just as exposed to the dangers of sudden storms or languid cessations of wind. They were also in danger of being captured and held by pirates. By the time Winslow wrote this, the trade in slaves of European descent had decreased but it had by no means completely ended.

What is most insidious about this argument is the way in which he isolated women. First, he admonished women to worship their husbands. He claimed that husband-worship was a practice restricted to India where a woman “should, say their sacred books, have not other god on earth than her husband. Him she should worship while he lives, and, when he dies, she should be burnt with him.”

22. Compared to this, the Western Christian was privileged in her sphere. She lived. That alone should have made a woman grateful. When she died, a Christian woman could look forward to going to heaven. “In Mohammedan countries, even this is nearly or quite denied her.” He erroneously claimed that no women
go to Paradise. With that stage set, Winslow’s next move was to make a woman glad that she endured pain because suffering was Christian virtue at its highest level.

To make his patriarchal theology even more acceptable, he found a Mrs. Sanford to agree and rephrase his message. Mrs. Sanford was fairly informed of the gender practices around the world. In Ethiopia, “the lady, for instance, who anoints her head with tallow is irresistible.” It was Mrs. Sanford who pinned the ills of the French Revolution onto the queen. “What could be more polished than [the lifestyle enjoyed by] Marie Antoinette? Yet selfishness was the predominating principle, and in the hour of trial self-preservation the only aim.” She was even aware that a few wealthy women enjoyed being patrons because their guest lists included: “the Spanish patriot and the refugee royalist, the unturbaned Sultan and the wandering Greek.” And, it was Mrs. Sanford who asserted that it was the policy of “the prophet of Mecca” that women “should be perpetually subjugated.” Such a knowledgeable woman normalized the admonition to tolerate suffering through peer pressure. In fact, a woman’s life was so sure to bring sorrow that “religion is just what woman needs,” wrote Sanford. “Without it she is ever restless or unhappy.”

Here, she supports Winslow’s assertion that women ought to avoid “meddling with things without their proper sphere” and avoid “wandering about from house to house; and not only idle, but tattlers also, and busy bodies, speaking things which they ought not.”

23. Ibid., 35.

24. Ibid., part II, 18, 49, 95, 49, 42.

25. Ibid., 14-15. Winslow bases this on I Timothy: 5:13 KJV.
ancient Roman model was pulled out here. A good woman should not be well known. “A
domestic woman will perhaps be little admired, or at any rate, little talked of” writes
Sanford, “but she will be contented. And she will owe her contentment to religion.” An
unknown woman was an invisible woman. An invisible woman attracts no rescuers.
Women who had no potential rescuers were perfect victims for abusers. Here again was al-
Kiki’s “chauvinism” of the patrilocal world confining dispirited daughters.

To remove any doubt that these authors were advocating the tolerance of domestic
violence, Mrs. Sanford wrote, “if want of congeniality in those most near to her is her
burden,” she was to be silent. “It is thought very wrong, even by ordinary persons, to carry
domestic secrets beyond our own walls.” Women who were proscribed from teaching men
or speaking in public also ought never go to the public to speak of the abuse they suffered.
In the event that a person entered the home and discovered the abuse, discussion of it
should have been discouraged. A woman should have been encouraged by the ennobling
suffering to “Christian. . . . uncomplaining meekness.” A virtuous woman “asks for no
human sympathy.” Should a friend find a woman injured or hurt or simply sick, this
advice manual suggests that friend would do best if “she teaches woman in the stillness of a
sick chamber to bow her head in patient resignation, and to endure her trial with Christian
fortitude and faith.”


27. Ibid., part II, 44-45.
One thing that an abuser needed, besides a cowed victim, was an alibi. Winslow argued that many women suffer from “intemperate excitements of frequent and late assemblies of gaiety and pleasure.” An unhealthy woman probably suffered too much “from the use of confectionary, of highly seasoned dishes and of stimulating drinks.” Here Winslow was not talking about port or Scotch. He is talking about “the habitual use of coffee and strong tea.” Sanford provided a familiar cover story in reverse. “A woman should always do her utmost to please.” She should not act independently of her husband. “There is something so unpleasant in female self-sufficiency that it not unfrequently deters instead of persuading.” Decision-making was a man’s prerogative. Winslow wrote that “a dictatorial and unyielding disposition is characteristic of man.” And if a woman was hurt by circumstances within the home, it was only natural for “by far the greater portion of human suffering falls to the female sex.”

This kind of prescriptive literature encouraged women to be ennobled by silent suffering at the hands of her legal husband, her owner, with no hope of rescue. After reading this advice manual, one can retain the following advice. A woman was to be subordinate to a man and confined to the home. A woman’s injuries at the hands of her husband were by no means worse than the treatment of women in pagan and Muslim lands.

28. Ibid., 61.
29. Ibid., part II, 10.
30. Ibid., part II, 15.
31. Ibid., 48.
In fact, a woman was ennobled through silent and patient suffering. She should seek no help and offer no help to others in this situation. In short, while Winslow and Sanford claimed that the Christian woman was not raised to worship her husband as her god, she should have been content to be his helpmeet, should have accepted her subordination and should have maintained “appropriate reverence and homage to her husband.” Here I have shown how the elements present in this work came logically from the peculiar mix of West Asiatic Islamic lore and patriarchal misappropriations.

_In the end, Anglo-American elites lived in harem-styled households_

When Anglo-Americans adopted the gender-segregated, harem-styled household, they considered it to be a superior and rational system of gender organization. Euro-Americans misperceived and exaggerated patriarchal West Asiatic Islamic social organization and gender arrangements. These misperceptions then culturally colonized the Christian West even as the acceptance of married women’s property rights indicates that Berian values transferred to the United States. In the eighteenth century, Protestant England sensed an opportunity to become the equal, if not the better, military power vis-à-vis the West Asiatic Islamic Ottoman Empire, in the Mediterranean World trade system. Western conquest and colonization of the Mediterranean, Africa and West Asia is a fact. What is at issue here is the cultural colonization of Western Christian domestic space by the implementation of ill-understood Islamic gender relations as part of a West Asiatic Islamic, patriarchal hegemony. Such a colonization explains what the rise of capitalism does not in

32. Ibid., 6.
the re-ordering of ideal Western Christian society into public/male space and private/female space. This mutual colonization does not appear as an outcome of centuries of dual hegemonic competition until patriarchal lenses are discarded, revealing the co-existing, Berian Atlantic, gynecentric culture as a foil, making the artificiality and the absurdity of patriarchy more visible, comprehensible and, hopefully, disposable.
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