

book identifies, explores the complex, interconnected nature of women's rights in the Arab world, and offers a new framework for understanding the role of women in the Arab world. The book is a valuable contribution to the field of Middle Eastern studies.

The book is a valuable contribution to the field of Middle Eastern studies. It offers a new framework for understanding the role of women in the Arab world, and identifies the complex, interconnected nature of women's rights in the Arab world. The book is a valuable contribution to the field of Middle Eastern studies.

The book is a valuable contribution to the field of Middle Eastern studies. It offers a new framework for understanding the role of women in the Arab world, and identifies the complex, interconnected nature of women's rights in the Arab world. The book is a valuable contribution to the field of Middle Eastern studies.

Department of
Middle Eastern Studies
University of California, Berkeley

States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco

Mounira M. Charrad

Berkeley: University of California Press, 2001. 341 pages.

In her preface, Mounira Charrad traces the genesis of her study to her concerns as a sociologist regarding the inadequate analytical models used to account for the origin of political organization in the “predominantly class-based and capitalist societies” Maghribi societies. Charrad proposes “kin-

ship” and tribal ties as more appropriate sociological categories for acquiring a good understanding of the foundations of social relations in Tunisia, Algeria, and Morocco. She focuses on three distinct historical periods: pre-colonial, colonial, and post-independence. Her investigation centers on documenting the historical relationship between the process of nation-building and state-formation, and the codification and articulation of a unified family law that replaced numerous (and sometimes conflicting) forms of customary law competing with Islamic law.

The book combines historical, sociological, and geographical data and analytical concepts in order to frame the investigation’s main subject. The subject is covered in three main parts divided into nine chapters, in addition to an introduction and a conclusion. The text is supplemented with tables and maps documenting linguistic and geographic features of the Maghrebi states under study. The book concludes with a useful glossary of transliterated Arabic words, chapter notes, a selected bibliography organized conveniently under five main headings, an author index, and a subject index.

Of central interest to Charrad’s book is family law as it was developed in the aftermath of independence and its implications for women’s rights. She links the fate of women’s rights to the policy makers’ political affiliations and tribal allegiances: “Family law raises questions that are at the intersection of kinship and state.” Charrad argues convincingly that family law, and by extension legal stipulations regarding women’s rights, did not exist in their own right but were one of the stakes at play in the continuous struggle for political power between various specific contending factions.

The author’s central argument rests on the presupposition that, historically, only kin-based formations and tribal solidarity provided a basis for political mobilization and action during and after resistance to colonial rule. She explains that these states’ faced a common political life: a form of central government found itself (albeit in varying degrees) challenged by tribal resistance to its control and interference. In this, Charrad’s comparative account has the advantage of providing a useful theoretical embeddedness in previous sociological and historical studies of the region. She recalls the historical fact that this feature of political life (the tribal/central government dichotomy) was constant during the three historical periods being examined, although it played itself out in different political contexts and assumed different configurations and degrees of tension. Charrad’s account of precolonial, colonial, and postcolonial tribal organization and power dynamics is well-documented, informative, and compelling.

One disturbing aspect, however, is that her use of certain transliterated Arabic words raises questions about her credibility as an authority on the Arabic language and Islamic law. On page 40, for instance, after arguing that: “Throughout the Maghrib, one expressed one’s identity by reference to his or her paternal lineage,” she adds that a woman “would be called Aicha bint Salah bint Muhammad bint Tijani.” Using *bint* (the daughter of) between two male names is an embarrassing linguistic mistake. The correct word is *ben* (the son of): Aicha bint Salah ben Muhammad ben Tijani. Another example is the use of *bride price* to translate *mahr* (dower). This translation choice betrays, in my view, an unfounded intellectual bias that the Islamic vision of marriage reduces it to a financial transaction that validates sexual intercourse and secures the privileged status of patrilineage without providing a convincing ground for the claim.

An even more disturbing aspect is her presupposition that Islamic law is designed to foster and protect kin-based and tribal ties (and not, for example, marital ties) as the only viable form and foundation of society and social structures, and ultimately, of political organization. In Charrad’s view, this results in devaluing the marital bond by reducing it to a matter of preserving one’s patrilineage and inner tribal cohesion, instead of an institution that values and validates the emotional and spiritual union between a man and a woman.

This is undermined by two main considerations. First, and contrary to this claim, the region’s history shows that more complex factors (e.g., cultural, religious, and ideological priorities) significantly contributed to rallying people politically. Second, the argument that kin-based allegiances and tribal solidarity animate the spirit of Islamic family law, as well as what came to be adopted as state family law after independence, is doubly underdeveloped. In fact, Charrad’s treatment of Islamic family law lacks a grounding in its relationship to principles of Islamic law as a whole, and her treatment of the state family law adopted after independence is wanting in objective evidence and inquiry. Both of these are the result of her basing these assertions solely on the demographic variable of kin-based groupings and excluding other relevant variables (e.g., language, history, geography, economic interests, and religion) that have significantly shaped – and continue to shape – the region’s sociopolitical life.

More importantly, the Shari’ah’s historical role as an elaborate and complex legal system in the social institutions’ development and legitimization is astonishingly downplayed and left largely unexplored. This

serious gap renders the author’s recurrent claim that Islamic law sanctions the legal subordination of women supremely speculative, and a-contextual, such as when she states reductively that: “Islamic family law portrays the marital bond as fragile” or that: “The facilitation of divorce, especially in the form of unilateral repudiation, the legality of polygamy, and the absence of common property between husband and wife, all combine to define the marital bond as fragile.”

The gross scantiness of direct references to primary Qur’anic references, or what Charrad refers to as “religious texts,” results in a disproportionate documentation of the three states’ sources and principles of family law. Even though Islamic family law and Islamic law figure as important references analytically, they are defined solely on the basis of a selective treatment of two Qur’anic passages on inheritance laws and polygamy and an isolated treatment of divorce. Charrad’s selective treatment of Qur’anic passages pertinent to Islamic law is even more evident in that the entire study contains four main references to the Qur’an – only two are direct quotations of Qur’anic verses related to inheritance and polygamy. An informed reader is prompted to wonder why many key Qur’anic verses that are central to understanding the marital relationship and its foundation in Islamic law have been glossed over.

These serious methodological flaws cast a shadow of doubt on an otherwise potentially enlightening contribution to sociological, historical, and political studies of the region that seek to explore the nation-state’s evolution, the social institutions’ origin and foundation, various forms of identity formation in the context of tribal/central government coexistence, and especially their implications for women’s rights.

Safoi Babana-Hampton
 Doctoral Student in French Literature
 University of Maryland, College Park, Maryland