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Infrastructures of legitimacy:

The political lives of marriage contracts in Jordan

ABSTRACT

Documentary practices legitimizing marriage in what is now Jordan have taken different forms from the late Ottoman period to the present. I analyze the formal characteristics and materiality of these practices to show how initiatives to standardize, aggregate, and circulate information about marriage introduce new notions of personhood, state, and society. Such legitimizing infrastructures entail new forms of accountability that go beyond and even challenge the intentions of those who promulgate such initiatives. The shift in emphasis in Jordan from oral to written contracts and the subsequent aggregation and circulation of those records reifies categories of individual, state, and society while drawing them into a wide array of gendered, generational, and political conflicts. Ironically, the state's legitimation of marriage may even draw its own legitimacy into question. [*quantification, legitimacy, the state, personhood, sharia, bureaucracy, graphic artifacts, circulation*]

In the summer of 2010, after years of hearing friends and neighbors in Jordan complain about a “crisis of marriage,” I began conducting preliminary fieldwork on this discourse, which quickly led me to an Islamic charity called “the Chastity Society” (Al-‘Afāf). Dr. Mufid Sarhan, its director, provided me with an armful of pamphlets and books his organization had published on the topic, including didactic texts describing a proper Islamic family life and quantitative analyses of official Sharia Court marriage statistics. He explained that falling marriage rates were socially disruptive and threatened to draw youths into illegitimate sexual relations, and he blamed the situation on a combination of government mismanagement and backward societal expectations that put marriage out of reach for many. To mitigate the disruptive potential of the crisis, the Chastity Society organized an annual mass wedding as a more efficient and cost-effective alternative to traditional weddings and worked with the Jordan Islamic Bank to dispense millions of dinar in interest-free loans to young couples. Led by President Abdul-Latif Arabiyyat (former head of the Jordanian Muslim Brotherhood’s political wing, the Islamic Action Front), the society presented itself as an alternative to the family and the state, which were rendered deficient in its view because of their inability to properly channel the sexual relationships of Jordanian youth. Through its knowledge production and broader activism, the Chastity Society used the state’s Sharia Court data as evidence of the state’s failure to legitimate the marriages of its citizens—and, hence, as evidence of the moral inadequacy of the state itself.

While biogenetic relatedness remains important to Arab conceptions of kinship, the “focus on legitimacy, on being born in wedlock” (2009:16), is, as Morgan Clarke argues, crucial as well. “Sexual propriety” constitutes “a material condition with regard to kinship relation” (Clarke 2009:198). Increasingly, that means not just enacting the appropriate collective rites for the social recognition of marriage but also enlisting the help of particular state-backed bureaucratic technologies. “Technologies of governance” (Hasso 2011:45) like the marriage contract and the statistical report produce more than just types of claimants at court and folk theories of the state. They also produce individual experts, advocacy organizations, and broader social movements, which help constitute the bureaucratic arena

as one of contestation. These bureaucratic technologies for the recognition and legitimation of marriage have emerged in Jordan in tandem with transformations in notions of personhood, the state, and society—which are themselves contested through these very technologies.

Legitimacy here is not merely a familial or even a religious matter because legitimate filiation is still understood to be foundational to all other facets of legitimacy within Arab societies. The prominence of *de facto* and *de jure* monarchy in the region is relevant here, but the fact that the Jordanian state claims to derive political legitimacy from its king's parentage is far less important in promoting a cultural focus on legitimacy than more ubiquitous contemporary phenomena like inheritance and, of course, citizenship. Jordan and neighboring countries do not grant citizenship to children simply because they were born in the country or born to a mother who is a citizen—nor do they necessarily recognize demands for child support and alimony in the absence of a marriage contract. As Clarke and Frances Hasso note, marriage in the region is usually a prerequisite for mothers' and children's right to demand paternal and state support. Furthermore, Arab states like Jordan often limit citizenship to the legitimate offspring of their male citizens, sometimes denying others the right to own property, get an education, or join a profession. Clarke (2009:81) illustrates this point when he relates the claim of some of his Lebanese interlocutors that Palestinian refugees might abandon their children on the steps of an orphanage because being a parentless Lebanese citizen would be preferable to being the child of stateless Palestinians. Most of Jordan's two million registered Palestinian refugees (now joined by half a million Iraqi refugees and 1.4 million registered Syrian refugees) have historically enjoyed more rights than do refugees in Lebanon. Nonetheless, many of the 7.3 million people who now live in Jordan have experienced statelessness and understand all too well how fragile citizenship rights can be. Such tenuous citizens are acutely aware of the serious consequences for future generations of failing to aggressively legitimate their sexual relations.

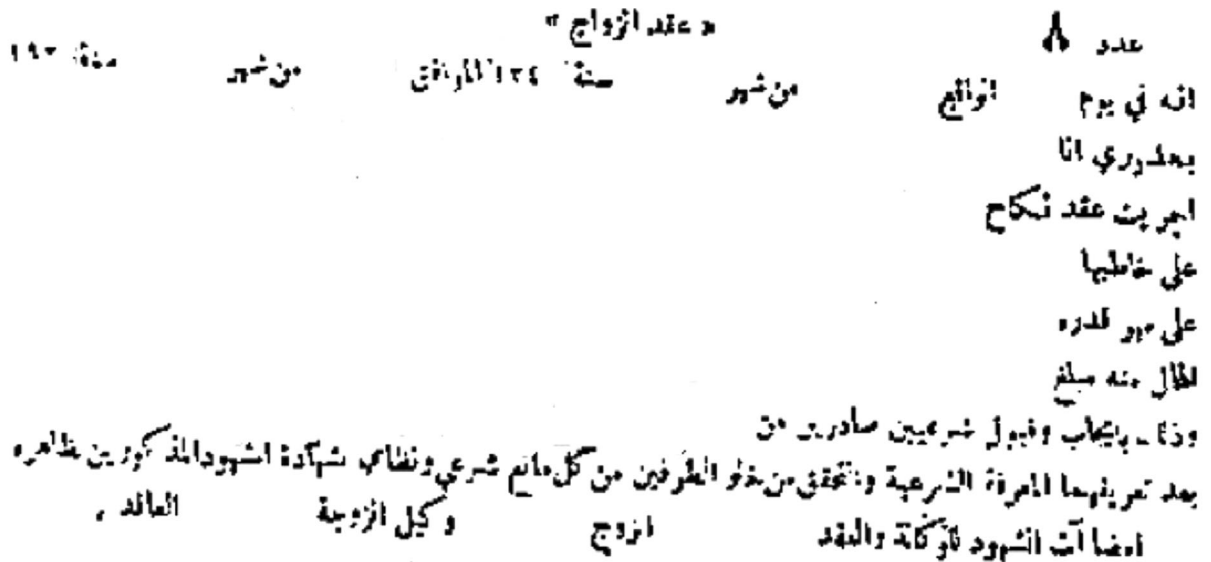
In this article, I consider the historical development of four distinct technologies for legitimizing marriages: (1) the oral marriage contract, made and witnessed by a proposal delegation, (2) contracts recorded in courthouse registers, (3) form contracts issued by the courthouse to newlyweds' families, and (4) statistical reports, which aggregate court-generated data about marriage into annual summaries and online compendia that are published and cited extensively by progovernment and dissident intellectuals alike. By contrasting the routine workings of these procedures with moments of crisis that reveal the vulnerabilities of various figures of authority (from family patriarchs to bureaucrats to "the state" in the abstract), I challenge more credulous accounts of Arab authoritarianism and patriarchy.

Showing how these different legitimizing technologies have historically built on (but also undermined) each other provides a unique opportunity to think about the subtle but important powers of different bureaucratic artifacts and procedures. Whereas the proposal delegation emphasizes the collective agency of the extended kin group as embodied in ritual exchanges among senior males, written contracts exert an individuating influence and render family members accountable to the state. Yet, as such data are standardized through the promulgation of form marriage contracts, aggregated into official reports, and circulated in the writings of both progovernment and dissident intellectuals, the state becomes accountable to the very "society" it sought to manage when it began collecting such data about the population in the first place.

Legitimizing infrastructures

In tracing the development of these technologies, I emphasize that certain teleological readings would be unfounded—especially a simple orality-to-literacy narrative (cf. Ong 1982). People in the Mediterranean have been using written contracts since pre-Islamic times (Sonbol 2008), and many still use oral contracts today. Older artifacts and procedures do not necessarily fall away; rather, new layers are grafted onto the ones that came before. For instance, after a contemporary marriage contract is concluded by delegations representing the couple's respective families, a court-affiliated notary, the *ma'dhūn*, often waits in another room to issue a Sharia-compliant marriage contract. Thus, as with other forms of infrastructure, the information infrastructure that records and legitimates Jordanian marital arrangements is "built on an installed base," presupposing older traditions. As Susan Leigh Star observes, infrastructure "wrestles with the inertia of the installed base and inherits strengths and limitations from that base. Optical fibers run along old railroad lines; new systems are designed for backwards compatibility, and failing to account for these constraints may be fatal or distorting to new development processes" (1999:382). Likewise these four "legitimizing infrastructures" build on, contest, and thwart each other.

During fieldwork conducted in Jordan between the capital of Amman and the provincial town of Madaba from 2010 to 2012, I studied Sharia Court offices (where I observed employees officiate over 100 marriage contracts), the Chastity Society, and various wedding delegations in urban, rural, and refugee camp contexts. The contradictions between and within the various legitimizing infrastructures emerge through the juxtaposition of their idealized workings with ethnographic examples in which the information infrastructure "breaks down." Star argues that infrastructure "becomes visible upon breakdown ... the server is



1) Number 8

“Marriage Contract”

2) That on the Day ___ The Occurrence ___ Of the month ___ Of the year 124_ Concordant with ___ Of the month ___ Of the year 192_

3) With my presence I

4) Implemented the nuptial contract of [The rational virgin girl Ms. ... From]

5) To her fiancé

6) For the bridewealth of the quantity of

7) The remainder from it the total of

8) And that is obligatory and accepted as legitimate as issued from [The husband and the agent of the wife her father]

9) Afterwards their acquaintance is a legitimate acquaintance and the verification of the two sides is free of any legitimate and systematic objections according to the testimony of the aforementioned witnesses by their demonstration.

10) Completed the witnesses of the agency and the contract
[of the bridewealth] The Judge

The Husband

The Agent of the Bride for the contract and the receipt

Figure 1. The front of a 1920s-era marriage contract for the Emirate of Transjordan (Geoffrey Hughes).

down, the bride washes out, there is a power blackout. Even when there are backup mechanisms or procedures, their existence further highlights the now-visible infrastructure” (1999:382). I use such “breakdowns” to emphasize notions of personhood, state, and society that are at odds with the various legitimizing infrastructures. At points, my arguments are supplemented by a statistical analysis¹ of a representative sample of 377 marriage contracts taken from the Amman courthouse covering the years 1926–53 (when the court had jurisdiction over central Jordan, including Madaba) and a representative sample of 433 contracts taken from the more recent Madaba courthouse covering the years 1954–2011. I have also spent time working with the Jerusalem courthouse registers (1517–1917).² Both oral and written contracts are replete with opportunities for breakdowns. What constitutes a breakdown, however, differs markedly from one legitimizing infrastructure to the next in highly consequential ways. (See Figure 1.)

The delegation

For all the diversity I encountered while researching marriage in Jordan, people mostly agreed on which ritual events constituted a *taqlīdī* (traditional) marriage. These included an organized proposal delegation, or *jāha*, followed by an interval of months or even years and then a multiday wedding, or *urs*. Such marriages were arranged, or at least publicly discussed as if they were arranged. Jordanians from diverse backgrounds described the delegation to me in similar, somewhat idealized terms. The groom’s family would travel to meet with the bride’s family.³ Upon arrival, the families would separate by gender, and a ritual would unfold on the men’s side in which the senior male from the groom’s family would decline the initial offer of coffee from his host, the bride’s representative. Next, he would express his family’s desire to “get closer” to the bride’s family by marrying “what’s her name?” or “your noble daughter.”

This was intended as the cue for the father of the groom to offer her name. Then the families would publicly agree to a bridewealth payment: furniture, gold, and other gifts for the couple in addition to alimony for the woman in case of divorce. As the culminating gesture in the pageantry surrounding the delegation, the representative of the bride's family would again offer coffee to the representative of the groom's family. By drinking the cup of coffee, the representative of the groom's family would seal the agreement and form a new bond between the two groups. After those assembled recited the opening verses of the Quran, coffee would be served to all the attendees, followed by tea, Pepsi, and sweets. Ululation would erupt in the *imḥarem* (the women's area). When the delegation was finished, the groom's family would file out, shaking the hands of the bride's family once again, and return home—sometimes to the sound of celebratory gunfire.

The delegation involves a complex distribution of cognition, agency, and personhood that does not lend itself to description in terms of “the state,” “society,” or “the individual.”⁴ Because of the potential for embarrassment and the generally *ḥurma* (protected) status accorded to women, no individual person completely comprehends the situation. As an unmarried male anthropologist, I experienced an exaggerated form of the many cognitive challenges faced by my Jordanian interlocutors (particularly other men) as I attempted to interpret the events unfolding around me. Women's marriage negotiations generally happened in intimate family spaces that I rarely visited. Furthermore, consistent with my desire to be hypercorrect, I tended to avoid using women's names in conversation—preferring to use various circumlocutions instead (much like the senior male who dares not utter the bride's name at the delegation). Women were also somewhat removed from the discussions occurring on the men's side, which meant that delegations and the associated negotiations were always marked by a degree of “distributed cognition” (Hutchins 1995).

The ritual of the delegation constitutes the formal public recognition of the intent to marry; it masks the discrete inquiries, the matchmaking work of senior women, and heated negotiations over the size of the bridewealth, the house, the wedding, and who knows what else. Ideally, the delegation projects an image of familial cohesion crystallized in the figure of the senior male: the sheikh, *al-kabīr* (the big man), or *wijeh al-jamā'a* (the face of the group). If one lingers after the pageantry has finished, though, criticism of the sheikh, from nitpicking to outright denunciation, will pour forth as family members point out the various breakdowns. One father was eager to make clear to me (the resident anthropologist) that he would have used a different formula (*sīgha*) than the sheikh had but that “he's older so I couldn't say anything.” At another *jāha*, after waiting hours for the groom's family to show up and then

hearing their representatives' long digressions about goats before trying to renegotiate the bridewealth, the sheikh's nephew on the bride's side seethed, “I would have spit in their faces.” Beneath the delegation's performance of the family's unity of purpose lies a host of conflicts and antagonisms that resist articulation at the moment but quickly return once the ritual is finished. (See Figure 2.)

As Donald MacKenzie argues, it is necessary to avoid “focusing exclusively on what one might call action's glamorous agential peaks” (2009:22). At first glance, the delegation seems to work to bolster the position of the most senior male. Further investigation makes it clear that many people occupy that position only through an almost complete surrender of self. The delegation distributes agency and cognition but seems to have a hyperindividuating effect on a handful of older male figures. But this effect may belie the actual distribution of power within a given community. In the ethnographic literature on Melanesia, Roy Wagner has reexamined the classic anthropological figure of the “big man.” The big man may ideally be “an emperor of social friction who uses society against itself to reinstate the essential individual at the top of the heap” (1991:161), but Wagner argues that we must keep in mind the possibility of a genealogical view of personhood in which “person as human being and person as lineage or clan are ... different projections of its fractality” (1991:163). Wagner enacts a figure-ground reversal in thinking about the relationship between individual and society or collective such that the big man alternately subsumes and is subsumed by the group.

In keeping with Wagner's observation, I found little evidence outside the delimited bounds of the delegation that the “sheikhs” who spoke, proffered coffee, and drank it were more than projections of other agencies. A senior male had no ability as a mere individual to find a suitable match for younger relatives. As one father told me on the eve of his son's engagement, “She could be blind. She could have a genetic disease. She could have bad morals. We had to ask around a lot.” He explained that he had relied on the judgment of his wife, who had found someone with the help of her maternal aunt and her maternal aunt's coworker. Given the separation of the genders, such a surrender of self to the judgment of the larger group and the consequent distribution of agency and cognition is practically inevitable.

This larger distribution of cognition and agency fits with a pattern in which contemporary Jordanians sometimes define themselves relationally rather than as bearers of distinctive and coherent identities.⁵ For instance, adult Jordanians are often referred to as *abu* (father of) and *um* (mother of) their eldest son. Rural Jordanians, in particular, tend to refer constantly to their membership in groups named after particular apical ancestors—from each of whom buds a distinct *shajirat al-'ā'ila* (family tree). Thus, personhood itself is distributed. For example, a fight

بيضة

وثيقة عقد زواج

الاسم	العمر	عمل الإقامة	المسكنة	القبيلة
الزوج				
وكيله				
الزوجة				
وكيلها				
الشهود				

Record of Marriage Contract

	Name	Age	Place of Residence	Employment	Sect
The Husband					
His Agent					
The Wife					
Her Agent					
The Witnesses					

Figure 2. The back of a 1920s-era marriage contract for the Emirate of Transjordan (Geoffrey Hughes).

between my neighbor Abu Fulan’s grandson and another neighbor angry with the boy for peeping into his house was described to me by the latter as “the problem with Abu Fulan’s house.” Such a view of personhood both ratifies the particular oral form of recognizing and legitimating marriages described above and is in turn undergirded by its ritual form. The notion of coherent kin groups and tribes with potent leaders is dramatized through senior males acting as the “faces of the groups,” their exchanges of words and things, and the two opposing entourages with their mutual meeting, greeting, shared commensality, and leave-taking. What none of this particularly ratifies or undergirds are the categories promoted by subsequent layers of legitimizing infrastructure: “the individual,” “the state,” or “society.”

Discipline and subversion

In Jordan, the oral form of the delegation has increasingly been supplemented by new, written forms of information

storage. These written forms exert an individuating influence on the husband and wife, clarify the terms of marital agreements, enumerate the bridewealth, seek to prevent the eruption of conflicts among families, and lay the groundwork for new legitimizing infrastructures. As Theodore Porter notes, “adequate measurement, clearly, means disciplining people as well as standardizing instruments and processes” (1995:28). People are increasingly pressured to present themselves before particular authorities and perform particular ritualistic acts to render themselves recognizable in terms of a preset assortment of categories. Yet such disciplining can also have what the philosopher of science Ian Hacking calls “subversive effects.” In his study of the history of statistics, Hacking argues that “enumeration demands *kinds* of things or people to count. Counting is hungry for categories. Many of the categories we now use are byproducts of the needs of enumeration” (1982:280). These new categories can become morally charged in ways that threaten preexisting orders.

They may even threaten the very attempts to discipline people that created those categories in the first place.

A new kind of artifact—the written contract stored in a government courthouse, which records a legally enforceable alimony payment—has shifted the locus of attention from the figure of the sheikh toward new social actors like the wife, the husband, “the state” (*ad-dawla*), and “society” (*mujtama'*). The legitimizing infrastructures of the contemporary Sharia Courts challenge the system of delegations and wedding processions as they work to reorganize Jordanian family life in terms of individualized persons whose relations are legitimated by the state. Yet such state-legitimated written marriage contracts remain (as they have since pre-Islamic times) in productive tension (cf. Shryock 1997) with their oral counterparts, with different forms proving ascendant in various times and places.

Rather than narrate the development of these written technologies for the legitimation of marriage as a conscious program of a reified, preformed state acting in relation to reified, preformed individuals, I find it more useful to borrow Timothy Mitchell's idea of the state as an “effect” of “technical innovations of the modern social order” (1991:77). It is, of course, tempting to “begin with ‘public officials forming their own policy preferences,’” but this “starting point determines the nature of the state as an originally subjective entity composed of individual preferences, thoughts, decisions, and other ideational phenomena,” or “a person writ large” (Mitchell 1991:83). This view implies that perceptions of the state will develop in dialectical relationship to extant notions of personhood. Mitchell argues as much for the Euro-American case in which political theorists, enamored with the idea that “the possession of ideas and preferences” and being a “self-formed and separate unit” (1991:83) is constitutive of personhood, seek to draw a clear divide between the state and society. Such autonomous agents and clear divisions, however, are conspicuously absent within the legitimizing infrastructure of marriage in Jordan.

Each written form of legitimizing infrastructure involves a particular object, which serves as a tool for record keeping: court registers, marriage contracts, and the statistical report. These record-keeping tools can be analyzed as what Matthew Hull has called, “graphic artifacts” that yield distinct genres of bureaucratic communication, “each ... [with] its own pattern of use, distinct formal discursive characteristics, orienting frameworks, interpretive procedures, temporality, and sets of expectations through which readers produce and make sense of it” (2003:292–293). This is to say nothing of size, shape, and the ways they are allowed to circulate. This perspective opens up space for thinking about registers, marriage contracts, and contract data as objects that can operate in ways that are either orthogonal to or opposed to the aims of their creators, calling cherished notions of personhood, state, and society into question.

The court register

If it is important to recognize the oral contract as a contemporary phenomenon, it is equally important to recognize the deep history of written contracts in the Middle East—where the practice goes back to pre-Islamic times in major regional urban centers.⁶ Most of what is now Jordan was rural and would have fallen outside the administrative control of the Ottoman courts until the appointment of the first Sharia Court officials east of the Jordan River in Salt in 1867. From the 16th to the 19th century, Palestinian courts (first in Jerusalem and later in Gaza, Nablus, Jaffa, Lajun, and Ramla) were theoretically responsible for their hinterlands,⁷ but going to the trouble of recording a marriage in those far-off places must have seemed pointless to the rural population. By most accounts, the Ottomans could not even prevent brigandage, tribal warfare, and extortion east of the Jordan River—much less enforce marriage contracts (Rogan 1999; Shryock 1997). Nevertheless, those who made their way to the Ottoman courts could have recorded their marriage using a simple formula explaining that “so-and-so in the presence of their legal agent (*wakīl shira'ī*)” was present for a marriage involving some amount of bridewealth or alimony.

In contrast to the delegation, the court register is thoroughly individuating in ways that subvert the gerontocratic authority structures of families—and even, potentially, the courts and the state itself. The wife and husband are actually named along with their agents (family representatives acting on their behalf) and witnesses. In addition to the careful delineation of all relevant participants using individual names and even signatures, there are a number of new and highly consequential actors, venues, and concepts: the judge, the courthouse, and, increasingly, the abstract notion of the state. As the delegation shows, a marriage contract can be concluded with the two “sides” as the primary guarantors and God serving as the final arbiter. The courts, however, in their quest to measure, recognize, and legitimate, first, the particulars of individual marriages and, later, the reproductive life of the community as a whole, open themselves up to unique challenges to their own legitimacy. Such attempts to discipline people by assimilating them to particular categories of person in relationship to the state can even prove self-subverting when people refuse to be so assimilated.

Residents of highly bureaucratized societies may assume as a matter of course that a piece of paper could bring the repressive powers of the state to bear on a recalcitrant spouse—or forestall the imposition of those repressive powers. In Jordan, these possibilities reflect a long period of negotiation, as precedents have emerged for understanding the complex entailments of court documents. The anthropologist, former intelligence officer, and sometime opposition politician Dr. Ahmad Oweidi al-Abbadi offers

one example of this process of negotiation in his doctoral dissertation in giving an account of what happens when the legitimizing infrastructure of the courts “breaks down.” He describes how, during the summer of 1980, he was in the governor’s office when a conflict arose over a young man (A) who had impregnated a woman (B). She became pregnant while she was still living in her father’s (C’s), house, after she, the young man, and the father had signed the marriage contract with the Sharia Courts but before the wedding and bridewealth payment. The father was furious, but he had been rebuffed by both the civil courts (who said it was a Sharia matter) and the Sharia Courts (who maintained the two were married). The governor intervened “to prevent the dispute from getting out of hand” and convened an impromptu arbitration session (including Dr. Ahmad), which ruled:

although (A)’s action was theoretically legal, correct behavior is not to have intercourse with the fiancée until after a public wedding ... Since (A) committed this act secretly at (C’s) house, (A) must pay all the outstanding [bridewealth] and should send a big *jahah* [i.e., *jāha*] to (C) and make a feast of conciliation, with food, contributed by the notables of the two parties. He also had to pay a fine of 300JD [Jordanian dinars] for *hurmat al-bayt* [inviolability of the home] of (C). He was required to swear an oath that he had not had sexual intercourse with (B) before the marriage contract was signed, so as to secure her and her sisters’ reputation, otherwise the sisters’ chances of marriage would suffer because of his action. (A) must take (B) to his house, as a wife, immediately after the *Jahah*. [Al-‘Abbadi 2006:103]

A few things about this passage are striking. First, the state bureaucracy appears uninterested until the matter rises to the level of a threat to public security. Once activated, government officials are forced to contend with the gap between the “theoretically legal” and “correct behavior.” A string of obligations and entailments involving various networks and groups of people emerge: the bridewealth, the wedding, the father’s sense of entitlement to *hurmat al-bayt*, and the potentially negative impact on the sisters’ reputations. The outcome was determined not according to Sharia but, rather, according to an explicitly traditional framework, which relates these factors to the enactment of nondocumentary as opposed to documentary rituals. When faced with a potential riot by the bride’s outraged family, the governor prioritized the wedding and the transfer of bridewealth, not the paperwork or the Sharia-sanctioned sexual prerogatives of the couple.

In 2012, the governor’s office continued to serve a key role in solving problems for which the documentary procedures of the courts were ill equipped. One of these is the Islamic requirement that a virgin girl must have the permission of her legal guardian (*wāli ‘amr*) to marry.⁸ When

permission was not forthcoming, young people would sometimes go to the governor’s office to elope. According to an employee in that office named Muhammed,

If you want *zawāj shara’ī* [a Sharia marriage and a legal, legitimate marriage], you need the permission of the girl’s guardian. But sometimes, a boy and a girl run away from their parents and they come to the office of the governorate and the governor marries them to prevent a tribal (*‘asha’irī*) conflict. Then they have to leave and go live somewhere else. They’re married, but it’s not an Islamic marriage.

When met with incredulity, Muhammed explained, “See, she’s already been opened [lost her virginity]. Then they come to us and we try to fix the problem before it widens.” I asked how often this happened and Muhammed replied, “It differs. We get more when the weather is hot. It warms the blood ... I’ll give you an annual rate: eight to ten per year.” I replied, “Only in Madaba? What about other places like Amman? It must be more, right?” Muhammed thought for a second and said,

See, you have to remember that this is a tribal area. Amman is different. It’s more like America with autonomous families. In Amman and Zarqa, they have different procedures. Normally, there, a girl will go with a man for a while. Later she wants her rights and she goes to the police and says he raped her. Then it’s a case of rape (*ighṭaṣāb*) and it’s a criminal case and it has to be solved using criminal procedures. Here if, God forbid, there was a rape, it would widen quickly. The whole tribe would stand up. There would be killing. So we have to solve the problem quickly. If a girl disappears, they go to the police immediately. The police come and they talk to her mother. Normally, the mother knows who her lover is. The father doesn’t know but the mother does. Then the police go and find her lover. They bring him to the police station and talk to him. Then we bring the two to the governor’s and we marry them. It’s not a legal solution; it’s an administrative solution. To give you an example: if, God forbid, someone from [one tribe] *khaṭīfa* (kidnapped or eloped with) someone from [another tribe], there would be tribal clashes. We would have to find them quickly before the problem widened. Each area is different with its own customs and traditions and so the procedures of each governorate are different.⁹

In these cases of *hurmat al-bayt*, *khaṭīfa*, and *ighṭaṣāb*, tribesmen, governorate officials, and Sharia practitioners take radically different positions on the various forms of conflict and antagonism that arise between the generations and the sexes. While each acknowledges the prerogative of the older generation to exercise control of the sexual and reproductive potential of younger generations, the Sharia Courts and governorate attenuate these prerogatives by

shifting the focus from the collective will of the tribe, the sheikh, and the *wakīl* (agent) to individuals like the husband, the wife, her mother, and the wife's *wālī* (guardian). The shift from *wakīl* to *wālī* is especially significant¹⁰ because the former is an amorphously defined senior male while the latter is rigorously delimited as the closest adult kinsman of the woman: her father; in his absence, her brother; in his absence, her father's brother, and so forth. Yet, if this system of guardianship subverts the power of the extended family, it endows the legally recognized guardian with extra disciplinary prerogatives. It tacitly assumes that the interests of the bride and her guardian are aligned. For some, this definition of guardianship may prove an onerous constraint, while, for others, it may provide unexpected escape hatches.

Although the claims to authority latent within the court register may prove self-subverting, the court register often simply promises much more than it can actually deliver: It is a single book with a hodgepodge of traces of different legal procedures arranged in rough chronological order. Far from a masterful tool of surveillance and technocratic planning, a page from an Ottoman court register would comprise rather sterile and repetitive formulas for recording the negotiated settlements to a range of common conflicts. Land deals might be intermingled with a divorce here or there or perhaps a "proof of legitimate agency." Marriage records were somewhat rare in the old court registers since they were used mostly to preempt disputes or to record their settlements.¹¹

Despite the historically limited scope of Sharia Courts in Jordan and the at times spectacular ways in which they have been eclipsed by the governor's office, in a larger sense governmental procedures for the legitimation of marriage have shifted decisively across the board toward accounting for the wishes of the husband, the wife, and her guardian—rather than the sheikh, the agent, and the tribe. Court-issued contracts continue this trend.


Court-issued contracts

In the late 19th century, the Sharia Courts adopted more complex procedures as part of the Tanzimat "reorganization" of the late Ottoman Empire—a major modernizing and Westernizing initiative that drew liberally from the French Napoleonic model. By the turn of the century, old court registers were supplemented by freely circulating preprinted form contracts that were filled out by a new figure: the traveling itinerant notary, who extended the courts' reach into rural areas.¹² The British takeover after World War I and the implementation of new procedures for the issuance of marriage contracts and the opening of the Amman courthouse in 1926 merely continued earlier trends. Brinkley Messick's *The Calligraphic State* (1993) tells a parallel story for Yemen, where successive waves of Ottoman

and then British colonization produced a "textual polity" that remained in productive tension with the kinds of politics embodied in the delegation. In Messick's account, like mine, what makes Sharia distinctive from the delegation is the specific manner in which the legitimacy of the contract is constituted through its relationship to particular kinds of face-to-face interactions. These interactions involve complex practices for modulating presence and absence in response to long-standing ideas about the divergence between real and ideal gendered and age-based power dynamics within families.

One of the most basic divergences between court procedure and the delegation is the requirement that particular individuals be present in a fully embodied manner. Here, the face, voice, and hands figure prominently. Messick's Yemeni case exaggerates some of the constitutive features of my own ethnographic case. He describes the *muwājaha* (the unimpeded face-to-face encounter) as the primary mode of governance in prerepublican Yemen. He contrasts it with a genre of social criticism that turned on derivations of the Arabic root *h-j-b*, with its connotations of seclusion, concealment, and, of course, veiling (*hijāb*) to critique the tendency of rulers to grow distant from their subjects. Messick contrasts "proper and just 'masculine' conduct ... enacted through the regular presentation of one's face and through the secure medium of speech" with a "feminine" mode that "relies on the concealment of the face and works through the dangerous medium of writing" (1993:173). This gendered structural opposition of the masculine seen and the feminine unseen also extended to types of evidence. According to Hanafi legal manuals (which mirror the gendered distribution of cognition described above for the delegation), "contracts ... conversion, witness evaluation and death" were the purview of men, while "female virginity, childbirth, menstruation, breast feeding, and [female] physical defects under clothes" were part of the domain of women (Messick 1993:180). What renders a contract believable and admissible as evidence under Islamic law is the recognition of how it emerges from an agonistic and highly visible face-to-face encounter and carries with it the undeniable indexical linkages of stamp, fingerprint, handwriting, and signature. Such indexical linkages connect the contract to the bodies of known individuals and, by extension, the outward performance of volitional acts by the various principals. Requiring this constellation of hand, voice, and face in the production of graphic artifacts practically ensures new forms of presence, thereby creating spaces for new kinds of claims making as well as new categories. (See Figure 3.)

This emphasis on presence in the making of contracts, however, is not necessarily liberating. Indeed, the requirements of presence can create serious obstacles to those hoping to marry. The most disturbing case I saw was that of a Syrian bride trying to marry a Jordanian man and escape



 المملكة الأردنية الهاشمية
 المحكمة الشرعية في _____
 مكان العقد _____

بسم الله الرحمن الرحيم
 أو من يكأن خلق الله من آتسكنه أنوراً أم آتسكنها إليها وجعل
 بينكم بردها ورسمها لمة تلك الآيات بقر بنسكتهم أ
 صدق الله العظيم
 القسبة الثابتة

تاريخ العقد _____
 الرقم الوطني _____

الرقم الوطني	المهنة	العائلة الاجتماعية	العائلة	الجنسية	مكان الإقامة	مكان الولادة وتاريخها	العائلة	الجد	الأب	الاسم
1	الزوج									
2	الزوجة									
المستندات										
3	الشهر	المصير								
4	التاريخ	المصير								
5	كيفية دفع المصير									
6	المباشران للمصير									
7	الشروط									
8	التعهدات									
9	موافقة الوالي المحكمة									
10	صيغة العقد									

قد اجريت هذا العقد على الوجه المفضل اعلاه بعد التحقق من استكمال الشروط وعنده التوقيع
 هذا اليوم الموافق _____ في _____

شاهد شاهد
 الزوج أو وكيله الزوج أو وكيله
 الوالي الشرعي
 المداون
 تصديق القاضي

In the name of God the compassionate and the merciful Number _____
 {And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought} Trust in God the Mighty
 The Hashemite Kingdom of Jordan Date of the Contract _____
 The Sharia Courts in _____
 Place of the contract _____ Stable Copy

	Name	Father	Grand-father	Family	Place and date of birth	Place of Residence	Citizen-ship	Religion	Marital Status	Employment	National Number
1	Groom										
	Bride										
2	Documents										
3	Bridewealth	Upfront									
		Delayed									
4	Payment of the bridewealth										
5	Those Present:										
6	Requirements										
7	Witnesses										
8	Agreement of the guardian or permission of the court										
9	Formula										
I am _____ [Judge] [Contract-Writer] in _____ I implemented this contract on the itemized side above after verifying the completion of the requirements and without prohibitions Witness Witness The Groom or his Agent The Bride or her Agent The Legal Guardian The Contract-Writer Certification of the Judge											

Figure 3. A contemporary Jordanian marriage contract (Geoffrey Hughes).

the civil war tearing her home country apart. The Syrian embassy had sent her brother (her legal guardian) back to Syria to collect some documents. While en route, he was apprehended and held incommunicado. The groom tried to smooth things over, initially telling the courthouse officials that “her father is dead, her brother is in Syria, but her cousin (father’s brother’s son) and mother are here.” The officials were unmoved. “Would you let your

mother marry off your sister?” one snapped. The man testily explained the situation and ended by pointing to the (rather lanky) cousin in the hall: “They held that man for one month! He was 100 kilos before!” Only after obtaining written proof from the Ministry of the Interior confirming that the woman had no male relatives from her immediate family in the country could she be married—“in the name of the court.” Mirroring the logic of the tribal delegation,

families would often try to cover up the lack of a guardian by multiplying relatives—as if a mother, two brothers, and a father’s brother should make up for the lack of the guardian. I never saw this gambit succeed.

Instead, those families hoping to legitimate a marriage were expected to arrive with the groom, bride, her father, two witnesses (optimally, one from each “side”), ID cards, the family notebooks for the two sides, the results of medical tests for genetic risk factors, and a marriage request form from the storeroom on the first floor. Assuming a relatively standard marriage involving a virgin over the age of 18 marrying a man with no other wives, there was no need to gain the permission of a judge or to have a clerk write out special letters. Applicants would go to the office of the head of writing (*ra’īs al-kutāb*) where a sheikh (in the religious, not tribal, sense) was ready to officiate. I observed numerous such sessions. The sheikh would sit in the far left of the room behind his desk and computer while I would sit to his right with the families facing us on a set of armless pleather chairs. I would introduce myself, explain that I was studying marriage, and ask if I could observe. No one ever objected.¹³ The sheikh would begin by filling out an elicitation form, which a clerk would later painstakingly hand copy onto the actual contracts. The documents themselves provided most of the relevant personal information (name, age, place of birth, place of residency, marital status, occupation, national ID number), but the sheikh would usually double-check. The most delicate subject was the couple’s “social status.” The sheikh would ask, “Have you been engaged?” If not, the man would be classified as a (celibate) bachelor (*‘azb*) and the woman would be classified as a virgin (*bikr*). If one of them had been engaged, it was up to court officials to determine if the person was currently married (in the case of a man), widowed, divorced, or divorced before consummation.

With the basics out of the way, the sheikh would ask that the door be closed so he could begin the proceedings in earnest. He would usually ask the woman if she consented to the marriage, following the initial “Do you agree?” with increasingly pointed formulations: “No one is coercing you?” “You’re not being required to do this?” “You’re sure?” If there was a large age difference, the man had another wife, or the woman was still in school, the sheikh would raise these points as possible objections that the bride might have. Next, the sheikh would ask about bridewealth and requirements—making sure to note whether the bridewealth had been received. Then, the sheikh would instruct the bride, groom, witnesses, and guardian to sign the relevant forms, including the sheet for eliciting the details of the contract (blue ink) and the three copies of the official contract (black ink): one for the woman’s side, one for the man’s side, and a “permanent copy” that would remain in the courthouse.

Following the signing, the sheikh would quote a verse from the Quran (30:21). “In the name of God the compassionate and the merciful: ‘And of His signs is that He created for you from yourselves spouses that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought’ (trust in Almighty God).” The sheikh would then transition to a popular hadith: “And the messenger of God (peace be upon him) said, ‘A woman is normally sought as a wife for her lineage, wealth, beauty, or religiousness, but choose a religious woman and you will prosper.’” He would then ask the groom to take the hand of the bride’s father. The sheikh would ask the bride’s father to repeat, “I married you, my son [so-and-so], to my [virgin] daughter [so-and-so] for the agreed upon bridewealth and according to the book of God and the practices of God’s messenger (peace be upon him).” Then the groom would be asked to repeat, “And I married your [virgin] daughter [so-and-so] for the agreed upon bridewealth and according to the book of God and the practices of God’s messenger (peace be upon him).” With that, the sheikh and I would congratulate the men and shake their hands. The sheikh would tell the groom, “A thousand congratulations! Remember today’s date: the date you cast off celibacy.” He would ask the couple if they prayed. Normally, the bride would say yes, and the groom would stammer out some sort of excuse. Sheikh Salameh (the notary with whom I worked most closely) would chastise the young man by referring to a popular hadith teaching that “marriage is half of religion but prayer is the other half” before smiling, turning to the bride, and instructing her, “You need to buy a whip and get him up every morning for the dawn prayer.” As a final admonition, the sheikh would warn the pair that they were now married and that they should beware of divorce. He would explain that the contracts would be available for pickup the next week and then instruct them to pay a 35-dinar fee “for the state” (*lil-dawla*) and “whatever you want” for the employees.

The insistence on physical presence and face-to-face encounter is tied to particular assumptions about power relations and constellations of interest within the family. I was told stories “from long ago” of families who dealt with a reluctant bride by having a sister impersonate her recalcitrant sibling from behind a door or screen to fool the ma’dhūn into believing the bride had consented. Such breakdowns emphasized that Sharia (like any legal system) must operate at the level of surface facts (the seen) while refusing to delve deeply into motives, intent, and the subtleties of indirect speech. Even contracts conducted in homes, however, now require indexical signs of the woman’s consent that show she was involved in the muwājaha (face-to-face encounter). When I turned up evidence of early contracts on which the “signatures” were all in the ma’dhūn’s handwriting, contemporary judges were appalled; such has been the apparent

shift in sensibilities. This was at the heart of Judge Salameh's repeated insistence that women loudly declare their intentions in contravention of other gendered ideals of feminine comportment, including his frequent entreaty to the bride, "Raise your voice, my sister."

If presence is intimately connected to the validity of the contract, so too are the conditions of its storage. That three copies of the contract were made, one for each side and a "permanent copy" to be held by the court, renders the documents more convincing as evidence. As the following ethnographic example of a breakdown illustrates, however, both employees and applicants of the court were quite nuanced in their appraisals of putative evidence. One day, two women (a mother and daughter) walked into Judge Hussein's office. The daughter began, "There was a familial problem and they [the family] divorced me." Hussein replied, "Ignore it" (*la tiruddī*: lit. "don't respond"). He then began to ask a series of questions to settle certain matters of fact while trying to put their minds at ease:

Hussein: Is there consummation (*dukhūl*)?

Women: Yeah.

H: Is there pregnancy?

W: No.

H: What does your husband say?

Mother: He didn't say anything. But he only responds to his father.

H: Ignore it. Did you marry his father?

W (smiling): No.

H: Then ignore it. What's the bridewealth?

M: You had 3,000 upfront and 5,000 delayed.

H: And you received it?

Daughter: No. I didn't receive anything. Even the clothes!

H: If he divorced you, all of that is on his head.

M: But there are connections (*waṣṭāt*) ... Can you make sure he hasn't already divorced her?

H: No, Hajji. There aren't any connections. That's impossible. No one can be divorced without knowing it.

D: I'm military. Thank God nobody is coercing me [to marry] (*yaghāṣibnī*), but I have been engaged before—I divorced before consummation.

H: Don't be afraid. If you're a lawful woman and a daughter of the people, don't be afraid.

D: How am I going to get my possessions?

H: Ask. And if he doesn't respond bring the police.

M: That will destroy everything. There's nothing without connections ...

H: What's his name?

M: _____ .

H: Oh. His relatives are [clerks]. Don't respond. The judge won't respond to him. The judge only listens to the two partners.

M: But connections!

H: He's just a clerk. Don't be afraid of talk like that ...

The facts of the case are opaque, but my concern here is only with their social recognition. Specifically, a woman soldier is able to use the courts to assert her right to her bridewealth (should her father-in-law pursue divorce) and extract personal assurances from the judge that her husband's relatives will be punished should they interfere. After she left, Hussein took the unusual step of talking to the man's relatives about how, "with all of these corruption investigations," they should be careful should they choose to involve themselves in this matter. Despite the acknowledgment of such potential weak links in the chain of authentication, contracts are stored in bound books and numbered—making them difficult to remove or replace. Handwriting is distinctive. It would certainly raise suspicions if different copies of the same contract were found to have been written in different hands or if they had signatures or thumbprints that looked markedly different from one another or if the signatures and thumbprints of the divorce paperwork were different from those of the marriage contracts.

More striking than the possibility of forgery, however, is the notion that the contract can be understood as false in a certain sense (in this case, because the contract claims the bridewealth has been paid, when it in fact has not been) yet still fundamentally valid. Once again, assumptions about the legitimacy of documents in Islamic law are conditional on how they emerge from face-to-face encounters. So, while a contract might be taken as sufficient proof of marriage (assuming no obvious signs of forgery), the particulars or the payment of bridewealth might not be taken at face value. Nor will acceptance that the bridewealth was never paid invalidate the contract. Such moves would be seen as an unacceptable abridgement of the woman's prerogatives—no doubt compounding the oppression she suffered in being denied her bridewealth in the first place.

The contemporary system of Sharia in Jordan is deeply concerned with establishing particular kinds of evidence of the agreement of individuals within a particular interactional context and then registering that consent via indexical linkages that connect a document to the bodies of those present when it was drawn up. The system then relies on the ability to securely store such documents and prevent their manipulation by instrumentalizing the assumed divergence of interests between the two "sides." Ideally, these practices and considerations produce a self-policing system in which neither the bride's nor the groom's side can alter the document without the other crying foul and immediately presenting compelling evidence to back up the

accusation of forgery. They are part of a complex and at times cynical set of assumptions developed by Sharia practitioners about generational and gendered conflict within families.

At the same time that the Sharia Courts have sought to alleviate social tensions, promote certain standards of behavior, and fight oppression, they have had other, more subversive effects. Even something as simple as a court register individuates at the same time that it produces a “state effect.” But, while the state may be seen as present and surveilling in the form of the functionaries and courthouse building, it is also largely inscrutable. It collects information more readily than it distributes it. Society (as distinct from tribe or confessional community) is knowable primarily through the state’s putative attempts at observation and regulation, and it is thinkable largely in relationship to the court’s jurisdiction. The circulating contract exaggerates all of these tendencies: Signatures and thumbprints are eventually demanded of individualized participants. The state effect is now no longer just a presence in the form of a court edifice and employees. Now, the state is a certifying entity that promotes particular categories of relationship and even begins to open these up for observation as its graphic artifacts come to circulate widely. Society in turn has a more standardized descriptive vocabulary of itself.

Aggregated contract data

When contract data are aggregated, personhood is fully individuated and anonymous. In a certain sense, it can disappear entirely. The level of abstraction is extreme: People are no longer identified in relation to a guardian or agent or even a family name. The state is both observing and observed. Most interestingly, it is potentially accountable. Publishing a marriage rate or divorce rate encourages people to think about what the optimum rate might be. The complement of the state’s greater level of definition is the increasing clarity with which people can imagine “society” as a quantifiable object that, like the state, could potentially be held to account. Legitimizing infrastructures sometimes reify the idea of the state–society divide but may also provide the tools to undermine and transform it. The impulse for enumeration and the attendant legitimizing infrastructures have slowly enmeshed the Sharia Courts, the Jordanian state, and something we can only call “Jordanian society” within a system of accountability not fully of their own devising.

The Chastity Society, the Islamic charity with which this article began, epitomizes this tendency to elaborate a system of accountability and legitimacy that overwhelms the intentions of its authors. Founded in 1993, the society has built a prolific publishing enterprise using the Sharia

Courts’ *Annual Statistical Report* to critique the regime. I focus here on how the society’s pamphlets use statistics available since 1995 to make political demands on behalf of two novel categories: the spinster (*ʿānis*) and the woman divorced before consummation (*muṭālaqa qabl al-dakhūl*). While the Chastity Society takes statistics from a wide range of sources, including the Jordanian Department of Statistics, the United Nations, and the Sharia Courts of neighboring countries, its intellectuals tend to foreground statistics that highlight the Sharia Courts’ own system of record keeping, like the annual number of marriage contracts signed in Jordan. Adal Badraneh’s *The Guide: Indicators of Marriage and Divorce in Jordan* is typical (2009). What he terms the “First Indicator” is the “General Rate of Marriage,” which he calculates using the formula: 1,000 x the Number of Marriage Contracts in a Particular Year/Population in the Same Year (Badraneh 2009:31). In the early years of the Chastity Society, the figures were quite compelling: The first table in Faruq Badran and Mufid Sarhan’s *Spinsterhood: The Reality, the Causes and the Solutions* (1999) details a secular decline from a rate of 10.1 marriages per year per 1,000 people in 1993 to 8.1 in 1998. By 2009, when *The Guide* was published, the rate of marriage contracts was increasing, yet it still took pride of place as the first indicator of the “marriage crisis.”

That intellectuals from the Chastity Society continued to foreground the number of marriage contracts long after it ceased to bolster their argument calls into question a simple reading of their appropriation of official statistics as opportunistic. Rather than “Islam,” “the Muslim Brotherhood,” “tribes,” and “the state” opportunistically exploiting conflict between the generations and the sexes (see Wiktorowicz and Farouki 2000), these conflicts actually help to define the contours of these highly abstracted political forces. Building on the much earlier work of Jürgen Habermas (1991), Michael Warner (2002) has used the concepts of “public” and “counterpublic” to describe how media circulation can help construct communities and generate their alternative forms. Jordanian marriage contracts move in a similarly constructive and unsettling way: The circulation of contracts and their diverse roles in different forms of social conflict help to constitute categories that prove destabilizing as communities form around them and begin to formulate demands. It could further be argued that quantifying media like contracts can help create such communities precisely because they entail what Porter termed “disciplining people.” The point of Badraneh’s study is to understand “the effect of economic and social factors” (2009:36). Yet without the disciplined collection of data by the courts and similar institutions, it would be much more difficult to argue for the existence of a coherent “economy” and “society” that should be refashioned in accordance

with a specific political agenda. When such ongoing and lively disputes emerge around official statistics, the systematic collection of data about the population comes to serve a coordinating function for regime apologists, potential dissidents, political opportunists, and malcontents alike.

One should not, however, overplay the tensions between Islamic activists and the state. After all, the courts keep publishing reports knowing they will be used to criticize the state. Much as the proliferation of categories can be used to critique the Jordanian state, they can also be used to admonish and correct Jordanian society. This is exemplified by another strain of social criticism, centered on a category that has emerged out of the courts' own knowledge practices: the person divorced before the consummation of the marriage. "Divorce before consummation," a new and growing category, accounted for over 40 percent of the total divorces in 2010. In recent years, the courts' *Annual Statistical Report* (2010) has included a breakdown of divorces into four categories: divorce before consummation, revocable divorce, and two levels of irrevocable divorce. Two trends are striking: the increasing prevalence of divorce (from 12,000 per year in 2006 to 15,000 per year in 2010) and the increasing precision with which people's "social statuses" are being recorded and taken up as sociological categories by activists and relatively apolitical citizens alike (Sharia Courts 2010:100).¹⁴

One example of this strain of social criticism is Amal 'Abdeen's master's thesis at Jordan's Amman Arab University, later revised for and published by the Chastity Society as *Divorce before Consummation and in the First Year of Marriage: Social and Psychological Causes and Effects* (2010). Her study, carried out, 'Abdeen makes clear, because of the support of the supreme judge of the courts, surveyed 50 women divorced before consummation and 50 women divorced in the first year. According to 'Abdeen, "the findings indicate that the most important reason for divorce among the divorced is a bad match, followed by familial interference, then failure to bear responsibility, followed by subordination of the husband to his mother or another member of his family" (2010:17). This diagnosis of "the problem" of divorce before consummation in Jordan is certainly debatable,¹⁵ but it is part and parcel of a kind of contestation that has only become possible through a long-term engagement with particular kinds of knowledge practices for enumeration, individuation, and data storage. The Islamic Movement may try to position itself as a critical interlocutor vis-à-vis the state, but it also seeks to position itself as a critic of society in general. For her part, 'Abdeen ultimately advocates "consciousness-raising" (*taw'iya*) through the media and the relevant ministries, including more "guidance for willing individuals" from the courts "before the case gets to the Judge," and, of course, more research (2010:152).

Conclusion

The four successive layers of information infrastructure related to the recognition and legitimation of marriage (delegation, register, form contract, and aggregated contract data) entail divergent and even contradictory notions of personhood, state, and society. They represent creative responses to various threats to the legitimacy of marriages—many of which predate the Jordanian state itself. As I have shown, Muslim court functionaries and activists like 'Abdeen make critiques (about bad matches, tyrannical elders, an overbearing community, and a pronounced lack concern over young people's self-actualization) that speak to longstanding conflicts between generations and the sexes. Yet how those sentiments are constructed and disseminated through a sophisticated back-and-forth dialogue among families, individuals, the state, and society increasingly involves contradictory constructions of the "individual." These constructions can range from the complete erasure of individual identity in the statistical reports of the courts to intense concern over questions of individual consent during contract signings. Everyone from patriarchs to rebellious youths and state officials may find their behavior alternately constrained and enabled by court procedures. "Society" in tribal and urban areas may not only respond to premarital sex or other issues in entirely different ways but may also force "the state" to respond differently. The very mechanisms through which the state attempts to hold tribes and individual citizens accountable may give them tools for holding the state and its representatives accountable. The issue is therefore not a simple matter of discipline or subversion. Rather, the two emerge as reverse sides of the same state-building, infrastructure-building project. At stake is the ability of various social actors to redistribute agency, cognition, and personhood both within and outside kinship structures, the state, and society. Legitimizing infrastructures make new modes of independence possible. They promise new modes of authority and surveillance. Nonetheless, state officials and other authority figures may very well find that developing and co-opting these infrastructures can draw their own legitimacy into question.

Notes

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1. While the *sajilāt* (registers) and contracts are a tantalizing source of data for social history, historians such as Dror Ze’evi, Judith Tucker, and Annelies Moors (1999) have argued forcefully for the need to read such records contextually. As Ze’evi argues, the *sajilāt* are, in fact, “carefully constructed legal narratives in which the legal aspect, although invisible to the reader, is still the essence of the record” (1998:38). Ze’evi explores some of the problems with various methodologies for studying contracts. Quantitative methods are problematic because we have no way of knowing what kind of sampling of the larger population they provide. Most importantly, numbers like bridewealth and age may be systematically distorted by public perceptions of what court officials want to hear. The use of court records to construct narrative history is at least as problematic. Like a Rorschach test, disjointed bits of information verily cry out for narration, yet such a process may reveal more about the narrator than about change over time. I have tried to minimize these problems by using a mixed-methods approach.

2. Ottoman court registers are not nearly as amenable to statistical or other forms of systematic analysis—itsself a significant finding that may shed light on subsequent technical innovations.

3. Here I use a sort of “ritual subjunctive” tense as opposed to, say, the ethnographic present (Fabian 1983) to emphasize the idealized nature of the description.

4. It is useful to compare this form of marriage delegation to the delegations described by Jessica Watkins’s (2014) recent work on tribal dispute resolution in Jordan. Parallels include everything from the ritually significant use of coffee to the spatial dynamics of the two “sides” and the prominent role of sheikhs. The marriage delegation is undergirded by a not-too-subtle threat that it could be reconstituted to settle a dispute should the marriage end badly. With the exception of the reading of the Quran, there is nothing particularly Islamic about the ritual described, and contemporary Jordanian Christians employ similar marital rites.

5. In “Intimate Selving” (1999), Suad Joseph gives a broader illustration of this phenomenon on the basis of fieldwork conducted in Beirut.

6. The historian Amira Sonbol (2008) has conducted extensive archival work on marriage contracts in the Nile delta going back to the 14th century B.C.E. She documents the ways women in what is now Egypt were treated as legal persons. Although she makes a convincing case that the introduction of French legal theories, both through direct colonial rule under Napoleon and later indirectly via the Ottoman Empire’s Tanzimat reforms, weakened the status of women in the region, Lynn Welchman’s (1988) review of the Jordanian Law of Personal Status shows that Jordan never adopted most of the colonial-era practices that Sonbol critiques. Egyptian law came to restrict the use of requirements in contracts and mandate wifely obedience. In Jordan, requirements are not only allowed but also have a dedicated space on the contract form, and ideals of female “obedience” (*tā’a*) are unenforceable.

7. While the Ottoman era courts in Syria and Palestine were some of the most marginal to the empire, Judith Tucker (1998:21) emphasizes the shared Hanafi jurisprudential framework, exten-

sive regional trade, the circulation of (often Turkish-speaking) judges throughout the empire, and the fact that even relatively provincial Palestinian religious scholars studied in Mecca, Cairo, and Damascus.

8. In the everyday conversation of court officials, “virgin,” “never-married woman,” and “girl” were synonymous. The four schools of Islamic jurisprudence diverge, though, on whether these categories entail different prerogatives in court and the degree to which they should be conflated: Malikis and Shafi’is (like contemporary court officials) require the male guardian’s consent for all first marriages, while the Hanafi school allows women to marry on their own behalf once they have reached majority (Sonbol 2008:103).

9. There is a need for more ethnographic research about *khaṭīfa* and *ightiṣāb*. As Cynthia Werner’s ethnographic work in Central Asia shows, “a number of ambiguities make it difficult to determine whether or not a kidnapping case is ‘consensual’ or ‘nonconsensual’” (2004:82). Currently in Jordan, there is growing controversy about Article 308, which allows an accused rapist to avoid prison by marrying the woman. While some women’s groups are now organizing to change the law, others argue that a change will take away women’s ability to lose their virginity to force their parents to accept a match they would otherwise oppose (Hattar 2012).

10. The change in court procedures is starker than the shift in families’ behavior. My sample of 377 contracts from the Amman courthouse (1926–53) shows that agents were usually what would now be considered guardians: over half of brides’ agents were fathers. Furthermore, given the low life expectancies of the era, some portion of the following agents must have been guardians in the contemporary sense: 21 percent were brothers of the bride, 8 percent were father’s brothers, 1 percent were grandfathers, and 1 percent were father’s brother’s sons. In 17 cases, the bride represented herself, and in five cases she represented herself alongside her father or brother acting in some sort of guarantor capacity. Yet there is a sizable minority of contracts in which the agent clearly diverges from the guardian. In 11 percent of contracts, I can discern no relationship between the bride and her agent even though every Arab name includes the names of the person’s father and grandfather along with a family name. Additionally, two contracts list the *ma’dhūn* as the agent and six list the mother’s brother—neither of which has ever had any particular standing in Islamic law. Even when the agent is listed as a relative through the patriline, there are clear examples of the father appearing in the contract as receiver of the bridewealth but not as the agent. Although the bride’s role as an active agent in the contract process was actively muted by the state’s contemporary documentary procedures, 88 percent of the grooms acted as their own agent.

11. Tucker (1998:191) notes that only 107 marriages were recorded in the town of Nablus (population 8,000) between 1720 and 1858, demonstrating that even most urbanites did not register their marriages at court.

12. There is a movement of Jordanian court activities away from homes to officially sanctioned, single-use spaces (courts) in keeping with a broader trend toward the development of a Weberian division between person and office. My own sample showed that only four contracts were concluded at the Madaba courthouse before 1978, while about 30–40 percent have been concluded there since the 1980s.

13. People did, however, have interesting theories about why I was there, for instance, that I was a “supervisor from the U.S. embassy.” I responded, as I always did, that I was a researcher who thought Americans could learn from Islamic marriage practices.

14. Despite the lack of an actual field for social status until the 1952 revision of the contracts, my sample from the Amman

courthouse includes only 13 contracts that omitted information on this topic. Two hundred seventy brides are classified as virgin (*bikr*), and 78 are classified as previously married (*thayyib*). Nine are classified with euphemistic circumlocutions like “girl,” “woman,” or “woman of the house.” In the sample of 377 contracts, only five women are classified as divorcées, and only one woman is classified as a widow: These terms came into regular use only in the 1950s. Of 433 contracts I collected that postdate 1955, “divorced before consummation” does not appear until 1998—after which it makes 13 appearances.

15. In contrast, Salem 2012 analyzes divorce before consummation as a way for young people to exercise more independence.

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