



Max Planck Institute for
Comparative and International
Private Law | Hamburg

AFTERNOON TALKS ON ISLAMIC LAW

Dr. Nadia Sonneveld

Leiden University

"Navigating Secular and Religious Law:
Moroccan Judges Dealing with Minor Marriages"

Thursday, 27 June 2019 – 4 pm

Conference Room 1, 1st floor

All employees and guests of the institute as well as
other interested parties are cordially invited to the lecture.

Nadjma Yassari

About the Speaker:

Dr. Nadia Sonneveld has an academic background in anthropology, Arabic, and law. She is affiliated to the Van Vollenhoven Institute for Law, Governance, and Society, Leiden University, the Netherlands. The common factor in all her research activities is the focus on gender and law in Muslim-majority countries, particularly in Egypt and Morocco. In her most recent research project *Living on the Other Side* she focuses on the rights of migrants in Morocco through the lens of family law. Previously, she was a guest scholar at the School of Oriental Studies (SOAS) in London, and Al-Akhawayn University in Ifrane, Morocco.

About the Topic:

The focus of this presentation will be on the most recent reform of Moroccan family law in 2004. As the Moroccan King proclaims in the law's preamble, it is based on both international human rights conventions and *shari'a*-based principles, as found in the Maliki school of Islamic jurisprudence and through *ijtihad*. The law reform was hailed by national and international women's rights organisations as an important step toward gender equality and women's empowerment, among others because the marital age was raised from 15 to 18, which, in a context where premarital sex is socially and legally forbidden, means that the age for permissible sexual intercourse is also raised. In Moroccan society, premarital sex can have serious social and legal consequences, such as children born from these unions lacking many fundamental rights and, being a criminal offense under Morocco's penal law, the possibility of imprisonment. Given this context, Moroccan family law judges frequently grant requests for minor marriage for which they are heavily criticised by different women's rights organisations. The question will be raised how Moroccan family law judges justify these decisions to honour requests for minor marriages.