Women in Middle Eastern History

Shifting Boundaries in Sex and Gender

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Debate rocked elite circles in Egypt in 1904 when Safiyya 'Abd al-Khalil al-Sadat, a notable's daughter, married Shaikh 'Ali Yusuf, editor of the nationalist paper al-Mu'ayyad, against her father's wishes. Having initially agreed to the betrothal of his daughter to Yusuf, al-Sadat then postponed the wedding. After four years of waiting, Safiyya consented to marry Yusuf at the home of a relative, for under Islamic law she was of age and able to contract a marriage herself. When al-Sadat learned of the event, however, he took the case to the shari'a (Islamic law) court, petitioning for an annulment. He argued that according to Hanafi law (the school officially recognized by the Ottoman government), there was a lack of ḥafi'a (suitability) in this match. Although the Hanafi school is liberal in allowing a mature woman freedom to choose her husband, it is strict in evaluating suitability, stipulating that the man must be equal to the woman or her family in wealth, occupation, lineage, piety, and other attributes; as such, Hanafi law gives the guardian the right to challenge a match. Al-Sadat won the court case after widely publicized and highly controversial proceedings. In the end, however, the parties were reconciled, al-Sadat accepted Yusuf as a son-in-law, and Safiyya returned to the husband of her choice.¹

This story illuminates certain aspects of turn-of-the-century Egyptian society. It shows, for example, shifting class boundaries. Born in relative poverty in an Upper Egyptian village, Yusuf had become a successful journalist in Cairo, amassing considerable wealth. Yet journalism was not exactly an esteemed profession, particularly to such notables as al-Sadat, who traced his lineage to the Prophet Muhammad. Yusuf's first wife had shared his "hebber" origins. Through this second marriage he hoped to raise his social status and gain greater respectability.
Yet this is not just a story about 'Ali Yusuf and class; it is also a story about Safiya al-Sadat and marriage. She consented to marry against her father's will, corresponded with Yusuf to arrange the marriage, and refused to return to her father's house during the trial, insisting on staying with a third party instead. In attempting to marry the man of her choice, Safiya demonstrated remarkable tenacity. This story suggests that a new notion of marriage—a union of choice based on mutual consent and affection—had surfaced in turn-of-the-century Egypt.

In looking at Western family history, Lawrence Stone has argued that the issue of "the timing and nature of family change from the traditional to the modern" is of crucial importance. He characterized this transition by (1) the weakening of the bonds of kinship; (2) a greater emotional bonding between spouses, as marriage becomes "a matter of free choice based on personal affection and sexual attraction rather than the result of a mercenary arrangement made between the parents," with a concomitant increase in the demand for divorce as an escape from unsatisfying relationships; and (3) a change in attitudes toward children. This chapter focuses on the second set of factors (marriage) in Egypt. Robert Springborg has warned against dichotomizing arranged and free-choice marriages for Egypt. He suggests that "marriages should be seen on a continuum, ranging from those entirely arranged by the parents and family elders," in which the partners have no say and have not met, to those "that are totally the product of the partners' instigation." The concept of continuum proves useful, for the arranged marriage of today (in which a couple that has been introduced meets frequently before marriage) is not the arranged marriage of earlier generations. The goal here is to trace movement along this continuum.

For most Egyptians, marriage is contracted according to Islamic law. A normative Islamic marriage pattern emerged in the early centuries of Islam that permitted men up to four wives and unlimited concubines and made divorce easy for men but quite difficult for women. This legal structure, combined with the wider social structure, discouraged strong marital bonds, putting the patriarch rather than the couple at the center of the family. Yet within the parameters established by law, in different times and places, and among various strata, marital relations have developed in diverse ways. Here the specific concern is to trace the marriage patterns of middle- and upper-class urban Egyptians in the nineteenth and twentieth centuries.

Edward Lane gave a rich description of practices in the 1830s in *An Account of the Manners and Customs of Modern Egyptians*. In looking at various strata in towns and cities, Lane found arranged marriages, based on a brideprice, of couples who did not meet until the wedding ceremony. Some brides were as young as twelve or thirteen and few older
than sixteen. Incidences of polygyny were rare, perhaps one in twenty, and according to Lane occurred more often among the “lower orders” than the upper ones. Middle- and upper-class men, however, frequently had concubines in addition to wives. Lane found rampant male-initiated divorce and maintained that “there are certainly not many persons in Cairo who have not divorced one wife, if they have been long married.”

More than a century later urban marriage patterns in Egypt had changed significantly. Lella el Hamamsy wrote in the 1950s that “the trends are towards a higher age of marriage among educated women. Especially for those who want to attend the university, marriage may have to wait until they reach the twenties. . . . Many of them would like to choose their own husbands . . . [and] want to marry men closer to their own age.” In the 1980s Andrea Rugh observed that rational and romantic approaches to marriage were still frequently at odds among the urban lower classes.8 But the ideal of companionate marriage had spread among the urban middle and upper classes. Though marriages might still be arranged in these strata by family or friends, the couple usually met before marriage as young people increasingly looked for love matches.

When did companionate marriage emerge in Egypt? Sources from the 1870s on show reformers criticizing marital and divorce practices and promoting a new vision of conjugal relations, which paved the way for new legislation in the 1920s. During this period urban middle-class and upper-class Egyptians proved increasingly receptive to the idea of marriage based on mutual affection. This was primarily a consequence of internal changes in Egyptian society rather than a product of European example.

LOVE AND MARRIAGE

Nineteenth-century Egyptians were heirs to medieval Arabic poetry and prose rife with stories of romance. One recurrent theme was that of chaste love: In “Majnun and Laila,” for example, conditions conspired to prevent the couple from consummating their love through marriage.9 In any case, many medieval writers held that union spoiled love, maintaining that it thrived better before or outside of marriage. These writers developed a “copious vocabulary” for love, and tended to use ‘ishq, hawâ’, and hubb interchangeably, though the first two terms sometimes suggested lust and usually referred to greater intensities of love.10 Modern writers preferred the more moderate word hubb, emphasizing emotional bonds and deemphasizing physical passion in their attempts to couple love and marriage.

Love and marriage were the themes of many plays by the Egyptian writer Ya’qub Sanu’, who staged some of his dramas in Cairo in the early
1870s and is credited with the founding of modern Arabic theater. His play *Bursat Misr* (The stock market of Egypt) relates the story of a banker who promises his sixteen-year-old daughter Labiba to a man she does not love, disregarding her love for a less wealthy man. In the play *al-'Ali* (The sick man), a father pledges his young daughter Hanim to the man who heals him, unaware that she has been exchanging love letters with a young man named Mithri. In yet another play, *al-Sadaga* (Friendship), the orphan Warda vows to marry her cousin Na‘um, but when Na‘um’s letters stop coming from England where he is studying, her aunt tries to persuade her to marry another suitor. Dealing with the lives of middle- and upper-middle-class Egyptians, these plays end happily as love triumphs over all obstacles, especially family opposition. Audiences of diverse backgrounds responded enthusiastically to these plays, indicating support for the idea of love as the basis of marriage.

Turn-of-the-century writers echoed this idea. Sa‘diyya Sa‘d al-Din, an Egyptian Muslim woman writing under the pseudonym Shajarat al-Durr, stressed the companionate as well as the romantic dimensions of love. Noting that a wife is the partner of a man in his life, she implied that marriage should be monogamous, emotionally fulfilling, and long lasting. A few years later the Syrian immigrant writer Niqula Haddad linked love and marriage in a book by that title, *al-Hubb wa l-zawaj* (Love and marriage). During this period there was an outpouring of romantic literature in Egypt, including translations of European works and original Arabic short stories and narratives. One of the earliest Egyptian novels, *Zainab*, written by Muhammad Husain Haikal and published in 1914, deals with love. It focuses on the peasant woman Zainab, who loves a poor peasant named Ibrahim but is forced to marry someone wealthier. When Ibrahim is sent away, she succumbs in despair to sickness and death. Meanwhile, the landowner’s son Hamid searches for love among peasant and city women, yet fails to find it. According to Charles Smith, the central issue of *Zainab* is “that of love, hubb, and the impossibility of its fulfillment in Egypt.” Haikal argued that true love, as opposed to physical passion (hawa’), would not be realized until women were educated and transformed from emotional to more rational beings.

The idea that marriage should be based on love seemed to be spreading, at least among the urban middle and upper classes. Malak Hifni Nasif, a female essayist who wrote under the name Bahithat al-Badiya, claimed that women were no longer satisfied only with clothes and food like “one of the servants of the house,” but wanted “marital happiness more than previously,” for they had learned that there is no reason to live together “if love is not the basis of a couple’s relations.” Male and female writers of various backgrounds pushed companionate marriage as
an alternative to arranged marriages based solely on economic calculations.

THE CONTRACT

In Islamic law marriage is a contract. The groom is responsible for the mahr (bridewealth), paid directly to the bride, with some portion deferred in case of divorce or death. Once married, the husband is required to provide adequate maintenance (food, clothing, and housing) for his wife and their children. In return, the woman promises obedience. Marriage was arranged through negotiations between families, who bargained over the bridewealth and other details. Through advantageous alliances families sought to improve their economic position, cement political ties, or enhance their social prestige. In short, the marriage system operated according to market principles, to the detriment of some women. "If she is poor, he does not want her, and if she is rich, he wants her money," wrote Malak Hifni Nasif.

Since the financial underpinnings of marriage were clear, changes in the economy invariably had an impact on marital agreements in particular and on marriage patterns in general. For the growing middle class, Egypt's entry into the world market resulted in greater preoccupation with capital and consumption as the country became a market for European manufactured goods. A few writers in the early 1900s bemoaned this situation, where money had become the "all and all" and marriages based on "true lasting love" were rare. Greater financial risks and gains raised expectations for the mahr. Some men, particularly those who worked for the government, claimed that their salaries were not high enough to enable them to save money. Hence they appeared to be "fleeing from marriage."

Financial problems plagued the marital agreements of non-Muslims as well as Muslims. Among Egyptian Copts and Jews the woman's family was responsible for the dowry, sometimes providing the groom with enough capital to start a business. Yet in turn-of-the-century Egypt fathers seemed "unable to raise what the groom demands," preventing or postponing some marriages. Expectations for the bridewealth and the dowry were probably rising in a period of unprecedented speculation and prosperity at the end of the nineteenth and beginning of the twentieth century. Then the 1907 economic crisis sent shock waves through the marriage market, adversely affecting marital plans. Writers, especially those of the newly emerging middle class, criticized the emphasis placed on the financial considerations of marriage. They set out to reform the business of arranging marriages, urging a shift in focus from
the economic to the emotional compatibility of a couple, which meant allowing couples to meet before marriage.

PREMARI AL MIXING

In the early nineteenth century agents and agencies helped parents or parties to arrange marriages. In Cairo, for example, marriage bureaus located partners for clients through a network of representatives in public baths and slave markets. The marriage broker still appears in the twentieth century, for example, in Naguib Mahfouz’s *Midaq Alley*, set in 1940s Cairo.20 According to Islamic law an arranged marriage could not proceed until a girl had given her consent, though until a girl reached puberty (the age of majority, set at no less than nine and presumed by age fifteen), she did not have the right to voice approval or disapproval. This meant that a girl was given a description and a name. Lack of response was interpreted as acceptance, or a negative response was overruled and girls were forced to marry against their will. Social critics called for more informed choices, suggesting that the prospective bride and groom be allowed to meet after their engagement and before marriage.21

A couple became engaged when parents, guardians, or representatives had agreed to the mahr and read the opening verse of the Quran together. Still, unless they were related (in which case they probably knew one another), they could not meet, even in the company of others. Many held that Islamic law forbade premarital meetings. Others maintained that custom, not law, prohibited engaged men and women from meeting. The Islamic reformer Muhammad ‘Abduh argued that all schools permitted it.22 A few Muslims initiated premarital contacts in enterprising ways. One man placed an advertisement in a newspaper calling for a young Muslim woman to exchange letters with him, his only stipulation being that she not be over twenty. Seventeen women responded, indicating that young people were attempting to communicate with one another.23

Observers pointed to changing patterns among Copts, who had recently permitted couples to meet before marriage. The patriarch encouraged this mixing in an 1895 encyclical letter to his clergy, instructing them to ensure that mutual knowledge and consent existed before performing the marriage ceremony.24 Copts were probably more open to supervised premarital mixing because they did not have the options of polygyny or easy male divorce. (Marriages could be dissolved upon conversion of a spouse, a tactic occasionally used, or annulled; but divorces were granted only on grounds of insanity or infertility.)

As Egypt was transformed from a family-centered society with little geographical or social mobility into a more mobile society with a growing
bourgeoisie, love matches became more accepted, particularly among the urban middle and upper classes. Some men and women began to meet before marriage to determine affinity and romantic possibility, but not yet challenging parental prerogatives.25

RAISING THE AGE AT MARRIAGE

After the marriage contract was finalized (the offer to marry was accepted in front of two male witnesses), the event was usually publicized by a wedding procession and party. Among the upper strata this celebration increasingly incorporated Western food, fashion, and drink, reflecting some degree of Westernization and changing values.26 In whatever way they celebrated, women in turn-of-the-century Egypt seemed “pre-destined” for marriage, for “sooner or later, with very rare exceptions,” they were “subject to this natural law,” in the words of Alexandra Avrino, owner of the Journal Anis al-jalis.27 But was it sooner or later?

Lane reported in the 1830s that most women married at age twelve or thirteen and few later than sixteen. In late-nineteenth-century Egypt, early marriage was still common, particularly in the countryside. Some parents used early marriage to safeguard against illicit sexual activity; others to force a desired match. By the early 1900s these unions were viewed by many as dangerous and were blamed for a range of psychological and physiological problems. Malak Hifni Nasif observed that many girls who married at a young age developed “diseases of the nerves (hysteria).” Doctors also documented the medical consequences of early marriage, showing difficult and fatal deliveries.28

As a result of their growing awareness of the harm of early marriages, reformers tried to prevent them, appealing to the different religious authorities in Egypt. The Coptic patriarch supported this drive and refused to issue a marital license before a girl reached the age of sixteen and a boy twenty.29 Yet Muslim authorities could find no basis in Islamic law to justify the establishment of minimum age limits. (The Prophet Muhammad had married ‘A’isha when she was about six and consummated the marriage a few years later.)30 Legislators and administrators tried different tactics. A Muslim deputy introduced a bill into the legislative assembly in 1914 that attempted to fix the marriage age at sixteen, but it was defeated. A few years later administrators amended the penal code to treat consummation of marriage with a child under twelve as rape, though the marriage itself was considered valid.31 Then, in 1923, the Egyptian Code of Organization and Procedure for Shari’a Courts required that all marriages be registered in order to make legal claims and directed the courts not to hear claims of marriage if the bride was under sixteen and the groom under eighteen at the time of the contract. Further-
more, officials would not conclude or register a marriage contract between couples who had not reached these ages. Although such regulations did not void child marriage per se, they did discourage it.\textsuperscript{32}

The legal attempt to raise the age at marriage mirrored a trend already under way. Qasim Amin, the author of several books on women and society, noted in 1900 that the average age at marriage was generally between twenty and thirty, whereas in the past it had been at maturity or before.\textsuperscript{33} Statistics confirm this impression. The 1907 and 1917 censuses show that most girls married between the ages of twenty and twenty-nine, and the number of girls who married before this—the overwhelming majority of whom were fifteen to nineteen—was less than 10 percent of the female population.\textsuperscript{34} Many young men, particularly professionals of the new middle class, postponed marriage until they had earned degrees, found employment, and saved money, and many now wanted educated wives. Young women entered the new state and private schools in growing numbers, putting off marriage until they finished school.\textsuperscript{35} Influenced by a combination of medical, economic, and educational considerations, women and men in the early 1900s were marrying at later ages.

Reformers also condemned the related practice of marrying young women to older men. Though the censuses give little indication of how often this occurred, the much higher proportion of widowed or divorced women over fifty (60 percent in 1907) to widowed or divorced men (10 percent) suggests that older men who remarried chose younger wives.\textsuperscript{36} Many Egyptians maintained that a husband should be ten to twenty years older than his wife, but extreme gaps seemed improper.

The practice of marrying young girls to older men occurred among rural inhabitants as well as among urban elites. \textit{Al-’Afaf} carried the story of the forced marriage of a twenty-year-old educated Cairene woman, former secretary of a women’s organization. “Without any shame” her father and uncle decided “to sell her like a commodity” to a wealthy man of eighty. She became distressed and “cut off her hair in despair”; after the marriage she attempted suicide by throwing herself in the path of a train. The editor of \textit{Al-’Afaf} used this story to illustrate the injustice of marrying a young girl or woman to an older man, or any man, against her will.\textsuperscript{37}

The ideal of companionate marriage based on mutual affection and physical attraction implied marriage between adults relatively close in age who sought a consensual and monogamous union. A clear trend toward later marriage among the elites had begun, as had efforts to bridge the age gap and to ensure consent. To what extent had multiple partners, one of the main obstacles to the new marital ideal, been eliminated?
TOWARD MONOGAMY

According to Islamic law a Muslim man could take up to four wives, provided that he treated them equally (a stipulation that was morally but not legally binding). At the same time, he could enjoy innumerable concubines, female slaves who served as sexual partners. In the second half of the nineteenth century female slaves were still purchased in Egypt, including the highly prized Circassians. Free women decried the “army of Circassians” that had conquered Egypt, “emerging victorious with the best of our men.”38 In 1877 the Anglo-Egyptian Convention outlawed the slave trade, and in the following decades female slavery disappeared. Yet concubinage, in any case, may have been losing ground as the ideal of companionate marriage began to spread in some circles. Here Ottoman attitudes present certain parallels. In looking at the literature of Ottoman male reformists after 1860, Deniz Kandiyoti found “a rejection of the slave girl . . . and a hankering for more companionate and romantic relationships” as a persistent theme.39

Did wives replace concubines as partners, causing an upsurge in polygyny? The 1907 census reported 6 percent more married women than men, which was taken to be a rough estimate of the rate of polygyny. This corresponds to Lane’s estimate in the 1830s of one marriage in twenty as polygamous.40 Though it is difficult to know how much this figure had fluctuated in the interim, the elimination of concubinage does not seem to have caused an increase in the rate of polygyny. Rather, the demise of slavery strengthened the institution of marriage and served as a necessary first step toward the ideal of monogamy.

Although only a small minority of Egyptian marriages were polygynous, the threat hovered over all women married to Muslim men, for they could take additional wives at any time for any reason. Some men became impatient when their wives did not conceive or produce sons in particular. Other men planned second marriages to younger women. One woman told a reporter from al-‘A’al that she had lived with and loved her husband for many years, but that he had married a poor girl whom she took in as a servant. The first wife then asked for a divorce.41 Second wives were usually seen as intruders and cannot have enjoyed the competition for the resources and attention of a shared husband.

Some women found divorce preferable to polygyny. “The first is pain and freedom, and the second is pain and fettering,” wrote Malak Hifni Nasif.42 Yet a divorce under such circumstances was contingent on a husband’s approval, which was not always given. As a result, many women felt trapped. A few killed husbands who took second wives; some killed themselves. In one report from Port Said, a soldier’s wife set
herself on fire, “saying in her last breath that she committed suicide because she was unable to continue near her co-wife.”

Reformers used the press and the podium to mobilize public opinion against polygyny. Although attitudes began to change among certain strata, legislation on this issue lagged as many Muslims continued to hold as basic the right to four wives. A committee appointed in 1926 to recommend reforms in the laws of marriage and divorce proposed a series of articles limiting polygyny. But these articles were excluded from the 1929 reform law at the personal decision of King Fuad, in part because polygyny was practiced mostly by peasants and therefore justified on the grounds of its impact on the birthrate and the economy. In any case, the flip side to polygyny was easy divorce, making serial wives a viable alternative to concurrent ones.

**Dissolving a Marriage**

As expectations for emotional fulfillment in marriage increased in Christian countries, so, too, did demands for ending dissatisfactory relationships. This meant expanding grounds for divorce, and in the process deconsecrating marriage. By contrast, divorce was already legal under Islamic law, for marriage was a contract that could be voided. According to Hanafi law, a man could divorce his wife at will for whatever reason without appearing in court. A woman, however, had few options for dissolving a union. She could apply for judicial annulment on the grounds of her husband’s impotence, and upon reaching puberty a child bride could repudiate a marriage not contracted by her father or grandfather. Deserted, abused, and simply unhappy wives had little recourse to divorce if their husbands would not consent. The challenge in Egypt in the early twentieth century became one of striking a balance: expanding women’s grounds for divorce while limiting men’s abuse of it.

Social critics first set out to document the results of the powerlessness of women to leave their husbands. In one case reported in the press, a woman from Bani Suwaif who could not get a divorce from her husband killed him with the help of her cousin (who in the course of the crime confessed his love for her). The two were caught after the body was discovered; she was sentenced to twelve years in prison and he to death. In another case, a father of five spent his wife’s savings on prostitutes and gambling, and when she attempted to leave threw her from the window of their third-story apartment. Other abused wives took their own lives. One Cairene woman who had become “debilitated by her husband’s treatment . . . and had given up all hope of deliverance from him” swallowed a fatal dose of carbolic acid.

Stories such as these generated debate about the need to expand wom-
en's grounds for divorce. One woman told a reporter that she believed "a young woman should be granted freedom in separating from a husband" but was clearly looking for ways to reconcile Islamic law with contemporary women's expectations. Some Egyptians argued that Islamic law already protected women, by giving them the right to stipulate grounds for divorce in conditional clauses in their marriage contracts, providing that their husbands agreed. Yet not many women knew that they had this right or thought to use it on the eve of marriage, and in any case some jurists considered these clauses invalid and nonbinding.

Calls to grant women wider grounds for divorce, and to guarantee that their separation did not hinge on a husband's approval, prior or otherwise, culminated in new legislation. A 1920 law that was supplemented in 1929 recognized four new conditions for judicial relief: if the husband had a chronic or incurable disease, failed to provide maintenance, deserted his wife, or maltreated her, she could apply to a court for dissolution of the marriage. Part of a general reform of marriage and divorce law that drew on the different Islamic law schools and minority opinions within them, these articles sought to terminate unions that did not conform to the emerging ideal of companionate marriage. Yet efforts to limit men's arbitrary ability to divorce their wives at will outside the court proved less successful.

ATTEMPTS TO RESTRICT REPUDIATION

Unilateral divorce empowered men, for it could be used as a threat to modify a wife's behavior or as a punishment to teach her a lesson. In most cases it was reversible: a husband could take back his wife during the waiting period (a few months set aside to see if she was pregnant) without negotiating a new contract. Even after one or two divorces, the couple could remarry. However, a third divorce or triple *talaq* (the oath of divorce pronounced three times in a row) was final and irreversible. Hanafi law was strict in this regard, considering a formula of divorce valid, whether pronounced under duress or intoxication, as a threat or an oath, in anger or in jest.

This created hardships for women who wanted to return to their former husbands. One twenty-five-year-old woman in this predicament asked a religious scholar for advice. She had lived with and loved her husband, by whom she had two children, until he had pronounced a triple *talaq*. Now he wanted her back, but she did not know what to do. According to the law, whether or not her husband had intended to divorce her, he had pronounced the formula and therefore the divorce stood. Only if she contracted a marriage with another man, consummated it, and he then divorced her could she remarry her first husband.
Yet an interim marriage contracted for this purpose was illegal, though not unknown. Reformers recognized that some legal change was needed in this area.

Most wives were not taken back, and they left with their possessions and the deferred portion of the bridewealth. A divorced wife did not receive any maintenance after the waiting period, though if she had small children in her care she was supposed to receive money for them. Many women returned to their families, but this was not always possible. The plight of divorced women, who often had no legitimate way to support themselves, led reformers to call for more work opportunities for women.

Divorce seemed widespread to early-twentieth-century observers. Men repudiated women for “weak reasons or none at all.” Yet to measure the frequency of divorce during this period is difficult. Censuses listed divorced women as widows, and shari'a court records were not necessarily accurate or comprehensive. In 1903, for example, the courts of Egypt recorded 176,474 marriages and 52,992 divorces—more than two divorces for every seven marriages, or a divorce rate of 30 percent. These figures, however, did not necessarily reflect remarriages for which no new certificate of marriage was needed and other marriages and divorces escaped the notice of the courts.

Whatever the figures, reformers found the number of divorces excessive and sought to discourage unjust and unnecessary divorce. They condemned men for repudiating older wives and wives who had not produced male children. They also pointed out that the threat of divorce—not only the act itself—was harmful. “Shajarat al-Durr” argued that divorce caused a “lack of trust in a Muslim woman’s heart” and forced her “to use deceit, lies, and cheating” to please her husband. Yet she did not call for elimination of divorce altogether, the absence of which “would also have been damaging when the couple is unable to harmonize in life and love.”

The 1929 Law of Reforms in Marriage and Divorce dealt with certain aspects of male divorce. It stipulated that divorces pronounced under compulsion or while intoxicated (but not those made in jest) were invalid; so, too, were oaths and utterances not intended to lead to divorce; finally, almost all pronouncements of divorce were considered single and revocable. The new law cleared up certain difficulties, but did not greatly restrict unilateral male divorce. In the meantime, reformers tried to modify behavior by publicizing the problems caused by easy divorce.

In the Muslim Middle East, marriage has always been a contract that could be voided. The debate surrounding divorce in early-twentieth-century Egypt was an attempt to infuse that contract with greater mean-
ing. Men had to be more committed to marriage and prevented from repudiating wives at will. Women had to have more freedom to leave unsupporting, diseased, or abusive husbands. It proved easier to expand women's grounds for judicial divorce than to limit male prerogatives. Yet demands for female-initiated divorce and reforms in this area should not be taken as a sign of the decline of marriage or of the family. Rather they should be seen as part of the effort to strengthen the couple and place it at the center of the family, as well as further proof of the emerging ideal of companionate marriage.

The ideal of companionate marriage began to spread in Egypt in the early twentieth century among the urban middle and upper classes. Essayists, dramatists, and novelists all argued for the need to make love a cornerstone of marriage. At the same time young people asked to meet before marriage to determine compatibility. For a variety of reasons men and women married later, a delay that created the possibility for greater intellectual and emotional affinity, raised expectations for the relationship, and probably decreased fertility. Though polygyny remained a threat to many and a reality for a few, concubinage had been eliminated. Female-initiated divorce became accessible in certain situations, whereas male repudiation was slightly curtailed. Taken together the evidence suggests that the marital ideal was in flux, moving along a continuum from arranged marriages toward ones of greater choice.

The question of agency remains. What propelled the movement? Were the urban middle and upper classes drawn toward companionate marriage as a Western idea, or were other factors at work? Egyptian writers rarely pointed to Western marital relations as a model, for many felt that Western family ties were eroding and should definitely not be emulated. Instead, indigenous economic developments, social changes, ideological debates, and legal reforms all combined to reshape conjugal relations. Other aspects of family life were probably undergoing parallel transformations. In this regard it would be helpful to study changes in the bonds of kinship and in attitudes toward children during the same period. A shift from patriarchal to conjugal family may have begun, marking the origins of a modern family type in Egypt.

One final question: What happened to Shaikh 'Ali Yusuf and Safiyya al-Sadat, the couple who had married against her father's wishes and had fought him in court to stay together? Though they remained married until Yusuf's death in 1914, theirs was not in the end a harmonious union. Selecting one's partner did not guarantee marital success, nor did it necessarily promise more happiness than an arranged marriage. Still, unions of love and choice were increasingly favored by young people.


12. Shajarat al-Durr, “al-Talaq wa ta’addud al-zuujat,” Anis al-jalis 1, no. 7 (1898): 206. Shajar al-Durr was the name of a medieval woman ruler in Egypt,
which in contemporary popular writing is usually rendered Shajarat. Nicula Had-


14. Malak Hifni Nasif [Bahithat al-Badiya], *al-Nisa‘iyat* (Cairo: Matba‘at al-

15. The term *bridewealth* seems more appropriate than *brideprice*, for the money
went to the bride and not to her family, at least in theory. See Jack Goody, “Bride-
wealth and Dowry in Africa and Eurasia,” in *Bridewealth and Dowry*, ed. Jack Goody


kaifa na‘ish,” Anis al-julis 2, no. 9 (1899): 343–47.

19. Regina Awwad, “al-Zawaj,” *al-Sa‘ida* 1, no. 3 (1902): 51; see Mark Glazer,
“The Dowry as Capital Accumulation among the Sephardic Jews of Istanbul,

20. Nadia Tomiche, “Egyptian Women in the First Half of the Nineteenth
Century,” in *The Beginnings of Modernization in the Middle East*, ed. William R.
Polk and Richard L. Chambers (Chicago: University of Chicago Press, 1968), 179;
Naguib Mahfouz, *Zuqayq al-midhat* (Cairo: Maktabat Misr, n. d.); *Midhat Alley* (Washington,

21. See, for example, “al-Mar‘a al-muslima fi Misr,” Anis al-julis 5, no. 2 (1902):
980–81.

22. Ibid.; see Muhammad ‘Abduh, *al-A‘ma‘i al-kamila li'l-Imam Muhammad


27. Alexandra Avierino, “L’enseignement de la jeune fille,” *Le Lotus* 2, no. 1

28. Lane, *Manners and Customs*, 143; Nasif, *al-Nisa‘iyat*, 32; A. C. McBarnet,
“The New Penal Code: Offenses against Morality and the Marriage Tie and Chil-


3 (1914): 266; McBarnet, *New Penal Code*, 382–86.

(Syracuse: Syracuse University Press, 1982), 52.
33. Qasim Amin, *al-Mar'a al-jadida* (Cairo: Matba'at al-Sha'b, 1900), 98.
34. Ministry of Finance, *The Census of Egypt, 1907* (Cairo: National Printing Depart- 
ment, 1909), 92; Ministry of Finance, *The Census of Egypt, 1917*, vol. 2 (Cairo: 
35. Nabawiyya Musa, *al-Mar'a wa'l'amal* (Alexandria: Al-Matba'a al-Wataniyya, 
1920), 42–43; Elizabeth Cooper, *The Women of Egypt* (New York: F. A. 
Stokes, 1914), 169. See Alexandra Avierino, “Matlab jadid,” *Anis al-jalis* 2, no. 5 
(1889): 173, for one group of bachelors who vowed to marry only educated women.
Al-Tayyib Salih describes the violent outcome of one such marriage in rural 
Sudan in his novel *Ma'sum al-hijra ila al-shamal* (Cairo: Dar al-Hilal, 1969), 
published in English as Tayeb Salih, *Season of Migration to the North*, trans. Denys 
38. Nasif, *al-Nisa' iyyat*, 14. For more on slavery and its demise, see Ehud 
Toledano, *The Ottoman Slave Trade and Its Suppression*, 1840–1890 (Princeton: 
Princeton University Press, 1982), 179–84; and Judith E. Tucker, *Women in Ninet- 
39. Deniz Kandiyoti, “Slave Girls, Temptresses, and Comrades: Images of 
1911): 2.
44. Anderson, “Recent Developments III,” 124–26. At the time, overpopula- 
tion had not yet become an issue of concern in Egypt.
45. See Roderick Phillip, *Putting Asunder: A History of Divorce in Western Society* 
(Cambridge: Cambridge University Press, 1989), and a review of that book by 
12–15.
47. Sulaiman al-Salimi, "La tuharrijija," *al-'Afaf* 2, no. 64 (19 June 1914): 6; al- 
Laqita [the Orphan], "Qattal zaujibii," *al-jins al-latisif* 12, no. 3 (1919): 99–104; al- 
Salimi, "Rufaqa' bi'l-qawwaris," *al-'Afaf* 1, no. 35 (13 Oct. 1911): 7; al-Salimi, *Ittadi 
Allah ya rajul," *al-'Afaf* 1, no. 29 (9 June 1911): 15.
48. Zakkiyya al-Kafrawiyya, "Jam'iyya li-takhir al-azya'," *al-'Afaf* 1, no. 26 (12 
Law*, 53–54.
52. See, for example, al-Salimi, "al-Mar'a al-mankuba," *al-'Afaf* 1, no. 34 (4 
54. “As in India, it was thought advisable not to show divorced persons separately from widowed” (Census of Egypt, 1907, 91). Great Britain, Public Record Office, Foreign Office 407/163, no. 4, Cromer to Lansdowne, Cairo, 26 Feb. 1904, “Annual Report of 1903.” After 1897, documentation was needed to make claims concerning marriage and divorce, thereby increasing incentive to record changes in marital status.