

# The Right to Marry

## *Daughters and Elders in the Islamic Courts of Zanzibar*

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### Abstract

In rural Zanzibar, both lay people and legal professionals argue that women's options in marriage could be improved by closer adherence to Islamic law. This argument is usually made to critique the authority of elders in marriage negotiations. Although there is a strong norm of daughters adhering to elders' authority in marriage, this norm does not go uncontested: by asserting rights under Islamic law, women critique and sometimes even challenge elder authority in court. Based on my ethnographic research in an Islamic court and the surrounding community, I first examine how women and men talk about elder authority in marriage, and then explore legal challenges to their authority in court. I argue that there are two patterns in the way women reference Islam to talk about their rights in marriage. Whereas some women use their knowledge of Islamic law to assert rights in court, others reference their piety as Muslims to explain why they choose not to assert certain rights.

### Keywords

marriage – elders – Zanzibar – Islamic courts – rights

### Introduction

In Zanzibar, both lay people and legal professionals emphasize that Islamic law can be used as a means to alter or improve women's options in marriage, most

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particularly by challenging the authority of elders in certain aspects of marital negotiations. Although there is a strong norm in Zanzibar of daughters adhering to elders' authority in marriage, this norm does not go entirely uncontested. Women use their knowledge of Islamic law to critique the role of elders in marriage negotiations, and sometimes even to challenge their authority in court.

The first section of this article examines Zanzibari commentary on elder authority in marriage. The role of elders is particularly evident in three areas: accepting a marriage proposal, negotiating and receiving the *mahari* (<Ar. *mahr*) or bridal gift, and resolving marital disputes. In the first two areas, elder involvement is sometimes critiqued as conflicting with religious law, or *sheria za dini*; in the third, however, elder involvement is described as necessary according to *sheria za dini*. If people reference Islamic law to critique the involvement of elders in certain areas of marital negotiations, does that mean that their authority is contested in Islamic courts? The answer is yes, but to a limited extent.

The second section of the article will thus look at challenges to parental authority in court. Although claims brought to Zanzibari courts by daughters against their elders are few and far between, a significant increase in recent years suggests that the practice is becoming more common and may continue to increase in the future. I will examine two such cases in detail, paying particular attention to why the Islamic judge, *kadhi* (<Ar. *qadi*), decided in favor of the daughters who brought their claims to court. Next, I observe that there are two patterns in the way women use an Islamic discourse to talk about their rights in marriage. Whereas some women use Islamic law to assert rights against elders, others avow their piety as Muslims to explain why they do not pursue those rights.

In the growing literature on the practice and understandings of Islamic law in Africa, the Middle East and elsewhere, many scholars have looked at how women in particular use Islamic courts. Today and in the past, Muslim women have often achieved a high degree of success in pursuing claims in Islamic courts, particularly in family law matters involving suits for divorce, maintenance, and custody rights (Würth 1995, Hirsch 1998, Tucker 1998, Mir-Hosseini 2002, Peletz 2002, Stiles 2009). The vast majority of the cases described in these studies involve women making claims against their husbands. There is little documentation or analysis of cases in which daughters use Islamic courts to assert their right to marry against fathers or other marriage guardians, primarily because far fewer cases are opened by women against guardians than by women against husbands. In all schools of Islamic law save the Hanafi, jurists generally agree that both minors and women who are legal majors must have a guardian



to contract the marriage for them – this is normally the father or another agnate (Nasir 2009: 49). One can thus imagine the potential conflict between adult daughters wishing to marry and fathers who might seek to prevent the marriage for one reason or another. Yet there is little research on women taking elders to court to demand the right to marry.<sup>1</sup>

### Conducting Research in Zanzibar's Islamic Courts

Zanzibar is a semiautonomous island state within the United Republic of Tanzania. The island state has its own president, parliament, and legal system, which includes Islamic courts at both the primary and appellate levels. The Islamic courts, known as *kadhi* courts, are most recently established by the *Kadhi's Act* of 1985. The jurisdiction of the *kadhi's* courts is limited to family and personal status matters and the courts handle all such cases for Zanzibari Muslims. Islamic procedural law is regulated by the state, but there is no family law code, and *kadhis* generally rule according to their own understanding and interpretation of the law. In recent years, however, the decisions of *kadhis* are normally reviewed by other *kadhis*, and in some cases *kadhis* work together to write decisions. There are nine primary Islamic courts in Zanzibar, and decisions of the primary courts may be appealed to the Chief *Kadhi* in Zanzibar Town. At the time of my research, all Zanzibari *kadhis* were trained in the Shafi'i *madhhab*, reflecting the Shafi'i majority in Zanzibar today.

This article is based on ethnographic research conducted during several research trips to Zanzibar between 1999 and 2008; an initial trip in 1999 and 2000 was eighteen months long, and I spent about four more months in Zanzibar on three follow-up trips in 2002, 2005, and 2008. I have worked primarily in the rural northern region of Unguja, Zanzibar's largest island, where I conducted research in a rural *kadhi's* court and in the surrounding community. In court, I spent about fifteen months observing court proceedings, reading court documents, and interviewing litigants and court staff. Perhaps most important to my work in court were the daily extended informal conversations I had with the *kadhi*, whom I call Shaykh Hamid, the chief clerk, Bwana Fumu, and other members of the court staff; all of the court staff became my friends and key consultants for my research.<sup>2</sup> Although Zanzibar's High Court would not grant

1 Amira El Azhary Sonbol (1996) and Boğaç Ergene (2003) have described cases in Ottoman courts in which young women claimed they were married off as minors by unfit guardians, and sought annulment in court on that basis.

2 All names have been changed to protect privacy.



me permission to make audio or video recordings of court proceedings, I took careful notes on all proceedings with the assistance of Shaykh Hamid, who regularly interrupted proceedings to make sure that I understood what was going on. In total, I studied about sixty court cases very closely through ethnography and court-produced documents; I also collected data on many more court cases. In addition to the research in this court, I interviewed five other *kadhis* (some only once, two several times), and legal professionals in Zanzibar Town, including personnel at the High Court, lawyers and personnel at the Zanzibar Legal Services Center, and several lawyers at the Zanzibar Female Lawyers Association. I also worked closely with and observed court sessions of one other *kadhi*, Shaykh Vuai, who lived in town and worked in the court in Zanzibar Town, but traveled one day each week to a semi-rural court.

On all research trips, I lived in a village in northern Unguja located about two miles from the court. My research in this community, which is a densely populated area of Unguja where one village runs into the next, consisted of participant-observation in daily activities and community events, and semi-structured interviews with approximately 100 women and 35 men. All research was done in Swahili, and all translations of Swahili conversations and documents in this article are my own. As a woman, and then unmarried, it was easier for me to talk to women about marriage and divorce than to men. I endeavored to adhere to local norms of propriety, and it was considered inappropriate for me to discuss such matters with men near my own age. Therefore, my interviews with men about their marital lives were almost entirely with men my father's age or older.

### Elder Involvement in Marriage

Although elders do not arrange marriages to the extent they did in the past, they are still very much involved, particularly with daughters. This is especially true of a woman's first marriage. It is a woman's parents (or often her father's kin) who first receive, and then accept or reject, a man's proposal. The women I interviewed ranged in age from about eighteen to over eighty, and women of all ages consistently assert that it is virtually impossible for a woman to refuse a suitor who has been approved by her elders.

Take, for example, the case of a young woman called Mwajuma,<sup>3</sup> who was involved in a lengthy dispute with her ex-husband, Makame. They had married two years earlier and Mwajuma told me repeatedly that Makame had been

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<sup>3</sup> See Stiles 2009 for more details on this case.



“sick” (*mgonjwa*) for many years; she explained that he had been unwell long before they were married. Makame had seen her for the first time when she was visiting her sister in Zanzibar Town. He had then gone to her parents’ village with a proposal. Her parents accepted, and the two were married. Mwajuma said that she and her sister knew he was “crazy” when he proposed, using the English word, which implies mental illness. As evidence of this, she explained that he had already divorced six wives and had problems holding down a job. When I asked why she did not protest the marriage, she told me that a Zanzibari girl does not go against her parents’ wishes.

“But did they know he was sick?” I asked.

“No,” she said, “they didn’t know he was crazy.”

“But didn’t you or your sister tell them that he was?”

“It just isn’t done,” she said good-naturedly, and explained that she had no choice because her parents had agreed to the marriage. However, she told me that in the future she would tell her parents if a potential suitor were unwell.

In this part of Unguja, women gain their knowledge and understanding of Islamic law from several sources (Stiles 2003, 2009). Middle-aged and younger women and girls have generally attended both government schools, where the curriculum includes courses on Islam, and local Qur’an schools known in Swahili as *vyuo* (singular *chuo*). School enrollment for both boys and girls is widespread. A 2001 World Health Organization study found that 71% of school-age children in Northern Unguja were enrolled and 91% of children over twelve years of age were enrolled (Montresor et al 2001). I also knew several adult women of all ages who were actively studying the Qur’an in classes taught specifically for women (see also Purpura 1997). I attended several such classes myself, and lessons often focused on aspects of *sheria za dini*, and the teacher with whom I studied most sometimes made a point of distinguishing between Zanzibari practice and religious law. Additionally, many adult women encouraged their children or grandchildren to share their lessons from *chuo* with them. Importantly, women of all ages also cited the importance of the radio in their religious learning (see also Babu 1991 for the impact of radio as a source of information in Zanzibar). During my fieldwork sessions, most households owned a battery-powered radio, and women often had Radio Zanzibar on for many hours each day while doing housework, caring for children, and chatting with friends and resting. Some programming on Radio Zanzibar focused specifically on understanding religious texts and educating listeners about religious



law; one *kadhi* from Zanzibar Town had his own radio program on religious law (Stiles 2009).

In interviews, some women were careful to distinguish between local norms and religious law by explaining that, according to Islamic law, they have the right to be asked for their approval and may refuse a suitor – particularly if he is in poor health. Zanzibari norms, however, prohibit acting on this right. In my experience, Zanzibari professionals are often troubled by the practice of accepting suitors without question, and they invoke Islamic law to critique this norm. For example, in 1999, a woman called Ashura, who worked for the local chapter of UNICEF, told me that she was concerned that many women must comply with undesirable marriages. She felt that women would be better off if they received their rights according to Islamic law.

Elders exert much control over marital negotiations by managing the bridal gift, known as the *mahari*, provided by the groom and/or his family. This is generally understood to be a required element of an Islamic marriage contract. In this community, the *mahari* is often cash, and it is customary for a bride's parents to negotiate the amount, receive the *mahari*, and keep or distribute it according to their preferences (Stiles 2009). The vast majority of women interviewed said they did not receive *mahari* funds. A typical response was given by Bi Pili,<sup>4</sup> a woman in her seventies: "I didn't know [the amount] because I wasn't told. In those days you didn't know, the elders just took it." Although Bi Pili suggested that the taking of the *mahari* by elders was an old practice, the vast majority of women of all ages also told me that they themselves did not receive the *mahari*. Only one woman said she herself received the *mahari* when she was married for the first time, and two or three others said they received the *mahari* in subsequent marriages, but not their first marriages.

As noted, women often distinguish between local practice and Islamic law, as illustrated in conversations I had over several years with two young women, Rehema and Mwanaharusi, close friends who had grown up together in the same village. In 2002, it was rumored in the village that Mwanaharusi, then about eighteen years old, had received a proposal and a wedding was being planned. Mwanaharusi claimed ignorance, but Rehema, who was about sixteen years old, was eager to discuss the matter.

When talk turned to the *mahari*, Mwanaharusi said she had not received anything. At this, Rehema said "Humph! Your grandfather should not take the groom's hand [i.e. make an agreement with him] until you are given the money!"

When I asked why, she retorted, "*Haki!* [It's your right]! You should get your *mahari* as a woman!" In Zanzibari Swahili, the term *haki* (<Ar. *haqq*) is used to

4 Bi is short for Bibi (Ms.), a title used for women.



describe rights according to Islam and to mean that something is as it should be;<sup>5</sup> Susan Hirsch has noted the latter usage of the term in neighboring Kenya (1998: 86).

When I asked about the *mahari*, Rehema answered, "The elders take it, but give to the girls. It's your right. If someone gets a proposal, she might get thirty shillings or three hundred thousand shillings, but as a woman you get it yourself."

I asked how they knew this. Rehema said, "It's just our *haki*, our right!" Mwanaharusi elaborated: "You hear it on the radio ... at Qur'an school ... It's just *haki*. Your father also tells you. If someone proposes to you, then you get the whole *mahari* yourself ..."

The passion with which the girls told me about their *mahari* rights was striking. Three years later, however, Mwanaharusi was in difficult circumstances. She had recently returned to her mother to give birth to a second child. The baby had not been circumcised because she and her husband did not have money to pay for the procedure. Her financial worries centered on the *mahari*. Her father, who had divorced her mother many years earlier when she was a child, had arranged the marriage. He had given Mwanaharusi TSH 8000 (about US \$8-10 at the time) of the *mahari* on her wedding day, but she was waiting for the remaining sixty thousand. She had been asking him for the money since her wedding, but was still waiting. Her father and his relatives had kept it for themselves.

As in our conversation three years earlier, she told me that *sheria za dini* gives her the right to the money. I asked if her elders used the money to buy her household goods. She replied, "No! They didn't buy me a bed; they didn't buy me clothes; they didn't buy me dishes; this was all the responsibility of my mother." Despite her difficulties, Mwanaharusi told me that she was determined to demand her rights.

Legal professionals were critical of what they viewed as local violations of proper *mahari* practice. Shaykh Hamid, the *kadhi* with whom I worked most closely, explained a case in which a woman's elders first asked her fiancé for a *mahari*, and then demanded additional expensive gifts. This was reprehensible, he said, similar to blackmailing the young man. Another *kadhi*, Shaykh Abdulkadir, told me that the *mahari* should be "like the ring in your [American] marriages: it is a token of love." He lamented that many Zanzibari parents do not understand this: "The elders think that anything that belongs to their children actually belongs to them." In an interview I conducted in 2005, several attorneys of the Zanzibar Female Lawyers Association (ZAFELA) stressed the

5 Thanks to Katrina Daly Thompson for reminding me of the first usage.



importance of the *mahari* in the relationship between the husband and wife.<sup>6</sup> One of the lawyers described the *mahari* as a means to build respect between husband and wife and a way for a man to show that he respects the woman. The ZAFELA lawyers agreed that in the past, the failure of women to receive *mahari* was a problem, but that this had changed recently. Despite this assertion, my research indicates that at least in rural areas elders generally still control the *mahari*.

Elders are very active in dispute resolution and play an important role in the marital conflicts of their adult children (Stiles 2009). In interviews and casual conversations, people often cite the Qur'anic stipulation for a couple to seek counsel from older family members when involved in a domestic dispute. However, my interviews suggest that elders played a much greater role in the past, when disputants were far less likely to go to the *kadhi*. Furthermore, several people noted that one of the primary methods used by elders to resolve marital disputes in the past – beating – is “un-Islamic.” Mzee Bakari,<sup>7</sup> around seventy years old, explained that, in the past, if a woman had problems with her husband, then the elders of both parties would get together to discuss the problem. Whichever party was determined to be at fault was then beaten five times with a stick “This was our *mila* (custom),” said Mzee Bweni. He explained that people use the *bakora* (beating stick) much less often today, which he credited to increased religious knowledge: beating, he explained, is not acceptable according to religious law. He also noted that, today, people are far more likely to take their marital disputes to the *kadhi* or the *sheha* than in the past.<sup>8</sup>

Another man of about the same age, Mzee Chumu, similarly expressed that young people are much more likely to see the *kadhi* than in the past. When I asked why things have changed, he replied that “today’s behavior” stems from the fact that elders no longer beat their children when they cause problems that threaten a marriage. “In the old days,” he continued, “if you were beaten by your

6 The goals of ZAFELA are to assist women with legal matters, to teach women about their rights under the law, and to help women prepare their claim documents for the *kadhi* courts. The lawyers of ZAFELA agreed that in the past, women often did not receive *mahari*, but that this had changed recently. Presumably, the ZAFELA lawyers were speaking about women in town, since my research indicates that in rural areas elders still controlled the *mahari*.

7 *Mzee* (elder) is a title used for a mature man.

8 This narrative of increasing religiosity presents an interesting contrast to recent work by Nadine Beckman on HIV/AIDS in Zanzibar, who notes a prominent local perception that a decline in religiosity has led to increase in HIV infection. It seems that most of her research was in Zanzibar Town, and the urban setting may account for the difference. Indeed, she notes that urbanites sometimes distinguish between lax moral behavior among young people in town, and more upright behavior, especially among young women in rural areas (2009).



elders you were afraid and didn't behave foolishly again. But me, I married and never went to my elders with a problem, or even a *kadhi wa mtaa* (local *kadhi*).<sup>9</sup>

Women and men often note that elder involvement in the married lives of their children is changing. Like Mzee Bakari and Mzee Chumu, others argue that in the past elders had far more authority over their children. To explain this change, people sometimes distinguish between local norms and what they consider proper Islamic practice. Many Zanzibaris, young and old, describe an increase in religiosity and religious knowledge that has led to changes in parental involvement in the married lives of their adult children. In this way, contemporary critiques of certain aspects of elder involvement in marital arrangements also echo the commentary of the influential Zanzibari scholar, *kadhi*, and reformer Shaykh Abdullah Salih al-Farsi (1912-1982), who is perhaps most well-known for his Swahili translation of the Qur'an. In his widely available book on marriage and Islamic law, *Ndoa-Talaka na Maamrishiho Yake* ("Marriage, Divorce, and their Rules"), written in the 1960s, Shaykh Farsi encouraged Swahili-speaking Muslims to reform marriage practices to be more in line with what he regarded as normative Islamic practice. Some of his criticisms focused on the role of elders in forcing marriages against the will of their adult children and on exorbitant marriage gifts.

In a recent article on the influence of al-Farsi's reformist agenda concerning marriage and Islamic practice, Mohamed S. Mraja argues that his "reform agenda was not a radical departure from normative Islamic precepts. He sought to use doctrines within the law to transform local practices, which he viewed as outside the purview of *shari'a*" (Mraja 2010: 259). Some of the local practices he sought to transform involved elders' roles in marital negotiations. He strongly encouraged marriage for all Muslims, including youth, and proposed that elders should seek the consent of their adult daughters to the marriage. Farsi was also highly critical of excessive *mahari*, and criticized elders who demand such *mahari* payments or other types of gifts from the bridegroom at the time of marriage, noting that elders often forget that the *mahari* is the property of the bride (Mraja 2010: 262). Mraja notes the influence of Farsi's call for reform of marital practices among Digo Muslims of coastal Kenya, and his critiques of certain types of elder involvement in marriage are very similar to criticism I heard in Zanzibar. However, since I did not hear anyone cite Farsi on this matter, the impact of his writings on marriage practice in Zanzibar remains unclear.

9 The term *kadhi wa mtaa* (local *kadhi*) refers to local individuals with a high level of religious learning, particularly in Islamic law. In this community, I found that local *kadhis* were often sought out for their opinions and advice on legal matters.



### Challenges to Parental Authority in Court

As we have seen, people invoke religion to critique elder involvement in aspects of marital negotiations and dispute resolution. Occasionally, challenges to this authority are raised in Zanzibar's Islamic courts. The court in which I primarily worked, located in the village of Mkokotoni in the northernmost region of Unguja, has jurisdiction over a rural region of approximately 100,000 people. Most people who bring cases to this court make a living by farming, fishing, and engaging in small business; a very few work in the growing tourist industry. From 1995 until his death in 2005, Shaykh Hamid was the *kadhi* of Mkokotoni. He was a gentle, mild-mannered man who came to court Monday through Thursday to hear litigants and work on cases from about 8:00 am until noon or 1:00 pm. In addition to the *kadhi*, the court staff included several clerks and a typist. The head clerk, Bwana Fumu, assisted the *kadhi* with nearly every case, and frequently advised visitors and potential litigants on legal issues – especially procedural matters. On average, forty cases are opened in the Mkokotoni court every year. Like other *kadhi* courts in Zanzibar, women open the majority of cases, most of which are claims against husbands. However, a few women file claims challenging elders, and it appears that this type of case is becoming more common. Between 1980 and 2004, thirteen out of 1242 cases were opened by women asking for permission to be married. Ages were not reported in court documents until after 1998. Subsequently, most of the claimants in this type of case were between the ages of eighteen and twenty-four (although one reported her age as forty).<sup>10</sup> In all cases but one, the defendant was the woman's father; in the other, the defendants were two other male elders. Such cases are normally recorded in the court register as *kuozeshwa* cases, and I will adopt the court's terminology to refer to this type of case. The Swahili verb *kuozeshwa*, "to be married off," is the passive form of *kuozesha*, "to marry off." In the court register, the clerks identify the claimant and normally note "*Anataka kuozeshwa* – she wants to be married off." The word implies that a daughter must receive the approval of her guardian before being married, and it is thus an appropriate way to refer to the cases in brief. A woman's guardian is required to sign the standard Zanzibari marriage certificate, which may be issued by the court or by another authority.

The total number of such cases is small, but a distinct increase over time suggests that cases are being brought more frequently. Although only six cases were opened in the twenty-one year period between 1980 and 2000, a total of

<sup>10</sup> When asked in court, many people in Zanzibar estimate their age. Little importance is placed on an exact number.



seven cases were opened in the five-year period between 2000 and 2004.<sup>11</sup> Thus, until 2000, only one case was opened every few years, but between 2000 and 2004, at least one case has been opened every year (see Table 1).

TABLE 1 *Cases opened by claiming right to marry, Mkokotoni court: 1980-200*

Number and year opened	Age of plaintiff	Defendant	Outcome
MKO 30-84	NA	Father	Married to man of her choice
MKO 23-86	NA	Father	Married to man of her choice
MKO 58-87	NA	Father	No outcome
MKO 31-88	NA	Father	Case was dismissed.
MKO 21-90	NA	Father	Married to man of her choice
MKO 38-98	NA	Father	Married off by her father
MKO 3-00	18	Father	Married by uncle
MKO 7-00	20	Father	Married by court
MKO 18-00	18	Father	No outcome
MKO 27-01	40	two male guardians	Married by court
MKO 33-01	24	Father	No outcome
MKO 10-02	24	Father	Married by court
MKO 18-03	18	Father	Married by court

Let us now examine two cases in which women came to the *kadhi* court asking for permission to marry. As shown in Table 1, in nine of the thirteen *kuozeshwa* cases with a recorded outcome, the claimant was married to the man of her choice. The marriage was approved by the authority of the court – not by her father, grandfather, or other marriage guardian. In two of the cases for which no outcome was reported, I do not have ethnographic data, but it is possible in each case that the father either agreed to permit the marriage or that the daughter eventually dropped the case.

In all types of marital disputes that came before him, Shaykh Hamid tried to find what he termed an agreeable *njia ya kupita* (way to pass). In his view, marriage is the ideal state, and every effort should be made to preserve or encourage it. Shaykh Hamid frequently married people on the authority of the court. One

<sup>11</sup> I do not have the relevant court data since mid-2005.



day, he explained to a young man who wished to marry that if the girl wanted to marry him too, then there was always a way it could be done. A young person cannot marry herself off, he said, but the *kadhi* can – “The *kadhi*, as a representative of the government, replaces the father.” In this case, the girl’s father lived on the island of Pemba, and it was unclear whether he could make the journey to marry off his daughter. The *kadhi* explained that the court staff would summon him to request his permission, but if he failed to show, then he would marry the couple himself.

### *Amina’s Case*

One case was opened by a young woman called Amina, who was eighteen years old. On her first day in court, she talked with the chief clerk, Bwana Fumu, and explained that she wanted to marry, but her father was absent and therefore unable to act as her marriage guardian. Knowing that she needed her father’s permission to marry, she had come to court to demand it. She requested that in the absence of her father, her paternal uncle be given permission to act as her marriage guardian.

Bwana Fumu encouraged her to open a case with the *kadhi*, and he proceeded to help her prepare her claim document, called the *madai*. Although all claimants in the Mkokotoni court are invited to prepare this document on their own, they invariably take advantage of the clerk’s offer to prepare it (I never saw or heard of a plaintiff choosing to prepare his or her own *madai*). To prepare the document, Bwana Fumu asked Amina a series of questions. He took careful notes and asked for elaboration on several points. When he was finished, he hand-wrote the claim document in the standard format and passed it to the court typist, who prepared the official copies.<sup>12</sup>

### Madai

1. The claimant is a woman, aged 18, Mtumbatu, from N–.<sup>13</sup>
2. The defendant is a man, aged 70, Mtumbatu, from K–.
3. The claimant and defendant are birth father and birth child.

<sup>12</sup> Court clerks may strategically highlight certain points and issues in preparing the claim documents from the narratives of litigants (see Stiles 2006, 2009). All court documents were written in Swahili; a clerk prepares the document by hand, and then documents are typed by a clerk or by the court typist. All translations of documents are my own.

<sup>13</sup> The term *Mtumbatu* refers to the ethnic identity of the claimant. All litigants are asked to specify their *kabila* (<Ar. *qabila*) a word often translated by Zanzibaris as “tribe.” Most people in the northern part of Unguja identify as Watumbatu, considered one of the indigenous peoples of Unguja.



4. The claimant demands that her birth father come in front of the court to marry her to the husband of her choice, Mr. Ahmada, of N-. If he [the father] does not come to court, then [the court must] give permission to his brother to marry her off [act as her marriage guardian].
5. Additionally, the defendant has been absent from his home in K- for a long time, perhaps 16 years.
6. This claim originates from N-, Northern A District, Unguja.
7. The claimant asks the court to do the following:
  - a. Order the defendant to marry off the claimant if he is indeed her guardian or give permission to Mr. Makame [claimant's paternal uncle] to do so.
  - b. Order the defendant to follow any other orders of the court that come out of the agreement with the defendant.

Amina's father was then summoned to court. According to standard procedure, the summons was delivered by the court messenger to the *sheha*, a government-appointed community leader, in her father's village. However, because Amina did not know her father's whereabouts and claimed that he had been missing for about sixteen years, the court also issued a call over the radio for her father to appear in court. He never answered the call, and the *kadhi* therefore granted permission for Amina's paternal uncle to serve as her marriage guardian. In his written decision, Shaykh Haji emphasized the biological relationship between Amina's father and her uncle:

Therefore, the court decides to give permission to the plaintiff to be married to the husband that she desires. Consequently, the court gives her uncle, who was born with her father,<sup>14</sup> the permission to marry her. By giving [the plaintiff] permission to be married off this case is closed, and if it so happens that the defendant is not satisfied then he has one month to appeal the case.

This case was resolved simply and efficiently because Amina's father was absent, and thus had in essence relinquished his guardianship. As we shall see below, a case becomes more complicated when a father is present but refuses to give his adult daughter permission to marry.

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<sup>14</sup> Other than indicating the men had the same mother, the significance of this phrase was unclear and did not come up in court.



### *Halima's Case*

The second case was brought by a young woman called Halima, who was about twenty years old. She had come to court because she wanted to marry her sweetheart, Juma, who was the father of her infant daughter. Like Amina, she wanted to open a claim against her father to ask for permission to marry the man of her choice. In this case, however, her father was present but refused to permit the marriage. On her first day in court, Halima talked informally with the *kadhi* and the head court clerk, Bwana Fumu. The *kadhi* asked her several questions. Did she have problems with her elders? No, not normally. Was her boyfriend supporting their child? Yes, he was. Had she talked to his parents about the marriage? Yes, and they approved of the marriage.

Shaykh Hamid turned to me to make sure that I understood what was going on. He reiterated that Halima and her young man wanted to marry, but that her father refused to give her permission, so she had come to the *kadhi*. He said that the court staff would summon the fathers of Halima and her boyfriend, and would try to reach an agreement. However, he explained that Halima would not need to open a case unless they failed to reach an agreement and her father still refused to allow her to marry. Shaykh Hamid then sent Halima to sit and talk with me for a while. Halima told me that she lived with her mother, who was divorced from her father, and that her boyfriend lived with his parents in the same village. She explained that she was at court because she wanted to marry her sweetheart, but her father refused. When I asked her why he refused, Halima said shyly that she did not know. However, when Bwana Fumu interjected that her father was angry that the young man's parents had not made a formal proposal to him, the young woman agreed that this was true. We talked a bit more, and it became clear that her mother had agreed to marriage, as had the parents of her boyfriend. Only her father refused.

Halima's claim document, prepared with the help of the court staff, emphasized that her father refused to give her permission to marry and that he had no good reason for doing so (see point 5 below). The document named her father as the defendant, and specified that she asked the *kadhi* to give her permission to marry if her father refused to do so.

#### Madai

1. The plaintiff is a young woman, aged 20, from G–
2. The defendant is a man, aged 48, from K–.
3. The plaintiff and defendant are birth father and birth child.
4. The plaintiff claims that the defendant is her birth father and asks that he give permission for her to marry her fiancé, Juma S.



5. The essence of this claim is that the defendant refuses to give his permission for his daughter – for whom he is marriage guardian – to marry without having a good reason.
6. This claim originates from N–, Northern A District, Unguja.
7. The plaintiff asks the court:
  - a. To order the defendant to give his permission for the plaintiff to marry and if he is unable to do so, then the *kadhi* must give her permission to marry.
  - b. [To issue] any other orders of the court that come out of the agreement for the plaintiff.

When Halima and Juma came to court a few days later, the *kadhi* told them that they would have to wait until Halima's father, who lived on Pemba, could be summoned. Two months later, Halima was back in court with her father, Mzee Bakari, and her young maternal uncle, Bwana Machano. Shaykh Hamid reviewed the case for the group, and a discussion ensued, in which it became evident that Halima's father protested the proposed marriage because Halima already had a child with her boyfriend; it seemed that his chief complaint was not the absence of a formal proposal.

Halima, who was quiet but attentive throughout the proceedings, stated that her only desire was to get married. The discussion was primarily between Shaykh Hamid and the visibly upset Mzee Bakari. When Mzee Bakari explained that he was angry about his daughter's out-of-wedlock pregnancy, Shaykh Hamid calmly told him that all girls grow up, and when they reach the appropriate age, they should marry. Mzee Bakari insisted that his daughter had made a mistake, and the *kadhi* tried to reassure him by saying that although something unfortunate had happened, it was time to move on and find a way to make the situation better for all. At one point, Shaykh Hamid told Mzee Bakari that his daughter was "like a soiled shirt": he could wash it and make it better, or he could just leave it be. The *kadhi* advocated "washing the shirt" and making things right by allowing Halima to marry.

Despite the *kadhi's* many pleas to make the best of the situation by permitting the marriage, Mzee Bakari refused. Eventually, Shaykh Hamid turned his attention to the maternal uncle, Bwana Machano, who had remained quiet up until this point. The *kadhi* told him that "all was finished" with the young woman's father because he refused to give permission for Halima to marry. Therefore, he explained, responsibility now lay with another relative. At this, Mzee Bakari told the *kadhi* that it was fine with him if someone else wanted to act as marriage guardian and marry Halima off. The *kadhi* then noted that he was having



some difficulty identifying an *mshtakiwa* – ‘respondent’ – in this case. Although Halima had named her father as the defendant in her *madai*, it seems that Shaykh Hamid wanted the respondent to be someone who would actually give Halima permission to marry. Clearly, Mzee Bakari was furious about Halima’s pregnancy. He even suggested once or twice that perhaps he was not Halima’s actual father, though this idea seemed to be more out of anger than a sincere doubt, and was not seriously acknowledged by the *kadhi* and clerks. However, he eventually relinquished his guardianship and Shaykh Hamid suggested that the maternal uncle could be the *mshtakiwa* and give Halima permission to marry.<sup>15</sup> In the notes taken by the *kadhi*, Mzee Bakari’s view is presented as follows:

In the court of the *kadhi*, the plaintiff is here, her father is here, and her maternal uncle is here. Her birth father says that this is his child. “I will not give my permission to this child because am displeased with her behavior. If you, the *kadhi*, have a way you can proceed, then proceed.”

When the litigants returned to court some time later, the *kadhi* proposed that Halima’s mother and maternal uncle give her permission to marry since her father had relinquished his guardianship. They agreed, but a wrench was thrown in the plan by the sudden arrival of a messenger bearing a letter. The *kadhi* read it silently. When he finished, he announced that Mzee Bakari’s kin, who had all signed the letter, refused to give Halima permission to marry. This made the situation much more difficult, and Shaykh Hamid decided to seek counsel with the Chief *Kadhi* in Zanzibar Town, a step that he took only on rare occasions.

When we discussed the case later that day, Shaykh Hamid told me that if the Chief *Kadhi* said that the couple could not be married, then the case would go to the secular judge, who would punish them for an out-of-wedlock pregnancy. In Zanzibar, pre-marital sex and adultery are criminal offenses, although cases are rarely prosecuted. The *kadhi* told me that if the case went to the secular judge, then the girl would be imprisoned for two years, and the boy for five years. It was clear that he wanted to find a way for the young couple to marry. He explained to me that he wanted to avoid prosecuting the couple even though the punishments for such offenses in Zanzibar – incarceration – were “much lighter” than in classical Islamic law. “However,” said Shaykh Hamid, “this [Zanzibari law] is not the law in the book.” He tapped the large Qur’an on his desk with a pen and explained that in “the book,” the law was like that followed

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15 In Sunni legal thought, a maternal relative cannot give permission for a young woman to marry. Shaykh Hamid did not explain his reasoning here, though we see that the *kadhi* himself eventually acted as guardian.



in Iran or Saudi Arabia, which prescribes lashing or stoning (he was not more specific than this). With a thoughtful expression, the *kadhi* told me that such laws are “a bit too heavy for Africa.” In comparison, he said, Zanzibari law is “very light.” Despite the “lightness” of the law, however, he still wanted to avoid involving the criminal court. Although a few other cases in the court involved allegations of illicit sexual relations, I never saw the *kadhi* turn matters over to another court, even though he occasionally sought informal counsel on difficult cases from the secular judge.

One week later, after Shaykh Hamid had met with the Chief *Kadhi* in Zanzibar Town, we were all back in court. He explained that the Chief *Kadhi* had instructed him to marry the young couple, even though Halima’s father was against it. The two *kadhis*’ support for the marriage reflects their belief that the married state is ideal for all Muslims, and their reasoning rested on the premise that no one should stand in the way of adults getting married unless he has a very good reason to do so. The ideal of marriage, and the right of all adult Muslims to be married, is more important than the father’s disapproval of the marriage and his and his kin’s authority over Halima.<sup>16</sup> Evidently, the fact that the young woman and her boyfriend had produced a child out of wedlock was not grounds for denying them the right to marry. Shaykh Hamid did not consider premarital pregnancy grounds for denying them the right to marry, but rather a greater incentive for them to marry. The *kadhi*’s attitude is typical in this part of Unguja: premarital sex and pregnancy, although unfortunate, are not excessively weighty matters and require no drastic action. The young women I knew of who had children outside of marriage remained with their families, who lovingly helped raise the children. Nadine Beckmann notes a similarly pragmatic attitude among those she describes as “traditionalist” (as opposed to “reformist”) Muslims in Zanzibar Town (2009: 139-40).

The brief written ruling, which cited the Qur’an and a text by the Shafi’i legal scholar Imam al-Nawawi (d. 1277), made it clear that an adult woman should not be prevented from marrying without just cause.

The court, after listening to the plaintiff and her kin, rules to follow the law that is in the *Kitab al-Minhaj* and in the Qur’an; in short: “*When you have divorced your wives and they have completed the fixed term (of waiting) do not stop them from marrying other men if it is agreed between them honorably ...*” (Q. 2:232).<sup>17</sup>

16 There is a general Sunni legal agreement (aside from the Maliki school) that adults should be permitted to marry whom they please (Ergene 2003).

17 Ahmed Ali’s translation.



Shaykh Hamid read his decision aloud to the litigants. I was late arriving to court that day, and when I arrived, the conversation had turned to scheduling the date for the marriage,<sup>18</sup> so I do not know how much explanation accompanied the reading of the ruling.

In this case, Shaykh Hamid first tried to coax Mzee Bakari to approve the marriage. He then tried to find a way to give her other elders the authority to do so. However, the final ruling upholds Halima's right to marry. The brief written ruling suggests that the *kadhi* based his decision on an analogous situation from the Qur'an, which allows divorced women to remarry if they wish to do so.<sup>19</sup>

### *Discussion: Elder Authority in Court and Alternative Discourses Out of Court*

Both lay people and legal professionals in Zanzibar occasionally reference Islamic law to critique elder authority in certain aspects of marital negotiations and in dispute resolution. Although a fairly powerful local norm demands adhering to elders' wishes, there are cases in which women sue elders in Islamic courts for the right to marry. Indeed, a significant increase in the number of such cases since the year 2000 suggests that *kadhi* courts increasingly serve as a place for daughters to challenge elder authority – primarily when guardians stand in the way of a marriage between consenting adults. Of course, the number of such cases is still small, and there is clear need for further research to confirm the existence of a pattern. Even so, a preliminary explanation may be ventured for why young women are increasingly likely to take their elders to court. To do so, I draw on local explanations for the perceived decline in elder authority that emphasize increased knowledge of Islam. As we saw in the comments of Mzee Bakari and Mzee Chumu cited earlier, many elders attribute changes in social relationships that result in decreasing reliance on elders and increasing court usage to a growth in knowledge of Islam as a result of education. Today, girls and young women attend government-based schools and Qur'an schools (*vyou*) at the same rate as boys (Montresor et al 2001), and young women are far more likely than their mothers and grandmothers to have received several years of education; recall that in the cases brought to the court

18 Halima's mother and maternal elders came to court several times to arrange the details of the marriage. At one point, they asked the *kadhi* how much the *mahari* should be, but he told them that this was a village matter and that it could be any amount they determined.

19 An anonymous reviewer asked if there was any discussion of the suitability of a husband (*kafaa*) in court proceedings. In these cases, there was not.



after the year 2000, all claimants but one were young women in their teens and early twenties. In addition to greater emphasis on formal education, women of all ages in northern Unguja cite the radio as an important source of information about religion and law. The anthropologist Arzoo Osanloo has explored the various “dialogical sites” where talk about rights emerges in Tehran, and through which women formulate their conceptions of rights (2009). In rural Zanzibar, government schools, community-based Qur’an schools (*vyou*), radio programming, and women’s informal gatherings might be understood as sites of dialogue.

In her work on marital disputes in *kadhi* courts in coastal Kenya, Susan Hirsch has described the relationship between *kadhis* and elders as one of competition (1998). In light of this, the relationship between elders and *kadhis* in Zanzibar is worth elaborating upon, particularly because *kadhis* increasingly are asked to act in the place of elders as guardians in marriage. Hirsch has argued that attempts by judges to limit the influence of elders in courts allow women to circumvent the authority of male elders in disputes (1998: 125). May we then understand Shaykh Hamid’s decisions against elders in the cases presented here as a parallel attempt to limit their influence? My data suggest otherwise. At first glance, it may appear that the cases from Shaykh Hamid’s court are an attempt to limit elder authority since he consistently decided in favor of the daughters. However, I argue they are merely decisions against defendants who happen to be elders.<sup>20</sup> In his general courtroom practice, Shaykh Hamid viewed elders as potential aides, and frequently called them as witnesses.<sup>21</sup> He emphasized the important role of elders as guides for their married adult children and invited them to assist with the court proceedings as his aides and peers, rather than as formal witnesses. Frequently, he introduced elders to the proceedings by explaining that, as elders, they were in court to help the young people with their problems. This was not typical of other *kadhis* in Zanzibar, however. I have argued elsewhere that Shaykh Hamid’s accommodation of elders can be explained by his membership in the community in which he served (Stiles 2009). Shaykh Hamid was born in the community in 1933 and lived most of his life there until his death in 2005. The only time he lived elsewhere was from 1959-1973, when he studied on the Tanzanian mainland as a

20 I did hear criticisms of local elders trying to assert influence in courts from another *kadhi* who worked in town. He was critical of “*shamba* (rural) *kadhis*” for not standing up to elders. The term *shamba* is often used pejoratively in Zanzibar, and certainly was in this context.

21 Hirsch describes measures taken by the Kenyan state to “minimize interference by elders” in court proceedings (1998: 124).



young man. Before becoming a *kadhi* in 1995, he had taught at a local school for twenty-two years. He was thus very much part of the community, and adhered to community norms of respecting elders. Thus, in cases like Halima's, Shaykh Hamid overrode the authority of Halima's agnatic kin because they had interfered with an adult woman's right to marry; his reasoning is clear in his written decision. In his career as a *kadhi*, Shaykh Hamid heard a total of eight cases in which a woman sued her guardian for the right to marry. He never decided against the claimant. In six of these cases, the women won permission to marry. In the other two, no outcomes were recorded (and I was not present in court for either), which likely means that the litigants resolved the matter on their own outside of court. His rulings in favor of daughters in these cases were thus consistent with his emphasis on the importance of encouraging and preserving marriage (see Stiles 2009).

As noted, the majority of cases in Zanzibar's Islamic courts are opened by women. However, most women never take their husbands or fathers to court, and many choose not to do so even if they believe they have a valid and winnable claim. A woman who goes to court or one who chooses not to do so may explain her decision as being consistent with Islam. It seems there are two general patterns in the way Zanzibari women reference Islam when talking about a decision to claim or defer rights in marriage. In the first pattern, women reference their rights as Muslims in critiquing local norms of elder authority in marriage, and may even take their elders to court to demand permission to marry.<sup>22</sup> However, in the second pattern, women may defer certain rights out of piety. My research has indicated that women in Zanzibar generally understand and agree on their rights according to Islamic law. When asked about rights in marriage, rights to maintenance, and rights to divorce, women normally respond in very similar ways to each other and to men (Stiles 2005). However, not all women consider it appropriate to pursue these rights by taking their elders or husbands to court. And although some women applaud the increasing frequency with which women use Islamic courts, others do not. Living a religiously-informed life, then, can mean different things to different women. Certainly, most women would agree that one should understand one's rights under Islamic law, but would disagree about whether one should pursue those rights. The cases of Amina and Halima illustrate how women may challenge the authority of elders in court by asserting an Islamic right to marriage.

22 There are certainly other ways in which women might act on these rights – by challenging elders about marriage or *mahari* in the context of the home or by taking a matter to the *sheha*.



Let us now consider the second pattern: women who contend that piety leads them conform to social norms – like the authority of elders – and decline rights that they understand as theirs according to Islamic law. The contrast between the two patterns illustrates diversity both in religious-mindedness and in actions that we might consider religiously-motivated. Mwanahawa, a woman in her early forties, was married and divorced for the first time in her early twenties. When she was in her thirties, she received another marriage proposal. She told me she did not think much of the man, but would agree to marry him if her older brothers wanted her to. Since her father was dead, she explained, her brothers were now her elders and guardians and she should do as they asked. I asked her why this was the case: She was an adult and had already been married and divorced, so couldn't she do as she pleased regarding another marriage? Mwanahawa responded that indeed this was true, but that since she was *mtu wa dini* – 'a highly religious person,' a phrase used to express piety and devotion – she must follow her brothers' requests. Mwanahawa was religiously learned and was the youngest daughter of a respected and well-known religious teacher and scholar. She considered herself and was considered by others to be devout, and she often performed supererogatory fasts and prayers. She held herself to a higher standard because of her piety, and therefore she said she would honor the wishes of her elders even in a subsequent marriage. A couple of years later, she echoed this sentiment in another matter. She had married the man, but he divorced her within a year, and had failed to support her or their infant son, whom he had not even visited. Like most men in the area, he had also failed to support her during *edda* (<Ar. *'idda*, the waiting period after divorce). Mwanahawa knew that according to *sheria za dini* she was entitled to maintenance for the child and she thought that she would be very likely to win it in the *kadhi's* court. However, she told me that she thought going to court was unseemly for a devout person like herself. She explained that she preferred to leave the matter in God's hands. Thus, while she acknowledged that she was entitled to maintenance during *edda* and to support for the child, she chose not to assert those rights because of her piety. In her work in Palestine, Annelies Moors has observed that Muslim women similarly may give up rights in order to improve their standing in the family (1995, 1999).

The research of anthropologist Saba Mahmood and historian Judith Tucker sheds light on the kinds of choices made by women in Zanzibar. In her influential work on Muslim women and piety movements in Cairo, Mahmood shows that for many women, fulfillment and "self-realization" come not from rejecting ostensibly restrictive religious norms, but from embracing them (2005). She criticizes scholars who have focused on female agency primarily as a form of



resistance to social norms. By contrast, she proposes that the choices made by the women she worked with resemble “what Foucault calls *ethics*: the careful scrutiny one applies to one’s daily actions in order to shape oneself to live in accordance with a particular model of behavior” (2005: 187). Mahmood makes this argument about women who embrace what she calls “nonliberal” religious norms, and I propose that her argument is a useful way to think about Mwanahawa’s choice to enact a particular form of religiosity that imposed restrictions on her own behavior. By embracing the norm of adhering to her elders’ authority and by choosing not to pursue legal action against her husband, Mwanahawa chose what she viewed as the superior of two religiously-appropriate paths. Although she understood that, according to Islamic law, she has the right to decline marriage and the right to child maintenance, she considered it more religiously appropriate to forgo those rights. In a similar context, Judith Tucker has shown that Mahmood’s argument about agency as perhaps “inhabiting” patriarchal norms is relevant to exploring the legal activity of Ottoman Muslim women, who “have not embraced, by and large, an adversarial form of agency, but rather have participated in the legal system in a variety of ways, both asserting rights and accepting to fulfill duties and obligations” (Tucker 2008: 34).

Let me close by introducing Tatu, a spry seventy-year-old who, like Mwanahawa, considered herself devout, and boasted to me of the religious learning of two of the men she had married. Despite her admiration of the men, she had experienced marital difficulties and poverty throughout her life. When I asked why she had never gone to court to demand adequate support for herself and her children, she replied: “If it is right, then God will be the judge. I just depend on *Mwenyezi Mungu*, Almighty God.” Although many women assert knowledge of religious law in the *kadhi*’s court, others invoke piety to explain why they decided against going to court, even when it means giving up what they understand to be their rights according to Islam.

## References

- Babu, Abdulrahman Mohamed. 1991. “The 1964 Revolution: Lumpen or Vanguard?” In Abdul Sheriff and Ed Ferguson (eds.), *Zanzibar Under Colonial Rule*. London: James Currey: 220-48.
- Beckmann, Nadine. 2009. “AIDS and the power of God: narratives of coping and decline in Zanzibar.” In F. Becker and P. W. Geissler (eds.), *Aids and Religious Practice in Africa*. Leiden: Brill.



- Ergene, Boğaç. 2003. *Local court, provincial society and justice in the Ottoman Empire: legal practice and dispute resolution in Çankırı and Kastamonu (1652-1744)*. Leiden: Brill.
- . 2010. "Why Did Ümmü Gülsüm Go to Court? Ottoman Legal Practice between History and Anthropology," *Islamic Law and Society* 17 (2): 215-44.
- Hirsch, Susan. 1998. *Pronouncing and Persevering: Gender and Disputing in an African Islamic court*. Chicago: University of Chicago Press.
- Kresse, Kai. 2009. "Knowledge and intellectual practice in a Swahili context: 'Wisdom' and the social Dimensions of Knowledge," *Africa* 79 (1) 148-67.
- Mahmood, Saba. 2005. *The Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press.
- Mir-Hosseini, Ziba. 2000. *Marriage on Trial: A Study of Islamic Family Law*. London and New York: I.B. Tauris.
- Montresor, A. et al. 2001. "School Enrollment in Zanzibar Linked to Children's Age and Helminth Infection." *Tropical Medicine and International Health* 6 (3): 227-31.
- Moors, Annelies. 1995. *Women, Property and Islam: Palestinian experiences 1920-1990*. Cambridge: Cambridge University Press.
- . 1999. "Debating Islamic Family Law: Legal Texts and Social Practices." In M. L. Meriwether and J. Tucker (eds.), *Social History of Women and Gender in the Modern Middle East*. Boulder: Westview Press.
- Mraja, Mohamed S.. 2010. "The Reform Ideas of Shaykh 'Abdallāh Šāliḥ al-Farsī and the Transformation of Marital Practices among the Digo Muslims of Kenya," *Islamic Law and Society* 17 (2): 245-78.
- Osanloo, Arzoo. 2009. *The Politics of Women's Rights in Iran*. Princeton: Princeton University Press.
- Peirce, Leslie. 2003. *Morality Tales: Law and Gender in the Ottoman Court of Aintab*. Berkeley: University of California Press.
- Sonbol, Amira El Azhary. 1996. "Adults and Minors in Ottoman Shari'a Courts and Modern Law." In A. A. Sonbol (ed.), *Women, the Family and Divorce Laws in Islamic History*. Syracuse: Syracuse University Press.
- Stiles, Erin. 2005. "There is No Stranger to Marriage Here: Muslim women and divorce in rural Zanzibar," *Africa* 75 (4): 582-98.
- . 2009. *An Islamic Court in Context: An Ethnographic Study of Judicial Reasoning*. New York: Palgrave Macmillan.
- Stockreiter, Elke. 2008. "Tying and Untying the Knot: *Kadhi's* Courts and the Negotiation of Social Status in Zanzibar Town, 1900-1963." PhD dissertation, School of Oriental and African Studies, University of London.
- Tucker, Judith. 2008. *Women, Family and Gender in Islamic Law*. Cambridge: Cambridge University Press.



- . 1998. *In the House of the Law: Gender and Islamic law in Ottoman Syria and Palestine*. Cambridge University Press.
- Turner, Simon. 2009. "These Young Men Show No Respect for Local Customs' – Globalization and Islamic Revival in Zanzibar," *Journal of Religion in Africa* 39: 237-61.
- Würth, Anna. 1995. "A Sana'a Court: the family and the ability to negotiate," *Islamic Law and Society* 2(3): 320-40.



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