



## USEF PANEL DISCUSSION NOTES

September 28, 2004

### **Changes in the Status of Egyptian Women: A View through the Prism of Marriage and Divorce**

#### ***Speakers***

Dr. Mona Mikhail, Associate Professor, Department of Middle Eastern and Islamic Studies, New York University

Dr. Diane Singerman, Associate Professor, Department of Government, American University

#### ***Moderators***

Dr. Jennifer Bremer, Director, Kenan Institute of Private Enterprises

Haleh Esfandiari, Director, Middle East Program, Woodrow Wilson Center

On September 28, 2004, the United States-Egypt Friendship Society (USEF) in conjunction with The Woodrow Wilson Center's Middle East Program hosted a presentation on the "Changes in the Status of Egyptian Women: A View Through the Prism of Marriage and Divorce."

Dr. Mikhail approached the topic from the unique perspective of art and cinema, the same approach she uses in her recent book, *Seen and Heard: A Century of Arab Women in Literature and Culture*. She highlighted one film in particular, *I Want a Solution*, which she identified as having profoundly impacted the women's rights movement in Egypt, particularly the passage of the *Khul'* law in the year 2000. The *Khul'* law allowed Egyptian women the right to a no-fault divorce without their husband's permission but with the catch that these women would thereby forfeit any financial rewards.

Mikhail delved into current, marriage-related issues confronting Egyptian society. She spoke of the need for more female judges in Egyptian personal status courts. She added as a side note that modification of a law prohibiting women right to travel without their husband's consent is still under consideration in the courts. Another issue that has recently come to light by way of the media is *urfi* marriages, or unregistered marriage contracts. These marriages, which are popular among college students, pose a great risk to women who forgo many of the rights to which they are entitled in a traditional marriage contract. *Urfi* marriages reflect a looming societal problem in Egypt: the difficulty of securing sufficient finances for marriage. However, Egyptians are taking up these issues through organizations like the National Council of Women which is headed by the Egyptian first lady. Dr. Mikhail concluded by stating that progress in one area depends on changes in other areas.

Dr. Singerman picked up the discussion on the *Khul'* law and offered revealing statistics on the materiality of marriages in Egypt. Singerman emphasized that the women's movement's success in passing the *Khul'* law lay in their "indirect approach" – securing a change in procedures surrounding personal status law as opposed to lobbying for a new personal status law. Singerman praised the pragmatism of the women's rights movement

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in utilizing Islamic traditions as a source of positive social change. In essence, Egyptian women understood that the only way to change personal status laws was to ground their arguments for women's rights on Islamic texts, since Personal Status Law is based on Shari'a. Post-colonial scholars and activists searched through *Sharia* court archives and found that women in earlier centuries actually enjoyed some rights which women today are denied. In addition to an effort to reinterpret religious sources and conduct historical and legal research, the women's rights movement formed a strong coalition that included figures from the religious, international business, NGO, academic, and legal communities.

Despite their activism, the women's rights movement did not succeed in passing the *Khul'* law and other important reforms until the year 2000, after decades of struggle. Singerman looked at the statistics on marriages to determine what societal factors contributed to the passage of the law. She reported that the current financial costs for entering a marriage are excessively high and thus it is not surprising that divorce reforms are very controversial. In addition, the greater numbers of women in the labor force suggest that women have more financial independence to seek divorce in the first place. A survey of Egyptian households in 1999 found that the average cost of marriage is approximately \$6,000, which totals to about \$18,000 for the average household of three children. This figure is eleven times the average annual household expenditures and fifteen times the expenditures of rural families living under the poverty line. The largest components of the cost of marriage are housing (at 31%) and furniture (at 28%).

Singerman concluded by summarizing the progress of the women's rights movement to date. She noted that women have learned the importance of lobbying, building coalitions, and the benefits to abiding by the rule of law in their resistance, while drawing on both religious and secular sources of legitimacy.

### ***Q&A Highlights***

Q: Iranian women pushed for changes in the sixth Iranian parliament but many of these changes are being undone by female members of the seventh Iranian parliament. Is this reversion to old standards a possibility in Egypt? If so, how will the Egyptian women's rights movements prevent this regression?

A: (*Singerman*) The women's rights movement will have to utilize their lobbying skills which they are still learning and building. This coalition was determined to promote this law in the most proper, lawful, and legitimate manner so that it could not be undone on a legal technicality or irregularities, which happened to an earlier attempt at reform in 1979. They worked with many groups in society, including religious and legal authorities and the executive branch, to gain support for the initiative and they also held hundreds of meetings and conferences to build a constituency that supported the legislation.

Q: What are women losing financially if they choose to divorce under the *Khul'* law?

A: (*Singerman*) Alimony in Egypt is very minimal and the value of a *mahr* after years of marriage may not be so high, so women who divorce under the *Khul'* law, are not losing much money.

(*Mikhail*) In fact, after the law passed many women from middle-income and lower

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income groups filed for divorce the very next day. So, the forfeit of financial benefits is not a huge concern.

Q: What do these women's rights reforms mean for democracy in the Middle East?

A: (*Singerman*) It is dangerous to repeat the colonial discourse of "rescuing" women in the Middle East. In order to help these women fight for their rights, we need to understand the constraints that they are living under. These women's movements will suffer if they are seen as tools of the U.S. to push for democracy in the Middle East but at the same time these movements have to work within local political constraints. They must be creative and inclusive if they want to exploit the limited political space that is available to them.