

**Book Review**  
**By**  
**Erin E Stiles**  
**Embedding *Mahr* in the European Legal System**  
Edited by Rubya Mehdi and Jørgen S. Nielsen  
DJØF Publishing, Copenhagen

This welcome new volume addresses a timely and important subject: how a particular principle of Islamic law, *mahr*, is being handled in European legal contexts. *Mahr* is often translated into English as “dower” and references an obligatory transfer of property or money from a husband to his wife in a Muslim marriage; *mahr* is often, but not always, written into a marriage contract. The collection, edited by Rubya Mehdi and Jørgen S. Nielsen, brings together ten papers from a 2009 workshop on *mahr* in Copenhagen; most of the contributors are legal scholars, lawyers, and anthropologists. The chapters will be of great use to scholars, legal professionals, and policy makers who are interested in legal pluralism and the legal consequences of globalization and migration—particularly the way in which Islamic legal principles are interpreted and addressed in Western legal systems. The editors’ choice to focus on one issue in Islamic law—*mahr*—works very well. As the contributors show, the way in which Western legal systems handle questions of *mahr* are as complex and varied as understandings and practices in Muslim-majority countries. On the whole, the chapters are absorbing and well-written, and they complement each other remarkably well. Most address the way which marital disputes involving *mahr* are handled in European countries (Sweden, Denmark, Norway, the United Kingdom, Germany, the Netherlands, and France are discussed), and many of these elucidate the difficulties inherent in attempting to classify *mahr* according to pre-existing Western legal notions; there is little consensus—even within individual European countries—on how questions of *mahr* should be handled. It is also important to note that many authors make specific recommendations about *mahr* can be more effectively addressed in European legal contexts.

The brief but inclusive introduction to the volume, written by the two editors, makes clear the timely nature of the subject matter, and introduces the reader to the complexity of *mahr* practices and understandings of its meanings. *Mahr* can fulfill both social and economic functions: it may be understood as a gesture of respect for the wife, as an aspect of marital maintenance, or as providing economic security in case of divorce. The authors note that although *mahr* has been “more sympathetically treated by European courts than any other aspect of Islamic family law” (13), there is not one standard by which *mahr* is applied in European courts, as the subsequent chapters illustrate. Following the introduction, the chapters are divided into three parts—each with a different focus.

The three papers in Part I set the stage for the later chapters; the first two examine *mahr* in the Middle East and the third considers the somewhat comparable European legal category of the “morning gift.” Annelies Moors shows that considerations of *mahr* in Palestine are varied even within relatively small

communities; understandings and norms of *mahr* change over time and from urban and rural contexts. Moors looks particularly at the increasing frequency of registering a deferred dower. In reference to European contexts, Moors questions whether it is possible to deal with *mahr* cases outside of cultural and historical contexts in which they are entrenched. Susan Dahlgren's thought-provoking chapter also shows the complexity of *mahr* in a Middle Eastern context by examining sometimes fervent debates in Aden, Yemen about the meaning and appropriateness of *mahr* according to Islam, local custom, and women's rights. The third chapter in Part I, by Inger Dübeck, is quite different from the first two in that it explores the practices of and legal rules concerning morning gifts in European history, with a particular focus on Denmark. However, the chapter provides a useful transition to Parts II and III in that Dübeck notes similarities between morning gifts and *mahr*, for example the idea of separate spousal property.

The chapters in Part II look at the way *mahr* has been handled in different European legal contexts in recent years; the chapters all take a comparative approach and most recommend ways *mahr* could be handled more effectively in Europe. Lene Løvdal looks at *mahr* and gender equality in judgments from England, France, Norway and Sweden, particular in regard to the European Convention on Human Rights. Løvdal raises questions of conflicting norms concerning gender, and recommends that European courts apply a "gender equality norm of equal worth" while accommodating gender differences in handling cases involving Muslim law. She also recommends courts use comparative methods to gain a better understanding of the complexity of legal issues such as *mahr*. Susan Rutten's chapter critically considers the way in which *mahr* has been qualified in accordance with various legal categories in European courts. She assesses the utility of the qualification, a tool of Private International Law, and argues that the inconsistency of judgments concerning *mahr* is highly problematic in that it "damages the true nature of *mahr* and often does not coincide with the intentions of the parties" (145). Rutten concludes that *mahr* should be viewed as an acquired right. In Chapter 6, Katja Jansen Fredriksen compares disputes involving *mahr* from Norway and the Netherlands, and shows that disputing Muslim couples may both use *mahr* strategically in marital negotiations and strategize where they take disputes involving claims of *mahr*. Fredriksen observes that European courts are not solving Muslim family disputes adequately, which presents serious problems for Muslim immigrants, who may, for example, end up in "limping marriages"—when they are considered divorced in the country of domicile but not the home country. She notes that Norway and Pakistan have recently agreed to discuss such issues, but that progress has not been made. Fredriksen recommends that applying Muslim Personal Law in Europe could limit such complications.

Part III is comprised of four chapters that examine *mahr* cases in particular European countries. In her contribution, Nadjma Yassari stresses that important economic function of *mahr*, and considers how German jurisprudence has addressed *mahr* in recent decades. There was no consensus on how to handle *mahr*, and it was categorized variously as matrimonial property, maintenance, inheritance, and in other ways. Yassari recommends characterizing *mahr* consistently as part of matrimonial property regime to "ensure that both the *mahr* and the financial equalization of the

spouses' property upon divorce are governed by the same law" (211). However, in a postscript, we learn that in 2009, the German Supreme Court decided to characterize *mahr* as an effect of marriage. Camilla Christensen looks at *mahr* in Danish case law, and observes the problems that arise when *mahr* is categorized in accord with Western legal ideas; she notes in particular the undue burdens this can place on the wife or husband. Christensen considers whether *mahr* could be considered a gift under Danish law, and concludes that Muslim women in Denmark would be better served by Danish law if they arranged *mahr* as gift in a prenuptial agreement; she recommends that figures like imams provide more instruction to couples about Danish marriage law. Matilda Arvidsson's engrossing chapter on Swedish courts centers on the fact that courts handle *mahr* issues in marriages contracted in Sweden differently from those contracted elsewhere, such as in Egypt. The latter are generally handled under private international law, and Arvidsson criticizes judicial handling of the former, in which judges do not recognize or consider common legal practices of Swedish Muslims like *mahr*. Arvidsson argues that Swedish courts thus fail to provide legal solutions for Muslim disputes, which results in the marginalization of Sweden's Muslims. She writes that since Swedish judges know nothing about *mahr*, its interpretation is "left to the stronger of the parties with the better resources for being heard at the court" (259). The final chapter, by Samia Bano, considers Muslim women and *mahr* in the United Kingdom. Bano draws primarily on data from interviews; most interviewees were British Pakistani Muslims. Bano's interviews show that while many women did not give much thought to *mahr* when they were married, it became an important issue when marriages ended in divorce. Also, many marriages were not registered in civil law, and many women were not aware that this was required. In recent years, however, British Muslims have developed a standard marriage contract in an attempt to remedy problems of gender inequality in divorce.

There is little to criticize in this excellent and readable volume. The volume opens the door for much future research on the way Islamic legal issues are handled in Europe and elsewhere; a future volume including even more ethnographic work on the subject would be an excellent complement to this one. One minor drawback of the collection is that many, though not all, of the chapters repeat a basic overview of *mahr* in Islamic law as if the reader is unfamiliar with the concept; it would have been helpful to have perhaps extended this sort of discussion in the introduction, and then have the authors assume a basic understanding of *mahr* in the remaining chapters. Also, although it is certainly not the norm in an edited work such as this one, the volume could be strengthened by a concluding chapter written by the editors. Because the chapters fit together so well, and because so many make recommendations for improving handling of *mahr* in European courts, it would be helpful for the reader to have an insightful conclusion which brings together their observations and recommendations. Overall, this important collection is highly recommended for legal professionals, scholars, and students interested in issues of legal pluralism and Islamic law.

