Khul' divorce in Egypt: public debates, judicial practices, and everyday life
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7 Reshaping relations in Egypt

7.1 Meeting Nura’s mother

Nura wanted me to meet her mother. Since she also had an upcoming court session to attend, we decided to meet halfway, in front of the post office at 1230. When I arrived at the post office at the appointed time, I not only found Nura but also her lawyer Muhammad waiting for me. Earlier that morning they had gone to court to pick up the verdict and some other papers which Nura needed to fill out and stamp the next day. The forms consisted of two pairs of identical divorce certificates which Nura was carrying in a big brown envelope. She said she would show me the papers at home.

We took one of Cairo’s overcrowded buses and after we managed to get two seats next to each other, Nura inquired whether I had any news about ‘Afaf. I said I had not seen or heard from her at all and neither had Nura. She said that she used to call ‘Afaf a lot but that things had been quiet for some time now. “When did you last hear from her?” she asked me. “The day we all met in court. The day she had been really sad because her brother did not show up,” I answered “And for that reason she could not pay the 50 pounds for the arbitration sessions and her case was postponed again,” Nura added.

When we got off the bus, all of a sudden the world became very quite. We had entered the City of the Dead: an area containing a group of cemeteries which stretch out along the base of the Muqattam Hills and in which a few million poor Cairenes live illegally among the graves. Nura and her mother were living in one of the houses. After we had made our way through a maze of dusty and sandy alleys, we arrived at their tiny house. Leaning on her walker, Nura’s mother was waiting for us in front of the door. She welcomed me heartily and invited me to enter her small house which consisted of a fairly large entrance, one small room, a kitchen and a very small bathroom. Nura’s mother had never fully recovered from a stroke as a result of which she needed a walking frame, even to cover small distances inside the house.

After she had invited me to sit in the small room, which was completely filled up by two beds and a table, she pointed at the wall where a few photos were hanging. She pointed at a big photo of her deceased husband (Nura’s father) and started to tell me how her sister-in-law (the wife of her husband’s brother) had thrown them out of the house after she had found out that Nura’s mother was pregnant with Nura. From the large five-roomed apartment in the area of ‘Abdin

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204 & April 2004, Cairo.
they had moved to the tiny house in the City of the Dead. Nura’s father passed away some 5 years ago, leaving his wife a small pension. After she had finished telling about this episode in her life, Nura’s mother pointed at a photo of her brother and sister who had also passed away. Then her face lit up as she pointed at a large baby photo of her eldest daughter (Nura’s elder sister). I did not see a photo of Nura hanging on the wall.

Nura gave me the envelope with the divorce papers which I started to read. Muhammad offered to help me. We browsed through the papers of which he thought that the most important was the one stating that Nura had renounced all her rights and had returned the sadaq to her husband. “Will he pay alimony for the children?” I asked him. “No, he will not do that because his family, especially his mother and second wife, are taking care of the children,” he said. Later both Nura and her mother said that the second wife of Mahmud was good to Nura’s children.

He then explained to me that other papers would be filled out tomorrow. Nura would go to the court alone and someone would fill them out and stamp them. Then, after a period of nine months, her court case would be really over. Nura asked Muhammad many questions about the forms. Which forms should she take with her and so on. Muhammad often called her ‘abita (stupid).

When we had just started lunch, Nura’s sister and her two children came to visit us. Nura told me that her sister wanted to divorce her husband through khul’ too, after which her sister looked shocked and exclaimed in English: “Noooo!” Later I learnt that Nura had not been joking as her sister was really having serious marital problems and a few months later her sister even decided to leave her husband. She took her three children with her and started renting a flat of her own in a neighbourhood far away from the marital home.

The neighbours, curious to see who this foreign visitor was, poked their heads through the house’s only window and asked Nura’s mother who I was. She proudly introduced me to them meanwhile explaining that they were all living next to her and that she was really happy to have such neighbours. “They are like family. Whenever I need something, they will help me,” she said in a tremulous voice.

After lunch Nura’s mother told me that she was not sleeping well due to many worries. Although she worried about both her daughters she was especially concerned about Nura’s situation. She did not try to hide her dislike of Nura’s husband whom she found a very bad man who was always short of money and who had even wasted the money which Nura’s sister had once lent him (in order to rent a minibus). I asked her how Nura and her husband had met each other. “At the post office, she met this man who used to divorce her all the time, something which is haram (forbidden),” she said.
Upon overhearing our conversation Nura confirmed how she had met her husband. “We met in 1988. When we married, I stopped working because he wanted me to do so. He said that it was not worthwhile working there on such a small salary. So, I resigned and stayed at home with my mother-in-law. Now, I work at the post office again but I still receive a very small salary. It only covers breakfast and transportation. In the old days you would become a muwazzaf (civil servant) after three years. But now nobody knows when you will be promoted muwazzaf. As for my husband, he once hit the boss of the post office after which he was expelled. It was then that he started working as a taxi driver. He also used to divorce me all the time,” she said. Like her mother, Nura also had a habit of changing the subject of our conversation quickly which I found difficult to get used to. “But you can only divorce a woman three times?” I asked her. “Yes, but he just did it orally, he did not register the divorce” she replied. “So, you never knew whether you were married or divorced?” I asked her. “Exactly, and this was really killing me. This was among one of the main reasons which made me decide to divorce him” she said angrily. “Does his second wife have children from him?” Nura: “No, he went to prison two months after they married.” “And didn’t she know that he was going to prison?” “No, she is an ‘abita (stupid)” Nura’s mother interrupted. “And did she know that he was married?” “Yes, she knew that,” Nura said. “And didn’t she mind? No, she was very eager to marry because she was a divorcee” Nura said after which she left the room again.

A little later Nura and her mother were arguing whether it would be better for Nura’s children to live with their father and his family or with Nura and her family. Her mother said that the house was too small for three children. “Besides,” she explained, “I am a sick woman, I cannot take care of them, and I do not have money. Nura’s family-in-law has a lot of money, since the children of Nura’s mother-in-law are working in the Gulf and they give her a lot of money. However, she refused to give us any of that. When I needed money for the doctor, Nura asked her mother-in-law to give us some money but she refused. Fortunately they are good and generous to the children and for that reason I would rather leave the children in the care of their father’s family. Nura, however, does not understand this. Tell me Nadia, did I make a mistake?” I felt uncomfortable answering her question since Nura was sitting near me and so I told her that she presumably had not. “Tell Nura this” her mother more or less ordered me to do. Nura started to get a bit angry and asked her to stop meanwhile defending herself by telling me that if the house had been bigger, she would have taken the children. Then Muhammad entered the small room and after he had inquired what they were arguing about he said: “No, the children better stay at their father’s place. They are better off there. End of story.” After this firm pronouncement Nura and her mother immediately stopped arguing about the children.
Around four o’clock I wanted to take a bus back into town. I said goodbye to Nura’s mother after which Nura, her sister and two children and the lawyer Muhammad walked me to the bus. When Nura and her sister were buying cold drinks, I talked to Muhammad and told him that Nura’s mother seemed to be really worried about Nura. He nodded: “Yes, I know. She is very worried about the reactions that will come from society. However, every person chooses his own path in life and Nura has chosen to divorce her husband in this way. I have tried to make her change her mind but she wanted it this way” he said. I wanted to know what he had wanted her to do instead but at that moment the bus arrived and Muhammad entered the bus in order to buy me a ticket.

Looking for a job in Australia

Nura and I had arranged to meet and again the post office served as our meeting point. After I gave Nura a missed call she came to pick me up and guided me to a small street next to the post office where a car was waiting for us. She told me that the driver was the son of the sister of Nura’s mother and that he and his friend had just arrived from the village in Sharqiyya. Nura summoned me to take the back seat which I did although I had no idea where we were going. Nura came to sit next to me and when her cousin’s attention was diverted as he tried to cope with Cairo’s chaotic traffic conditions, she said in a low voice that she had received the *shahada* (certification), and that she was now officially divorced. “I will show you the papers but not in front of my cousin and his friend,” she said with a big smile.

As always, she changed the subject quickly and this time she wanted to know whether it would be difficult for her to find a job in Australia. “Australia?” I exclaimed in surprise. “Well, I can tell you one thing and that is that Australia is really far from Egypt. It lies at the far side of the world” I said, not knowing whether she was serious or not. However, Nura was serious and asked me with a glance of despair: “Will I not be able to see my children?” “Well, it will be difficult as the journey takes approximately twenty-four hours by plane. But why are you considering working in Australia? Don’t you have any news from the job in the Gulf?” I asked her. “I told you that I will know more about it in August” Nura said a bit annoyed. “Why do you have to wait until August?” I asked her as I started to become a bit irritated too. Nura: “Because the friends of Madame Jeanet will visit Egypt in August and then they will see me and see if I am suitable for the job.”

In the meantime we had entered the City of the Dead and when we passed the house of one of ‘Abdurraouf’s (the husband of Nura’s sister) family members, this prompted Nura to tell her cousin that the sister of ‘Abdurraouf had left her children because her husband had married a second wife. Although she was

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208 Personal meeting (30 April 2004, Cairo).
opposing the second marriage, she was afraid to divorce her husband out of fear
that he would stop providing for the children. For this reason she decided to leave
the children with him so as to force him to take care of them. “Now his brothers
and sisters are taking care of their children” she said. Just as in the post office I had
the feeling that Nura used this story to create more understanding for her own
decision to divorce her husband and leave her children behind.

A few turns later we arrived at Nura’s mother’s house where Nura’s
mother and two of her granddaughters were waiting for us. The eldest girl, a
daughter of Nura’s sister, was approximately fourteen years old and the younger
girl was Nura’s twelve-year-old daughter. Nura proudly introduced her daughter
to me and constantly asked me what I thought of her daughter who had turned 12
years old the day before. Her daughter and I did an English lesson together. At a
certain moment, when Nura’s mother and I were left alone in the “living room,” I
told her that her granddaughter was a really nice girl. “Yes, the girl is nice but her
father is a very bad man. He once beat his daughter severely in the eyes. “Thank
god he is in prison now” she said angrily.

Then the neighbours, whom I met last time, poked their heads through the
window again and asked me how I was doing. Nura’s mother started to smile as
she was pointing at a fanus (a magic lantern used as decoration during Ramadan),
which was placed high in the air on a long pole. “Look Nadia, we made this fanus
together. I am really happy to have such good neighbours.”

After lunch everybody got dressed to visit Nura’s sister’s who was living
in Basatin, the lower middle class area where Nura used to live too before she left
her husband. When Nura’s daughter changed her pyjamas for a red skirt and a red
vest, Nura told me that the clothes were a gift from her ex-husband’s brothers and
sisters who were working in Kuwait. “It is really better to leave the children in the
care of my family-in-law” she said. Her remark surprised me. Only a few weeks
earlier she and her mother had argued about where to accommodate Nura’s
children. While Nura wanted to bring her children to her mother’s house, now it
seemed that she had accepted that they were not living with her and that they
would not, at least not in the near future. I wanted to ask her about her change of
attitude and why she wanted to work in Australia at the same time, but as always
there was no time for that. Everybody was sitting in the car and waiting for me to
come too.

These meetings with Nura illustrate two important issues. Firstly, there is the issue
of Nura’s neglected old and sick mother who lived on her own and whom the
neighbours took care of. Even after Nura came to live in her mother’s house, Nura
left her mother in the care of the neighbours. Second, both Nura and her mother
often complained about their family-in-law. The aim of this chapter is to explore these issues in more detail.

7.2 Nura’s neglected mother: is friendship replacing kinship?
After my first visit to Nura’s mother, I was surprised to see that this seriously handicapped woman was living on her own in a very small house without running water.211 Although she could barely walk and moved through and around the house with a walking frame, her mother took care of most of the household chores including cooking. When she was in need of something from outside or when she needed to see a doctor, the neighbours, who lived next to her, would often come and help her. Apart from the neighbors, Nura’s mother had no family or others to rely on for help. This situation had not changed after Nura had left her husband and children and had started to live with her mother. On the contrary, instead of helping her mother, I found that the relationship between Nura and her mother was rather tense. They argued a lot, especially about Nura’s children whom Nura wanted to lodge in her mother’s house, something which her mother refused all the time.

There was something else which had surprised me. Although Nura’s mother knew that Nura had serious marital problems, Nura had waited a long time to tell her that she was trying to divorce her husband through *khul’*. Her cousin from the village who knew that Nura was trying to obtain a divorce did not know that she was trying to obtain a divorce through *khul’*. So, when he visited Nura in Cairo, Nura told me that she wanted to show me the divorce papers which she had just obtained but not before we had left the car which her cousin was driving. She did not want him to see the divorce papers. Now one could argue that Nura’s lawyer was a family member who knew all about her case. Although this is true, it must be mentioned that it was only after one-and-a-half years that Nura confided to him that she was having problems with her *khul’* court case. Instead of seeking help and advice from her family in the village, Nura had first asked her husband’s lawyer to help her! As such, Nura’s situation clearly contrasted with the one in *muHāmī khul’* and *urīdu khul’an* where the chiefs of the village travelled from the village to Cairo as soon as they could in order to help their son and nephew, respectively, who had run into difficulties.

In contrast to her mother and her cousin, Nura was always eager to share her divorce experiences with her colleagues at work, her sister and me. Sometimes I felt that although Nura continued to live at home with her mother, she actually lived “beyond” with friends and colleagues with whom she stood on a more equal footing and to whom she turned for support, not only for emotional support but

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211 In this area only 20 per cent of the households and workshops are connected to electricity, water and telephones (Bibars 2001, 36).
also in order to acquire access to much needed services, such as her Christian colleague who tried to help her to find a job in the Gulf.

The way Nura treated her mother and the fact that she had tried to keep the *khul'* divorce a secret from her mother (and her cousin) while she was very open about the divorce to her colleagues and to me, had led me to question whether in Nura’s case friends and colleagues were replacing kinship ties, at least in terms of emotional support? At the same time, however, Nura was very close to her sister with whom she shared all details about her life and her divorce. Yet, I still felt that the question as to whether colleague and friendship ties were replacing kinship ties was relevant if only since it was after several months had passed that Nura asked me to come and meet her mother. In fact, her mother was among the last in line for me to meet. First, I had met Nura’s friend ‘Afaf in court twice; thereafter I had met Nura’s colleagues in the post office; ‘Abdurraouf - her sister’s husband - and her lawyer Muhammad –husband of the daughter of Nura mother’s sister- in court; her Christian friend in Shubra; her colleagues again; her mother and sister and finally a cousin from Nura’s village. Did this sequence have a particular meaning? Did it tell me that the people whom I met in the beginning were more important to Nura than the people at the end of the line, such as her mother and a cousin from her village? Was it just a coincidence that the people whom I met first were friends and colleagues while the persons whom I met later were family members? Or, to ask the same question from a different perspective, does this particular sequence signify that the support of the family in general, and in times of marital problems specifically, is losing ground to the wish to establish relationships of care and trust with people outside the family such as friends and colleagues? If so, is this wish symptomatic or indeed typical of an increasing number of women who go to school and who work outside the home? In a study on friendship ties in Western culture, Paine predicted that friendship would replace kin ties and that friends would become intimates without much cultural fuss (cited in Risseeuw, 2005, 90). For the case of sub-Saharan Africa, Baerends says that the control of extended families and kinship groups is nowadays less effective in settling marital disputes than it used to be (1998, 68). Does this also apply to the case of Egypt?

### 7.3 The strong Egyptian family, myth or reality?

At the end of the last chapter I remarked that courts are sometimes used to negotiate marital problems. At the same time I questioned whether this was a response to deteriorating out-of-court arbitration by family and kin. Although Brown in a study on the rule of law in the Arab world does not explicitly answer this question, he nevertheless claims that in cases of marital disputes Cairenes employ a wide variety of fora, often simultaneously. “Husbands and wives will
deal directly with each other, use the mediation of relatives and friends, and/or use
the criminal, civil, and personal status courts in complex strategies to obtain (or
prevent) a divorce on the most favourable terms” (1997, 198). “Courts are not the
last forum of resort but they are hardly seen as a forum of first resort either” (1997,
200). This would mean that couples with marital problems do not necessarily
exhaust familial arbitration and support before they turn to the court for help. It
would also mean that the ability of family and kin to settle disputes in general and
marital disputes specifically has not necessarily weakened but that family and kin
are only one among a number of fora which people with marital problems resort
to.

Nura too resorted to different people for support during and after the
divorce trajectory. For example, Nura sometimes entered the court in the presence
of her sister’s husband as well as a maternal uncle who at the same time acted as
her lawyer in court. On other occasions she and ‘Afaf supported each other by
showing up in court if one of them was having a court session. After a court
session Nura often visited a Christian friend and colleague of hers who was living
in the vicinity of the court in order to unburden her soul. At work Nura was very
open about her situation and and she frequently discussed her divorce at work
with her female colleagues (see 6.1). Finally, Nura also asked me on several
occasions whether I was willing to accompany her to a court session. All these
observations led me to believe that Nura relied on different kinds of people for
support and, as such, her case seems to confirm the findings of Brown.

While Nura did rely on different people to support her during the divorce
process, none of these different relations had heard the story from her husband’s
side. Moreover, none of them had actually met her husband and even the few who
knew him (such as her sister, her mother and her brother-in-law) had not tried to
look for him and talk to him (in prison). This clearly contradicts urādū khulʿān
where the uncle of Tarik tries to negotiate a settlement by approaching the
younger brother of the wife Maha. Conversely, in urādū Hallān Duriya’s brother,
with whom she was on close terms, did not try to talk some “sense” into his sister’s
husband. Worse even, early in the marriage, when Duriya had approached her
parents for help, her father had refused to help his daughter: “What will people
think? This will be the first divorce in our family,” he had said. The next day he
had put Duriya back on the plane to her husband in Switzerland. In Nura’s case
things were a bit different since the people who knew both Nura and her husband
were not opposing the divorce but they also did not try to reach a settlement. In
fact, I was led to believe that Nura relied on all kinds of people such as friends and
colleagues for support but that, apart from Nura’s sister and her uncle by
marriage, her family did not play a significant role in the way she handled the
divorce trajectory. Research done in the early seventies seems to confirm this as it

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concluded that individuals were more likely to resort to court for the solution to their problems when the relationship with their families was problematic or absent (Zaalouk 1975, 119-21): “The most striking feature amongst lower class litigants of both rural and urban origin was their alienation from their families and the increased tendency towards atomization” (ibid, 140-41).

During the fieldwork, however, judges often claimed the opposite as they were of the opinion that, in case of marital problems, courts are mainly visited by lower class women for whom the court was a strategy of last resort after all attempts at out-of-court arbitration had failed. In the same vein, Nihad Abu al-Qumsan, director of the Egyptian Centre for Women’s Rights, claimed that most women only go to court to file for a divorce if they are supported by their families and if all other attempts at mediation have failed. Ranya, an upper middle class woman from Cairo and member of a women’s NGO, told me that her father, himself a judge, had tried everything he could to spare her the indignity of a court case by persuading his daughter’s husband to divorce her out-of-court. “Women,” Ranya told me, “will only go to court when there is no other solution (see also Fahmi 1987, 11). It is a humiliating experience to appear in court.”

Something similar transpires in the film urīdu khul’an where we see how the family (from the countryside) plays an important role in the life of the main actors: Tarik and the lawyer Badr. In the film, ‘Tarik’s family from the countryside - wearing gallabiya-s and ‘imma-s (turbans) and carrying bunduqiya-s (rifles) - came to rescue ‘Tarik after they had seen on television that his wife wanted to divorce him through khul’.

At this point it is noteworthy to mention a study by Hegel-Cantarella on lawyers and customary law dispute settlements in a Lower Egyptian town, Port Said. She observes how lawyers, who are valued for their familiarity with customary arbitration as well as their legal expertise and their ability to make the summary of the arbitration “official” by bringing it before the judge, are often called to participate in customary assemblies. She concludes that the value which the parties to the conflict attach to a lawyer’s ability to “officialise” documents

212 This also applies to the cases of Iran and Morocco where people use the court as a forum of last resort, when other attempts at solving the marital dispute have failed (Mir-Hosseini 1993, 29).
through the courts is a validation of the authority of the courts while it is exemplifies a rejection of the courts at the same time. Lawyers provide “the means to access the power of the state without having to engage the legal institution except as a last resort” (2007). In my eyes, the same applies to conflict resolution in Upper Egypt. Apart from the fact that the parties to the conflict must sign an agreement beforehand that they will not bring the case before the court after it has been settled by the local council, it is interesting to note that it has become common to deposit a copy of the final statement of the local council with the court (Korsholm Nielsen 2003, 68). These two cases show that while parties in a dispute do value and make use of the authority of the court, this does not mean that they want the court to settle the dispute. To them the court is only a forum of last resort.

How do we explain these opposing points of view on the role of the family and the courts in marital dispute settlements? An explanation might be that the judges and the NGO-leaders are all from the higher (middle) classes. As Ranya’s case made clear, women from the upper classes consider it very shameful to take their marital problems to court. Does this mean that upper (middle) class individuals such as the judges and the leaders of the women NGO’s were projecting their own values on the lower (middle) classes or is kin indeed a main channel of care and support across all social classes?

### 7.4 Khul’ women and the issue of female-headed-households

In order to start providing an answer to the questions posed above, it is important to assess what women actually do when they have marital problems. To whom do they turn to for support and mediation? In this respect, people –both those who were interviewed formally and those whom I met informally- often stressed that in case of marital disputes women return to the house of their family and that their families will take care of them. Indeed, we have seen that Nura did go back to her family. Yet, the size of this family and its structure were not the one of an extended family but one of a household which consisted of her mother alone, a female-headed-household.

A similar case concerns a 24-year-old woman from the lower middle classes –Firdaus - who had married her husband without the consent of her parents when she was sixteen years old. From the beginning of the marriage he used to hit her. Whenever Firdaus complained about it he threatened to leave her and marry a second wife. Since Firdaus had married without the consent of her parents she was reluctant to divorce him and ask her parents for help. Her parents

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213 See also Hill (1979, chapter 3); and Brown (1997, 200).
214 See also Bibars (2001, 57). For the case of Palestine Moors notes that women who feel badly treated by their husbands return to their father’s house after which the husband will send mediators to persuade her to return home (1995, 143).
had even cut lose from her during the first years of the marriage. After eight years of marriage she was no longer able to endure the beatings and the threats and she decided to go back to her mother’s house and file for a *khul’* divorce. With her mother and father having separated in the meantime, her mother was sharing a household with one of her daughters (the younger sister of Firdaus). Firdaus decided to leave her children in the house of their father and his brothers and sisters with whom he was living. “If I take the children with me, I will be constantly tempted to go back to him. By leaving them with their father it is easier for me to really distance myself from him. Besides, he is taking good care of them and I want the best for my children. I did not finish my studies so they are better off with him,” she finished her story.215

Another story is that of the *fallaḥa* Wafa’, the first Egyptian woman who filed for a *khul’* lawsuit. Wafa’s case was reported in both an Arabic based Egyptian newspaper (*al-wafd*) and an English based Egyptian newspaper (*al-Ahram Weekly*). At the time she filed her case, Wafa’ had been married to her husband for fourteen years. Soon after their marriage her husband had started to beat her. At least three times Wafa’ had left the house as a result of that. Although her mother understood the difficult situation her daughter was in, she nevertheless had always urged her to go back to her children saying that all homes were like Wafa’s. Things got worse when Wafa’s husband married a second wife. After another major fight Wafa’ again left him and took the train to her mother. This time she refused to go back and instead she asked her husband to give their two-year-old daughter to her but her husband refused saying that it was in the interest of the girl and the other children that they stay together (*al-Ahram Weekly* 17-23 February 2000). When Wafa’ returned to her mother’s house, she also moved into a female-headed-household since her divorced mother was living on her own in a small village in Lower Egypt.

Can we still speak of a family in such cases and what to think of women like Seham who did not go back to their family but instead decided to rent an apartment and live on their own? Seham, a middle class woman in her late thirties was working as a nurse at a private hospital in the upper middle class area of Medina-t-Nasr when I met her through a common friend. She told me that soon after the marriage problems had started between Seham and her husband. For many years both families intervened and tried to iron out the problems between them. However, according to Seham their attempts at mediation helped in the beginning but after a while her husband always fell back into his old behaviour. She asked him for a divorce, but he refused. After fourteen years of marriage, Seham was no longer able to endure his bad behaviour and against her parents’

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215 Interview at the lawyer’s office of the Egyptian Center for Women’s Rights (ECWR), June, 21, 2004, Cairo.
will she left him. She had nowhere to go but since she had a good salary, she started renting a flat of her own. She took her two sons with her and divorced her husband through *khul'*216. In the case of ‘Afaf, her family also refused to take her back and ‘Afaf was forced to remain living alone with her children in a small apartment. In contrast to Seham, ‘Afaf did not have a good salary and could barely make ends meet.

Do these examples tell us that the importance of the family as a first forum of resort is deteriorating? Is it merely a coincidence that in these cases women often took refuge in a household without an adult male? In this light it merits note that in a study on Family Courts in Egypt, Al-Sharmani says that in contrast to women who file for a regular divorce, women who file for *khul'* often lack financial and emotional support of their extended family (2008, 43). For the case of a large town in northern Algeria, Jansen observes in the early 1980s, how many widows and even more divorcees are not well supported by their families, although the existing ethos prescribed that women without men should be supported by their families (1987, 8-9). Something similar seems to occur in the urban context of Sana’a, Yemen, where Würth also claims that the ability of the larger family to negotiate marital disputes has deteriorated as a result of which members of “socially unembedded nuclear family units” increasingly take their disputes to court (1995). In order to see if this is also the case in Cairo, it would be interesting to look at some ethnographies on family life in Cairo.

**Family life in Cairo**

In a study on family, politics and networks in urban quarters of Cairo in the 1990s, Singerman claims that the predominant goal of families and the community at large is to maintain the preservation of the household unit. She claims that in general behaviour of Egyptians can be explained by the underlying principles of what she calls the “familial ethos” which is based on families’ wishes to reproduce the family unit. So strong is the will to reproduce the family unit and hence to look for suitable marriage candidates, that, according to Singerman, not many marriages break down. When the integrity of the household is threatened, others are called upon to arbitrate disputes of which marital disputes occur most frequently (1995, 50-1). Singerman claims that the pervasiveness and the success of these arbitration channels, whether familial or governmental, are proven by the extremely low divorce rate of 2 percent in Egypt (ibid, 53). In a study on the lives of poor families in Cairo Hoodfar too uses the declining divorce rate to suggest that marriage is a relatively stable institution in Egypt (1997, 54; 1999, 101).

In the same vein, in a study conducted in the late seventies and early eighties in a lower (Bulaq) and middle class (Shubra) neighbourhood in Cairo, 216 Interview at the hospital in which Seham was working. Feb. 19, 2004.
Rugh, argues for the strength of corporateness. Although her fieldwork provides interesting data on social developments in Egypt (such as the spread of love marriages, women’s increasing freedom of movement, women’s participation in education and the labour market and disruption of the family as a result of divorce and death), she nevertheless concludes that response to new circumstances are only surface rearrangements of behaviour, the changes do not represent major changes in Egyptian society (1985, 274).

In Life among the poor in Cairo, a study carried out in a lower class neighbourhood in Giza during the late sixties and early seventies, Wikan presents a rather different picture by showing the devastating effect poverty has on family relations. She argues that poor people try to conform to the Egyptian ideal, which measures a person’s value by the amount of material goods she or he owns (1980, 135). However, since most families are too poor to live up to this ideal, people engage in kalam al-nas (gossip), which destroys family relationships. This main feature of the social system surfaces most clearly during marriage negotiations when it becomes clear that the decisions that the young couple make, are largely decided by a more diffuse network of involved people, spinning intrigues. Contrary to Singerman and Hoodfar, Wikan claims that marriage negotiations show how larger kin groups play an insignificant role in social life (1980, 93-4). Bibars, who conducted fieldwork among female-headed-households in Egypt in the 1990s, also shows the poor state of family relations. Her study shows that female-headed-households now comprise approximately 18-30 per cent of urban Egyptian families (2001).

Apart from the fact that these works arrive at different conclusions concerning the strength of family relationships, I was also surprised to find that later work of Singerman and Rugh contains conclusions that are opposed to what they concluded in the ethnographies which I presented above. For example, eight years later, in an article on Islamic resurgence and changing family relations in Egypt, Rugh claims that “…resurgent Islam, […] is drawing upon a tendency already present in contemporary Egypt in which individuals operate more independently from their families than has been the custom in the past” (1993, 151). As for Singerman, where she concluded before that the stability of the family is reflected by the extremely low divorce rate, ten years later, she describes in an article on divorce in Egypt how divorce cases and personal status disputes overwhelm the court system. “The judiciary is paralyzed by these cases and the backlog they produce” (Singerman 2005, 166) and political forces even consider the high number of cases to be a hindrance to Egypt’s growing involvement in the global economic order (ibid, 166). How do we account for the fact that academics as well as respondents reach different conclusions on the strength and solidarity of the Egyptian family?
One explanation might be that people remarry quickly. Relative easy divorce on the side of the husband, for example, might go hand in hand with that of remarriage which explains the scarcity of divorced people in the population, despite the frequency of acts of divorce (Fargues 2001, 258). This is in line with my fieldwork findings. In the context of my research, I, of course, met a lot of divorced men and women from the lower (middle) classes, but I also met many divorced men and women from the upper (middle) classes in an informal way. For example, one of my friends from the upper middle class, who had divorced her husband out-of-court by way of *ibra'* after a marriage of a few months, had even introduced me to a group of approximately ten female friends of different ages but who shared one experience: they were all divorced and eager to marry again.

Another explanation could be that social science studies, dealing with family and household, have assumed the model of a consensual, harmonious household. Even social work/sciences, which interfaces with the family at points of conflict and crisis, used to emphasize the need to support and maintain the unity of the family (Ganesh 1998, 117) as a result of which scholars failed to recognize changes in family relationships (cf. Risseeuw 2005). In fact, this is what Cuno, in a study on divorce and the family in contemporary Egypt, criticizes Rugh and Hoodfar for. According to him, "The recent reevaluation of Egypt’s divorce rate from “high” to “relatively low” reflected skyrocketing Western divorce rates more than changes in the Egyptian rate, even though the latter was declining” (in press) (see also 4.4).

At the same time, however, one could also argue that these studies reflect a particular time and space and thus show that it is difficult to reach unequivocal conclusions about the strength and stability of the family since family relationships are always in an incessant flux, one that not only differs across time and space, but also depends on the situation which a particular family is facing. In Singerman’s first study on the strong "familial ethos," poor urban families were confronted with a powerful state. In order to face the demands and restrictions of a powerful state, families are more likely to unite and form a front against an external “enemy” (the state). In Singerman’s second study on divorce there is more room for conflict within the family. Singerman’s contradictory conclusions about divorce and the Egyptian family suggest that a strong Egyptian family does not and did not exist. Moreover, sometimes individuals have strong, good relationships with certain family members while at the same time having conflicts with other family

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217 We should be aware of the fact that divorce rates do only inform us as to the relative stability of marriage. They do not tell us much about the quality of marital life. For example, a study conducted in the Netherlands showed that 25 percent of the children who grew up before the divorce wave claimed to have had an unhappy childhood while only 15 percent of the children who had grown up in a period in which the divorce rate was increasing rapidly claimed to have experienced an unhappy childhood (HP De Tijd 15 September 2006, 33).
members. After a certain period of time, these relationships may have altered due to changed circumstances. Furthermore, at some times people may be regarded as family members while at other times they are not and even individuals who are not related in terms of blood ties might be considered to be family. Interestingly, in a study on single women (such as widows and divorcees) in Algeria, Jansen points out that these women have a low status and that one way to make them “less remarkable is by symbolic reclassification back into the category of decent women through […] fictitious kinship” (1987, 247).

This last remark on being in/outside kinship ties touches on a second problem that occurs when scholars maintain the model of the harmonious and unchanging family: they fail to recognize the importance of other social categories—such as friends—in an individual’s support and survival network. In this respect Risseeuw notes that: “Historically within anthropological circles, ‘kinship’ and to a lesser extent ‘family’, as concepts and practices have received far more attention than ‘friendship’ (cf. Risseeuw 2005). According to her this was the result of Euro-American assumptions [with their exaggerated attention to biological idiom] being at the heart of much of the anthropological study on kinship. In contrast to the heavily analysed concept of ‘kinship’, social science literature, especially anthropology, paid little attention to the concept and practice of friendship.218 In the context of this chapter, it would be interesting to analyse what role friends play in general and, in cases of marital disputes, specifically. With this question in mind, I move on to analyse the case of Nura and explore what types of relationships—family, kin, friends, colleagues—were important to her at a certain moment during the divorce process, why they were important and why they sometimes ceased being important.

7.5 Defining friendship

When thinking over who could be labelled friends of Nura, I suddenly realized that in a way I had become a friend of Nura too. During the fieldwork we often called each other and we met regularly both at her work and at her home thereby sharing news and feelings. Since researchers always have to enter into a form of friendship with their informants, I started to realise that in fact the concept of friendship lies at the heart of anthropological practice. “After all, the development of some form of friendship is inherent within anthropological practice” (Bell and Coleman 1999, 2). Immediately after, I started to wonder why I considered Nura to be a friend of mine. Even though we shared all kinds of intimate details about our personal lives I was reluctant to tell her frankly that my brother and his “wife” had two children although they were not married, for example. Did this mean that we

218 See also the different contributions in The Anthropology of Friendship of Bell and Coleman (1999).
were not real friends since friends should trust each other completely or could these “white lies” be justified by the fact that Nura and I were not only from different cultural but also from different class backgrounds? Or was Nura a friend because we had both voluntarily chosen to enter into this relationship? I also wondered about the pragmatic side of our relationship. Since I was studying women who had decided to file for a divorce through khul’, there was a practical need to establish ties with women such as Nura. In the same vein, Nura used my relationship with her to show off to both her colleagues and family, and to iron out problems between her and her second husband (see chapter 8), something which turned me into the only person who had access to both her friends and colleagues in the post office and her family at home. To what extent are notions of friendship shaped by sympathy or instrumentality or can they be the result of both? Another question that kept me occupied was to what extent Nura considered me to be a friend of hers and if she did, why?

Before answering this question, I felt it important to first define friendship and find out whether there are universal notions of friendship (see also Bell and Coleman 1999, 2). By providing an answer to these questions, I also touched on the question as to whether there is a clear distinction between kinship and friendship and whether friendship could replace kinship?

Often friendship is described in terms of its constituting elements of which the personal, the voluntary and equality are thought to be the most central aspects of a friendship. Yet, in The Anthropology of Friendship Bell and Coleman explore the question of “…whether it makes sense to think of friendship as existing in mutually comprehensible ways across cultures” (1999, 2). They conclude that “…there is little pragmatic sense in attempting to construct a rigid, globally applicable, definition of friendship” (ibid, 15). Instead they rather use the study of friendship to produce an anthropology that understands kinship in the context of other forms of social ties as well as to study the emergence of new types of social relations in a globalizing world whose cultural and social boundaries are constantly being transformed (ibid, 16).

In line of this, Gort—in a MA thesis on friendship in Uganda—claims that friendship comprises both emotional and functional aspects and that it varies in its degree of intimacy. Depending on the context, the development of friendship is continually redefined by changing rules of relevancy (2005, 115). When we apply the idea of changing rules of relevancy to the case of Nura, we see that when I first met Nura she and ‘Afaf were good friends. They were both in the process of

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219 According to Paine this is what characterizes friendship: “There are certain things which one does not tell a friend because he is a friend...It is because the matter to be divulged is a “dark secret” or one that is “incompatible with...image of self” (1974, 132).
getting a divorce and appreciated each other’s support to the extent that Nura would come to court when ‘Afaf was having a court session and visa versa. This changed when Nura was able to pay the fees for the court’s arbitrators while ‘Afaf was not. This change in their friendship was related to the fact that Nura’s and ‘Afaf’s position in the divorce process started to follow different courses. As a result, Nura no longer needed ‘Afaf’s support. Nura’s Christian friend and colleague in Shubra, however, remained important to her. Not only did Nura go to her house to unburden her soul after a court session and to celebrate the divorce, Nura also kept visiting her after the divorce had been obtained. This Christian friend and colleague knew people in the Gulf who were looking for an Egyptian nanny, a job Nura was interested in. In other words, Nura still valued the relationship with this friend and colleague because she needed her. Sociological literature often stresses that modern friendship should not be exploitative as it should not be a relationship which is formed for instrumental reasons (cf. Paine (1974) and Allan (1989)). Silver, however, argues that the concern with anti-instrumentalism is linked to a modern view of friendship (cited in Gort 2005, 14). Also Brain argues that “In a hierarchical society poor and powerless people need friends in high places” (cited in Gort, 2005, 14). Indeed, friendship relations between people of unequal status are common in the Egyptian context. Hence, if one wants to analyse the question as to whether friendship could replace kinship ties, it is important to keep in mind that friendships sometimes are hierarchical relationships which have a clearly pragmatic side and that are often maintained in the public domain.

7.6 Friendship cannot replace kinship

In The Anthropology of Friendship Bell and Coleman argue against opposing kinship ties to friendship ties. Clear distinctions between kinship and friendship are not always easy to sustain which is shown by the fact that the idiom of kinship is applied to friendship and visa versa (1999, 7). Their book shows that in some case studies kinship is transformed into friendship and in other cases friendship took the guise of kinship. Although I initially agreed that a distinction between friends and family is not always easy to make, I nevertheless was of the opinion that the data which the case of Nura and other Egyptian friends provided me with, point out that in this specific context there is a distinction between friendship and kinship ties, one which is based on friends, and kin being designated to different spatial arenas.

What struck me in Egypt was that so many friendships are maintained in public spaces such as universities, sport clubs and coffee shops. When friends meet, they often meet outside the home. I met my Egyptian friends, from all classes, outside the home in public places, such as the work place, the campus,
middle class coffee places (such as Cilantro) in middle class neighbourhoods such as Masr al-Gadida, Zamalek and Down Town, in qahwa-s (coffeehouses) and in Nura’s case, in court. Among themselves, my Egyptian friends do not often meet friends in the private domain of the house. In the introduction to this chapter I have already pointed out that I was surprised by the fact that I met Nura’s friends and colleagues first, most often in public spaces such as the post office and the court and that it was only a few months later that I first met her mother and other family members, often within the confines of the house. Nura seemed to keep friends and family separated. Nura’s colleagues as well as ‘Afaf never met her mother or other family members and visa versa. Rahma, a friend of mine from the higher middle classes who introduced me into her circle of divorced female friends, seldom brought friends to the house. Only once, during Ramadan did she invite many of these divorced female friends to the house where she was living with her mother. Otherwise, she would always meet them outdoors in typical middle class coffee shops and restaurants. In a study on space, class and gender in middle class Cairo, De Koning, narrates how her friends - middle class professionals - tried to maintain a distance between family and friends (2005, 18, chapter 4). In another case, a woman from the upper middle classes tried to exclude a female colleague of hers from a party she and her husband were planning to have that evening in their apartment. When her colleague did attend after all, she and her husband felt extremely uncomfortable as the colleague was not of the same social standing as the other guests and was not socially gracious. Although this woman and her colleague shared all the intimate details of their lives at work, the colleague was not welcome to visit her at home.\footnote{In a study on family and friends in Darfur, West Sudan, Willemse focuses on daily support networks of both educated elite women and market women. Elite women go to great lengths to keep family members apart from colleagues since they have to keep up the appearance of being an elite woman while simultaneously they have to stay connected to other non-elite family members whom they might need in times of crises. Elite women’s multiple identities cause them to keep people from different identities separate (1998).}

In light of these findings I found a study on family and friendship in the Netherlands interesting in which Risseeuw shows that family and friendship ties are arenas of social relations which are not interchangeable. Where respondents were often of the opinion that one could ask family members to take up support roles such as providing temporary childcare, they considered it impropriate to ask friends to perform support roles. Risseeuw calls the phenomenon where friends do not know each other’s families or friends the matter-of-fact compartmentalization of ‘social life’ and ‘relationships’ (2005, 104) and she says that “In situations where family and friends remain fairly separate it is not easy to ask friends to take up support roles that could be linked to ‘family’ (2005, 106). Homes are private and not often walked into casually (ibid, 107). Friends are important but they do not
assume the domain of families” (ibid, 111). This resembles the situation in Egypt. First of all, friends and family were kept separate and in some cases people even kept family members apart from other family members. For example, Nura’s new husband (see also chapter eight) never came to Nura’s mother’s house as Nura was reluctant to let him meet her. When she once used my mobile phone to call her husband, she even told me that I should not tell her husband that we were visiting her mother.

Second, there is a similarity between the Egyptian and the Dutch context in the sense that friends did not easily take up support roles. Nura valued her colleagues and friends for their company; their understanding; and their help in trying to find a job abroad but as far as I know Nura did not ask them to undertake regular, practical help or to visit her at home (see also Zaalouk 1975). In other cases, friends often helped each other by offering each other emotional support and sharing each others company. In Rahma’s case, most of her friends were divorced too and when they met they almost always spoke about children and men. Broadly speaking, friends were there to offer emotional support while family offered housing, childcare and, in the case of Nura, an uncle by marriage provided legal help.221

Yet, here too the exception proves the rule as families sometimes do not support members well who are in need of help. In section 7.1 we have seen how Nura refrained from taking care of her old and sick mother and instead relied on and expected the neighbours to continue taking care of her mother. She also stopped taking care of her three children by leaving them in the house of her family-in-law. Also what can one think of the fact that after ‘Afaf’s husband left her for another woman, ‘Afaf was left on her own, both by her parents and her brother? Although in general family members take up support roles, Nura’s and ‘Afaf’s cases exemplify that this is not always the case. Jansen’s (1987) and Würth’s (1995) findings for Algeria and Yemen, respectively, support this observation.

Although it was true that friends and kin were often designated different spatial arenas in which friends were supposed to perform specific tasks such as offering emotional support in public spaces and kin to perform support roles in the domain of the home, the cases of Nura and ‘Afaf, and the other cases in which women moved into a female-headed-household, simultaneously showed that social reality sometimes showed a different picture. Hence, where the data on

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221 For the case of Uganda Gort also mentions how she expected friends to replace family members in their role of care givers in the face of the large number of individuals needing care who, as a result of AIDS, no longer had family upon whom they could rely for support and care. Gort, however, found out that friends were not often called upon to perform care giving roles (2005, 91). Although this might be related to the stigma associated with AIDS, I nevertheless found it interesting that both Risseeuw’s (The Netherlands), Gort’s (Uganda) and my data (Egypt) present a picture in which friends do not easily take up support roles which used to be performed by family members.
Egypt support the phenomenon of “compartmentalization of social life and relationships” (albeit the relation does not necessarily run along lines of friendship and kinship), this was different with regard to the division of “labour” between friends and family. Where friends almost always live up to their role of offering emotional support, families sometimes do not care for female relatives with marital problems. As we have seen, sometimes they refuse or are reluctant to accept daughters back with marital problems. In the more affluent classes this seems to be related to the fact that the family is afraid that divorce will cause a stain on its reputation. This aspect also occurs in urīdu Hallan, where the father of Duriya refused to help his daughter Duriya to divorce her husband, since he was afraid of what other people would say, especially since there had never been a divorce in his family before. In the lower classes it seems that economic reasons more aptly explain why families sometimes are reluctant to accept a daughter back with marital problems. Especially when a woman has many children, there is often no room to accommodate them all while having so many extra mouths to feed also weighs heavily on the financial resources of the family. This, as we have seen, was the case with Nura.

In such situations, one would expect the importance of reconciliation to become even more important but in the case of Nura the opposite was true as reconciliation did not occur. I relate this to the fact that Nura’s father had passed away and, without brothers or other male relatives to take over the father’s guardianship, there appeared to be nobody who was able or willing to represent Nura and her family vis-a-vis the family of her husband. This is well exemplified by a statement by Nura’s mother who told me once that she felt the position of both her daughters to be very weak since they had no father and no brothers who could help them in case of marital problems. In a study on conflict resolution within one Cairene family from the lower middle classes, Drieskens pays attention to this aspect of male representation. She says that the head of the family, al-kabīr, is important since he represents the face of the family in the confrontation with the opposing party. According to her, the concept of face illustrates “the multiple voices of both men and women [which] are temporarily muffled and unified behind one face, which confronts the other as one (collective) person” (2006, 23). When families are without a “face”, and this applies to Nura’s family and that of female-headed-households in general, then this negatively impacts on mediation.

Although economic facets might also have played a role, after all higher class families often invest a lot of money in marriage preparations, Duriya’s father did not mention this in the film. This also applies to my fieldwork findings. When people from the higher classes talked about divorce, they emphasized the impact which divorce would have on their reputation, rather than the financial consequences which it might entail.
The “face” of the family and the mediator

It is important to distinguish between a male family member who represents the family vis-a-vis the opposing party and who subsequently tries to bring the parties in dispute together and the person (or institution) who is the mediator. In official attempts at reconciliation these two people are not the same as it is imperative that the mediator is neutral. This applies to the new Family Court as well as the local councils in Upper Egypt (cf. Korsholm-Nielsen 2003). In the Cairene family which formed the subject of Driesken’s study it also becomes clear that this is important. In that case, the strength of the victim’s demand was weakened because his representative tried to be the mediator as well as the representative of the victim and his family (2006, 1201). In the film urīdu khul’an something similar transpires. Here we see how Tarik the husband is represented by his uncle from the village and Maha the wife by her younger brother. Tarik’s uncle tries to bring the disputing parties together by arranging a meeting between him, Tarik and Maha’s brother. During this meeting, however, he also tries to mediate between Tarik and Maha’s brother with disappointing results as the demands of Maha’s brother are declined by Tarik. In the film, then, the actual mediation is successfully left to the court where, as we have seen, Maha declares that she still wants Tarik to be her husband.

Things can be different when there are no representatives but when there is a mediator who serves as the common link between the parties in dispute, a common friend for example. The following case from Kafr al-Sheikh, a town in Lower Egypt, serves to illustrate this. The mediator, Muhammad, who was a friend of mine, told me about this case when we had just visited the court of Kafr al-Sheikh. According to him divorce was a frequent problem, not only in Egypt in general but also among many of his friends specifically. Often, he would intervene and try to reconcile them. He then told the following story to illustrate this.

After a courtship of seven years, two friends of Muhammad got married. They went to live in Cairo. After a baby was born the problems started and the husband frequently called Muhammad to complain about his wife and that she was no longer paying attention to him. Muhammad often visited them to talk about their problems. A few times he also visited the wife while she was alone in the house, something which he alone was allowed to do as the husband trusted him completely and saw him as a brother of his wife. So, by talking to both of them, he tried to persuade them to understand each other better. To no avail, since on a certain day, the husband called Muhammad to tell him that he wanted to divorce his wife that very day and that he had already sent her to her parents’ house.

Immediately, Muhammad rushed off to meet the wife in her parents’ house. He tried to persuade her to go back to the marital home with him and the
baby. Her parents tried to stop him, but he managed to persuade them and the wife too. When they arrived in the marital home in Cairo Muhammad called the husband, who was working, to tell him that his wife had had an accident and was in hospital. In shock the husband said that he would come home immediately only to find Muhammad, the wife and the baby in the house. Husband and wife were not ready to reconcile and both sat in a different corner of the house. Muhammad took the baby and started to talk to the baby. The wife was the first one who started to talk to Muhammad and the baby. She expressed her feelings and Muhammad started to defend her husband. Then her husband did the same, complaining about her. Now, Muhammad started to defend the wife. He tried to make them understand each other’s points of view. He also asked her why she had come with him to the flat. “Because you are a brother to me,” she said. “Come on, that is not the only reason. You did it because you still love him” he said. Then Muhammad asked the husband the same question. In the end Muhammad told husband and wife that there was still love and for that reason they should give their marriage a second chance. If he had felt that there was no love anymore, then he would agree to the divorce. His reconciliation effort worked out well as the couple is still happily living together. He advised them to spend a free day for themselves without the baby every second week. They are not calling him any longer which means that they are not having problems anymore. That is how it goes, he explained. They call you when they have problems and they do not call you when everything is going fine but that is fine.

The story of Muhammad shows that in cases of successful mediation the mediator does not necessarily need to be a neutral outsider. What is more, when the mediator is a common friend (or any other common contact) it can be less important for women to have a male representative. This is especially important in situations where women such as Nura are deprived of a father figure who acts as their representative vis-a-vis the family of the husband. As a matter of fact, in the case of Nura where we have seen how she was very open about the divorce towards her colleagues, one of her colleagues could have taken up the role of mediator. This, however, is not what happened and seems to be related to two factors. First, where Muhammad was male, Nura’s colleagues were all female, except for her boss and one male colleague. Apparently mediation is still very much a male task. This is exemplified by a personal contact who said that mediation in the new Family Courts is good as it teaches people how to communicate. However, he added, the mediators should be male otherwise the male defendant will behave disobediently. According to him, the new Family Court had taken this aspect of mediation from the villages. And indeed, an article about “conflict resolution” in Upper Egypt makes clear that all dispute mediators are male (Korsholm Nielsen 2003). This also transpired in the arbitration office of
Fatin and Hisham, where Hisham presented himself as being in charge of the office while he was also the one who went to visit litigants at home. Fatin, on the other hand, never left the office to visit litigants at home.

A second explanation for Nura’s colleagues not taking up the role of mediator seems to be related to the fact that none of them knew her husband. In other words, there was no common link between Nura and her husband. Already in 1975 Zaalouk, in a study on the social structure of divorce adjudication in Cairo describes that “In the absence of kinship groups and the existence of other forms of social organization or reference groups, individuals were more likely to resort to court for the solution of their problems. Friends and neighbours were indeed alternative reference groups, however they could not substitute for family councils or courts. Attempts to reconcile couples in disharmony had never been made by friends or neighbours, this might be due to the fact that initially the couple never had friends or contacts in common, who therefore felt in a position to interfere as friends of the family” (ibid, 120). In this light Antoun speaks of estrangement of the conjugal relation which he believes to be a distinctive feature of Middle Eastern family relations (1990, 38-9). For the case of an Algerian town in the 1980s, Jansen also speaks of a gap between conjugal partners and of a weak matrimonial tie as husbands and wives are separated from each other in many aspects of life (1987, 169).

In summary, when there is no male representative; and when there is no common contact who takes up the role of mediator, women with marital problems seem to become dependent on courts to provide mediation.

7.7 A source of marital disputes: in-laws
Only a few minutes after I had first met Nura’s mother, I was taken by surprise as her mother immediately started to tell me how her sister-in-law had thrown her, her husband and her children out of their house, almost forty years ago. That same day she would also complain about her ex son-in-law (Nura’s ex-husband) and how he used to take their money although his own family was quite wealthy. When Nura’s mother once needed a doctor, Nura’s mother-in-law was not prepared to help her out by giving her money. On later occasions, she would often castigate her other son-in-law (the husband of Nura’s sister) for having stopped greeting her when he passed her little house on his way to his parent’s house (who lived opposite Nura’s mother). She would then cry and tell me that she had no idea what had happened and why he had stopped greeting her. Clearly, her family-in-law had played and continued to play an important role in her life.

In Nura’s case, Nura held her mother-in-law responsible for her marital problems but especially for not being willing to create the financial means which would make it possible for Nura to take back her children into care. Like in the
case of her mother, there was an economic aspect to her suffering since her mother-in-law was unwilling to provide Nura the money with which she could have taken care of her children. In fact, Nura complained more frequently about her mother-in-law than about her ex-husband and I was often under the impression that she held her mother-in-law responsible for her situation - something which I think is exemplified by Nura telling me and her colleagues that the problems with her knee were caused by her mother-in-law. Nura even claimed that her headaches which were a result of the pressure which her mother-in-law was exposing her to could easily have caused Nura a stroke. Although Nura’s colleague had to laugh about it, she nevertheless started to complain about her mother-in-law, with whom she and her husband shared a household, too (see 6.1).

In the case of Jordan, Sonbol argues how legal records show that one of the most important reasons for family disputes involves the mother-in-law’s presence in the family home as well as the interference of the mother- and the sister-in-law in a wife’s affairs, even if they are not living with her (2003, 180). For the case of Lebanon, Faour claims that most marital disputes are related to economic factors. In many cases the husband is not able to provide financial support or to secure a separate dwelling for his nuclear family. “A large number of poor and middle-class newlyweds have been forced to live with their families of origin in the same dwelling, due to scarcity of affordable housing. Co-residence with parents-in-law, often the husband’s parents, has caused a lot of tension in the relation between the spouses, with the wife being particularly disadvantaged” (1997, 178). In such cases Faour even speaks of the wife’s house being turned into a “virtual prison” (ibid).

I was intrigued by the metaphor of a virtual prison since it immediately reminded me of the Egyptian House of Obedience (bayt-al-ta’a) and its connection to the maintenance-obedience relationship. In this light it is interesting to also look at husbands who are having problems with their family-in-law. Earlier, (in 6.3), we have seen how two husbands accused their fathers-in-law of pressuring their daughters to make excessive claims on them. What is interesting is that both husbands reacted to their in-laws interventions by submitting a ta’a claim. Women, like Nura, having problems with their in-laws, reacted to a meddlesome family-in-law by filing a khul’ claim through which they had to give up their financial rights. Apart from different financial and legal consequences,

223 On another occasion, when I was interviewing a woman at Fatin’s lawyers’ office, the whole story revolved around her mother-in-law as well. Like Nura, this woman was of the opinion that her mother-in-law had spoiled her son (the interviewed woman’s husband) to such an extent that he was not able to shoulder his marital duties. In a study on Family Courts in Egypt, Al-Sharmani claims that women’s reasons for filing a khul’ divorce is often related to problems arising out of living with in-laws (2008, 41). 224 For Palestinian examples, see Moors (1995) and Shehada (2005, 187-95). For the case of Morocco and Iran, see Mir-Hosseini (1993).
these different moves also have different psychological and sociological consequences for men and women as men who react to interventions by submitting a ta‘a claim put the blame on somebody else, namely their wives whom they accuse of behaving disobediently, while wives who react by filing khul’ cases accuse themselves of being disobedient, as it were. Even in the case where a husband’s request for having his wife declared disobedient is declined, because he cannot provide a shari‘a dwelling for example,225 this does not necessarily carry a social stigma for the husband. Whatever the different motivations men and women may have had for resorting to these measures, the fact remains that both on a legal and a social level women behave disobediently by breaking free from the “virtual prison” which living with the husband and his family entailed, while men, who break away from a marriage, resort to measures which put the blame on their wives. No matter who takes what legal measures, in the end women are often the ones who are blamed for the situation.

Nura’s case is a telling example. Where Nura lived in a virtual prison her husband was living in a real prison. Although her husband was behaving “disobediently” since he had committed a crime (of fraud) while he had also not been able to provide for his family, Nura was the one who felt that escaping her virtual prison was only possible through opting for a stigmatizing khul’ divorce. The economic facets which often force women to start living with their in-laws played such an important role in Nura’s case that it even influenced the relationship with her children. Although Nura took upon herself the role of provider by entering the workplace again, she was not able to take care of her children financially. As a consequence, she was left to leave her children in the house of her mother-in-law and her ex-husband’s co-wife. In order to change this situation Nura even considered working in the Gulf and Australia where wages are higher. By taking up a second job as a migrant worker Nura was considering something which which was publicly seen as the prerogative of men. Where in reality gender roles were reversed since Nura became the provider while her husband remained in prison and let his mother and co-wife take care of their three children, on a legal level Nura was behaving disobediently. In a sense, this also applies to the public level where we have seen how women who divorced through khul’ were often accused of leaving their husband and children behind for another man, Nura’s divorce experiences had given ammunition to such an assumption, especially after she decided to marry again, a topic which I present in the next chapter on secret marriages and polygamy.

225 Shehada argues that the low number of ta‘a claims in Giza City court, Palestine, is related to the fact that due to the occupation by Israel, husbands are often not able to provide their wives a separate dwelling (2005).
Before doing so, a refinement must be made. I showed in this section that women often face problems with their family-in-law, mainly because they are living with them under one roof. In such cases, women can be said to live in a virtual prison. So far, I only related the metaphor of the virtual prison to women and did not question whether it also applies to men. At first glance, such a question seems out of touch with Egyptian reality, where men do not usually seem to live with their in-laws. Yet, in the film urīdu khul’an, the husband Tarik also came to live in some sort of prison after his wife and her younger brother had taken over the marital home. They designated him a small corner of the house where he could sleep, (un)dress and move freely while he was denied access to other parts of the house or could only enter them by entering security codes.

Moving from fiction to reality and from the urban to the rural context, a study on an Upper Egyptian village near Aswan shows that in cases of polygamy the newly wed couple often remains with the parents of the wife after marriage or the husband visits his second wife regularly if he has already established a household with his first wife (Haugaard Bach 2003, 56-60). When husbands move in with their in-laws, this not only increases the potential for conflict between a husband and his family-in-law, it simultaneously raises the question as to whether the husband’s non-sustenance of a marital dwelling undermines the maintenance-obedience relationship. I pay attention to this question in the next chapter.

7.8 Conclusion

I started this chapter with the question as to whether kin is still a main channel of care and support and whether friendship relations are replacing family ties. It is not easy to obtain an answer to this question as both respondents interviewed and academic literature express opposing points of view on the importance of the family in contemporary urban Egypt. Where Nura’s and other women’s divorce experiences suggest that family ties are often not strong as a result of which the court becomes the only forum of resort for women with marital conflicts, others such as judges and NGO leaders claim that women will only use the court as a forum of last resort. Only after their families have made numerous failed attempts at mediation and after they have reassured themselves from the latter’s support, will women take their marital problems to court. Some scholars claim that family ties are strong, while others such as Bibars, Wikan, and Zaalouk show that they are not. In a study conducted in Cairo’s Zananiri court, Zaalouk even argues that women go to court when family ties are lacking or weak. In such instances women might have had alternative reference groups consisting of friends or colleagues but these groups hardly ever tried to mediate between a couple with marital problems simply because they did not know the other partner. In fact, friends and colleagues
were often the ones that pressed women to take their problems to court. What to make of these conflicting points of view?

One way is to recognize that socio-economic background plays an important role. For example, judges are from the higher classes in which family ties are indeed very strong when it comes to divorce. In case of divorce a family has much to lose both financially, as they have invested much capital in the marriage and socially, as going to court implies that the marital dispute is made public. This can be very damaging to the reputation of the family.

In the lower classes things are often different as both men and women make use of the court system as a strategic means to obtain what they want which is not necessarily a divorce. In cases where family ties are not so strong or when family members live far apart from each other, women (especially women who live in households headed by females only) have nobody to represent them vis-a-vis the family of the husband and/or to mediate on their behalf and in such cases the court becomes the only forum of arbitration and resort. This is partly informed by the fact that friends who do not know the other half do not try to solve the marital dispute by taking up the role of mediator. Where friends offer emotional support, family members are still expected to offer mediation. Although it is true that women with marital problems often return to their family’s home, this home often consists of women only, that is to say, women in such cases often move into a female-headed-household, a household without an adult male. In such cases there is often no mediation coming forward, a situation which forces women to either endure a bad marriage or to go to court.

Earlier we have seen how these findings are supported by research in a court in Sana’a, Yemen (see 7.4). In that case, Würth claims that the ability of the family to negotiate has decreased as a result of which disputes are increasingly taken to courts which ‘are not partners in the (re)negotiation of relationships’... (1995, 337) and which either dissolve (marital) ties or do not issue a ruling at all (ibid). For the Egyptian case, I tentatively argued in chapter 6 that things are different. After the introduction of a new Family Court in 2004, courts seemingly became “partners in the (re)negotiation of relationships” as professional government-appointed arbitrators provide mediation which often has the result that marital relationships are either solved or dissolved in an amicable way, which takes into account the interests of both spouses.

Since wives often move into the household of their family-in-law when the husband is not able to provide for a separate dwelling, it should not come as a surprise that in such cases the family-in-law accounts for a large percentage of marital disputes. In the case of Nura for example her husband did not provide Nura a separate dwelling nor did he provide for his family. He rather abdicated these duties to his mother, brothers and sisters. Although husbands have a legal
and social duty to provide financially for their families, the fact that wives often move in with their family-in-law exemplifies that husbands fail in their marital duties. When problems arise between the wife and the family-in-law, often the mother-in-law, wives frequently end up living in a so-called virtual prison which they sometimes escape by resorting to khul’. Khul’, we have seen, is usually related to women’s disobedience, both on a legal and public level. When husbands have problems with their in-laws things are different as they can submit a ta’a claim. Although it is true that in such cases, a husband needs to substantiate his ta’a claim (for example: if his wife is living with his family, he needs to prove in court why he has not provided his wife a separate dwelling), in the end, however, it is the wife who runs the risk of being declared nashiz.

Things are different in cases of polygamy where the wife remains living with her natal family and where the husband often moves in with his family-in-law, or when the wife starts living on her own while the husband only visits her on a visitor’s basis. While this last scenario seems unlikely for the case of Egypt, this is precisely what happened to Nura. In this light, we should also pay attention to the fact that Nura suddenly stopped talking about her children. It seemed as if she was no longer interested in working abroad and taking back her children. Where Nura could not stop worrying about her children in the beginning, at a certain moment she stopped talking about her children and every time I asked her about them, she would simply say that they were doing fine. One time she even said that she loved the three children of her sister more than her own children. What had happened? Nura had escaped her virtual prison and after she had obtained the divorce she was free to work abroad and provide for herself and her children. It was even imperative to her to remain single since she thought that a new husband could object to her wish to work abroad. At a certain point in time, however, Nura started to think about marrying again. She wanted to escape the stigma of being a divorcee and she wanted a husband who could provide for her, at least partly. Why did Nura want to give up her freedom and why did she choose to enter a marital prison again, in ways similar to the one from which she had just escaped?