

Index

- Abdullah II, King of Jordan
 CEDAW reports, 97
 family law reform, 128–30
 lineage, 8, 129
 speeches, 25–6
- Agmon, Iris, 25, 35
- al-Fasi, ‘Allal, 61
- Algeria, 9, 56, 237
- al-musā‘id al-ijtimā‘ī* (social assistant).
 See social assistant
- al-naw‘ al-ijtimā‘ī* (gender), 212
- al-tafriq* (judicial divorce)
 Jordan, 166, 170, 173
- al-Tamimi, Abir, 72–4
- Amazigh population, 64, 225
- amir al-mu‘minin*. See Commander of the Faithful
- amwāl mushtaraka* (shared assets)
 Jordan, 177
 Morocco, 192–5
- Anderson, J. N. D., 3, 11
- Arab Legion, 46
- Arab Spring, 8
- Arabization of the judiciary
 Morocco, 61
- Asad, Talal, 226
- Association Démocratique des Femmes du Maroc (ADFM)
 family law training, 214–17
- authoritarianism, 14–17, 48, 231
 regime change, 15
 semi-authoritarian states, 5–6
- bailiffs
 Morocco, 79
- Berber *dahirs*, 56, 60
- Berber myth. See Kabyle myth
- Bernard-Maugiron, Nathalie, 190
- Bourdieu, Pierre
 judicial field, 66
- Bourdieu, Pierre
 arena of struggle, 23
- autonomy, 19, 22–3, 27
- cultural capital, 17–18, 23–4
- doxa, 20
- fields, 17, 19, 22
 juridical field, 18–19
- heresy, 24
- orthodoxy, 20, 24
- Symbolic capital. See symbolic power
- symbolic power, 18
- Brown, Nathan J., 15, 234
- Brumberg, Daniel, 22
- Buskens, Léon, 61
- Casablanca, 75, 79, 137
 bombings, 133, 146
- Centre d’Études et de Recherches en matière des Valeurs, 211
- Charrad, Mounira M., 11–13
- Christian court system. See courts
- Churchill, Winston, 45
- citizenship, 84
- codification of family law, 11, 64, See also Ottoman Empire: Ottoman Law of Family Rights (OLFR)
- colonialism
 British mandate of Transjordan, 38
 legal reforms, 38–45
 French protectorate over Morocco, 53–4
 legal reforms, 54–9
- Commander of the Faithful, 53, 145, 154
- Committee for Justice, Legislation and Human Rights (CJLHR), 142, 155
- Conseil Supérieur de la Magistrature (High Judicial Council), 76
- Conseil Supérieur des Oulémas (CSO), 79, 146
 reservations to CEDAW, 106
- constitutions, 15
 Jordan, 19, 66
 Christian communities, 48
 constitutional reform, 82

- gender equality, 84
 international law, 82
 Morocco, 19, 53, 75
 constitutional reform, 6, 75
 gender equality, 84
 human rights, 83
 international law, 83
- Convention on the Elimination of all Forms
 of Discrimination against Women
 (CEDAW)
 Beijing conference, 115, 120
 Beijing Plus Five, 90
 CEDAW committee, 13
 country reports
 Jordan, 92
 Morocco, 98
 observer status, 90, 109
 Optional Protocol, 123
 ratification
 Jordan, 91
 Morocco, 98
 reservations, 13
 Jordan, 91–2, 94, 96
 Morocco, 98–9, 106
 shadow reports, 90–2
 Jordan, 96
 Morocco, 101
 withdrawal of reservations
 Jordan, 92
 Morocco, 106
- courts
 Christian courts, 38, 41–2, 46
 autonomy, 41, 48
 Greek Orthodox court, 47–8
 makhzen courts, 51, 55
 Moroccan courts, 74–5
 women judges, 78–9
 regular courts, 67, 86
 women judges, 74
 Cuno, Kenneth, 233
 custody (*ḥaḍāna*), 26
 customary law, 9, 43–4, 52, *See also* tribes
- dahir* (royal decree), 51
dā'irat al-iftā' (Fatwa Department). *See*
 Fatwa Department
dā'irat qāḍī al-quḍāt (Supreme Justice
 Department). *See* Supreme Justice
 Department (SJD)
 Dar Hadith al-Hassania, 147
ḍarar (harm or prejudice), 186–7
 Démocratique des Femmes du Maroc
 (ADFM), 205
dhimma. *See* dhimmīs
dhimmīs, 52
- disobedience. *See also* obedience
 disobedience, in marriage
 Jordan, 164
 divorce. *See* *khul'*, *tafrīq*, *ṭalāq*
- Egypt, 50, 226
khul', 119–20
- Eickelman, Dale, 76
 empire. *See* Ottoman Empire
 European Union (EU), 8, 108
- Fadel, Mohammad, 81
 family law, 8–9
 Fassi Fihri, Taïeb, 107
 fatwa (judicial opinion), 70, 147, 169
 CEDAW, 104–5
 female imams, 149
 female 'udūl, 79
 Fatwa Department, 69–71, 104–5, 124
 Filali, Amina, 151–2
 freedom of movement, 92, 94, 100
- gender equality, 13, 87, 94, 96, *See also*
 constitutions
- Hakkaoui, Bassima, 107–8, 136, 152
halakhah (Jewish law), 52
 Hashemites, 31, 129
 Hassan II, King of Morocco
 family law reform, 145, 150
 Hlayyel, Ahmad, 69
 honor crimes, 175
 human rights, 22, *See also* constitutions
 Hussein, King of Jordan, 129
- 'idda (waiting period), 164, 168–9
iftidā' (literally, to redeem someone, to
 ransom someone), 165–6
ijtihād (independent reasoning), 196, 219
 inheritance
 Jordan, 174–7
takhāruj, 174–7
- Institut Supérieur de la Magistrature
 (ISM), 69, 75–6, 85
 International Monetary Fund (IMF), 6
 Islamic Action Front (IAF)
 CEDAW, 108
 family law reform, 120
 Islamic law, 4, 9, 11
 Islamism, 7
 Islamist organizations
 Jordan, 116–17
 opposition to CEDAW, 104
 Morocco, 135–6
 opposition to CEDAW, 107

264 Index

- Jewish law. *See halakhah*
 Jordanian Law of Family Rights (JLFR), 1951, 46
 Jordanian National Commission for Women (JNCW), 88, 114
 judicial education
 Jordan, 68–9
 Morocco, 75–8
 Judicial Institute of Jordan (JIJ), 68–9
 jurisdiction
 Christian courts, 38
 makhzen courts, 55
 regular courts, 41, 66
 shari‘a courts, 66
 Justice and Benevolence Movement (JBM), 135, 197
- Kabyle myth, 56
 Khader, Asma, 72–3, 114, 166
 Khamlichi, Ahmed, 134
 Khasawneh, Abdul Karim, 70
khul‘
 Jordan, 164–7
 Morocco, 187
- Lamrabet, Asma, 148
 Law for Christian councils, 2014, 46
 Law for the Councils of non-Muslim communities, 1938, 40, 46
 League of Moroccan ‘*ulama*’, 139
 legal committee
 Jordanian parliament, 113, 121, 123, 125
 legal pluralism, 10, *See also* Ottoman Empire
 legal specialization, 63, 65
 Ligue des Ouléma du Maroc. *See* Ligue Mohammadia des Ouléma du Maroc
 Ligue Mohammadia des Ouléma du Maroc, 146
 long nineteenth century, 31, 35
- ma‘dhūn* (marriage registrar), 81
 women *ma‘dhūn*, 80
mahr (nuptial payment), 157, 165, 173
 Maktabi, Rania, 14
maqāsid (purposes), 196
 Marglin, Jessica, 64
 marriage age. *See* marriage of minors
 marriage of minors
 Jordan, 157–61
 Morocco, 180–2
 marriage registrar. *See* *mā‘dhun*, ‘*udūl maṣlaḥa* (interest), 180
- mediation. *See* *ṣulh*
 Migdal, Joel, 16
 Ministry of Justice
 Jordan, 67, 69
 Morocco, 28, 75–8
 judicial guide, 185, 193, 196
 minority rights, 40
 mixed marriage, 61
 Moroccan Association Démocratique des Femmes du Maroc (ADFM)
 CEDAW, 103
 Moussali, Jamila, 107, 220
 Movement for Unity and Reform (MUR), 107, 219
 mufti, 70
 Jordan, 103–5
 Muhammad V, King of Morocco, 143
 Muhammad VI, King of Morocco
 family law reform, 2, 143, 149–50, 196
 lineage, 8
 religious sector reform, 146
murshidāt (female religious guides), 148–9
- nationalist movement
 Morocco, 59–60, 64
 non-Muslim communities. *See* Ottoman Empire: Ottoman Law of Family Rights (OLFR), *See also* Ottoman Empire: millets
 nuclear family, 9, 182, 233
- obedience. *See also* disobedience
 obedience, in marriage
 Morocco, 99, 184
 Organization for the Renewal of the Female Consciousness (ORCF), 136, 203, 217
 Ottoman Empire
 legal pluralism, 10, 36
 legal specialization, 31
 Mecelle, 33
 Mecelle (Ottoman civil code), 33
 millets, 10
 autonomy, 40
 Ministry of Justice, 33, 54
 mufti, 71
 nā‘ib, 34–5
 nationalist movements, 32
 niḡāmiyya courts, 33–4
 Ottoman Law of Family Rights (OLFR), 10, 35–8
 ‘*idda*, 38
 ‘*alāq*, 37
 religious courts, 34, 42

- ṣeyhülislam*, 34–5
 Tanzimat period, 31–5
 out-of-court divorce. *See talāq*
- PANAFID, 139, 231
 Party of Justice and Development (PJD),
 180, 218
 elections, 135–6
 family law reform, 144–5
 government, 135
 personal status law. *See family law*
 Plan of Action for the Integration of
 Women into Development
 (PANAFID), 137–8
 polygyny
 Jordan, 172–4
 Morocco, 191–2
 prenuptial agreement. *See amwāl*
mushṭaraka (shared assets)
 Princess Basma, 2, 88, 115–16, 128
 Printemps de l'égalité, 183, 193
 procedural law, 233
- Qarawiyyin University, 50
- Rabita des Oulémas du Maroc. *See Rabita*
 Mohammedia des Oulémas du
 Maroc
 Rabita Mohammedia des Oulémas du
 Maroc, 147
 Rania, Queen of Jordan, 115–16
 reconciliation. *See ṣulh*
 registration of marriage
 Jordan, 63
 Morocco, 60–1, 203–4
 religious courts, 14, 34, 64, 235, *See*
 Ottoman Empire, courts, shari'a
 courts
 religious law, 226, 238, *See also family law*
 Royal Aal al-Bayt Institute for Islamic
 Thought, 69
 Rubin, Avi, 31–2
- Saâdi, Saïd, 137–9
 Salime, Zakia, 109
 Schneider, Irene, 155
 secularization, 33, 235
 secular, 34
 shahāda (testimony), 81
 women, 80–1
 shared assets, 235
 shari'a courts, 33–4, 36–7, 42, 49
 autonomy of shari'a courts, 67–8
 shari'a court of appeal, 121
 shari'a high court, 19
 women judges, 72–3
 shūra (consultation), 219
 shūra council, 120
 Skalli, Nouzha, 138–9
 social assistant, 189, 205–10
 Sonbol, Amira, 22, 182
 Sonneveld, Nadia, 190
 state control, 28, 32, 37, 48, 53, 56, 58, 94,
 146, 158
 state-in-society approach, 16
 street-level bureaucrats, 16–17
ṣulh
 Jordan, 170–2
 Ottamn Law of Family Rights (OLFR),
 170
ṣulh
 Morocco, 189–91, 220
 Supreme Justice Department (SJD), 67,
 156
 reform process, 124–6
- tafrīq* (judicial divorce), 168, *See also taṭliq*
 (judicial divorce)
 Jordan, 166
ṭalāq
 Morocco, 186
ṭalāq (repudiation)
 Jordan, 167–9
 Taoufiq, Ahmed, 148
 family law reform, 142
 religious sector reform, 147, 149
taṭliq (judicial divorce). *See also tafrīq*
 (judicial divorce)
 Morocco, 186–7
 Tawalbe, Mansour, 109–10
 territorial law, 10
ṭhayyib (a woman who has been previously
 married), 162
 theology. *See uṣūl al-dīn*
 Transjordan. *See colonialism: British*
 mandate of Transjordan
- tribes
al-qāmīn al-'ashā'irī (tribal law), 43
 Bedouin Control Law (BCL), 1936, 43
 Morocco
 jama'a (tribal council), 53, 57–8
 Tribal Court Law (TCL), 1924, 43
 Tucker, Judith E., 11, 36, 71
 Tunisia, 9, 106
- '*udūl* (professional witnesses, notaries in
 family matters), 51, 61, 203, 232
 women '*udūl*, 79–81

266 Index

- '*ulama*' (religious scholars), 34–5, 138, 140, 148, 211
- unification of the judiciary, 62
 - Egypt, 238
 - Morocco, 61
- Union de L'Action Féminine (UAF), 137
- United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 4, 28
 - Jordan, 224
 - Morocco, 205–6, 224
- uṣūl al-dīn* (theology), 72
- walī*, 183, 213, *See also wilāya* (guardianship)
- walī* (guardian), 161, 163, 184, 221
- Welchman, Lynn, 39, 190
- West Bank, 46
- wilāya* (guardianship)
 - Jordan, 161–4
 - Morocco, 183–5
- women judges. *See* courts, shari'a courts
- women's movement. *See* women's organizations
- women's organizations
 - Jordan, 114–15
 - Islamist women's organizations, 116, 125, 127
 - Morocco, 134–5
 - Islamist women's organizations, 136, 203
- World Trade Organization (WTO), 8
- Yassine, Nadia, 136