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One of them is Imm Rasem, a 38-year-old Syrian widow who lives in Wihdat. She has two sons and three daughters, two of whom married at the age of 15 after they arrived in Jordan. Her first daughter went to court and concluded the contract three months before the wedding ceremony. Imm Rasem explained that ‘they did it like you do it here,’ in Jordan. When Imm Rasem went to court to conclude the contract of her second daughter, together with the family of the groom, the judge refused to do it because of the bride’s young age. Imm Rasim pleaded with the judge: ‘I told him, I told him, the judge. The girl has no care-taker except for God. I want to protect her.’ But he still did not agree. Imm Rasem managed to conclude the marriage contract in Syria through relatives of hers, and later registered it in Jordan.<sup>22</sup>

Syrians I spoke to were not only aware of the requirement to register a marriage, but also of the fact that unregistered marriages were looked at negatively. Both Palestinians and Jordanians often describe unregistered marriages as ‘*urfi*. The term ‘*urfi*’ marriages may refer to customary marriages that conform to Islamic law, but also to more controversial forms of marriages that do not necessarily meet Islamic requirements. As Moors (2013) explains, before the emergence of the modern nation state, unregistered (*urfi*), but publicly celebrated marriages were the norm. Contemporary ‘*urfi*’ marriages, by contrast, are often concealed from particular categories of people, such as state authorities, parents, or the husband’s first wife and her family. The least controversial marriages are those that are widely publicized in the community but not registered with the state (see also Abaza 2001; Sonneveld 2009; Van Eijk 2013).

When I asked Imm Rasem about the non-registration of marriages in Syria, she replied:

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21 Jordan opened its public schools for Syrian children, and so did the UNRWA in Wihdat. However, these schools are often overcrowded. In addition, some families whose children were assigned to schools far away could not cover transportation costs, and a number of young Syrians informed me that they chose to quit school because of bullying and feelings of discomfort.

22 It was not clear to me whether the bride was actually younger than 15, as people often refer to being 15 starting the day after turning 14, or whether the judge did not agree to the marriage as he was not convinced of the necessity of the marriage.

For you, to you here, they consider it *'urfi*. For us it is the opposite. They get out in front of the people, they have read the *fatiha*, in presence of the sheikh. Later they register their marriage. Not right away. This is our custom like that. But you consider it *'urfi*. We don't. There are witnesses, her family, her siblings, and there is a sheikh, according to Allah and his prophet's Sunna. [They register the marriage later] to get the family book.

As Imm Rasem explained, even if a marriage is not registered, it fulfills the Islamic requirements and is not done in secret but in front of people, at a public wedding ceremony. She wanted to make it very clear to me that this is different from what Jordanians mean when they use the term *'urfi* marriage, that is, a marriage purposefully concealed. If we return to Mir-Husseini's (1994) work on the validity of Islamic marriages, to Imm Rasema marriage derives its legitimacy from Islamic law, as it is concluded through a sheikh and meets the Islamic requirements of a marriage, and from social practices. This is how Syrians do it, their 'custom,' as Imm Rasem said. The modern legal system itself did not affect the legitimacy of a marriage in her eyes. Yet it is precisely this legal construct that to Jordanians is very important, and the lack of legal legitimacy affects the social legitimacy of a marriage.

## Discussion

Development organizations tie the non-registration of marriages to Syrian displacement. Organizations are aware that the legal structure is different in Syria, as the unicef (2014) report shows, and they argue that the lack of awareness about the Jordanian legal system coupled with the effects of displacement, accentuates the negative consequences of non-registration. In official statements of Jordanian spokesmen, the Syrian presence is mainly discussed in negative terms, and unregistered marriages are seen as a phenomenon that was brought to Jordan along with Syrian residence in the country. These approaches echo a trend in public and humanitarian discourses that couple displacement with gender-based violence (Buckley-Zistel and Krause 2017; Turner 2017). What the discourses in Jordan have in common, besides linking it to other undesired forms of marriages such as early and *'urfi* marriages, is the focus on the legal consequences of children born out of wedlock.

Syrians have a different idea on what makes a marriage licit. They were accustomed to a different legal system in Syria where legal marital age was lower, and there were no grave consequences for not registering the marriage before consummation. Fines were low and marriage ratification was easy. In Jordan,

Syrians still deal with the direct impact of displacement, making it difficult for them to register a marriage through court due to financial and mobility restrictions and the lack of official identity papers. This is not a reason for the Syrians whom I encountered to refrain from marriage. For them, marriage is an important aspiration—perhaps even more so than before—and a way to build new lives and social networks in a new country. In their continuously changing circumstances, they ‘navigate’ (Vigh 2009) the Jordanian legal system, trying to find solutions when they are unable to follow the rules, such as registering the marriage in Syria through relatives. Acknowledging the importance of registration, their main concern is the negative image of Syrians in Jordan, arguing that even though Syrians do not always register a marriage before a wedding, these marriages are legitimate, just like Jordanian marriages.

None of the arguments and critiques provided by the different actors addressed the legal system itself. When the birth of a child in an unregistered marriage is presented as a problem, the desired change for organizations and public officials is to raise awareness on the registration requirements, not on the recognition of a child through the mother. The fact that lineage is passed through the father only, and that a woman is exposed to the chance of losing her child, even if she is willing and capable to take care of it without a father in the picture, was not discussed.<sup>23</sup> The ajw and other local and international human and women’s rights organizations have been lobbying for the right of Jordanian mothers married to foreign husbands to pass Jordanian citizenship and social and political rights to their children. This campaign, however, focuses on Jordanian married women only. There were no similar campaigns for unmarried women or women that are un-officially (and thus illegally) married. This points to the fact that bearing children outside of an official marriage was still a taboo issue, about which organizations chose not to publicly campaign.<sup>24</sup>

## Conclusion

This paper shows how two different marriage registration practices in Jordan have become the topic of debate and the locus for intervention projects of development organizations: the early registration of marriages among Palestinian camp residents, and the non-registration of marriages among Syrian

23 For a discussion on citizenship laws in Jordan and their effect on gender issues, see Amawi 2000.

24 ajw did take on individual cases and assisted them legally in registration and custody issues.

refugees. In the former case, a leading women's organization argues that the practice leads to early divorces, while the parties involved argue that they do so in order to make contact before the wedding ceremony licit. By doing so they distinguish themselves from the better-off in West Amman, who do not object to gender-mixing without the marriage contract. In the Syrian case, organizations and officials point to the legal problems that non-registration causes and link it to displacement and early marriages. The Syrians, on the other hand, see it as a continuation of practices in Syria, and a way to create new socialities and networks in Jordan while trying to navigate the Jordanian legal system despite the various obstacles they face.

The debates around these practices are connected to the different legal and social positionalities of Palestinians and Syrians in Jordan. Concluding the contract early in a match to signal the engagement period is practiced among different people in Jordan, including but not limited to Palestinian camp residents. However, Wihdat residents consider the practice as part of their local custom and camp life, where people live close to each other and gender-mixing is highly regulated. The women's organization also argues that the practice is a social custom, but a negative one that is incorrectly ascribed to religion. The rise in divorce rates signals the weakening and disintegration of society and an increase in mistrust. The concern here is with the Jordanian society and family, of which Palestinian refugees are considered a part.

Syrians became recently displaced and are trying to find their way around the Jordanian legal system, which is different from the Syrian system they are familiar with. In addition, they are still struggling with the immediate consequences of displacement such as lack of papers and financial means, which also hinder the registration of marriages. However, because organizations and Jordanian officials associate this practice negatively with Syrians, the latter in turn find it important to explain this practice as licit and like any other marriage in Jordan, even if it is not legally registered with the state.

Palestinians are active discussants when it comes to the 'early *kitab*,' as they continuously reflect on the practice and voice criticism on its limitations. Considered a local social practice, Palestinians are aware that the practice has both positive and negative effects, while women's organizations consider the practice a social problem that needs to be addressed. Debates around the negative consequences of unregistered marriages mainly circulate in public and among humanitarian and development organizations, that primarily consider this an effect of the Syrian presence in Jordan. They consider it a legal problem with social implications, while the Syrians feel the need to explain their different take on what makes a marriage licit.

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