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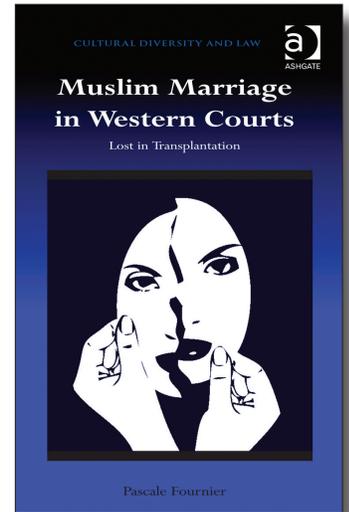


# Muslim Marriage in Western Courts

## Lost in Transplantation

Pascale Fournier, University of Ottawa

*Cultural Diversity and Law*



*"Pascale Fournier provides a lucid introduction to comparative legal technique (marriage laws of Muslim countries differ widely, as do the relevant laws of the Western host countries), and most impressively to applied critical theory. A multi-disciplinary tour de force, opening a new territory, sure to shape the debate on how to reform current policies."*

—Duncan Kennedy, Harvard Law School

*"Pascale Fournier's fascinating book examines the Mahr, central to Muslim marriage, in Western legal systems. Using analytical and fictional techniques, Fournier's writing grips the reader with court cases from Canada, France, Germany and the US, showing Muslim women of different origins, social circumstances and orientations, negotiating their rights in multi-cultural contexts."*

—Lilia Labidi, University of Tunis, Tunisia

This book describes and analyzes the notion of Mahr, the Muslim custom whereby the groom has to give a gift to the bride in consideration of the marriage. It explores how Western courts, specifically in Canada, the United States, France and Germany, have approached and interpreted Mahr. Returning to the overarching concept of liberalism, the book proposes that distributive consequences rather than recognition occupy central place in the evaluation of the legal options available to Muslim women upon divorce.

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*"A cutting edge book—impeccably conceptualized and richly documented—on the tensions between Western liberal legal systems and Islamic legal concepts. By focusing on how Western courts interpret the Islamic concept of Mahr, or gift to the bride, Pascale Fournier succeeds in presenting a sharp and original analysis of liberalism and multiculturalism."*

—Mounira M. Charrad, University of Texas

*"Muslim Marriages in Western Courts is a thought-provoking and unusually sophisticated book. Fournier gives us the first circumstantial, comparative account of the 'legal life' of Mahr, a concept so far unknown in Western legal systems. This superb study of the relationship between Western and Islamic law crosses many boundaries and should be relevant to anyone with an interest in women's rights and positions in plural societies. Moreover, it challenges the reader to reconsider conventional ideas about legal transplants and, more generally, about pluralism and the law."*

—Marie-Claire Foblets, University of Leuven, Belgium

**Contents:** Foreword, Janet Halley; Introduction; The roots of mahr and the hybrid transplant: introducing mahr as an Islamic legal conception and as a fragmented legal concept; When mahr travels: adjudicating mahr in Canada, the United States, France, and Germany; Nourishing the transplanted law: fertile soil or rocky ground?; Contradictions in the reception of mahr as ideology and subjectivity; Samir and Leila revisited: the adjudication and reception of mahr and its subjective significance for Muslim women; Deep roots and tall branches: conclusions on the reception of mahr by Western courts; Appendices; Bibliography; Index.

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