

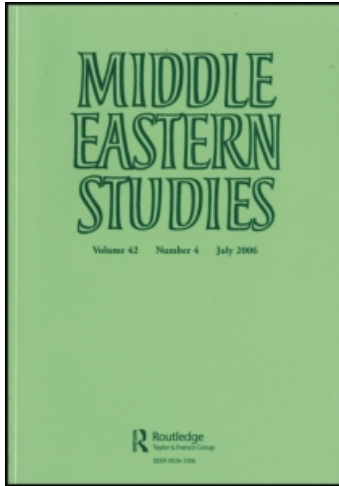
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Women, Honour, and the State: Evidence from Egypt

BETH BARON

Activists in the Middle East and beyond have in the past decade stepped up their organizing against ‘crimes of honour’ or ‘honour killings’.¹ These killings occur throughout the region among diverse ethnic populations and are not restricted to Muslims. ‘A paradigmatic example of a crime of honour is the killing of a woman by her father or brother for engaging in, or being suspected of engaging in, sexual practices before or outside marriage’, writes Lama Abu-Odeh in a legal discussion of crimes of honour in the Arab world.² Premarital relations leading to a loss of virginity, or perceptions of such relations, and extramarital affairs or other infringements of the modesty of a girl or woman thus carried a heavy price.

According to Arab customary law, immodest actions dishonoured the family, metaphorically tainting the family blood, which could only be ‘cleansed’ or redeemed by loss of life. An agnatic relative of the woman – her father, brother, father’s brother or his son (who might also be her husband in a region where cousins on the paternal side frequently married) – was charged with killing her to redeem the family honour. The spilling of blood supposedly washed away the shame or dishonour. Women are occasionally killed by mistake (the rumoured activity never occurred) or, conversely, escaped punishment when the initial deed had been kept a secret: they were locked up, sent away, or quickly married off. Honour in the Arab world is thus a collective affair and helped define the parameters of the collective. The entire family’s honour – and here family meant those related by blood through the male line – resides in the conduct of its women.

Honour has attracted the attention of anthropologists of the Mediterranean region and Arab world for some time, giving rise to a significant body of literature on this topic.³ Anthropologists have noted that honour can mean many things, and the confusion is multiplied when foreign words with varying shades of meaning are reduced in English translation to the one word, ‘honour’.⁴ Moreover, words change over time, mean different things in different contexts, and vary from colloquial to literary usage. In Arabic, ‘*ird* (honour, good repute, dignity), *sharaf* (high rank, nobility, distinction, eminence, dignity, honour, glory), and *karama* (nobility, generosity, honour, respect) are the words most frequently used to express the concept.⁵ Yet the words have different connotations: *karama* implies nobility and generosity; *sharaf* suggests rank and social prestige, can be augmented or diminished, and should be defended by men; ‘*ird*, can only be lost or redeemed and is mostly connected with a woman’s body.’⁶

Anthropologists have also debated why crimes of honour occur when they do, for not all or even most infractions are punished. Some have argued that public accusations of loss of honour are crucial to setting in motion family honour crimes – the killing of a girl – and that acknowledgement in public remains crucial to the decision to kill or not to kill.⁷ Theoretically, the killing should also be public so that it is clear the family has redeemed its honour, but the disappearance of a dishonoured daughter or an ‘accidental’ death are generally understood by the community or clan to have restored the family honour and removed the ‘stain’. Men are sometimes killed for their role in dishonouring women, particularly when the man was an outsider or perceived to be socially inferior, yet women turn out to be the victims on most occasions. Honour was crucial in determining who belonged to the group – who shared honour – and who stood outside.⁸

Historians of the Middle East are only now beginning to turn to the topic of honour. Their past reticence may be due in part to a perceived problem of sources, but sources have turned out to be more forthcoming than expected. For the early modern period, scholars have culled cases from the records of the *shari‘a* courts, and for the modern period, we can combine police, legal, literary, oral, and periodical sources. But the hesitation to take up honour as an historical topic has not just been due to methodological problems. ‘Honour’ and other aspects of sexuality had been seen until recently as taboo topics for historians of the Middle East.

From another angle, scholars who work on nationalism have explored the making of national honour. Elsewhere I argue that Egyptian nationalists appropriated the notion of family honour, which was familiar and widespread, and elevated it to the national plane to create a sense of national honour. They accomplished this by rendering the nation (*Misr*) as a woman and the national community (*umma*) as a family in visual and literary images. They thus harnessed the passion of the idea of honour to the nationalist movement and used national honour as a rallying cry to mobilize the nation.⁹ Yet nationalists might not have accomplished this feat had it not been for developments on a parallel track – that of the state. Nationalists invoked honour because the emerging modern state had already moved the issue into the public domain, endeavouring to take over the guardianship of family honour from fathers, brothers, and (agnatic) uncles and cousins. Both efforts were an attempt to redraw communities of honour and shift loyalties to the state and/or nationalists.

This article focuses on the relationship between the state and honour, considering the evidence from Egypt over a century and a half under the Ottoman–Egyptian, British colonial, and Egyptian interwar states. Obviously, myriad actors and elites were involved in the running of the state. I will argue that contrary to what might have been expected, the groups that made up the state – and specifically those employed in its legal, medical, and policing professions – did not seek to erode the concept of honour or offer women greater protection. Rather, concerned with guarding male prerogatives, these professionals threw their weight behind customary notions of honour, strengthening, perpetuating, and at the same time transforming honour ideals and practices. State intervention took the form of promulgation of new criminal law codes, encouraging medical checks, and stepping up the counting, policing, and prosecution of crimes. As such, rape, adultery, and prostitution came under its watchful eye. A parallel process occurred elsewhere in the Middle East,

following distinct trajectories depending on the specifics of the nationalist project and the form and efficiency of the various states.¹⁰ Before focusing on Egypt, I will set the stage by looking at the tribal, Islamic, and Ottoman precedents for state intervention in the regulation of female sexuality. In the absence of a large body of literature, this survey is admittedly preliminary and sketchy in the hope that others will take up the call to document the history of honour, filling in the pieces.

A code of honour evolved among the tribes of pre-Islamic Arabia and was imbedded in the customary law that tribal sheikhs administered in resolving disputes in the absence of a strong state. Arab tribes followed this law where and when they could. Under customary law, a guardian essentially had the right to discipline his ward even if this meant taking his or her life.¹¹

Islamic law tried to temper this, making infanticide and accusations of illicit sex that could not be substantiated liable to harsh punishment. Since rumours could damage a man's honour, the new religion tried to cut off rumours at the root. Only when four witnesses came forward would the fixed punishment be applied – stoning in the case of a married woman and a fixed number of lashes in the case of an unmarried one – but men were also punished for illicit sex.¹² In practice, judges could be flexible, and the harshest punishments were often avoided. The new religion and the Muslim states it gave rise to tried to shift loyalty from agnatic relatives to the religious community, from a decentralized legal system based on tribal laws to a more consistent code ordained by God, but it was not always successful. At the same time, certain Islamic practices, such as veiling, segregation, and early marriage, reinforced the honour code. Customary law persisted, sometimes conflated with Islam and at other times at odds with it.¹³ In short, various legal systems overlapped: at different moments and in diverse places, tribal, religious, or state codes dominated.

In the heyday of the Ottoman Empire – the fifteenth and sixteenth centuries – the state issued *qanuns* or regulations of secular criminal law and its procedure in administrative courts. As the central power of the Ottoman Empire decreased during the seventeenth and eighteenth centuries, the Ottoman criminal code was increasingly disregarded in Egypt and elsewhere. This was due in part to the increased political power of *qadis* (judges) and other *ulama* (clerics), who had opposed those aspects of the regulations that contravened *shari'a* (Islamic law), as well as to the desire of military authorities to have greater freedom of action locally.¹⁴ It also reflected the autonomy of nomadic and other tribes who fell outside the bounds of state jurisdiction.

The early modern Ottoman state sought to enforce law and order in imperial domains and sent state officers to investigate unnatural and suspicious deaths. Their reports were occasionally recorded in the records of the *shari'a* courts. According to Dror Ze'evi, the records of seventeenth-century Palestine show a series of accidental deaths of young women who fell into wells, slid off roofs, or were buried by stone avalanches. In one case recorded in April 1689, a father from Bayt Iksa reported to the court that his daughter Banwa 'had been standing on the roof of his house in the village and, as God willed it, she suddenly fell. While falling, she toppled a large boulder that dropped on her head and killed her'.¹⁵ When the investigating

commission arrived at the village, they found the girl 'lying lifeless' near the father's house; but the villagers corroborated the father's story. That numerous accidents of this sort about women appear in the *sijill*, 'certainly more so than similar cases involving men', led Ze'evi to conclude that 'these incidents represent attempts to avoid murder charges where questions of family honour were concerned'.¹⁶ Thus while a guardian could kill his ward with impunity under Arab customary law, he could not do so under Islamic law or Ottoman state regulations, and the crime had to be concealed from the authorities through village collusion.¹⁷

The court records of eighteenth-century Aleppo show 'illicit affairs, illegitimate pregnancies, seductions, the discovery of foundlings, and the confessions of women of loose morals', writes Abraham Marcus, all of which touched on aspects of family honour.¹⁸ As communities were held collectively responsible for unreported criminal activity – including that of a sexual nature – for which they paid steep fines, the inhabitants felt pressured to report suspicious activity. Yet 'when false information severely damaging to female and family honour was at stake... people sought redress from the court'.¹⁹ They thus occasionally came forward of their own volition. As Marcus notes: a woman filed a suit against a man who claimed to have had an affair with her; midwives attested to the virginity of an unmarried daughter; the court gave documents to girls who lost their virginity through accidents such as falls.²⁰

While such accidental loss of virginity might not have dishonoured a girl, loss through rape would have. Court records in Ottoman Egypt from the seventeenth to the nineteenth centuries reviewed by Amira Sonbol frame rape as cases of property rights in which the female victims or their guardians sued under Islamic law for payment of compensation and punishment. Girls were often offered the choice of marrying the rapist; when they did, the complaint was withdrawn. Although a girl might have her day in court, Sonbol concludes that rape was still very hard to prove.²¹ And while fear of rape often caused a family to limit a girl's movements, rape in Egypt, as elsewhere, might also have been perpetrated by someone within the family circle.

The records of Islamic courts in the Turkish-speaking parts of the Ottoman Empire contain similar cases, as Leslie Peirce has shown. In the mid-sixteenth century records of the Anatolian town of Ayntab, Fatma, an unmarried pregnant woman, came before the court with the claim that she had been raped, and proceeded to identify, in turn, two men. When faced with evidence of illicit sex, the *shari'a* court could be flexible, Peirce concludes.²² She also identifies the phenomenon of 'honour divorce' or divorce of an adulterous wife. Under the codes promulgated by Sultan Sulayman, a man was compelled to divorce a wife accused of adultery or face a stiff fine. The practice – a 'product of customary law' – provided an alternative to the stoning mandated by Islamic law and gave the husband a way to redeem his honour. Peirce writes, 'The institutionalization of adultery-divorce through its inscription in the sultan's code implied that the honour of more than the cuckolded husband was perceived to be at stake when a woman committed adultery'.²³

Although it is too early to make comparisons of honour cultures in the Ottoman Empire, Turkish customary law seems to have given the husband a greater role in regulating his wife's behaviour than Arab customary law, which favoured intercession by agnatic relatives. Yet anthropologists have also recognized that

cases of adultery can be more complicated in practice than those of illicit pre-marital sex, for they involve multiple families.²⁴ Moreover, practices throughout the Arab world also varied, even within one country, with scholars noting that crimes of honour were more common in Upper Egypt (the Sa'id) than in Lower Egypt (the Delta).²⁵

The French occupation of the Ottoman province of Egypt in 1798 upset the gender order. 'Abd al-Rahman al-Jabarti chronicled the interactions of some women – voluntary and otherwise – with French soldiers. Women who mixed with the French, he claimed, 'renounced all sense of shame and self-respect, all deference to public opinion'. In an attempt to reimpose order – including gender order – on Egypt after the withdrawal of the French army, Ottoman officials sanctioned or carried out the execution of a number of women who had 'dishonoured' their men. Jabarti reports that Ottoman officials interrogated Zaynab al-Bakriyya, the daughter of a sheikh, accusing her of having 'behaved loosely with the French'; and after her father disowned her, they broke her neck. The husband of another woman who had consorted with the French received permission from the Ottoman governor to strangle her along with a female slave.²⁶

The Ottoman state sought to reimpose its control over criminal matters, issuing new penal codes (based mostly on the old codes) in 1840 and 1851. But Mehmed Ali, the Ottoman viceroy of Egypt in the wake of the French exodus who sought to carve out his own fief, preceded the Sultan in this matter and issued his own series of regulations from 1830. These regulations dealt with provincial security and the particular circumstances of Egypt and when assembled together became known as the Code of Mehmed Ali. The emerging Ottoman–Egyptian state thus sought to expand its power vis-à-vis the Ottoman state and its Egyptian subjects. It would not permit subjects to take the law into their own hands or allow murder to flourish unabated. In enforcing law and order, or attempting to, it sought to displace male members of the family in protecting and punishing their women.²⁷

This code was followed by a popular summary known as the Code of Abbas, under whose tenure (r.1849–1854) it was published, and then in the early 1850s by the Code of Sa'id (r.1854–1863), which was roughly the Ottoman Tanzimat of 1840 with a few modifications. With this codification, four legal systems co-existed in nineteenth-century Ottoman Egypt: Islamic law, Ottoman regulations, communal laws of religious minorities, and capitulatory law for foreign protected subjects.²⁸ To these should be added customary law of nomadic and semi-nomadic populations, which continued to thrive though it was not codified or recognized.

One of the most radical transformations of nineteenth-century Egyptian society was the forced settlement, detribalization, and assimilation of large segments of the nomadic population with the co-opting of sheikhs and subsequent socio-economic differentiation.²⁹ Many of the Bedouin seemingly disappeared into the settled population as their sheikhs became large landowners. By the early twentieth century, the state had settled most of the Bedouin and banned tribal law. Yet the 1897 census still listed over half a million semi-nomadic and nomadic Bedouin out of a population of over nine and a half million Ottoman subjects in Egypt (roughly five per cent of the population). And those Bedouin groupings that survived the century

intact continued to practise tribal law at least until the First World War, in spite of the ban.³⁰ In short, settlement created new obstacles to ideals of modesty and mechanisms for resolving honour disputes, and fragments of customary law continued to exist.

The new penal codes enacted by Mehmed Ali and his successors dealt with criminal behaviour, including that related to sexuality and crimes of honour. According to the Code of Mehmed Ali, if a man killed his wife and/or lover because she had committed adultery, he was free from criminal responsibility.³¹ Sa'id's Code addressed the kidnapping of young girls, which had not been mentioned in the earlier codes, and called for the imprisonment of criminals rather than their castration (which had been mandated in the early modern Ottoman codes, though Rudolph Peters found no evidence of it at mid-century).³² There were some reversals: Mehmed Ali's 1844 Code had deprived the *qadi* of the right to treat violations of honour according to the *shari'a* and placed this category of crimes under the jurisdiction of state courts, which assigned either a fixed penalty of imprisonment in the citadel or hard labour in the harbour of Alexandria. Sa'id's Code, written earlier but published later, reversed that encroachment on the *shari'a*.³³

For some decades after the mid-nineteenth century, both religious and state courts seemed to have jurisdiction in cases of illicit sex, the charge of which was at the heart of crimes of honour. There was, in effect, a 'dual judiciary' system, according to Peters, who examined mid-nineteenth-century Ottoman Egyptian court records, including those described in the codes as 'offences against a person's honour (*hatk 'ird*)' and which were often of a 'sexual nature'. In cases of illegal defloration, Peters found that women sued men for compensation equal to their bridewealth, often negotiating the sum in court. In one case from 1869, the court record states: 'The parties eventually agreed on a compensation of 2,500 piasters, and the settlement was ratified by the *qadi*, who, in addition, sentenced the man to be flogged for his sinful behaviour'. (From 1861, flogging had been officially abolished, but some *qadis* felt that the law did not pertain to their courts; rapists often avoided the harsher penalty of capital punishment by pleading mistake or uncertainty or claiming to have deflowered the girl by hand.)³⁴ Peters also looked at homicide trials (many of which dealt with cases of revenge for injured honour) conducted by *shari'a* courts and overseen by state authorities. Yet unless an heir (or the state in the absence of heirs) wanted to sue the culprit to exact a penalty – death in retaliation or payment of blood money – no trial would take place.³⁵ And a trial for the murder of a girl who had 'dishonoured' her family would not likely find its way into *shari'a* courts for, according to the family, justice had already been served.

By the 1870s, in any case, the days that *shari'a* judges would handle criminal cases were numbered. The Egyptian Penal Code of 1875 went beyond the Ottoman Penal Code of 1858 upon which it was based (and which in turn borrowed from the French law) and omitted references to *shari'a* law in criminal matters. Further, it introduced articles dealing with adultery that overrode *shari'a* law.³⁶ Although the courts were slow to apply the Code of 1875, a more radical transformation was on its way. A new French-inspired penal code that had been in the works for a few years was speedily adopted in 1883 after the British occupation and before the new colonial overlords could put a British imprint on it. There was apparently little

resistance to the adoption of French law in place of the *shari'a* at the time. The new Native Courts applied this law when hearing criminal and other cases, and the *shari'a* courts were restricted to matters of personal status (marriage, inheritance, divorce, and so on).³⁷

The state continued to issue legislation pertaining to family honour. The new penal code, which was revised in 1904, was much more lenient in theory in cases of adultery than *shari'a* or tribal law (though in practice both of the latter could be flexible). In cases of adultery, a wife faced two years imprisonment; a husband faced six months only if he committed the act in the marital home. (Since he was permitted up to four wives anyway, he was free to conduct extra-marital liaisons outside the marital home.)³⁸ The Native Courts frequently heard cases of adultery, and more than a few made it to the court of appeals. Foreign judges sat on these courts side-by-side with such turn-of-the-century notables as Qasim Amin and Sa'd Zaghlul. In one hearing in Shibin in 1901, the court reiterated: 'The prosecution of a wife for adultery is, out of consideration for the family honour made conditional on the husband's denunciation'. The state could not pursue a case without a husband's authorization. Again, in Abu Tig in 1905, the court stated that 'in making criminal proceedings for adultery against the wife depend on the husband's denunciation, the law has in view the protection of the family honour.'³⁹ The courts found that if by law a husband could stop the execution of a wife's sentence of adultery from being carried out, he could also stop the prosecution; the acquittal, however, could not be subsequently reversed. Moreover, he did not have to consent to take back his wife in order to stop the execution of the sentence.⁴⁰ Nor did he have to divorce her, a significant difference from the 'honour divorce' stipulated under sixteenth-century Ottoman law or the *shari'a* punishments.

The new laws on adultery seemed to favour Turkish and Western notions of the husband's honour rather than Arab agnatic claims. This should not be surprising as many of the Egyptian jurists instrumental in framing the new laws were of the Ottoman-Egyptian elite and drew on European codes. It is also consistent with attempts from turn-of-the-century to strengthen conjugal ties at the expense of agnatic ones and create a new model for the Egyptian family, although how successful was the shift from agnatic to conjugal bonds remained to be seen.⁴¹ The Egyptians also moved closer to the French ideal of crime of passion when in 1937 they allowed reductions in a husband's penalty for murder if he caught and killed his wife 'in the heat of the moment'. Under Mehmed Ali's code he had gone free, but the state, while understanding the impulse, no longer tolerated such liberties. Other Arab states also excused agnatic relatives who killed adulterous women; Egypt gave this benefit only to the husband.⁴²

A husband could choose whether to press adultery charges against a wayward wife, but a rape victim could no longer bring her attacker to court on her own as she might have in earlier Ottoman-Egyptian courts. Under the new laws, the police investigated the crimes and with state officials decided whether to try them; a victim might only press for compensation after a criminal conviction. In theory, the new laws were meant to 'establish standardization and eliminate abuses involving differences in estimation of punishment, thereby rationalizing the system and making it more equitable for all', writes Amira Sonbol. In practice, she argues, this was not

the case, with new laws introducing differences based on class and gender, focusing on the actions of the victim rather than the rapist and turning the police into a 'buffer' that blocked women from bringing their cases to court.⁴³ Meanwhile, turn-of-the-century critics attacked the light sentences handed down for 'thieves of honour' in the press.⁴⁴

British attempts to dislodge French-influenced law, and in 1919 to replace the Penal Code with one closer to British law, met with little success.⁴⁵ The code next faced a major revision in 1937, when it was extended to foreigners and considered the spread of the media as well. One new article to appear increased the penalty of imprisonment plus fine for libels against family honour, treating harshly those libels that appeared in the press.⁴⁶ The state continued to try to have issues of honour settled in courts under their jurisdiction rather than through extra-legal means or violence, over which it strove to have a monopoly. Further additions and updates were made to the code. In 1949 after the web of the Capitulations was removed, prostitution became illegal, and the state moved to prosecute a group seen by society as the most dishonourable but who had been hitherto protected. In recent decades, the code grouped together a set of sexual crimes – including rape, adultery, and prostitution – under the rubric *jara'im al-'ird* (crimes of honour).⁴⁷

The state extended its jurisdiction in criminal matters, including those related to questions of sexuality and honour, issuing new penal codes. Yet codes by themselves were not enough. Different branches of the government were called upon, or developed, in the course of the nineteenth and twentieth centuries to help enforce the new statutes. Since questions of family honour ultimately turned on the question of a girl's virginity, the state occasionally called upon its own medical specialists for assistance. In short, just as the legal profession put its talents to use in drafting legislation pertaining to issues of family honour, the medical profession contributed its expertise.

Mehmed Ali had built a large army to help realize his imperial ambitions and brought in foreign medical experts to keep that army healthy. His medical adviser, the French physician Clot Bey, soon discovered that he could not combat the venereal disease ravaging the troops without training a core of female professionals who could examine women for signs of infection. He therefore started a School of Midwives, whose story has been told elsewhere.⁴⁸ The graduates had multiple responsibilities: inoculating against disease, delivering babies, recording births, and certifying deaths. They provided public health services to people, helping the state to collect information about the population in the process. They were often attached to police stations as well as medical clinics, and as specialists in female anatomy, one of their lesser-known roles was to examine a girl's hymen in cases of suspicion to determine if she was a virgin.⁴⁹

The half-dozen stories from the 1860s and 1870s described by Khaled Fahmy follow a general pattern: a girl who escapes from her home or place of work is reported missing and upon being found by a male relative or state official is taken to the police station or urban health clinic for an examination. In most of the cases Fahmy discussed, the state was not content to leave the matter in the hands of the family for resolution. If the girls were found 'deflowered', they faced the jurisdiction

of both *shari'a* and state courts, with the latter increasingly overriding the authority of the former. In one story, a maid who fled the house of her employer was found to be 'deflowered'; she claimed she was raped but confessed that she had visited the alleged rapist twice afterwards. The religious court found the couple guilty of adultery and sentenced them to corporal punishment. The Higher Court to which the case was forwarded revised the sentence to six months in prison for her and six months of hard labour for him. Even when the couple agreed to marry in cases such as these, the police still pressed forward towards a trial.⁵⁰ 'What these cases show is that instead of liberating women, the state was beginning to police female "decency" and sexuality, taking over these functions from fathers, brothers, and families', argues Fahmy. 'A girl's loss of her virginity... was an act that undermined the authority of the state and its ability to maintain urban security.'⁵¹

Yet this trend was not new. The early Islamic states policed female sexuality, and the Ottoman state also took a keen interest in this domain, with laws stipulating dress and other behaviour. The main innovation was that the Ottoman-Egyptian state now mobilized modern legal, medical, forensic, and other resources. Those actors who made up the state did this so as not to cede this domain to fathers, brothers, uncles, cousins, or religious authorities and in order to facilitate and legitimize expansion. State intervention could work to soften the punishment that family members or religious courts would have meted out or could have had the opposite effect in the absence of institutional flexibility. Yet state officials never challenged the centrality of female virginity. On the contrary, by enshrining the notion of family honour in penal codes and checking a girl's condition, the state sanctified and solidified its importance.

The medical profession provided the necessary tools to those who policed female sexuality, thus helping further to shore up the notion of family honour. As practitioners with Western education rather than midwives with little formal training, they threw the weight of science behind their findings. That the business of checking hymens continued and spread is suggested by 'oral histories' captured in narrative ballads. Produced by professional and semi-professional singers and performed at festive occasions and sometimes printed, this colloquial form expressed the outlook and practices of the rural popular classes. The ballad of 'Hasan and Na'ima', recorded by Pierre Cachia, tells the story of an honour crime set in 1949 in al-Manshiyya. According to the ballad, Na'ima loved the singer Hasan, who had asked for her hand, but she was forbidden to marry him by her father. She fled to his house in a neighbouring village; not wanting to dishonour her, Hasan spent his days in the cafe and nights in the guesthouse outside. When her father came to take her back home, Hasan sought to prove his proper intentions:

He said: 'As for Naeema, she is with us, well guarded in our house'.

He rushed out to the police post and brought back two – an officer and a doctor.

They examined Naeema and found her intact in honour and status.⁵²

Writing in the 1970s, Nawal Sa'dawi criticized her medical colleagues for their complicity in checking hymens, which she said was a dubious enterprise in any case given the numbers of elastic or easily torn hymens.⁵³ To add a twist, physicians began performing operations to reconstruct hymens to give the appearance that a girl was a

virgin.⁵⁴ In the words of a female character from the 1990s film ‘Oh Life, You Are My Love’ – ‘The days are over when a girl’s honour was like a matchstick, it could only burn once [a reference to a popular proverb] . . . Now it’s like a lighter, you click it on and it burns, you click it again and it burns’.⁵⁵

Physicians had attempted to broaden their role in policing family honour further in 1930. At that time a bill was presented to the Chamber of Deputies making it obligatory for persons intending to marry to produce a certificate of good health based on a blood test verifying that they had no contagious sexual disease. Although a significant proportion of sexual diseases were inherited, a negative blood test, like a torn hymen, might have been taken as one more proof of illicit sexual activity. For a variety of reasons, that bill was voted down.⁵⁶ But given legal justification under the new penal codes and the eagerness of the medical profession to comply, the state encroached in domains where earlier it had not ventured, shoring up notions of virginity and honour.

After the British occupation of 1882, incoming colonial officers vied with the old Ottoman-Egyptian elite for control of the state and battled over the issue of public security. Having ceded control of foreign and financial affairs to British advisers, prime ministers in Egypt were determined to hold on to the ministries of interior and justice and to expand state authority in those areas. In earlier decades, the Ottoman-Egyptian state had tightened its hold over public security in urban centres, but provincial officials still had great autonomy in dealing with crime in the countryside. Prime ministers devised regional Commissions on Brigandage free of British interference to deal with a problem they seem to have invented – an ‘epidemic of banditry’ that swept the countryside in the late nineteenth century – but the plan backfired. Pointing to the severe methods of the Commissions, the British promised law and order and took over the ministry of interior in 1894. The British adviser then began to reshape the department: rebuilding the police forces, assigning British inspectors to the provinces, remaking the prison system, and setting aside positions in the upper ranks for his compatriots. Among the flood of British employees in that department, British medico-legal experts, and especially forensic specialists, came to Egypt to use it as a training ground.⁵⁷

The British continued to argue that their ability to keep law and order justified their presence in Egypt. Having tackled brigandry, they looked for other security problems and identified honour as one of the most common motives for murder: ‘The Bedouins, and the inhabitants of Upper Egypt, very generally hold the opinion that it is not only excusable, but imperative, upon father, brother, or husband to take the law into his own hands when any question arises affecting the honour of the women of the family’, wrote Cromer in 1901.⁵⁸ To Cromer and colonial officials, the problem here was not so much the notion of family honour as the act of taking the law into their own hands. Sir Thomas Russell Pasha, who from 1902 to 1946 served in different capacities in the ministry of interior including head of the Cairo Police Department, wrote of ‘the peasant’ that ‘he almost welcomes an affront so as to demonstrate to the world his manliness in avenging it. By his code, vengeance must come from himself . . . [T]he murder or rape of one of his family might be considered a legitimate excuse.’⁵⁹ But the modern state could not permit competitors to dispense justice. Guilty parties had to be found and prosecuted when crimes occurred.

Yet just how many crimes broadly relating to 'honour' occurred? Keeping statistics on crime was by itself an important dimension of colonial control. That is, even if the state could not contain or reduce homicide, at least it could count and categorize it. 'In view of the undue prevalence of the crime of murder in this country and of the fact that the authorities have, so far, failed to effect its diminution, a careful analysis has been made of the causes and motives which led to the commission of this class of offence during 1912', wrote Kitchener. Figures were given for eight southern provinces, including Asyut, which had the highest rate of crime among all provinces. Feuds and revenges were responsible for 193 murders and 168 attempted murders, followed by 'questions of women' for 101 murders and 33 attempted murders.⁶⁰ Fourteen years later, in 1928, the total number of reported murders in Egypt was 1,258. Of these, 461 were attributed to enmities, 110 to vengeance, and 244 to 'preventing disgrace for indecent relations or illegitimate pregnancy', a figure which apparently included 169 murders of illegitimate children.⁶¹

If a torn hymen was one tell-tale sign of 'dishonour', the pregnancy of an unmarried woman was another. Some unwed mothers went to term and then had the infant killed; others had their pregnancies aborted. In the early nineteenth century, abortion in the first trimester had been a religiously tolerated practice carried out by midwives.⁶² By the twentieth century, the police kept a closer eye on abortions: when in 1911 a six-month-old fetus was discovered outside the home of a Cairene pasha, his unmarried daughter became the target of a police inquiry.⁶³ An Egyptian lawyer practising in the interwar period reported that 'when medico-legal experts are enquiring into criminal cases of procuring abortion in the villages, they search for traces of "mulukhiya"', for villagers believed that the stalks were a means of aborting unwanted pregnancies.⁶⁴ The state also counted abortions: in 1917, for example, 104 abortions were performed at seven provincial maternity homes in circumstances that are not clear.⁶⁵ Some of these pregnancies might well have been the result of rapes, which the police also strove to count, but which in Egypt as elsewhere were significantly underreported. In Cairo, for the decade from 1923 to 1933, the number of reported rapes per year never exceeded fifteen.⁶⁶ Rape and indecent assault for the last two years of the 1920s in Egypt altogether was 303 and 342 respectively.⁶⁷

The 'success rates' in crimes motivated by 'questions of women' or 'disgrace' were much higher than in feud or vengeance killings: 75 per cent versus 53 per cent in 1912 and 95 per cent versus 50 per cent in 1928. Women (and children born outside wedlock) were hunted down effectively. And although guns were increasingly used in crimes (58 per cent in 1928), anecdotal evidence suggests that women often faced other instruments – knives, daggers, axes, rocks – that would draw blood.⁶⁸ The categories deployed by statisticians shifted over the years: feuds or enmities, revenge or vengeance, and 'questions of women' or 'disgrace' were all broadly related to honour. Moreover, homicide statistics do not include deaths by 'accident' or suicides by fire, poison, or drowning that might also have been related. The state sought to stop blood feuds, launching arbitration councils and imposing harsh penalties, with mixed success. Still, the percentage of murders motivated by feuds or revenge had diminished compared to those targeting women, and over the decades, honour killings came to mean murders of women.⁶⁹ Crimes of honour may not have increased in incidence but they were increasingly reported.

The statistics do not convey how an individual crime might have been carried out and viewed. Some of the details of one of the most famous Egyptian crimes of honour may have supposedly been preserved in the narrative ballad of Shafiq and Mitwalli (also portrayed on stage and in film). The ballad exists in ‘countless versions’, according to Cachia, who collected various texts.⁷⁰ One singer told Cachia that the original text was his ‘because I went in person to the place where it all happened. I sat in the very café where Mitwalli sat’.⁷¹ Yet inconsistencies appear even within a single ballad, which singers generally memorize (a great feat given their length) but to which they occasionally add improvisation.

Still, the general outline of an event set in 1925 in Upper Egypt as well as popular reaction to it can be gleaned from the texts.⁷² Mitwalli and Shafiq were siblings raised in Girga. Mitwalli was drafted into the army, where he quickly rose from private to regimental sergeant-major, earning four stripes and given the responsibility of training some thirty men. One day he disciplined a man, who in turn announced that he had been with Mitwalli’s sister in the prostitutes’ quarter of Asyut, producing a photograph as proof. Mitwalli immediately ran to his commander to ask for leave, and the latter, understanding ‘the signs’ and Mitwalli’s intentions, granted his request. Mitwalli then travelled by train to his village, where he learned that his sister had left home.

Of Shafiq we learn only that she had been seduced by the son of the village mayor; that the woman who helped abort her pregnancy encouraged her to become a prostitute; and that she moved to Asyut where she registered to get a licence. Mitwalli disguised himself and went to a bar, or café, near the house where his sister worked. He, or his friends, got Shafiq drunk, and she passed out in her apartment. At dawn:

He went for a bayonet he had brought with him from the Army.
 With his hand on the girl, he slit her throat, dragging her to extinction – the [right] abode for her.
 He kept cutting off her flesh and throwing [it] from the balcony,
 Saying: ‘We have folded shame (*‘ar*) away! No longer can the deviant deride us . . .
 Have meat for nothing, dogs of Asyut!’⁷³

When the government investigator arrived, Mitwalli showed his army uniform and called for his battalion to come. His commander came with the military band ‘playing in honour of the lion’.⁷⁴ In his defence, Mitwalli spoke of the shame which he had to uproot. After deliberations at which Mitwalli’s commander sat, the judge pronounced a verdict of not guilty: ‘You have honoured Girga, and illumined protective men’.⁷⁵

The ballad celebrates Mitwalli and the honour he sought to defend, making of the tale a classic crime of honour. But there are elements that reflect a particular time and place. Mitwalli was drafted into the Egyptian army; a practice of conscripting peasants started only in the nineteenth century under Mehmed Ali. There a recruit shows him a picture of his sister: photography came to Egypt in the mid-nineteenth century but only became popular among the poorer classes in the early twentieth century.⁷⁶ Mitwalli returns home from the army by the modern transport of train to find Shafiq. Her absence had been reported to the Department of Investigations,

a branch probably established only under British rule, and she worked openly as a state-licensed prostitute – again a British scheme. There are numerous state actors who appear in this story, including an investigator and judge. The latter declares Mitwalli not guilty, though Cachia claims that Mitwalli was indeed imprisoned, but probably for only a brief period.⁷⁷

How credible is this story? The interwar press carried similar stories of the killings of prostitutes by relatives: On the morning of 11 February 1930, a prostitute was murdered in a Cairene quarter. Khadija Abu Zayd had married her paternal uncle's son, a 30-year-old worker from the village of al-Zawiyya near Asyut, but subsequently left him. He traced her to a brothel in Cairo, where, after failing to persuade her to return home and receiving no help from the police, he staked out her street with the help of an uncle and another relative (who happened to be a policeman). When Khadija left her house, they fell upon her: the cousin-husband stabbed her with his dagger, ripping her body apart 'to avenge his dignity (*sharafih*) and his honour ('*irdihi*), which she had abused' in the words of the reporter from an Arabic weekly. The uncle was witnessed 'drinking her blood' in order to 'satisfy his thirst for revenge', and the police subsequently arrested the trio.⁷⁸ Half a year later, in the middle of the night of 7 October 1930, Muhammad Bakhit entered the residence of Fatima Muhammad in Cairo in the same quarter and stabbed her repeatedly with a large knife in the throat and chest. The assailant – her paternal uncle – was arrested and confessed that he committed the crime, in the words of the reporter from the Arabic weekly, 'to eradicate the shame ('*ar*) the woman had caused him'.⁷⁹

State officials prosecuted these crimes when they could apprehend the perpetrators and produce sufficient evidence. Police officers and Parquet officials were meant to cooperate in the investigation. When the body of a woman who had been killed by a blow to the head was found on a hill in old Cairo on 14 July 1933, forensics determined that the weapon was an axe. The woman was identified in police reports as 'a widow of loose morals' killed by a cousin 'owing to her bad conduct'. He was sentenced to seven years in prison.⁸⁰ Sentences were at the discretion of the judge, who might have been sympathetic to the motive of injured honour and unsympathetic to a prostitute or 'loose' woman. Cachia, who grew up in interwar Suhaj, remembered five years as a standard sentence. He and Afaf Lutfi al-Sayyid Marsot, who grew up in Cairo, both report that musical bands and rejoicing often greeted the released convict. Cachia also remembered one case in which an innocent girl who had been stabbed by her brother confessed to illicit sex in order to tighten his motive and lessen his sentence for assault.⁸¹

Not all honour crimes unfolded according to the prescribed script. In some the offended male relative did not succeed in mortally wounding the girl; in others the man refused to play the masculine role of defender of family honour. In 1938 the corpse of the carter Muhammad Ahmad Isma'il, a native of Upper Egypt, was found in a vacant lot in Cairo. Investigators arrested six male relatives who had murdered him when he would not agree to kill his wife 'on account of her loose morals'. A second man, a relative of both the wife and first victim who had tried to prevent the crime, was also found stabbed to death.⁸²

Sometimes the man rather than the woman was killed, particularly if he was perceived to be of an inferior class. A Coptic petitioner to British authorities claimed that his brother, a carpenter on the Egyptian State Railways in Suhaj, was killed in November 1909 after being wrongly accused of impregnating the daughter of the station master. The latter, he wrote, paid brigands some thirty pounds to commit the murder and then used his connections with the police and prosecutor to have his name dropped from the case. In the meantime, he sent his daughter to Asyut and on to Cairo to hide, would not let medical officials examine her, and escaped without punishment for his role in instigating the murder.⁸³ In the ballad of Hasan and Na'ima mentioned earlier and supposedly based on a crime that took place forty years after this one, the errant daughter also escaped retribution. After Na'ima's father brought her home from Hasan's house, villagers incited him to avenge his honour (in spite of the physician's verification that his daughter was still a virgin). He gave two of the singer's acquaintances thirty pounds (apparently the going rate for a hit) to kill him. Although Hasan came from a landed family, he had chosen the lowly profession of singing. Yet in this case, the state proved more effective in uncovering the conspiracy: a detective in the Department of Investigations donned women's dress and enticed Na'ima to confess the story. The judge sentenced the two hired killers to twenty-five years in jail, the son to fifteen years' hard labour, and the father to ten years in prison.⁸⁴

By the 1940s when this crime supposedly took place, murders in general had increased in Egypt. At the same time, the judicial process had slowed to the point that sometimes one to two years or even more elapsed between the arrest of the accused and the trial. 'Another result of these months of delay in procedure is that the blood relations of the murdered man, unwilling enough in any case to accept Government justice, are driven, for the sake of family honour, to take vengeance into their own hands and kill back in return', wrote Russell Pasha, then chief of the Cairo Police, in 1945.⁸⁵

While balladeers celebrated honour – and honour crimes proved the 'most popular theme of all' in these songs⁸⁶ – dramatists and novelists began to approach the subject more critically. Mahmud Taymur's colloquial play *al-Hawiya* (*The Precipice*), which was staged in 1921 to 'considerable success', takes up the theme. In the play, the husband becomes addicted to cocaine and neglects his wife, who almost has an affair with one of his best friends; she pulls back from the 'precipice', holds her husband responsible for the near catastrophe, and challenges the double standard of behaviour for men and women.⁸⁷

Customary law placed a premium on a girl's virginity: her sexual purity became a litmus test for the honour of all male agnates. When the code operated as part of a tribal system, checks and balances existed to protect the girl and find mediated solutions to the problem, most often through marriage. Crimes of honour – the murder of a girl who engaged in illicit sexual activity – existed as a last resort to control female sexuality. Yet as tribes settled, customary law became imbedded in peasant society with new permutations. When peasants migrated to cities, they entered a world in which the potential for contact with the opposite sex and for

violations of modesty and propriety was much greater. The code of honour lived on and underwent numerous variations along the way.

Honour had once been more directly tied to valour and manliness, but as the avenues in which a man could express his masculinity diminished – his weapons confiscated and his lands stripped away – the main repository of his honour became a woman's body. Other factors changed along the way: modern medicine made it possible to both verify virginity and 'fix' it. Women, who had generally been the victims of crimes of honour, also became occasional perpetrators.⁸⁸ And the state – the defender and avenger of family honour – used violations of honour, particularly rape, to intimidate its enemies.⁸⁹

From the time of Mehmed Ali, the Ottoman-Egyptian state attempted to take over the policing and prosecuting of violations of honour and honour killings, becoming the main guardian of family honour. At this stage, controlling female sexuality was not yet a nationalist project. Rather it was part of a bid by a provincial governor to build a state-within-a-state with its own army, codified legal system, medical support, and police apparatus that he could pass on to his descendants. Yet the Ottoman-Egyptian state and its colonial successor extended its tentacles with mixed results. State justice was never as swift as customary law, whose main vestige was the code of honour. State legislators, medical officers, forensic specialists, police, prosecutors, and judges increasingly intervened in family affairs to enforce new penal codes. Crimes of honour continued to occur, and often the best officials could do was to count and categorize murders, rapes, and other violations. This increased their power, or the perception of their power, but did little to protect women.

To be sure, the state had not sought to challenge the notion of family honour but rather had hoped to play the role of the guardian and enforcer. The actions of the state and those of the nationalists who emerged in the late nineteenth century should be seen as going hand-in-hand. Nationalists who built a concept of national honour upon the ideal of family honour to rally support had no incentive in waging an assault on family honour. Nationalists and the elites who ran the state sought the backing of conservative sectors of the population for whom sexual purity remained an important value. While nationalists also put women's progress at the heart of their agenda, at least rhetorically as a sign of their modernity, women's progress did not imply promiscuity and had to be policed. Family honour as an idea and set of practices was thus reinforced by state interventions in law, medicine, and criminology in the nineteenth and first half of the twentieth century, with nationalists lending their support from the late nineteenth century. The state and the nationalists colluded in this process, particularly when the nationalists came to control the state, but the collusion followed distinct paths.

Activists have challenged the linkage of honour and female sexuality, but they do so at great personal risk. Criticism of crimes of honour calls their own 'honour' into question, and they must imaginatively devise strategies to avoid this trap, taking care that the strategies used do not set future traps. Challenges to crimes of honour unleash a fear that female promiscuity will spiral out of control, threatening to unhinge the whole notion of honour and with it the social ties and shared obligations it represents. They are thus seen as attacks on national loyalty, cultural authenticity, religious authority, and/or state sovereignty.

Notes

1. In the Arab context, activists in the West Bank, Gaza, and Jordan have organized to document and combat crimes of honour, and Palestinians in Israel founded al-Fanar in the early 1990s for this purpose. See Laurie A. Brand, *Women, The State, and Political Liberalization: Middle Eastern and North African Experiences* (New York: Columbia University Press, 1998), pp.132–4, 137–9; Rolli Rozen, 'War of Liberation of Palestinian Women', *Kol Ha'ir* (28 June 1991); Suzanne Ruggi, 'Honour Killings in Palestine', *Middle East Report* (Spring 1998); Douglas Jehl, 'Arab Honour's Price: A Woman's Blood'. *New York Times* (20 June 1999), pp.1, 8. On Kurdish honour killings, see Shahrzad Mojab and Amir Hassanpour, 'In Memory of Fadime Sahindal: Thoughts on the Struggle against "Honour Killing"', H-Net Network on Gender in the Middle East, 18 Feb. 2002. See also the website and reports of Women for Women's Human Rights (<http://www.wwhr.org>), which is based in Turkey.
2. Lama Abu-Odeh, 'Crimes of Honour and the Construction of Gender in Arab Societies', in Mai Yamani (ed.), *Feminism and Islam: Legal and Literary Perspectives* (Berkshire: Ithaca Press, 1996), p.141. Abu-Odeh writes that she is 'driven by the feminist impulse that crimes of honour should be abolished in the Arab world through a withdrawal of all forms of legal sanctions available for them' (pp.186–7).
3. In order of publication: J.G. Peristiany (ed.), *Honour and Shame: The Values of Mediterranean Society* (Chicago: University of Chicago Press, 1966); Jane Schneider, 'Of Vigilance and Virgins: Honour, Shame and Access to Resources in Mediterranean Societies', *Ethnology*, Vol.10 (1971), pp.1–24; Michael E. Meeker, 'Meaning and Society in the Near East: Examples from the Black Sea Turks and the Levantine Arabs', *IJMES*, Vol.7 (1976), pp.243–70; Michael Herzfeld, 'Honour and Shame: Problems in the Comparative Analysis of Moral Systems', *Man*, Vol.15 (1980), pp.339–51; Unni Wikan, 'Shame and Honour: A Contestable Pair', *Man*, Vol.19 (1984), pp.635–52; Lila Abu-Lughod, *Veiled Sentiments: Honour and Poetry in a Bedouin Society* (Berkeley: University of California, 1986); David G. Gilmore (ed.), *Honour and Shame and the Unity of the Mediterranean* (Washington, DC: American Anthropological Association, 1987); J.G. Peristiany and Julian Pitt-Rivers (ed.), *Honour and Grace in Anthropology* (Cambridge: Cambridge University Press, 1992); Frank Henderson Stewart, *Honour* (Chicago: University of Chicago Press, 1994). See also, idem, 'Tribal Law in the Arab World: A Review of the Literature', *IJMES*, Vol.19 (1987), p.473; idem, 'The Woman, Her Guardian, and Her Husband in the Law of the Sinai Bedouin', *Arabica*, Vol.38 (1991), p.108.
4. Herzfeld, 'Honour and Shame'.
5. Hans Wehr, *A Dictionary of Modern Written Arabic* (3rd ed. Ithaca: Cornell University Press, 1976), pp.467, 604, 822.
6. Meeker, 'Meaning and Society in the Near East'.
7. Richard T. Antoun, 'On the Modesty of Women in Arab Muslim Villages: A Study in the Accommodation of Traditions', *American Anthropologist*, Vol.70 (1968), pp.671–97; Gideon M. Kressel, 'Soricide/Filicide: Homicide for Family Honour', *Current Anthropology*, Vol.22 (1981), pp.141–58.
8. Meeker, 'Meaning and Society.'
9. See Beth Baron, 'The Construction of National Honour in Egypt', *Gender and History*, Vol.5 (1993), pp.244–55; idem, 'Nationalist Iconography: Egypt as a Woman', in James Jankowski and Israel Gershoni (ed.), *Rethinking Nationalism in the Arab World* (New York: Columbia University Press, 1997), pp.105–24; idem, *Egypt as a Woman: Nationalism, Gender, and Politics* (Berkeley: University of California, 2005), ch.2. For comparison, see Afsaneh Najmabadi, 'The Erotic *Vatan* [Homeland] as Beloved and Mother: to Love, to Possess, and to Protect', *Comparative Studies in Society and History*, Vol.39 (1997), pp.442–67; idem, 'Zanha-yi millat: Women or Wives of the Nation', *Iranian Studies*, Vol.26 (1993), pp.51–71; idem, *The Story of the Daughters of Quchan: Gender and National Memory in Iranian History* (Syracuse: Syracuse University Press, 1998), esp. pp.49–51, 159–60.
10. See Ayse Parla, 'The "Honour" of the State: Virginity Examinations in Turkey', *Feminist Studies*, Vol.27 (Spring 2001), pp.65–88. Parla writes, 'Although they [virginity exams] reflect deep-seated values and beliefs towards women and sexuality, I argue instead that the exams are neither the embarrassing remnants of tradition nor are they simply reactionary attempts at its preservation. Rather, they are emblematic of the incorporation of the preoccupation with women's modesty, previously enforced primarily through kinship networks, into the mechanisms of surveillance deployed

- by the modern state' (p.66). She sees the enforced exams as derived from the policy of early nationalists to desexualize women so that they could enter the public sphere to participate in nation-building. And she suggests that the frequency of the exams increased in the 1990s, reflecting 'state anxiety', with the attempts of feminists to reclaim women's bodies. I would argue that Turkey, the Middle East country with the broadest state policy of secularization, may have pushed virginity testing in the absence of, or as an alternative to, the regulation of female sexuality by religious authorities and practices such as circumcision.
11. Bichr Fares, *L'Honneur chez les Arabes avant l'Islam* (Paris: Librairie d'Amérique et d'Orient, 1932).
 12. See 'Zina', *Encyclopedia of Islam* (Leiden: E.J. Brill, 1927; rpt., 1987), Vol.8, p.1227.
 13. A third concentric circle in the system of controlling female sexuality in Egypt – female circumcision – supported the honour code and generally found backing from religious jurists.
 14. Gabriel Baer, 'Tanzimat in Egypt: The Penal Code', in *Studies in the Social History of Modern Egypt* (Chicago: University of Chicago Press, 1969), pp.161–89; idem, 'The Transition from Traditional to Western Criminal Law in Turkey and Egypt', *Studia Islamica*, Vol.45 (1977), pp.139–58.
 15. Dror Ze'evi, 'Women in 17th-Century Jerusalem: Western and Indigenous Perspectives', *IJMES*, Vol.27 (1995), pp.161–62.
 16. Ibid.
 17. Village complicity, or silence, in supporting such crimes has been reported by observers for the modern period as well, making it hard to gather evidence and convict the murderers. See Afaf Lutfi al-Sayyid-Marsot, *Egypt's Liberal Experiment: 1922–1936* (Berkeley: University of California, 1977), p.25.
 18. Abraham Marcus, 'Privacy in Eighteenth-Century Aleppo: The Limits of Cultural Ideals', *IJMES*, Vol.18 (1986), p.169.
 19. Ibid., p.176.
 20. Ibid., pp.176–7, 165.
 21. Amira Sonbol, 'Rape and Law in Ottoman and Modern Egypt', in Madeline C. Zilfi (ed.), *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era* (Leiden: E.J. Brill, 1997), pp.219–23; Amira El Azhary Sonbol, 'Law and Gender Violence in Ottoman and Modern Egypt', in Amira Sonbol (ed.), *Women, the Family, and Divorce Laws in Islamic History* (Syracuse: Syracuse University Press, 1996), pp.277–89. Most rape cases in Egypt, as elsewhere, probably went unreported to hide the shame, and only those cases that proved obvious (through pregnancy, injury, or kidnapping) ended up in court.
 22. Leslie P. Peirce, 'Le Dilemme de Fatma: Crime Sexuel et Culture Juridique dans une Cour Ottomane au début des Temps Modernes', *Annales*, No.2 (1998), pp.291–319. See her *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003).
 23. Leslie Peirce, "'She Is Trouble . . . And I Will Divorce Her": Orality, Honour, and Representation in the Ottoman Court of 'Aintab', in Gavin R.G. Hambly (ed.), *Women in the Medieval Islamic World*, (New York: St. Martin's Press, 1998), pp.288, 269–300.
 24. See, e.g., Safia K. Mohsen, 'The Legal Status of Women among Awlad 'Ali', *Anthropological Quarterly*, Vol. 40 (1967), p.159. Mohsen examined fourteen cases of adultery during her field work. In three cases, the husband killed the male partner; in no case was the woman killed.
 25. This was probably due to the fact that tribes settled down at a later date in the Sa'id than in the Delta. A similar North–South divide exists in the USA, where, rural crimes based on vengeance in the South far outnumber urban crimes in the North. Fox Butterfield, 'Southern Curse: Why America's Murder Rate is so High', *New York Times* (26 July 1998), 4:1.
 26. 'Abd al-Rahman al-Jabarti, 'Aja'ib al-Athar fi al-Tarajim wa al-Akhbar, Vol.3, Rabi'a I, 1216.
 27. On Mehmed Ali, see Khaled Fahmy, *All the Pasha's Men: Mehmed Ali, His Army and the Making of Modern Egypt* (Cambridge: Cambridge University Press, 1997).
 28. Gabriel Baer, 'Tanzimat in Egypt: The Penal Code', in *Studies in the Social History of Modern Egypt* (Chicago: University of Chicago Press, 1969), pp.161–89; idem, 'The Transition from Traditional to Western Criminal Law in Turkey and Egypt', *Studia Islamica*, Vol.45 (1977), pp.139–58; Ehud R. Toledano, 'Law, Practice, and Social Reality: A Theft Case in Cairo, 1854', *Asian and African Studies*, Vol.17 (1983), pp.153–73, esp. p.170; idem, 'The Legislative Process in the Ottoman Empire in the Early Tanzimat Period: A Footnote', *International Journal of Turkish Studies*, Vol.1 (1980), pp.99–106.
 29. Gabriel Baer, 'The Settlement of the Beduins', in *Studies in the Social History of Modern Egypt* (Chicago: University of Chicago Press, 1969), pp.3–16.

30. Thomas Russell Pasha, *Egyptian Service 1902–1946* (London: Murray, 1949), pp.54–78; Lord Cromer, *Modern Egypt* (New York: Macmillan Company, 1908), p.129.
31. Baer, 'Transition', p.151.
32. Baer, 'Transition', p.157; Rudolph Peters, 'Islamic and Secular Criminal Law in Nineteenth Century Egypt: The Role and Function of the Qadi', *Islamic Law and Society*, Vol.4, No.1 (1997), p.82.
33. Baer, 'Tanzimat', 112, 126.
34. Peters, 'Islamic and Secular Criminal Law', pp.72, 81–82, 85, 88.
35. Rudolph Peters, 'Murder on the Nile: Homicide Trials in 19th Century Egyptian Shari'a Courts', *Die Welt des Islams*, Vol. 30 (1990), pp.98–116.
36. Baer, 'Tanzimat', p.129. Article 188 of the Ottoman Penal Code of 1858 had legitimized certain forms of killing:
- He who has seen his wife or any of his female unlawfully with another in a state of 'ugly' adultery [*zina*] and then beat, injured, or killed one or both of them will be exempt from penalty. And he who has seen his wife or one of his female unlawfully with another in an unlawful bed and then beat, injured or killed one or both of them, will be excused.
- (from Abu-Odeh, 'Crimes of Honour', p.144)
- In Ottoman law brothers and other agnates were exempt; in Egyptian law the exemption was restricted to the husband (which is closer to a crime of passion) and later made into a reduction in penalty. In other Arab states, that reduction still applied to certain agnates.
37. See Nathan J. Brown, 'Shari'a and State in the Modern Muslim Middle East', *IJMES* Vol.29 (1997), pp.359–76; idem, *The Rule of Law in the Arab World* (Cambridge: Cambridge University Press, 1997), pp.33–40.
38. Safia K. Mohsen 'Women and Criminal Justice in Egypt', in Daisy Hulse Dwyer (ed.), *Law and Islam in the Middle East* (New York: Berglin and Garvey, 1990), p.16; F0141/Y66/1415–5, McBarnet, 'The New Penal Code', p.378; J. Grandmoulin. *Le Droit Pénal Egyptien Indigène*, 2 vols. (Cairo: Imprimerie Nationale, 1908).
39. *Al-Majmu'a al-Rasmiyya li'l-Mahakim al-Ahliyya* (Official Bulletin of the Native Tribunals, hereafter *MA*), Vol.3, No.8 (1902), pp.72,204; *MA* Vol.6, No.7 (1905), pp.57,172. Curiously, different Arabic phrases – *sharaf al-'ala* and *karamat al-usr* – were used for family honour in the two cases. Yet neither court used the more popular term '*ird*'.
40. *MA* Vol.8, No.5 (1907), pp.37, 126; *MA* Vol.12, No.3 (1911), pp.25, 78; *MA* Vol.12, No.9 (1911), pp.85, 268; *MA* Vol.14, No.2 (1913), Vol.12, p.48; *MA* Vol.17, No.10 (1916), pp.76, 207; *MA* Vol.19, No.2 (1918), pp.6, 34.
41. See Beth Baron, 'The Making of the Egyptian Nation', in Ida Blom, Karen Hagemann, and Catherine Hall (eds.), *Gendered Nations: Nationalisms and Gender Order in the Long Nineteenth Century* (Oxford: Berg, 2000), pp.137–58.
42. Abu-Odeh, 'Crimes of Honour', p.161, from Article 237 of the Egyptian Penal Code No.58, 1937. Abu-Odeh argues that the laws of Arab states fall between the poles of crimes of honour and crimes of passion, the first the more indigenous notion, the second based on European law.
43. Sonbol, 'Rape and Law', pp.223–31, quote p.225.
44. *Al-'Afaf*, Vol.1, No.4 (25 Nov.1910), p.4; *al-'Afaf*, Vol.1, No.21 (31 March 1911), p.4.
45. Brown, *The Rule of Law*, pp.33–40; FO 141/466/1415-5, McBarnett, 'The New Penal Code'; Aziz Habashy, 'Note on the Merits and Demerits of the Draft Penal Code', *L'Egypte Contemporaine*, No.48 (1920), pp.25–46.
46. FO 371/21978/1785, Besley, 'Report on the New Penal Code', 31 March 1938, p.12, in entire report.
47. Mohsen, 'Women and Criminal Justice in Egypt', p.17.
48. Clot Bey, 'La Création d'une Ecole d'Instruction Médicale pour les Femmes', in *Cahiers d'Histoire Egyptienne* (Cairo, 1948), pp.245–49; Laverne Kuhnke, 'The "Doctoress" on a Donkey: Women Health Officers in Nineteenth Century Egypt', *Clio Medica*, Vol.9 (1974), pp.193–205; Khaled Fahmy, 'Women, Medicine, and Power in Nineteenth-Century Egypt', in Lila Abu-Lughod (ed.), *Remaking Women: Feminism and Modernity in the Middle East* (Princeton: Princeton University Press, 1998), pp.35–72.
49. Fahmy, 'Women, Medicine, and Power', p.59.
50. *Ibid.*, pp.59–61.
51. *Ibid.*, p.61.
52. Pierre Cachia, *Popular Narrative Ballads of Modern Egypt* (Oxford: Clarendon Press, 1989), p.335.

53. Nawal El Saadawi, *The Hidden Face of Eve* (London: Zed Press, 1980), pp.25–32. Virginity testing occurs in other countries in the region as well. A scandal erupted in Turkey in the late 1980s when the female minister in charge of women's affairs supported the practice. An Istanbul physician calling for her resignation said, 'Police often bring women in for tests if they are found in a flirtatious or romantic situation. If they are not virgins they can be charged with practising prostitution or brought back to their families, where they often face serious problems.' (*New York Times*, 8 Jan. 1988). See Parla, 'The "Honour" of the State', for analysis.
54. Mernissi also reports on these operations in Morocco, giving the standard price for them in the late 1960s in 'Virginity and Patriarchy', p.184.
55. *New York Times* (23 July 1996), p.A6.
56. SD 883.4054/2, Russell, Alexandria, 7 April 1930, 'Attempt to Enact Marriage and Health Legislation in Egypt'.
57. Nathan Brown, 'Brigands and State Building: The Invention of Banditry in Modern Egypt', *Comparative Studies in Society and History*, Vol.32 (1990), pp.258–81. See FO 371/18019/2093, Boyd, Cairo, 10 Aug. 1934, p.4/363; SD 833.105/9, Address delivered by Baker Bey on 'The Police System of Cairo', 14 Feb. 1935, p.6; Russell, *Egyptian Service*, p.50.
58. FO 407/157, No.9, Cromer to Landsdowne, Cairo, 1 March 1901, Annual Report of 1900, p.42.
59. Sir Thomas Russell Pasha, *Egyptian Service, 1902–1946* (London: Murray, 1949), pp.32–33.
60. FO 371/1638/14764, Kitchener to Grey, Cairo, 22 March 1913, Annual Report of 1912, p.35. The figures excluded infanticides.
61. FO 371/13873/447, 1929, Report of the Director of Public Security, pp.8–9.
62. Mervat F. Hatem, 'The Professionalization of Health and the Control of Women's Bodies as Modern Governmentalities in Nineteenth-Century Egypt', in *Women in the Ottoman Empire*, pp.70–72.
63. *Al-'Afa'*, Vol.2, No.41 (1 Dec. 1911), p.8.
64. Mahmoud Kamel, *Diary of an Egyptian Lawyer* (Cairo: General Egyptian Book Organization, 1955; Arabic edn. 1944), 48–49.
65. FO 371/3203/177595, Appendix 15, Oulton, 'Note on the Hospital Section.'
66. SD 883.105/6, Engert to Sec. of State, Cairo, 21 Aug. 1934, Enclosure 1: Ministry of the Interior, Egypt Annual Report of the Cairo City Police for the Year 1933.
67. SD 883.10/1, Earl Russell, Alexandria, 9 April 1930, Condition of Public Security in Egypt during 1929.
68. FO 371/1638/14764, Kitchener to Grey, Cairo, 22 March 1913, Annual Report of 1912, p.35; FO 371/13873/447, 1929, Report of the Director of Public Security, pp.8–9.
69. The Egyptian Ministry of Interior reported in 1981 that women were victims in 92 per cent of all homicide cases committed for reasons of honour. (Mohsen, 'Women and Criminal Justice in Egypt', p.17. In neighbouring Palestine, the attorney general in the Palestinian National Authority estimated in 1997 that 70 per cent of all murders in Gaza and the West Bank were honour killings. (Ruggi, 'Honour Killings in Palestine'.)
70. Cachia, *Narrative Ballads*, 30.
71. Cachia, *Narrative Ballads*, p.49.
72. See the two versions in Cachia, *Narrative Ballads*, pp.269–322, recorded in 1941 and 1971 respectively.
73. *Ibid.*, pp.283–85.
74. *Ibid.*, p.287.
75. Cachia, *Narrative Ballads*, p.291.
76. In the illustrated weekly *al-Lata'if al-Musawwara*, for example, pictures of poorer Egyptians and prostitutes appear from the early 1920s.
77. Cachia, *Narrative Ballads*, p.63.
78. *Al-Lata'if al-Musawwara* (24 Feb. 1930), p.1.
79. *Al-Lata'if al-Musawwara* (20 Oct. 1930), p.29.
80. SD 883.105/6, Engert to Sec. of State, Cairo, 21 Aug. 1934, Enclosure 1: Ministry of the Interior, Egypt, 'Annual Report of the Cairo City Police for the Year 1933', p.49.
81. Personal communication from Pierre Cachia, 17 Nov. 1994; al-Sayyid-Marsot, *Egypt's Liberal Experiment*, p.25.
82. FO 371/23322/2741, Annual Report of Cairo City Police, 1938, p.52, Crime No.877, Abdin.

83. FO 371/894/36369, Abd-ul Mesih to Grey, Oct. 1910; FO 371/1111/2683, Abdel Maseih to Grey, Khartoum, 5 Jan. 1911.
84. Cachia, *Narrative Ballads*, pp.323–50.
85. SD 883.108/2-546, Tuck, Cairo, 5 Feb. 1946. Note on Murder in Egypt Prepared by Sir Thomas Russell Pasha, 25 March 1945.
86. Cachia, *Narrative Ballads*, p.30.
87. M.M. Badawi, *Early Arabic Drama* (Cambridge: Cambridge University Press, 1988), pp.102–3, 113–20.
88. Mohsen interviewed two women in the early 1980s who had killed their daughters to protect their family honour; in both cases, she reported, the rumors of sexual misconduct had proved wrong. (Mohsen, ‘Women and Criminal Justice in Egypt’, p.17.)
89. Ghazali suggests that Egyptian officials raped, or threatened to rape, female Islamist prisoners. Zaynab al-Ghazali, *Ayyam min Hayati*; Zaynab Al-Ghazali, *Return of the Pharaoh (Memoir in Nasir’s Prison)*, transl. Mokrane Guezou (Leicester: Islamic Foundation, 1994), pp.95–97. The Ba’thi state in Iraq used rape to dishonour its enemies. See Kanan Makiya, *Cruelty and Silence: War, Tyranny, Uprising, and the Arab World* (New York: W.W. Norton, 1993), pp.287–300, and the introduction to the new edition of his *Republic of Fear: The Politics of Modern Iraq* (Berkeley: University of California Press, 1998). Parla discusses the ‘culture of terror’ in Turkey, whereby political detainees faced the threat or imposition of a virginity test along with ‘not infrequent incidences of rape’ (Parla, ‘The “Honour” of the State’, pp.80–81).