

## BOOK REVIEWS

**Palestinian Women and Muslim Family Law in the Mandate Period.**  
**Elizabeth Brownson (Syracuse, NY: Syracuse University Press, 2019). Pp. 214.**  
**\$60.00 cloth. ISBN: 9780815636281**

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Elizabeth Brownson's *Palestinian Women and Muslim Family Law in the Mandate Period* is a meticulously researched study of the ways Palestinian women engaged with shari'a courts during the British Mandate era. Framing her work as a history of women's agency and the strategies wives used to exercise their rights in conflicts around spousal maintenance, marriage, divorce, and child custody, Brownson argues that the shari'a courts of the Mandate period were key venues that allowed women to challenge patriarchal social structures, using their spousal rights granted by Islamic jurisprudence. Clearly written, with extremely useful explanations of legal processes and historical context throughout, this book fills a crucial hole in the literature of Mandate Palestine, its Islamic courts, and the ways Palestinian women used them to frame seminal transitions in their lives.

Brownson's research is based on approximately 370 cases from the al-Quds shari'a court, conducted between 1925 and 1939, which she analyzes through a gendered lens to understand the experiences of wives who pursued legal solutions to marital strife. Furthermore, she draws heavily from the anthropological work of Hilma Granqvist, whose rich descriptions of late 1920s Artas, in her *Marriage Conditions in a Palestinian Village* series, provide Brownson a deeper understanding of customary marriage expectations, as well as social strategies for conflict resolution in families and communities. Finally, Brownson interviewed thirty-two Palestinians, including several women born and married during the Mandate period, as well as respected *quḍā* and other shari'a experts, to better understand Mandate marital lives, women's understandings of shari'a rights in family law, and the social standings of Islamic jurists. These interviews allowed Brownson to bridge the Mandate period and the post-Nakba era, linking women's experiences across time by giving her insights into how well women understood their Islamic family rights, and how they perceived the justice meted out by *quḍā* hearing their cases. As a result of this detailed and varied research, Brownson asserts that Palestinian women in the Mandate who went to court understood their rights in family law, and trusted the shari'a courts as the appropriate venue to claim them.

Brownson's central argument is that Palestinian women used these courts to challenge the patriarchal structures in which they lived, employing Islamic law to resolve conflicts within their marriages, dissolve their failed marriages, and settle child custody and maintenance issues in their favor. The most innovative part of Brownson's argument is her convincing conclusion that many women who went to court under the guise of spousal maintenance claims (*nafaqa*) often did so as a gendered tactic for obtaining wife-initiated divorce (*khul'*). Such gendered strategies included appealing to the well-being of their children to the qadi, or demanding that a husband provide maintenance with the knowledge that he would refuse and therefore initiate a divorce. Even when judges dismissed women's cases, Brownson argues that wives brought their husbands to court to apply social pressure for maintenance, or to push him to give her a divorce. She is convincing in her claim that "these are new findings in gendered *sijilat* studies" (p. 87).

Furthermore, Brownson demonstrates that there was little in the way of innovation or change in the Mandate period when it came to the execution of justice in shari'a courts. While Mandate *quḍā* drew from Hanafi jurisprudence, the Ottoman Family Code of 1917, and customary law, they largely favored classical Hanafi opinions over the far more recent Ottoman reforms of 1917. Brownson speculates that this was a reaction to the massive disruptions in other aspects of Palestinian life, as a result of Zionist colonization, the end of Ottoman rule, the creation of the Mandate system and British rule in the aftermath of World War I, and all of the suffering these events entailed. For their part, the British chose not to

encourage, nor impose, changes in family law, fearing increased resistance from an already-distressed Palestinian public. Indeed, Brownson asserts that the shari'a courts were "the only institution [Muslims] were permitted to control under British rule," which reinforced the patriarchal authority of the courts, and muted attempts at family law reform (p. 165). The courts were a touchstone of stability in a highly unstable moment, and those who controlled them were unwilling to surrender their authority there, when so much had already been stripped from them in society at large.

However, Brownson's review of the al-Quds cases does show that there were moments of innovation, and she argues that there was a significant shift from the Ottoman to Mandate eras regarding the meaning of spousal maintenance, particularly in terms of living arrangements. Her sources reveal that wives in the Mandate period had the right to demand living quarters that were distinct from those of their in-laws, which was an innovation of the 1917 Ottoman Family Law reform. Traditional Hanafi codes permitted husbands to demand their wives live in their parents' home, but Mandate wives successfully won their maintenance cases—and even wife-initiated divorce cases—when their husbands did not provide adequately separate dwellings for them. Routinely, wives found success in desertion cases as well, gaining divorces from Mandate-era *quḍā* who used the Ottoman 1917 codes, rather than Hanafi law, which favored husbands in such circumstances. Unsurprisingly, Brownson stresses that women who could afford to hire a lawyer often received more favorable judgements than those who were left to argue their own cases.

Brownson's study presents us with extremely valuable insights into the ways that Muslim Palestinian women worked within Islamic institutions to exercise their marital rights, at a time when the fabrics of Palestinian society were being torn apart by multiple outsiders. Her focus on "gendered strategies" is a particularly useful framing for a time when family law was rarely innovative, and women's movements did not rally around dramatic changes to the legal system. This approach shows that women did recognize their Islamic rights and trusted the shari'a courts as the venue to claim them. Her research fills a significant gap in our historical understanding of Palestinian women's lives in the Mandate era and serves as an important compliment to the field. It pairs nicely with the work of Judith Tucker, Annelies Moors, Beshara Doumani, and others who have examined Palestinian applications of shari'a in family law in other eras. It is elegantly written, and includes a useful glossary of legal terms, a fantastic introduction with crucial historical context, and the court cases are richly brought to life by Brownson's adept prose. I highly recommend *Palestinian Women and Muslim Family Law in the Mandate Period*, both for its important contribution to the history of Palestinian women's lives during the Mandate, as well as to those looking for a coherent model of a clearly articulated analysis of shari'a and its applications in family law.

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## Reforming Family Law: Social and Political Change in Jordan and Morocco. Dörthe Engelcke, (Cambridge, UK: Cambridge University Press, 2019). Pp. 284. \$99.99 cloth. ISBN: 9781108496612

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Dörthe Engelcke's *Reforming Family Law* begins with the seemingly straightforward empirical puzzle of why the stories of recent family law reform in two similar, semi-authoritarian monarchies in the Middle East and North Africa are so different. What follows, however, are two meticulously researched socio-legal histories of family law in Jordan and Morocco that do not provide easy answers. I say "however" because the wording of the puzzle mirrors—I assume, intentionally—how this question would be framed in comparative politics and other fields of political science. Indeed, the coupling of Jordan and Morocco