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EWIC PUBLIC OUTREACH PROJECT

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EWIC Staff Report: Concept Note: Minimum Age for Marriage without Consent: Middle East and North African Countries

Minimum age for marriage is the legal age at which an individual is free to marry without parental, familial or custodial consent. Age and other qualifications necessary to marry differ. Factors such as gender, culture, religion, geography, and legal codes are involved in establishing minimum age for marriage. In Muslim couple is considered eligible for marriage when they feel ready emotionally and financially.

In the Middle East and North Africa the minimum legal age for marriage without consent varies. Age of consent fluctuates depending on sex in some countries. Social attitudes towards marriage, the role of marriage and purposes for marriage continue to be redefined from generation to generation.

The list below lays out *minimum legal age for marriage* without consent in the Middle East/North African region.

Country	Female	Male
Algeria <sup>1</sup>	21	18
Egypt	16	18
Iraq	18	18
Jordan	18	18
Libya <sup>2</sup>	20	20
Morocco	18	18
Saudi Arabia	17	20
Sudan <sup>3</sup>	16	18
Syria	--	--
Tunisia	20	20
Yemen	15	15

In the United States and Great Britain the minimum age for marriage without parental or custodial consent is eighteen for both sexes, which is the same as that for women in Iraq, Jordan, and Morocco. With the exception of Libya, Sudan, Tunisia, and Yemen eighteen is the legal age at which young men can marry without needing parental consent. Marriage in Islam is a binding contract that presumes that the individuals making the contract have reached maturity. The Qu’ran outlines the relationship between husband and wife, “in terms that denote both closeness and equality” (Hassan, 2006, p. 246).<sup>4</sup>

Under Islamic law, a marriage is a civil contractual agreement which sanctions marital relations. The husband is required to provide a home for the the bride and *nafaqa*, the financial means for procuring food and clothing. In addition a mahr, the dowry paid by the groom to the bride is the wife’s property alone, “making her an equal party to the marital contract” (Kholoussy, 2006, p. 250). Kholoussy notes that unlike the Christian tradition in which a woman’s possessions automatically became the property of her husband, the Islamic *mahr* ensures that Muslim women are able to maintain their personal property and finances.<sup>5</sup>

<sup>1</sup> All statistics with the exception of Libya, Sudan and Syria from: <http://data.un.org/Data.aspx?d=GenderStat&f=inID:19>

<sup>2</sup> <http://www.unicef.org/gender/files/Libya-Gender-Eqaulity-Profile-2011.pdf>

<sup>3</sup> <http://sudan.usembassy.gov/marriage.html>

<sup>4</sup> Hassan, R. (2006). Marriage: Islamic Discourses: Overview. In *The Encyclopedia of Women and Islamic Cultures*. (Vol. 3, pp. 246-249). Leiden, The Netherlands; The Encyclopedia of Women and Islamic Cultures

<sup>5</sup> Kholoussy, H. (2006). Marriage Practices: Arab States. . In *The Encyclopedia of Women and Islamic Cultures*. (Vol. 3, pp. 250-252). Leiden, The Netherlands; The Encyclopedia of Women and Islamic Cultures