

# A Humanistic Approach to the Cultural Background of the Prevailing Level of Dowry in Tlemcen Society

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## **Abstract**

Dowry is an economic and social symbol associated with marriage, which is one of its conditions. Its value is determined in the initial agreement prior to the reading of Fatiha. In many societies, the value of dowry is linked to the economic level of the groom's family. The Tlemceni community has been known to exaggerate the amount of dowry required for marriage, which has led to much debate and controversy among this community member. So what is the cultural background behind the over-dowry in the Tlemceni community? We will try to answer this important question in this research.

**Keywords:** *Dowry; Exaggeration; Parents; Saving; Tlemcen.*

## **Tlemcen Toplumunda Hakim Çeyiz Düzeyinin Kültürel Arka Planına Hümanist Bir Yaklaşım**

### **Özet**

Çeyiz, evliliğin şartlarından biri olan evliliğin ekonomik ve sosyal bir simgesidir. Pek çok toplumda çeyizin değeri damadın ailesinin ekonomik düzeyiyle bağlantılıdır. Tlemceni topluluğunun evlilik için gereken çeyiz miktarını abarttığı biliniyor ve bu da bu topluluk üyesi arasında pek çok tartışmaya yol açıyor. Peki Tlemceni toplumundaki aşırı çeyizin ardındaki kültürel arka plan nedir? Bu araştırmamızda bu önemli soruyu cevaplamaya çalışılmaktadır.

**Anahtar Kelimeler:** *Çeyiz; Abartı; Ebeveynler; Kaydetme; Tlemcen.*

## **Introduction**

Marriage in Muslim societies in general and Arab societies in particular is a social system that contributes “a large share to the organization of the group. It is based on a preference for the permanent relationship between the parties and the desire for a common life. This is encouraged by the group’s contempt for those who deviate from it” (Abdelhamid, 1981, p. 100). “Historically, it is the first node in the social relations network to allow a particular society to perform its joint activity” (Ben Nabi, 1974, p. 49)

To be considered a marriage, marital union is required to take place in accordance with the conditions set by custom or law, regardless of their form, including giving the mehr (dowry) to the wife.

## **Semantic and Terminological Definition of Dowry**

The dowry semantically is Sadak and its plural is dowries (Ibn Mandour, 2003, p. 216). In the Islamic law, it is the money that men have to give to a woman to marry her by a marriage contract (Ibn Abidin, 1386AH, pp. 100, 101). The dowry is called other names such as Sadak, charity, gift, wage, Faridha, Ghalaik, Okr and Hibaa. (Zelai, p. 136)

## **Dowry Functions in Different Communities**

Dowry functions can be summarized in many communities as follows:

**First:** legalizing marriage. Thus, it is distinct from other units where men and women live without legal status, and therefore do not produce any reciprocal relations or economic obligations between these parties. (Al-Jawhari, p. 293)

**Second:** according to Murdoch, the dowry reflects the price of the bride’s children belonging to the tribe, especially African Negroes who follow the right to marry and replace the wife with her sister without a dowry in case the wife is barren and does not procreate. (Al-Ashmawy, 2011, p. 200)

**Third:** some anthropologists, who are supporters of the exchange, argue that the dowry paid to the bride’s family in some societies is in fact a price for her, or compensation for the loss suffered by her family as a result of the loss of her work and effort. According to this theory, the marriage selection process becomes a business transaction or some kind of trade-off

that takes place in the marriage market, and is subject to profit and loss. (Salem Al-Ahmar, 2004, p. 92)

**Fourth:** dowry in contemporary primitive societies is compensation paid to the bride's parents for their loss of the girl and the children she gives birth to. That is, it is material compensation for the loss of an unlimited number of births that could have affected the girl's society, and strengthened this society numerically and politically. (Riad, p. 504)

**Fifth:** In some traditional societies, the dowry that is originally paid to complete one marriage quickly moves from one family to another and from one clan to another to complete many other marriages. In the end, it links a large number of families belonging to a number of clans to the ties of affinity, in addition to the rights, duties, obligations, as well as political and economic responsibilities and mutual kinship. (Al-Ashmawy, 2011, p. 201)

**Sixth:** the dowry must be consistent with the social status of the bride, the groom, and their families and with the social benefits it brings to the newlyweds. (Al-Ashmawy, 2011, p. 201)

**Seventh:** The payment of the dowry entitles the husband to enjoy and use his family and sexual rights towards his wife, and also grants the wife the same rights. (Al-Ashmawy, 2011, p. 201)

### **Dowry (Mehr) from the Islamic Perspective:**

The dowry in our Islamic religion is the committed money of the engaged to own her guardianship. It refers to the money granted to the woman in the marriage contract in order to enjoy her. The prophet peace be upon him says: "The conditions that are most deserving of fulfillment are those by means of which the private parts become allowed to you." (Al-Bukhari, 1992, p. 970)

Islam took care of women, respected them, and gave them several rights including the right to possess. In the pre-Islamic period, woman was both rejected and unappreciated, thus her guardian was acting in her pure money, not allowing her to possess or act. (Sâbik, 1983, p. 135)

Islam lifted this burden on her, imposed the dowry to be given to her and made it a right for her by the man, in addition, her father or the closest people to her cannot take anything from her except under consent and

choice. Allah said: “And give the women their dowries unasked, willingly and as agreed gift, but if they be pleased to remit you a portion thereof, of their own free will, and then take it with grace and pleasure.”(Surah An-Nisa, Verse 04)

The legal conditions of the marital relationship are not fulfilled until the fiancé provides the engaged with the conditional or agreed-upon dowry. The dowry may be divided into two parts: prompt and deferred, to prove the first with marriage, and the second in the event of divorce or death. The prompt dowry may be cash, received by the woman before or after intercourse, or non-monetary, which the man must pay when the woman demands it. In any case, whether the dowry is split or not, it is a fixed right of women, destined to be given to her.

As for the limit of the higher dowry in Islam, there is no ceiling for it, the important thing is to avoid exceeding the bounds of extravagance «...and eat and drink but exceed not the bounds, for He does not love those who exceed the bounds» (Surah Al-An'am, Verse 141). Many Muslim scholars have stipulated that it is necessary to facilitate the dowry and rather than exaggerate it. Moreover, a number of prophetic hadiths are narrated, including:

1- Aisha, may God bless her, said: The prophet of Allah (Peace Be upon Him) said: “It is a woman’s blessing to make it easier and reduce her dowry.” (Ibn Habban, 1414AH, p. 405)

2- Ibn Abbas said that the prophet (Peace Be Upon Him) said: “The best of them is who has the easiest dowry” (Ibn Habban, 1414AH, p. 342), and it means being easy for the man.

3- Aisha, may God bless her, said: The prophet (Peace Be upon Him) said: “The greatest women are those with the easiest dowry.” (Alhakim Al-Nisapuri, 1990, p. 194)

### **Dowry From an Anthropological Perspective:**

The payment of dowry is an economic symbol associated with marriage, and Murdook states that the dowry system is common in African communities and Indonesia. It prevailed in most ancient societies and it is a condition of Islamic marriage. It also prevailed among Hebrews and most peoples who follow the matrilineal lineage system. (Al-Ashmawy, 2011, p. 200)

The dowry is called bride wealth or bride price, and it refers to goods, gifts and money provided by the groom's relatives to the bride's relatives. A dowry is a common image of wealth sharing. In Europe and the Near East, it means the material recompense that a woman returns with when she marries. (Laporte & Barnier, 2004, p. 79)

The form of the dowry varies from society to society, and in some African societies, it takes certain forms such as fabrics, spears, handcuffs, iron bars and beer bottles. This pattern is found in many East and West African communities and Congo. Sometimes the dowry is provided in addition to some specific services for the girl's father in the premarital period, where the husband must live, before and after his marriage, in the village of his father-in-law and work either on his farm or grazing his cattle herds. This pattern is found between the people living in the Nuba Hills, some Nigerian tribes and some matrilineal communities living in northeastern Rhodesia. In some other societies, a man who cannot provide dowry is allowed to marry in exchange for residence and service to his father-in-law, in return for which his grandchildren join the wife's family (Hay Morsi, 2007, p. 292). In many African societies, dowry is provided in the form of livestock, and this pattern is common among all peoples where livestock play an important role in their economies such as South Africa, South Rhodesia, East and West Africa, South Sudan and others. (Hay Morsi, 2007, p. 293)

Livestock received by families in the form of dowry for their daughters is of no economic importance per se, as in many cases they are kept by the girl's father for use in paying the dowries of his sons who marry. These cattle are therefore an important reason for maintaining the intimacy between the brother and his sister, who, through her dowry, helped him marry, i.e. the sister's dowry is used as a brother's dowry at the same time, and this is what happens in the Baganda tribes (Hay Morsi, 2007, p. 293). This is one of the dowry functions that we will address later.

### **The Prevailing Level of dowry in the Tlemceni Society and its Cultural Background**

The value of the dowry in Tlemcen is determined in the initial agreement prior to reading Fatiha. Its value is linked to the economic level of the groom's family. Although Islamic law did not specify the amount of dowry, nor did Algerian family laws, the determination of the amount of dowry

in the Tlemceni community was left to the custom (Bourdieu, 1974, pp. 14, 18). This is why the dowry is so high, especially in the last quarter of this century. This rapid upward rise has undoubtedly negative effects on the marriage process itself. The number of young men and women coming to marriage has begun to dwindle year after year, while the number of maidens has been rising. This phenomenon has led to the spread of many social ills among young people, such as adultery and sodomy, which has prompted clerics and the law to address them. (Al-Bukhari, 1992, p. 1977) Since this phenomenon (over-dowry) has great dangers for Islamic youth, the Prophet's Sunnah has already called for easiness concerning the dowry case. It was mentioned in the Sahih: Ali Ben Abd Allah told us: Sufyan told us: I heard Abu Hazim say: I heard Sahl bin Sa'd say:

While I was (sitting) among the people in the company of Allah's Apostle a woman stood up and said, "O Allah's Apostle! She has given herself in marriage to you; please give your opinion of her." The Prophet did not give her any reply. She again stood up and said, "O Allah's Apostle! She has given herself (in marriage) to you; so please give your opinion of her. The Prophet did not give her any reply. She again stood up for the third time and said, "She has given herself in marriage to you: so give your opinion of her." So a man stood up and said, "O Allah's Apostle! Marry her to me." The Prophet asked him, "Have you got anything?" He said, "No." The Prophet said, "Go and search for something, even if it were an iron ring." The man went and searched and then returned saying, "I could not find anything, not even an iron ring." Then the Prophet said, "Do you know something of the Qur'an (by heart)?" He replied, "I know (by heart) such Sura and such Sura." The Prophet said, "Go! I have married her to you for what you know of the Qur'an (by heart). (Didi, 1995, p. 139)

Nevertheless, the dowry is still high, not only for wealthy families, but also for all kinds of families in the rich and poor region, particularly in cities, so that boasting of high dowry between families has become a sign of high social status, even if this leads the fiancé's family to borrow to pay for the dowry, which is a cause for concern.

The agreed dowry in the Tlemceni custom is represented in gold (jewelry; such as Maskiyah and Krafach (Gold designs), necklace, bracelets, ring and earrings...etc), clothes (Blouza, Mansouj, Kaftan and its parts), furniture, and mattresses. Tlemcen's people are keen to buy gold for the bride, and they allocate a significant amount to it because they believe that gold

represent the savings element. This phenomenon is diagnosed with many popular proverbs, including:

“Hdayed li Chdayed” which means “keep your jewels for the most difficult hardships”

If in this proverb, hardships mean the harsh conditions that may affect the family (spouses), the word “Jewels” means what the husband offers his wife(gold...) in the dowry, which the wife usually saves for days of hardship.

It is also understood that the savings element is not intended for the immediate term but for long-term: (chronic diseases or husband’s death in particular), as gold and silver jewels are the savings fund to which the husband resorts in the case of a family calamity. This is why Jewels acted as a vaccine against the scourge of poverty in the concept of this proverb. Since the family needs some kind of guarantee to protect it from the evils of time, the will of this popular proverb remains a fundamental basis for every family that wants to be cautious against the circumstances of time (Mernissi, 1983, pp. 171-178).In the Tlemcen area, it is customary for the groom’s father to go to the bride’s house with one of his brothers or eldest children, offering the dowry to her guardian and asking for selecting the date of marriage.

The bride’s parents are also keen to have uncles as a manifestation of family solidarity. It is also up to the fiancé’s family to negotiate with the woman’s family because there is often some talking and response, as the representatives of the young man’s father reduce the amount of dowry required trying to propose a compromise to complete the agreement between the two families. It is well known to the people of Tlemcen that it is inappropriate for a suitor or his father to participate in these preliminary negotiations in order to avoid embarrassment.

What a husband pays in exchange for having a wife involves an idea very close to the concept of “buying”, just as the price in the case of purchase varies depending on the item to be purchased, as does the dowry, it rises and falls according to the bride’s qualities to be married (Diab, 1980, p. 271).However, this does not apply to all Tlemcen families, where in some families dowry negotiations are conducted quickly and easily, with acceptance and full consent between the parties without presenting conditions.

Thus, the father or one of her representatives says: “We are not selling a cow; we are simply asking for joy, and joy assures wealth.”

It should be noted, however, that the dowry is imposed not only on the male, but also on the female. The girl is also responsible for equipping the future matrimonial home, especially the mother of the girl who is criticized by the attendees on the wedding day if her daughter’s supplies are not satisfactory to the husband’s family. The greater the bride’s supplies are, the more the ladies speak and show their admiration or jealousy.

*The girl herself was contributing to the work by embroidering pillows and Satarim (square and round small pillows) for her next house with pure silk on a white linen cloth, which was called” Al-Ghara Embroideries. “This embroidery is characterized by extreme accuracy, durability and beauty, and requires the girl several years of work after mastering the embroidery under the supervision of a (teacher).She also embroiders napkins, silk curtains, which are decorated with flowers of different bright colors. (Kettani, 1978, p. 115)*

It is understood that, in addition to the condition we have mentioned, there is another basic condition which is the woman’s competence and ability to prepare her daughter, which may take a long time, and requires considerable money. Based on the proverb: “Bent abbat, chouf yemaha asm khabat”, meaning “Once the baby girl starts to crawl, her mother starts to gather her wedding supplies”. As noted above, this act achieves the demands of the husband’s family and shows the prestige of the wife’s family to the public. This processing also plays a big role in girls’ competition with one another, each one wants her supplies to be better than the others, as these supplies weigh the value of the bride, and make her occupy a prominent status among the members of her new family. (DIB MAHROUF, 1984, p. 94)

### **Conclusion:**

We conclude from all this that the dowry in Tlemcen is imposed not only on men, but also on the woman’s parents. The dowry also continued to occupy an important socio-psychological cultural position. It is a symbol of social status, a means of pride and appearance, and a display of wealth. The more the dowry worth, the greater the value of the girl in the eyes of others, especially since Tlemcen’s customs require that everyone see the bride’s dowry during the wedding.

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