PDF hosted at the Radboud Repository of the Radboud University Nijmegen

The following full text is a publisher's version.

For additional information about this publication click this link.
http://hdl.handle.net/2066/151774

Please be advised that this information was generated on 2017-08-16 and may be subject to change.
In the mid 1970s, a film, *Uridu Hallan (I Want a Solution)*, drew attention to the plight of women applying for divorce under Egyptian law. Three decades later, Egyptian women are the first in the Middle East to have gained the right to unilateral divorce through a procedure called *khul’*. Cartoons and two films now depict *khul’* as a law designed mainly for immoral westernized Egyptian women from the upper classes.

In *Uridu Hallan*, Doreya, a middle-aged Egyptian upper class woman, wants to divorce her husband. Since her only son had grown up and had just left the parental home in order to study abroad, she decided that the time was ripe to divorce her unfaithful, alcoholic, and abusive husband whom her father had forced her to marry twenty years earlier. When she requested him to divorce her he refused, saying that he could not understand that she suddenly wanted a divorce after twenty years of marriage unless ‘her eye was on another man.’ As a consequence, Doreya was left no other choice than to file a divorce case in court. Her case was endlessly postponed and she found herself dividing her time between work and going to the court without any results. As her case dragged on, she became more interested in learning the difference between women’s divorce rights in Islam as compared to the divorce rights she had as an Egyptian Muslim woman under the Egyptian legal system. She discovered that Islam gives women the right to divorce their husband unilaterally through a procedure called *khul’*. One day, she found the police at her door—sent by her husband—to force her back to the marital ‘home’ through a so-called ‘ta’ah’ (obedience) ordinance. Instead of returning ‘home’ Doreya ran down the stairs and fled to her brother’s apartment. There she met a friend of her brother and after a while they fell in love. Slowly Doreya started getting hopes for a new future. Yet, the ‘obedience’ ordinance had angered her to such an extent that she decided to make an appointment with the Minister of Justice. During her visit she told him about the ‘*khul’* hadith’ in which a woman approached the Prophet telling him that she hated living with her husband although she thought of her husband as a good and religious man. The Prophet asked her if she was willing to give back to him the mahr (dowry) which he had given her upon marriage. She agreed, and after she returned it to her husband, the Prophet divorced her from him. The Minister of Justice was impressed by her knowledge of Islamic law and he promised to study the matter. He abolished the ‘obedience’ ordinance in the sense that the police was no longer allowed to force a woman back ‘home.’ However, he did not give women the right to divorce by way of *khul’*, nor did he set out to facilitate the existing divorce procedures so as to put an end to a practice which made women spend years in court without necessarily obtaining a divorce at the end of that period as happened to Doreya. After four long years the judge refused to grant her a divorce. Instead of marrying the friend of her brother whom she was in love with, she was still legally married to a man whom she hated and from whom she had already been separated for years.

Finally there was *khul’*

In actuality Doreya is a character played by Fatin Hamama (1931-), one of Egypt’s most famous actresses. Released in 1975, *Uridu Hallan (I Want a Solution)* had a profound influence on the public and many claimed that it revived the reform initiatives of the old Personal Status Laws which had last been amended in the 1920s. It is difficult to measure its effects, but it is beyond doubt that the film reflected the mood of the seventies in which hope, when a new reform proposal was introduced, and disappointment, when it was rejected again, succeeded each other. While the reform initiatives of 1971, 1975, and 1977 were all rejected by Parliament, Sadat pushed through a reform of Personal Status Law in 1979 during a period of parliamentary recess. The new law aroused a lot of controversy and especially the fact that women were given automatically the right to a divorce in case their husband married a second wife, enraged religious leaders, as well as the general public. However, since Sadat had issued the law when Parliament was in recess, some lawyers appealed the constitutionality of the law in the High Court which declared it unconstitutional on formal grounds in May 1985. The High Court did not declare the law unconstitutional on the ground that its content violated the Sharia. Although in July 1985 a new, adapted version of the 1979 law (law no.100/1985) was accepted by the Parliament, women felt disappointed. They again set out to reform Personal Status Law.

Where in the film, Doreya went to visit the Minister of Justice in order to ask him to change the ‘obedience’ ordinance and urge him to introduce unilateral divorce by way of *khul’* instead, more than a decade later, women’s activists also went to see the Minister of Justice, in order to discuss how they could facilitate the procedures governing judicial divorce cases initiated by women. After years of working with the Ministry of Justice, government officials, well known lawyers, and religious authorities, the women’s activists made a big step forward when the...
The "khul’" law criticized

In contrast to what one might expect, khul’ was criticized by many defenders of women’s rights, one of whom was Husna Shah, the scriptwriter of I Want a Solution. In an interview in an Egyptian newspaper in 2000 she said that khul’ would only be used in case of extreme necessity since the wife will have to forgo her financial rights such as alimony. For this reason, a woman will hesitate to approach a court. Husna Shah even predicted that women who do not opt for khul’ but who continue to live in discordant marriages, will resort again to “the cleaner and the plastics bags,” a reference to criminal cases in which women, unable to obtain a divorce, ended up murdering their husbands.

Husna Shah did not stand alone in her criticism. Other proponents of women’s rights also were of the opinion that khul’ would only be an option for richer women since they were the only ones likely to be able to pay back the dower as well as give up their financial rights. Opponents of reform of the existing divorce rules articulated much fiercer criticism. They also stated that giving women unilateral divorce rights would lead to skyrocketing divorce rates, and hence the destruction of the Egyptian family since women were too emotional to be given this right. As long as women remained obedient to their husband, family life and society in general would prosper. However, when women would leave their husband and ask for a khul’, this would lead to the breakdown of the Egyptian family and, hence, to that of Egyptian society at large. Often opponents called women applying for khul’ nashiz (disobedient).

Cartoons appeared to provide a very popular means for those opposing reform of divorce rules to express their criticism of the new “khul’” law. They depicted women with moustaches, women flirting with other men, men in shackles and men pushing prams, all conveying the same message: once women were giving the right to unilateral divorce, they would misuse it. As a result Egyptian family life would fall apart. What is particularly interesting is that many, if not all, cartoons depicted women as westernized Egyptian women who did not wear the veil, but instead wore tight garments and who walked on high heels.

The issue of westernization and women’s disobedience was also a central theme in two films which dealt with the development of khul’. Since women were too emotional to be given this right, they would misuse it. As a result Egyptian family life would fall apart.

Both the cartoons and the two films use the imagery of westernized Egyptian women to suggest that khul’ is only in the interest of already liberated and immoral rich elite women who will only use it for frivolous reasons. In fact, however, the majority of those filing for a divorce through khul’ are Egyptian women from the lower middle classes who do not wish to divorce their husband merely because they snore or because they forbid them to work, but because their lives have in some way been made impossible. Many of these women have husbands who do not have jobs and refuse to work, or husbands who have left them for another woman without divorcing them, thereby forcing them to run the household alone and to work outside the house as well as making it impossible for them to remarry. In such cases it is ironic that husbands frequently react to their wife’s khul’ case by filing an “obedience” ordinance. Apart from attempting to save their honour by putting the blame on their wife, they hope to make it difficult for her to obtain a divorce or they hope that the “obedience” ordinance will scare her to such an extent that she will withdraw her case.

The problems of these women are not easily recognized as the main discourse still relies on the conflict between women’s disobedience and consequently the destruction of the Egyptian family. Approximately 35 years after Doreya’s Uridu Hallan Egyptian women are in a position to say Uridu Khul’an. The relationship between khul’ and disobedience, however, makes filing for a divorce through khul’ a stigmatizing experience. What is more, this problem is not limited to a small group of westernized elite women as most women who resort to khul’ are from modest backgrounds.

Notes
1. When a wife left the marital home without her husband’s permission he was legally permitted to force her home by police force.
2. It was really abolished in 1967.
4. This clearly goes against the idea of the “khul’” law of 2000 under which women no longer need to prove that they have “valid” reasons for divorce.

Nadia Sonneveld is a Ph.D. candidate at ISIM, doing research on the implementation of the Egyptian “khul’” law of 2000 in the courts and in daily life. Email: n.sonneveld@ism.nl
After a career of seven years as Academic Coordinator (later Executive Director) and Editor of the ISIM Newsletter/Review, Dick Douwes now joins the Erasmus University Rotterdam as Chair of History of Non-Western Societies and Dean of Faculty of History and Arts. In this interview he talks about his research interests, the building of ISIM, and the development of the ISIM Newsletter into the ISIM Review. One of his growing concerns is over what he sees to be an increasing pressure to conform to the “acceptable,” which allows for very little chance for the expression of authentic identities; a regrettable development that he witnesses not only in the Middle East but also in Europe, and in particular, the Netherlands.

Dick: Yes, he was not a religious man and was often dressed like the Arab nomads with whom he traded spare car parts. As an M.A. student I was primarily interested in the migration to and re-cultivation of the areas adjacent to the Syrian steppes. In the process I happened to stumble on the curious history of the recognition of the Bombay-based Aga Khan by a part of the Syrian Ismaili community at the end of the nineteenth century. The problems ensuing from that recognition, including the trial for treason of their religious shaykhs, caught my attention. My later Ph.D. research aimed at examining the non-mainstream Muslim communities in the closing decades of Ottoman Syria, but during my research in the Syrian National Archives I discovered unique material on the rural crisis of the late eighteenth and early nineteenth centuries and decided then to elaborate on that topic.

Martijn: Coincidence may have played its part in your career but the Ismailis (and later the Alawis), Lebanon, and Syria remain important themes in your research interests. Why direct your gaze at the margins?

Dick: I am concerned with the—so to speak—“multicultural drama” accompanying the demise of the Ottoman Commonwealth; how ethnic, linguistic, and religious plurality became increasingly tested by forces of colonialism and post-colonialism, by the market, and, most of all, by various brands of nationalism. Differences in ways of life, religious convictions appeared to have been less problematic in the early modern era, certainly when compared to more recent conditions in the successor national states. What interests me is the process in which traditions and ways of interaction between people become problematized and politicized through the discourses of colonialism, nationalism and, more recently, Islamism. As a consequence some people feel less at home than they used to. In some way this is related to what we witness now globally, in debates about identity, conduct, and visibility of minority communities. It is not at all restricted to the Middle East but one can find it in Europe, and in particular, in the Netherlands. It is the majority that critically evaluates the conduct of others with their own principles and ideals—and not necessarily their actual behaviour—as is the case in the Netherlands, the result is that an individual Muslim it is difficult to feel at ease and to express oneself freely.

Martijn: Your work is mostly historical. Do we need the historical perspective in order to understand current developments?

Dick: It is useful to reconsider earlier experiences as well as uses of the past. For instance, when one works with a historical perspective one immediately sees the rapid changes in the public debate; in the Netherlands, the initial positive approach of multiculturalism was faded out by severe criticism within the span of only a few years. A historical perspective is, in my opinion, also important for ISIM to keep in mind, because every group acts and develops action based on historical experiences, at the least generational but often spanning longer cycles. Moreover, the use of the past offers rich avenues for research. Within religion it is often habitual to refer to historic paradigms of the prophet Muhammad evolved primarily around ritual and pious behaviour, aspects that have remained of great concern for practising Muslims. However, within that century he has assumed an ever more political role and his quality as a man of state has gained considerable strength.

Is ISIM News a platform to stimulate a more diverse discourse on research in social, political, and religious processes. First of all we wanted to demonstrate through the articles in the Newsletter that a religious life is actually a very normal life; when looking at religion, religious movements, religious conduct, one al-

ISIM Newsletter 1, October 1998

Muslim Societies
Unity or Diversity?

From Newsletter to Review

Martijn: Apart from your involvement with organizational matters, your main contribution to the ISIM enterprise was as editor of the ISIM Newsletter. What shaped the ISIM Newsletter?

Dick: The first ISIM Newsletter was the combined effort of a very small team that had to deliver a product in only three months to accompany the formal opening of the Institute. The opening was in October 1998 but I was actually involved, with others, in the bringing about of the institute from 1996 onwards. The ISIM Newsletter has continued to rely on the exceptional skills and commitment of people like Gabrielle Constant in the early days and later on also Noel Lambert, Linda Herrera and, of course, Dennis Janssen. ISIM and the ISIM Newsletter were always meant as a platform to stimulate a more diverse discourse on research in social, political, and religious processes. First of all we wanted to demonstrate through the articles in the Newsletter that a religious life is actually a very normal life; when looking at religion, religious movements, religious conduct, one al-

Interview Dick Douwes Resisting Uniformity

MARTIJN DE KONING

Back in his student days, the young Douwes worked his summer holidays in a factory in order to finance his travel to the Middle East. On one of his journeys in Syria, while travelling from Aleppo to Abu Kamal, he met on the bus a dealer in used car parts who invited him to his house in Salamiyya, a rural town to the southeast of Hama.

Martijn: There, you found out that this man, as most of the inhabitants, was an Ismaili whose grandparents had migrated from the coastal mountains to the inland plains in the late nineteenth and early twentieth centuries.

Dick: Yes, he was not a religious man and was often dressed like the Arab nomads with whom he traded spare car parts. As an M.A. student I was primarily interested in the migration to and re-cultivation of the areas adjacent to the Syrian steppes. In the process I happened to stumble on the curious history of the recognition of the Bombay-based Aga Khan by a part of the Syrian Ismaili community at the end of the nineteenth century. The problems ensuing from that recognition, including the trial for treason of their religious shaykhs, caught my attention. My later Ph.D. research aimed at examining the non-mainstream Muslim communities in the closing decades of Ottoman Syria, but during my research in the Syrian National Archives I discovered unique material on the rural crisis of the late eighteenth and early nineteenth centuries and decided then to elaborate on that topic.

Martijn: Coincidence may have played its part in your career but the Ismailis (and later the Alawis), Lebanon, and Syria remain important themes in your research interests. Why direct your gaze at the margins?

Dick: I am concerned with the—so to speak—“multicultural drama” accompanying the demise of the Ottoman Commonwealth; how ethnic, linguistic, and religious plurality became increasingly tested by forces of colonialism and post-colonialism, by the market, and, most of all, by various brands of nationalism. Differences in ways of life, religious convictions appeared to have been less problematic in the early modern era, certainly when compared to more recent conditions in the successor national states. What interests me is the process in which traditions and ways of interaction between people become problematized and politicized through the discourses of colonialism, nationalism and, more recently, Islamism. As a consequence some people feel less at home than they used to. In some way this is related to what we witness now globally, in debates about identity, conduct, and visibility of minority communities. It is not at all restricted to the Middle East but one can find it in Europe, and in particular, in the Netherlands. It is the majority that critically evaluates the conduct of others with their own principles and ideals—and not necessarily their actual behaviour—as is the case in the Netherlands, the result is that for an individual Muslim it is difficult to feel at ease and to express oneself freely.

Martijn: Your work is mostly historical. Do we need the historical perspective in order to understand current developments?

Dick: It is useful to reconsider earlier experiences as well as uses of the past. For instance, when one works with a historical perspective one immediately sees the rapid changes in the public debate; in the Netherlands, the initial positive approach of multiculturalism was faded out by severe criticism within the span of only a few years. A historical perspective is, in my opinion, also important for ISIM to keep in mind, because every group acts and develops action based on historical experiences, at the least generational but often spanning longer cycles. Moreover, the use of the past offers rich avenues for research. Within religion it is often habitual to refer to historic paradigms of the prophet Muhammad evolved primarily around ritual and pious behaviour, aspects that have remained of great concern for practising Muslims. However, within that century he has assumed an ever more political role and his quality as a man of state has gained considerable strength.

From Newsletter to Review

Martijn: Apart from your involvement with organizational matters, your main contribution to the ISIM enterprise was as editor of the ISIM Newsletter/Review. What shaped the ISIM Newsletter?

Dick: The first ISIM Newsletter was the combined effort of a very small team that had to deliver a product in only three months to accompany the formal opening of the Institute. The opening was in October 1998 but I was actually involved, with others, in the bringing about of the institute from 1996 onwards. The ISIM Newsletter has continued to rely on the exceptional skills and commitment of people like Gabrielle Constant in the early days and later on also Noel Lambert, Linda Herrera and, of course, Dennis Janssen. ISIM and the ISIM Newsletter were always meant as a platform to stimulate a more diverse discourse on research in social, political, and religious processes. First of all we wanted to demonstrate through the articles in the Newsletter that a religious life is actually a very normal life; when looking at religion, religious movements, religious conduct, one al-

Media & Representation

ISIM REVIEW 17 / SPRING 2006

52