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When Morocco issued a new family law in 2004, the reactions were overwhelming.¹ The law was praised as a societal revolution that brought great improvements for Moroccan women, and women’s groups celebrated the reform as one of their biggest achievements. There was little doubt that the law marked “a turning point.”² The 2004 reform was the first time a new family code had been issued since Morocco had codified its family law, right after independence, over the course of the years 1957 and 1958. In 1993 a number of amendments were issued to the family code for the first time since the 1950s, but they remained limited in comparison to the 2004 family code.³ King Muhammad VI had announced the 2004 reform on October 10, 2003, in the presence of French President Jacques Chirac, emphasizing the importance of the project not only for Moroccan women but also for the external relations of the monarchy. The French head of state then gave a speech in front of the Moroccan parliament praising the new gender relations promoted by the code and portrayed the new law as a step toward democratization.⁴ When the code was finally issued on February 5, 2004, it had already been translated into multiple languages to be handed out to journalists from around the world who had been invited to cover the event.⁵ The

¹ “Code de la Famille,” Dahir no. 1–04–22 (February 3, 2004), Law no. 70–03, *Bulletin Officiel* [Morocco], no. 5358 (October 6, 2005), 667–701. Hereinafter the law will be referred to as the 2004 law.

² Doris H. Gray, *Beyond Feminism and Islamism: Gender and Equality in North Africa* (London, New York: I.B. Tauris, 2013), 40.

³ “Amendments to the family code,” Law no. 1–93–347 (September 10, 1993), *Bulletin Officiel* [Morocco], no. 4231 (December 1, 1993), 664–5. For reasons of simplicity the title of the law has been translated as “amendments to the family code.” The original French title reads “dahir modifiant et complétant certains articles du code de statut personnel (Moudawana).” Hereinafter the amendments will be referred to as the 1993 amendments.

⁴ Jacques Chirac, Moroccan Parliament, Rabat, October 11, 2003, www.voltairenet.org/article10794.html, accessed July 5, 2017.

⁵ Interview with an employee at the Moroccan Ministry of Justice who wants to remain anonymous.

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international media were indeed quick to commend Morocco for “boosting women’s rights.”⁶ Overnight, Morocco became *the* example of family law reform in the Middle East and North Africa (MENA) region.⁷

Jordan also engaged in family law reform in the 2000s, but there the story was quite a different one. The law was not extensively publicized and few external observers noted that Jordan had actually amended its family law in 2001 and then issued a new family code in 2010.⁸ Even at the time of writing in June 2018, the law had still not been translated into English, or any other language for that matter. There was little effort to publicize the law to a foreign audience. Reactions from women’s groups were also more sober and less euphoric than in Morocco. Jordanian women’s groups acknowledged that the law had brought some improvements for women, but nobody praised the reform as a societal revolution.

Apart from the different reactions nationally as well as internationally to family law reform in Morocco and Jordan, other differences are apparent regarding how the two states engaged in family law reform. Differences are threefold, concerning the way the reform was carried out, the content of the new family codes, and the implementation of the law.

In Morocco, the process of reform became less dominated over time by actors who had received religious training, whereas in Jordan the *dā’irat qāḍī al-quḍāt*, the Supreme Justice Department (SJD) that oversees the shari’a courts, retook control over family law reform leading up to the issuing of the 2010 law. In Morocco it was King Muhammad VI who took the lead; no other member of the Moroccan royal family was involved in the reform process. By contrast, in Jordan members of the royal family, most notably Princess Basma, were active in the campaign for legal change, but King Abdullah II was largely absent from the reform process. This is particularly surprising given that both kings claim religious legitimacy through descent from the Prophet Muhammad.⁹ The

⁶ Giles Tremlett, “Morocco boosts women’s rights,” *The Guardian*, January 20, 2004, www.theguardian.com/world/2004/jan/21/gender.gilestremlett, accessed July 5, 2017.

⁷ The portrayal of Morocco as an exceptional case is difficult to uphold. For example, the Moroccan code of 2004 and the Algerian amendments to the family law of 2005 introduced similar changes, underlining the importance of regional legal developments. See Dörthe Engelcke, “Family law reform in Algeria: National politics, key actors, and transnational factors,” in *Women and Social Change in North Africa: What Counts as Revolutionary?*, ed. Doris H. Gray and Nadia Sonneveld (Cambridge: Cambridge University Press, 2018).

⁸ “Personal status law,” no. 36 of 2010, *Al-Jarīda al-Rasmiyya* [Jordan], no. 5061 (October 17, 2010), 5809–88. Hereinafter, the law will be referred to as the 2010 law.

⁹ See Lisa Anderson, “Absolutism and the resilience of monarchy in the Middle East,” *Political Science Quarterly* 106, no. 1 (Spring 1991), 1–15: 11.

Moroccan king in his role as *amīr al-mu'minīn*, Commander of the Faithful, used his religious legitimacy to claim authority over Islamic family law and the reform process; the Jordanian king did not mobilize his descent in a similar way. Whereas the Moroccan parliament approved the 2004 family code despite severe opposition mainly from Islamists and socially conservative groups beforehand, the 2001 amendments to the Jordanian family law were blocked twice by the lower house of parliament in 2003 and 2004. This was despite the fact that the king had issued the 2001 amendments by royal decree. Was policy in a semi-authoritarian state not merely the reflection of the ruler's will, with the parliament a rubber stamp institution simply there to confirm the ruler's directives? How did the decision-making process work in the two countries? In democracies the outcome of any process is often assumed to be uncertain and undetermined from the beginning, and competing actors try to promote their interests by shaping the outcome in their favor.¹⁰ While the outcome of a policy process is uncertain, the process itself is rule-bound. Actors are able to assess what is possible. They can anticipate the next steps since the possible outcomes are conditioned by the institutional framework and the resources of the various actors who participate in the process.¹¹ In non-democratic contexts, by contrast, the logic is assumed to be reversed: while processes are ill-regulated, outcomes are often certain and determined by the top level of the regime.¹² Overall, the ways that influence is exercised remain comparably more opaque than in democracies.¹³ If that is the case, why was there so little involvement from the top level of the regime in Jordan? It is therefore important to examine reform practices in greater detail. J. N. D. Anderson frequently refers to "the reformers" in his study on family law reform without ever specifying who "the reformers" actually were.¹⁴ However, the degree of inclusiveness and the question of who is in charge of reform are likely to shape family law reform processes and their outcomes.

Family law reform was also attributed to international pressure, most strongly manifested by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Morocco and

¹⁰ Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991), 10.

¹¹ *Ibid.*, 12–13.

¹² Holger Albrecht and Rolf Frankenberger, "Autoritarismus Reloaded: Konzeptionelle Anmerkungen zur Vergleichenden Analyse politischer Systeme," in *Autoritarismus Reloaded: Neue Ansätze und Erkenntnisse der Autokratieforschung*, ed. Holger Albrecht and Rolf Frankenberger (Baden-Baden: Nomos Verlagsgesellschaft, 2010), 37–60, 53.

¹³ Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism* (Washington, DC: Carnegie Endowment for International Peace, 2004), 16.

¹⁴ J. N. D. Anderson, *Law Reform in the Muslim World* (London: Athlone Press, 1976).

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Jordan have both ratified CEDAW, which obliges member states to bring their legislation into accordance with gender equality. In both states, social-conservatives have mobilized against the convention. However, protest in Jordan was more pronounced and even state institutions like the *dā'irat al-iftā'* (Fatwa Department) publically mobilized against the convention, whereas in Morocco no state institution publically questioned the legitimacy of CEDAW. Why was opposition to CEDAW more outspoken in Jordan than it was in Morocco? What role did international law and in particular CEDAW play during the reform process?

Having been relatively similar beforehand, the new family law codes that were issued in Morocco in 2004 and in Jordan in 2010 reveal important differences. In Morocco, the content of the 2004 law reflects to a greater extent the demands of women's groups. In Jordan, women's groups had articulated demands similar to their Moroccan counterparts (restrictions on polygyny and introduction of a prenuptial agreement, among others), but those demands were not met. Why were women's groups more able to get their demands introduced into law in Morocco than in Jordan? In both countries family law continues to be referred to as Islamic law by legal practitioners as well as the general population. However, the preamble of the 2004 Moroccan code for the first time proclaims international law as one of its sources, whereas the preamble of the Jordanian 2010 law states that the law is based entirely on Islamic sources.

Finally, the implementation of the two laws differs in several respects. In Morocco, the Ministry of Justice is the bureaucracy responsible for guaranteeing the application of the 2004 family law. To achieve this, new institutions were created that led to greater state intrusion into family matters. These methods were partly developed as well as applied in cooperation with international actors, mainly the United Nations Entity for Gender Equality and the Empowerment of Women, also known as UN Women. In Jordan, by contrast, it is the *dā'irat qāḍī al-quḍāt*, the shari'a court administration, the Supreme Justice Department (SJD), which is in charge of supervising the application of family law. The Jordanian Ministry of Justice and international actors such as UN Women played no role in the implementation of the new family code. Why do the mechanisms of implementing the law differ in Morocco and Jordan? Why are international actors (UN Women) engaged in the application of family law in Morocco, but not in Jordan? In Morocco the 2004 law was celebrated as a societal revolution by women's groups, but not in Jordan; yet a decade later Moroccan women's groups are greatly disappointed about the persistence of marriage of minors, polygyny, and marriage guardianship. Why did the Moroccan law not produce the desired change?

These differences are particularly striking when one considers that Morocco and Jordan share many similarities at first glance. Both countries are hereditary monarchies where the kings reign and rule and both experienced successions in power in 1999, when two young kings succeeded to the throne of their fathers. The kings raised hope that they would allow for greater democratization but ultimately fell short of their promises.¹⁵ Both countries are semi-authoritarian monarchies and are seen as countries that have made considerable “progress toward political liberalization” during the 1990s.¹⁶ Jordan and Morocco are also referred to as “liberalized kingdoms.”¹⁷ Semi-authoritarian states are commonly characterized by a certain degree of pluralism, managed elections, and selective repression.¹⁸ They recognize citizens’ rights to organize and to form associations within defined boundaries and allow for some independent media to operate.¹⁹ They have established formally democratic institutions like parliaments and they regularly hold elections and allow the opposition to organize and to participate in elections; but opposition in semi-authoritarian states does not present an alternative to the incumbent regime.²⁰ In both countries formal political institutions like parliaments are not the centres of power, but they remain important ways to distribute resources from the center into the provinces.²¹ Most political parties compete less over policy and more over access to influence by seeking accommodation with the palace. MPs’ main role is to act as intermediaries between the population and the state to distribute favors and services.²² Formal political institutions like parliament have also

¹⁵ Daniel Brumberg, *Liberalization versus Democracy: Understanding Arab Political Reform*, Democracy and Rule of Law Project 37 (Carnegie Endowment for International Peace, 2003), 12.

¹⁶ Eva Bellin, “The robustness of authoritarianism in the Middle East: Exceptionalism in comparative perspective,” *Comparative Politics* 36, no. 2 (January 2004), 139–57: 139.

¹⁷ Sean L. Yom and F. Gregory Gause III, “Resilient royals: How Arab monarchies hang on,” *Journal of Democracy* 23, no. 4 (October 2012), 75.

¹⁸ Daniel Brumberg, “Democratization in the Arab world? The trap of liberalized autocracy,” *Journal of Democracy* 13, no. 4 (2002), 56–68: 56. Brumberg refers to “liberalized autocracies” and does not use the term “semi-authoritarianism.” Generally speaking, the terms “hybrid regimes,” “liberalized autocracies” as well as “semi-authoritarianism” all try to capture a similar phenomenon.

¹⁹ Ottaway, *Democracy Challenged*, 6.

²⁰ Nathan J. Brown, *When Victory Is Not an Option: Islamist Movements in Arab Politics* (Ithaca: Cornell University Press, 2012), 15.

²¹ Ellen Lust-Okar, “Elections under authoritarianism: Preliminary lessons from Jordan,” *Democratization* 13, no. 3 (2006), 456–71.

²² Guilain P. Denoëux and Helen R. Desfosses, “Rethinking the Moroccan parliament: The kingdom’s Legislative development imperative,” *The Journal of North African Studies* 12, no. 1 (2007), 79–108: 83.

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allowed the two kings to position themselves as above daily politics and detach themselves from unpopular political decisions.²³

Outright repression is not the main way that semi-authoritarian states address citizens' demands, but both regimes have, at times, used repression against regime dissidents. The strength and effectiveness of their coercive apparatuses explains to some extent why they continue to stay in power.²⁴ Jordan and Morocco have built coercive establishments infused with patrimonialism. In both countries, members of the royal family hold key military posts. Personal links between the ruler and the military apparatus make the survival of the military apparatus dependent on the survival of the regime.²⁵

Both states suffer from a shortage of natural resources. They have however been included in the regional oil economy in the form of subsidies from wealthier oil monarchies and workers' remittances.²⁶ Both countries have experienced economic crises, seeking help from the International Monetary Fund (IMF) in the 1980s. Jordan concluded a structural-adjustment agreement with the IMF in 1988.²⁷ Similarly, in Morocco foreign debt got out of hand and rose to about 120 percent of the gross national product (GNP) in 1985. In 1983, Morocco had already entered into an agreement with the IMF.²⁸

In both countries economic crises triggered a process of limited political liberalization and the revival of parliamentary life. In November 1989 the first general parliamentary elections in over 23 years were held in Jordan. The government legalized political parties in 1992, political associations were allowed to form, and martial law, under which Jordan had been ruled since 1967, was lifted.²⁹ Similarly, in Morocco a carefully managed opening process began in the 1990s, which allowed for greater freedoms of organization and revived parliamentary life without challenging the executive prerogatives of the monarch. The 1993 constitutional reform gave greater oversight functions to parliament. In 1996 the constitution was once again reformed creating a bicameral system with a lower

²³ Yom and Gause III, "Resilient royals," 75.

²⁴ Bellin, "The robustness of authoritarianism in the Middle East," 143. ²⁵ *Ibid.*, 149.

²⁶ Yom and Gause III, "Resilient royals," 83.

²⁷ Glenn E. Robinson, "Defensive democratization in Jordan," *International Journal of Middle East Studies* 30, no. 3 (August 1998), 387–410: 391.

²⁸ George Joffé, "Morocco's reform process: Wider implications," *Mediterranean Politics* 14, no. 2 (July 2009), 151–64: 159.

²⁹ Rex Brynen, "Economic crisis and post-rentier democratization in the Arab world: The case of Jordan," *Canadian Journal of Political Science/Revue canadienne de science politique* 25, no. 1 (March 1992), 69–89: 69.

house now entirely elected.³⁰ In contrast to many republics of the region, monarchies have not been limited by ruling parties and their constituencies, which has arguably made them more flexible to react to changing circumstances and to initiate reforms.³¹

Liberalization also triggered the proliferation of NGOs in Morocco and Jordan, which has made divide-and-rule strategies easier.³² The proliferation of NGOs since the 1980s has largely been at the expense of political parties.³³ In contrast to the latter, these groups are often single-issue organizations, which make them ill-equipped to mobilize large constituencies. The fact that they often receive foreign funding makes them vulnerable to being labelled foreign agents.³⁴ The fragmentation of the political scene makes the management and manipulation of opposition easier in both countries partly by increasing competition between different groups. Cooptation and inclusion of groups that are seen as politically relevant remains an important tool for regime stability. Under King Muhammad VI, increasingly, new groups such as civil society actors have been coopted.³⁵

The limited liberalization process also saw Islamist parties enter formal politics. Both countries have Islamist movements, which have formed legalized political parties that contest elections. Islamism has been less violent and less of a challenge to the state in Morocco and Jordan than in other MENA countries. This is often attributed to both countries successfully containing Islamism through the political process as well as the religious legitimacy of both monarchs.³⁶

In the two countries colonial powers cemented weak claims to political power of local dynasties in Morocco and foreign dynasties in Jordan. In both cases monarchies in their contemporary institutional framework were installed for imperial purposes and were not indigenous forms of government.³⁷ But the two monarchies proved able to engage in a relatively successful process of state and nation-building. Both have built

³⁰ Susan Gilson Miller, *A History of Modern Morocco* (New York: Cambridge University Press, 2013), 204–5.

³¹ Brumberg, “Democratization in the Arab world?,” 65–6. ³² *Ibid.*, 63.

³³ Vickie Langohr, “Too much civil society, too little politics: Egypt and liberalizing Arab regimes,” *Comparative Politics* 36, no. 2 (January 2004), 181–204: 181.

³⁴ *Ibid.*, 182.

³⁵ Salwa Zerhouni, “Morocco: Reconciling continuity and change,” in *Arab Elites: Negotiating the Politics of Change*, ed. Volker Perthes (Colorado and London: Lynne Rienner Publishers, Inc, 2004), 61–85, 67.

³⁶ For Jordan see Mansoor Moaddel, *Jordanian Exceptionalism: A Comparative Analysis of State–Religion Relationships in Egypt, Iran, Jordan, and Syria* (New York, Basingstoke: Palgrave, 2002). For Morocco see Michael J. Willis, “Containing radicalism through the political process in North Africa,” *Mediterranean Politics* 11, no. 2 (2006), 137–50.

³⁷ Anderson, “Absolutism and the resilience of monarchy in the Middle East,” 4.

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broad coalitions that cut across social constituencies and link those to the monarchies, thus ensuring a degree of stability. In Morocco these coalitions encompass the business class, religious authorities, and agricultural elites. In Jordan they include Palestinian business people, tribal constituencies, and minorities. Both countries can also rely on foreign patrons for support and economic assistance and enjoy strong relationships with Western states.³⁸ Morocco entered a free trade agreement with the US in 2006 and achieved the advanced status with the European Union (EU) in 2008. Jordan became a member of the World Trade Organization (WTO) in 2000 and concluded a free trade agreement with the US in 2003.

In Jordan and Morocco the kings portray themselves as unifying figures who ensure the continuity of the country in the face of tensions, often instrumentalized by the state, between the Arab and Amazigh parts of the population in Morocco and the Palestinians and East Bank Jordanians. In states in which rival social, ethnic, or religious groups operate with the fear that they might face political exclusion should a rival group come to power, the role of the ruler as an ultimate arbiter becomes more important in managing these differences.³⁹ In Morocco and Jordan the authority of Muhammad VI and Abdullah II as ultimate arbiters has been enhanced by their purported lineage to the Prophet Muhammad.⁴⁰

The protests during the so-called Arab Spring led observers to again point out the *similarities* between Morocco and Jordan, in particular with respect to these regimes' responses to public upheaval.⁴¹ Authoritarianism studies, grouping Jordan and Morocco together as similar regimes, would make us assume that policy outcomes in both states should be similar as well. This, however, is not the case with regards to family law reform. This book thus seeks to answer the question: Why Jordan and Morocco, two seemingly similar semi-authoritarian monarchies, vary in how they engage in family law reform.

Family Law and State Control

Also commonly referred to as personal status law (*qānūn al-aḥwāl al-shakḥīyya*), family law regulates practices like marriage, divorce, custody, guardianship, paternity, and inheritance rights.⁴² Family laws are

³⁸ Yom and Gause III, "Resilient royals," 86–7.

³⁹ Brumberg, "Democratization in the Arab world?," 61–2. ⁴⁰ *Ibid.*, 62.

⁴¹ Yom and Gause III, "Resilient royals," 79.

⁴² During the eighteenth century, personal status law became associated with the individual. This was in opposition to territorial law, which applied to everyone living in a respective territory. See Saba Mahmood, *Religious Difference in a Secular Age*:

gendered and treat men and women unequally in a number of ways relating to access to divorce, guardianship rules, men's rights to polygyny, and inheritance rights. Family law is commonly referred to by ordinary citizens as well as policy-makers in the MENA region as *Islamic law*. The fact that family law is seen as the only area of law that is still Islamic law makes reforming family law a very sensitive issue.⁴³ However, an equation of family law with Islamic law is misleading. Ann Elizabeth Mayer shows the similarly evolutionary patterns of French and Maghrebi laws. Although the Moroccan family code is commonly considered "Islamic law," Morocco, Algeria, and Tunisia share a common legal tradition of Maliki jurisprudence and French legal culture.⁴⁴ Similarly, Jordanian family laws are a combination of different Islamic legal schools, Western legal influence, tribal law, and customary law.⁴⁵ Shaheen Sardar Ali has therefore coined the term "operative Islamic law" to emphasize that the family laws that are in operation today in Muslim-majority countries are composed of different normative systems including Islamic law, customary law, and Western legal concepts.⁴⁶

Family law, as a distinct legal domain, is a modern invention. In classical Islamic law there was no separate category termed "family law." Family law as an institution is the result of a legal reform process that began in the nineteenth century as part of a process of state centralization that saw increasing state encroachment into the private sphere, in the course of which the family became an area of intervention and control; as a result the meaning of the family was substantively altered.⁴⁷ A new family ideology emerged that emphasized the nuclear family and conjugal love as the most stable model for marital relations. Family law reform was increasingly seen as the best way to achieve this stable marital union and to "strengthen family life."⁴⁸

A Minority Report (Princeton, NJ: Princeton University Press, 2016), 121–2. However, today the terms family law and personal status law are commonly used interchangeably by legal practitioners in the MENA region.

⁴³ Ziba Mir-Hosseini, *Marriage on Trial: A Study of Islamic Family Law* (London, New York: I.B. Tauris, 1993), 12.

⁴⁴ Ann E. Mayer, "Reform of personal status laws in North Africa: A problem of Islamic or Mediterranean laws?," *Middle East Journal* 49, no. 3 (1995), 432–46: 433.

⁴⁵ Sonbol, Amira El Azhary, "Muslim women and legal reform: The case of Jordan and women's work," in *Islamic Law and the Challenges of Modernity*, ed. Yvonne Yazbeck Haddad and Barbara F. Stowasser (Walnut Creek, CA, Oxford: AltaMira Press, 2004), 213–32, 229.

⁴⁶ Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law: Equal before Allah, Unequal before Man?* (The Hague [u.a.]: Kluwer Law International, c. 2000).

⁴⁷ Mahmood, *Religious Difference in a Secular Age*, 117.

⁴⁸ Kenneth M. Cuno, *Modernizing Marriage: Family, Ideology, and Law in Nineteenth and Early Twentieth Century Egypt* (Syracuse: Syracuse University Press, 2015), 83.

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Codification of family law was part of this state centralization process. The first codification of Islamic family law, the Ottoman Law of Family Rights (OLFR), was issued in 1917.⁴⁹ A close reading of the 1917 law suggests that Ottoman law makers primarily aimed at overcoming the state of legal pluralism that existed during the Ottoman Empire. Over the course of the nineteenth century, non-Muslim communities in the Ottoman Empire came to be referred to as *millets*, i.e., communities that enjoyed some degree of political and legal autonomy, including the right to organize and administer their internal affairs.⁵⁰ The *millet* was not a cohesive system and the relationship between non-Muslims and the Ottoman government varied considerably over time and territory.⁵¹ Over the course of the nineteenth century the number of *millets* grew steadily. Whereas in 1831 there were only three recognized *millets*, by 1914 there were 17.⁵² Among other things, *millets* enjoyed some form of autonomy with respect to setting up their own tribunals and applying their respective family laws.⁵³

A close reading of the OLFR suggests that it presented a step in the direction of limiting the autonomy of the *millets*. It was meant to regulate the personal status of all people in the Ottoman Empire: Muslims, Christians, and Jews. It thereby severely curtailed the legal autonomy that the *millets* had increasingly enjoyed since the nineteenth century. The OLFR was a territorial law that applied to all people of the Ottoman Empire. The OLFR thereby presented a step against what Griffiths has termed strong legal pluralism: a situation in which not all bodies of law

⁴⁹ I refer to an Arabic translation of the 1917 OLFR. See Yusuf I. Sadr, ed., *Majmū'at al-qawānīn: taḥṭawī 'alā jamī' al-qawānīn al-mā'mūl bi-mūjibihā fī jamī' al-bilād al-'arabiyya al-munsalakha 'an al-ḥukūma al-'uthmāniyya*, vol. 1 (Beirut: Matba'at Sadr, 1927), 353–73.

⁵⁰ *Millet* is the Turkish form of the Arabic term *milla* which signifies national as well as religious community. See Daphne Tsimhoni, *Christian Communities in Jerusalem and the West Bank since 1948: An Historical, Social, and Political Study* (Westport, Conn, London: Praeger, 1993), xv. The term *millet* changed considerably over time. Originally, it did not refer to non-Muslims. Prior to the Tanzimat period, *millet* referred to the community of Muslims in contrast to *dhimmi*s. See Benjamin Braude, “Foundation myths of the millet system,” in *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, ed. Benjamin Braude and Bernard Lewis (New York: Holmes & Meier Publishers, 1982), 69–89, 70. From the 1820s onwards *millet* increasingly was understood as referring to the non-Muslim protected community. *Ibid.*, 73.

⁵¹ Benjamin Thomas White, *The Emergence of Minorities in the Middle East* (Edinburgh: Edinburgh University Press, 2011), 48.

⁵² Kamel S. Abu Jaber, “The millet system in the nineteenth-century Ottoman empire,” *The Muslim World* 57, no. 3 (1967), 212–23: 214.

⁵³ There is currently not a single study on how family law was applied by the different *millets*. We therefore lack a sound understanding of how family law was applied in practice. It is therefore difficult to assess to what extent the application of non-Muslim law changed in the colonial and post-colonial period.