This is an agreement of consensual divorce on the basis of mutual renunciation of matrimo-
nial rights. The agreement is a part of reconciliation (ṣulḥ) process, indicating thereby that 
the causes for the divorce may have nothing to do with matrimonial relations. Male agnates 
of the spouses undertake, as part of the divorce agreement, to waive their respective claims 
filed in the Magistrate’s Court for rights under civil-private law (damages), penal-public 
law (hence within the discretion of the public prosecutor) and private claims under tribal 
customary law (blood money for homicide and injury).

The document illustrates the impact of the sharīʿa on Bedouin society. Thus it is agreed 
between the parties that the husband shall divorce the wife in the sharīʿa court, and that 
the wife shall waive, inter alia, her right to custody (ḥadāna) of her minor children and to 
waiting-period maintenance, which is totally alien to tribal customary law.

At the same time, tribal customary sureties are appointed by the parties to secure the 
implementation of the stipulations of the agreement; either party who infringes any of the 
stipulations will be liable to a fine (gharāma).
In the name of Allah the Merciful the Compassionate

[Today,] October 20, 1974, an agreement is [hereby] concluded at the house (bayt) of Humaydân Rashîd Ḫumaydân [the wife’s father] in the presence of a gathering (jalsâ) consisting of Shaykh Muḥammad Abû ’Âmiriyâ, Shaykh Ḥasan ‘Abd al-Fattâḥ Darwish, Shaykh ‘Abd Ḥamd and Shaykh Ibrâhîm al-Dirāwî, and in the presence of the ‘Ālāt Ḫumaydân Ḫumaydân and his sons Sâlih, Muḥammad and Rashîd; present on behalf of ‘Ālāt al-Ghusûn are Shaykh Ibrâhîm al-Dirâwî [as their representative (walîl)], Ibrâhîm Khalîl al-Ghusûn and the latter’s sons, Khalîl and Khâlid. The following agreement is hereby concluded (qâd tamma) at this session:

1. Khalîl Ibrâhîm al-Ghusûn shall divorce (yuṭalliq) his wife, Yusrâ Ḫumaydân Rashîd, in front (amām) of his Honor the Sharî’i Qâdî of Bethlehem [i.e., in the Sharî’a Court]. He shall not be entitled to claim any material (maddiyya) [such as deferred mahr] or incorporeal (ma’nawiyaya) rights whatsoever, and Yusrâ, in turn, undertakes to claim no material right, i.e., no prompt (mu’ajjal) or deferred (mu’ajjal) mahr and [waiting-period] maintenance (nafaqat).4

2. The above-mentioned Yusrâ shall waive her right to upbringing (tarbiya) [i.e., custody] of her three daughters: Sâîda, Râîda and Mâjida; after the divorce, she shall transfer Sâîda and Râîda, who are at present in her custody, to their father Khalîl, and she shall also hand over her as-yet-unborn child immediately after its birth to its father.5

3. The husband Khalîl shall hand over to his wife Yusrâ all her clothes that are in his possession (hijāza).

4. Ḫumaydân Ḥamd’s sons, Ḥamd [Muḥammad?], Rashîd and Sâlih, shall waive their claim filed in the Magistrate’s Court of Bethlehem for rights under civil (husqiyya), penal (jaza’iyya) or tribal (ʾashâʾiriyya) law.6

5. Ibrâhîm Khalîl and his sons Khalîl and Khâlid shall in turn waive their claim filed in the Magistrate’s Court of Bethlehem for rights under civil, penal or tribal law.

6. The litigating parties, the ‘Ālāt Ḫumaydân and ‘Ālāt al-Ghusûn, shall meet at the house of Shaykh Ḥasan ‘Abd al-Fattâḥ Darwish in Bayt Jâlā for a reconciliation (salîh)-and-forgiveness (musāmahā) ceremony on October 24, 1974, corresponding to next Thursday, at nine o’clock in the morning.

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1 Here the reference is to the men’s section of a tent; see Glossary, s.v. shiqq.

2 Repudiation of the wife in the sharî’a court is not required for the sharî’i validity of divorce; Islam recognizes unilateral divorce. The precinct of the sharî’i qâdî seems to have been solicited to secure the legal and matrimonial consequences of the divorce (see below), and probably to enlist the religious sanction of this qâdî to an out-of-court agreement. Cf. al-ʿAbbâdî, al-farâʾim al-ṣughrâ, 248–49.

3 The reference may be to damage caused to the husband’s honor or reputation.

4 We are dealing here with mutual renunciation (musbûra u, ibra) of matrimonial rights by both the wife and the husband (cf. Layish, Divorce, 48–53). Maintenance for a divorced woman refers to waiting-period maintenance, which is a sharî’i prescription, unrecognized by tribal customary law. See Glossary, s.v. nafaqat ʾiddat al-ṭalâq; below, doc. 27; cf. al-ʿArif, 134, art. 5.

5 Article 123 of the JFRL, 1951, provides that the period of custody terminates at the age of seven years with respect to boys and nine years with respect to girls; see below, doc. 30. The pregnant wife waives her sharî’i right to custody of her minor daughters and of an as-yet-unborn child as part of the reconciliation, salîh (see below); cf. al-ʿArif, 134, art. 4 (the divorcing husband is entitled to keep his children regardless of their age).

6 Humaydân’s children are the wife’s paternal brothers (or some other close agnates). As part of the divorce agreement and, more accurately—of the reconciliation, salîh (see below), they are expected to waive their claim filed in the Magistrate’s Court for rights under civil, penal and tribal law. As emerges from article 6 below, a violent incident between the ʾālas of the spouses gave rise to civil and criminal claims in the civil court. The criminal claim, being part of public law, is taken care of by the public prosecutor. Both the civil court and the tribal qâdî can deal with the civil aspect of the case concurrently (under tribal customary law, homicide and physical assault are matters of private law; see above, docs. 1–9).

7 In other words, the divorce agreement is part of a reconciliation settlement, which may have no connection whatsoever to the spouses.