The Social (Re)Construction of ‘Urﬁ Marriage

Thesis

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Abstract

In the past, ‘urfi marriage was used to describe all social and religious marriages in Egyptian society. However, when Egypt imposed the requirement for marriage registration, in 1931, it created a rupture between the established culture and modern laws, rendering the traditional definition of ‘urfi marriage obsolete. Since the late twentieth century, ‘urfi marriage has been re-imagined as a viable alternative to legal marriage by those who find the modern marriage tradition socially or financially unviable. This study seeks to understand the complexities in reconstructing and redefining ‘urfi marriage and ponders whether this contemporary social practice (in one or more variations) will one day become fully accepted in Egyptian society. In order to accomplish this, I draw on Berger and Luckmann’s classical work on the social construction of reality to shed light on how various popular discourses—film, blogs, legal discourse, television and others—interrogate the category of ‘urfi, contest its definition as deviant, and seek to unpack the on-going social negotiation surrounding its multiple and conflicting meanings in order to understand why it has re-emerged and gained legitimacy among many segments of society. Like my research into the treatment of ‘urfi and related topics as obliquely presented through the artistic medium of film, “field research” of online resources also allowed me to gain a broader understanding of the perceptions, meanings, and ideas associated with marriage as well
as of the current practices of ‘urfi marriage, often considered a taboo topic, by varied segments of Egyptian society. Because marriage is such a powerful icon for “coming of age” in Egypt, in the end, this debate on what form(s) of ‘urfi marriage will emerge as acceptable will have far reaching repercussions on other complex, intertwined issues such as individual freedom, adulthood, familial and societal duties, individual choice in marriage, hereditary rights, ethics of medical science, morality, and, especially the relevance and the integration of young adults in contemporary and future Egyptian society.
Dedication

Dedicated to Richard A. Lott II and his wife Courtney J. Williams. Their passing is a loss to us all. Their memory inspires those who knew them.
Acknowledgment

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Introduction: “What is ‘Urfi Marriage?’”

The difficulty in defining ‘urfi marriage comes about because it is not just a question about defining marriage but also because it is an iconic representation of the struggle between disparate social, economic, and religious forces within Egyptian society—and ultimately between the haves and have-nots of Cairo today. ‘Urfi marriage should not be seen as an isolated phenomenon but, as emblematic of, the larger struggles within the society over wealth, social standing and mobility, adulthood, hereditary rights, social customs, religion, and sexual rights. Therefore, defining ‘urfi marriage is more complex than what it might at first seem. Furthering the difficulty in defining ‘urfi marriage stems from the fact that the varied segments within the Egyptian society have not yet settled on a definition of what constitutes an ‘urfi marriage. Since the social debate on defining ‘urfi marriage encodes an underlying struggle of growing numbers of Egyptians facing harsh economic realities or social situations that render them unable or unwilling to fulfill generally accepted contemporary religious and societal expectations surrounding the practice of marriage, it is therefore necessary to examine and define ‘urfi marriage, in its current incarnations, within the context of these larger issues.

It is generally understood that modern ‘urfi marriages are “secret” marriages entered into by those who find it either impossible, or impractical, given their own
personal circumstances, to enter into a mainstream Islamic marriage. I was first introduced to this basic definition of ‘urfi marriage through discussions of the paternity lawsuit against Ahmed Al-Fishawy in my Egyptian Colloquial Arabic class at the Center for Arabic Study Abroad, in Cairo, in 2008. Later, I became inspired to begin research on this topic following my discussions on the meaning(s) of ‘urfi marriage with Egyptian young adults-many of whom would only talk about their experiences with ‘urfi marriage after months of friendship. But when they did, there seemed to be confusion regarding not only the definition and the criteria of Islamic ‘urfi marriages, as opposed to secret ‘urfi marriages, but also those of mainstream Islamic marriages. This finding corresponds to the numerous discussions on Islamic websites and blogs such as zawaj.com, islamonline.net, and islamqa.com which abound with questions from average Muslims to religious scholars and experts regarding the validity of civil and ‘urfi marriages, the conditions for Islamic marriages, the importance of the intention, the need for witnesses and the public declaration.

However, the basic definition of ‘urfi marriage as a “secret” marriage is simply a starting step from which to begin this study and further explore the complexities of this evolving and multifaceted subject. Deeper examinations of the social changes proposed by various groups (encapsulated within the ideas, definitions, and practices of marriage) within the society are necessary to fully appreciate the variety and significance of what constitutes ‘urfi marriage. Change from what is perceived as traditional practice (thus “naturalized,” reified over time) is a locus of stress whether for societies, families, or even lone individuals. As the world changes around them, people’s perceptions of the
world change to fit their needs for survival. In turn, these changes affect their local practices, customs, and language. Therefore, it is little wonder that the spectrum of definitions for even the most basic aspects of human existence (such as marriage and procreation) become loci of struggle and distress.

As the experiences of individuals shape their perceptions of history, tradition, and change, the collective experiences of those within a group likewise shape its perception of history, tradition, and change. If there is a perception of stability, equity, and success then change will often times meet the greatest resistance. If there is a perception that any, or all, of these things are missing then change will often not only be embraced but, often times, initiated. Therefore, in order to understand the phenomenon of 'urfi marriage, it will be necessary to examine the dynamic relationships between those within Egyptian society that perceive a lack of stability, equity, and/or success and those who are comfortable within the status quo and resist change. For these groups, what they perceive to lose or gain from 'urfi marriage, consciously or not, become contributing factors to the social debate.

Another aspect of 'urfi marriage that makes its definition so complex is the speed by which the various evolving and competing incarnations of this phenomenon are able to spread in this wired world. Social transformation often occurs as a result of changes in local conditions, new interactions between cultures, the introduction of new ideas, or the development of new technology. Concepts, facts, opinions, all manner of information, trends, and behaviors, which might have taken generations to spread in the past can now migrate much more rapidly through populations within minutes, hours,
days, weeks, or at most, just a few years. With numerous and varied groups continuing to negotiate a balance between modern challenges and what they perceive to be tradition, a definitive explication of ‘urfi marriage is as yet impossible. However, with a study of the forces which drive ‘urfi marriage’s evolution, a clearer understanding of this marital phenomenon in its current incarnations can still be gained.

Chapter I of this paper seeks to understand the on-going struggle over the definitions and the practices of ‘urfi marriage drawing on Berger and Luckmann’s now classic theory surrounding the social construction of reality. This theory contends that meanings, ideas, and social practices are negotiable in demonstrable ways in communities, gives me a basic framework with which to approach the struggle over ‘urfi marriage by different segments within the Egyptian society. Therefore, social construction argues against essentializing social structures and provides the means to study the process of social transformation; specifically, it helps to explain why ‘urfi marriage has re-emerged, why it is perceived by many as “deviant,” by others as necessary, and why it continues to gain legitimacy among many segments of society.

With this framework in place, it is necessary to next secure ‘urfi marriage within its historical context. Chapter II, with its discussion of the historical and linguistic definition of ‘urfi marriage, helps to provide the basic, linguistic framework, over time, from which to ground today’s evolving definition of this marital practice. Chapter III further extends this historical foundation by examining various incarnations of ‘urfi marriage throughout Egyptian history. Since society often resists change, or tempers
their embrace of change, by looking to what it perceives as traditional and legitimate models of the past, it is necessary to examine ‘urfi marriage within its historical context.

With the historical context of ‘urfi marriage in place, it then becomes possible to examine the contemporary practices of ‘urfi marriage. Chapter IV brings forward, for examination, the myriad forces and perceived imbalances which are currently driving and shaping ‘urfi marriage. In doing so, the various and competing definitions of ‘urfi marriage can finally be discussed and the purposes behind their emergence understood.

But how did these local practices spread? And how did individual instances rapidly expand from local discussions into national and international debates? Chapter V seeks to examine the role of media as an active transmitter of, and participant in, the negotiation for the ultimate definition of this controversial, social practice. The methods employed by the media will also be studied as they help to reveal certain behaviors and perceptions within the Egyptian society. Together, this chapter highlights the unique role(s) of modern, technological media not simply as a mirror of society’s ideas and values but as an increasingly crucial resource in shaping society’s ideas and values.

Chapter VI focuses on the debates regarding the legitimacy and illegitimacy of ‘urfi marriages among government officials, religious scholars, academic scholars, activists, experts, and other leaders. Just as Chapter IV discusses the social forces which shape modern ‘urfi marriage and Chapter V looks at the influence of modern media, Chapter VI discusses the role of Egypt’s leaders in the current and future struggle to define ‘urfi marriage. Here, the differences in interpretations highlight the
tension of the competing definitions of what constitutes marriage more so than in almost any other context since the opinions and views of this relative few can dictate and mirror the actions of the many who follow them. Just as media can be used to examine broad swaths of societal direction, a society’s leadership can be used as a focal lens to examine the pressures for change or stasis to which leaders are subjected and ‘urfi marriage in a more concentrated circumstance.

Finally, Chapter VII concentrates on current social issues and consequences of ‘urfi marriage. The chapter examines how the chaotic and often misunderstood nature of ‘urfi marriage today helps to create new segments of the society: those who are able to take advantage of the phenomenon and those who become unfortunate victims of it. Eventually, any final definition of ‘urfi marriage will have to take into account and respond to the needs of those who are affected by it. This chapter examines how these responses are already affecting how ‘urfi marriage is defined and what impact these responses may have on future definitions of ‘urfi marriage.

Overall, these chapters demonstrate the complexity in defining ‘urfi marriage. Revealed is the struggle between disparate social, economic, and religious forces which have not only brought about the phenomenon of ‘urfi marriage but are also being defined within ‘urfi marriage itself. It is also a discussion of how the contested meanings and ideas on ‘urfi marriages demonstrate how people’s perceptions adapt to their needs for survival and how these changes in turn, can affect their society.
Chapter 1: Defining Social Construction

The re-emergence and the rising popularity of secret ‘urfi marriages in the late twentieth and the twenty-first century are best understood within the theoretical framework of social construction. This theory offers a framework with which one may understand the re-emergence of ‘urfi marriage among various groups within the Egyptian society. Its explanation of deviant norms as tools to challenge the applicability of established social and religious traditions also helps to explain the impassioned reactions of the religious and political elite—whose primary purpose is to maintain the stability and the security of the society.

Peter L. Berger and Thomas Luckmann, in The Social Construction of Reality; A Treatise in the Sociology of Knowledge, theorize that reality is constructed from social interaction between individuals and groups throughout history. They posit that institutions were originally developed from everyday social pursuits perpetuated and preserved through language (53-61). This process of institutionalization begins with the establishment of daily pursuits into customary routines and patterns of “reciprocal typification of habitualized actions by types of actors” (54). These patterns of associations, through time, create distinct social realities that inevitably produce institutions (56-57). When passed down from one generation to another through communication, these institutions “attai(n) a firmness in consciousness…” (and)
become real in an ever more massive way…”(59). Furthermore, they facilitate and ensure interaction between individuals and groups in an atmosphere of security, predictability, and stability (59).

To successfully access, process, and operate within the prescribed boundaries of their inherited roles, the individual is required to undergo a process of socialization. This long-term process, composed of two steps, begins in childhood. At an early age, children undergo “primary socialization”—during which they are taught immediate (basic), incontestable social rules to aid them in understanding their roles in the society (130). During this period, children absorb these rules as social truths. They believe that “a thing is what it is called, and it could not be called anything else. All institutions appear in the same way, as given, unalterable, and self-evident” (59). Then, as these children grow older, they receive secondary specialization that includes specialized training in and strengthening their knowledge of more complex social rules to help strengthen and ensure their social roles within the society.

To further strengthen the citizens’ roles and to ensure the maintenance of established social institutions within the society, state authorities then assert and spread a set of common beliefs among the populace (96). So long as these beliefs reflect the reality of the population, they will be maintained. However, if this reality is interrupted by events, meanings, or ideas that threaten the balance between the established objectives (ideal “beliefs”) and the current subjectives (pragmatic “truths”) of everyday life, then problems arise (105-108). When this accustomed reality becomes threatened, the society then responds either by seeking ways to integrate these unexpected problems
in order to create a new, combined reality or by designating these “departure(s) from reality” as “deviance(s)” (66). Berger and Luckmann state:

“Specific procedures of universe-maintenance become necessary when the symbolic universe has become a problem. As long as this is not the case, the symbolic universe is self-maintaining …. An intrinsic problem…presents itself with the process if transmission of the symbolic universe from one generation to another… This intrinsic problem becomes accentuated if deviant versions of the symbolic universe come to be shared by groups of “inhabitants” (105-106).

To prevent “the deviant version (from) congeal(ing) in its own right” and from bringing the collapse of the “reality status of the symbolic universe as originally constituted,” the society often declares these internal movements as acts of “moral depravity, mental disease, or just plain ignorance” (106, 66).

In *The Construction of Social Reality*, Robert Searle explains that people generally try to conform to mainstream social rules. Citizens are pre-disposed toward behaving according to the indoctrinated rules of socialization because they have been trained to follow that structure (144). Thus, it should not be surprising to learn that even when they rebel, they often act in accordance with their inherited teachings and the predominant social rules. Such explanation may help the observer to understand why many Egyptian youths opt to include the majority of the mainstream Islamic marriage requirements—the declaration of acceptance, a marital contract, a bride-wealth (though it may be as little as LE1) and at least two witnesses—even when they attempt to construct their own brand of reality. By adhering to many of the requirements of the traditional, Islamic marriages but refusing the social recognition of their marriage contracts, these young adults announce their understanding of the collective social rules and declare their wish for active participation within the society. Their refusal to comply with the
remaining marriage traditions, on the other hand, may be interpreted as their refusal to support an impractical set of inherited, social rules and obligations which they cannot realistically continue to support.

In "Discourse and Institutions," N. Phillips, T. B. Lawrence, and C. Hardy expanded upon the theory of social construction by drawing on social discourse as a means to understand the process of institutionalization. Like Berger and Luckmann, they believe that language enables people to express and communicate individual experiences and events. This shared communication, governed by societal rules for discussing a topic, is supported by verbal, visual and written texts such as “written documents, verbal reports, artwork…pictures, symbols, buildings, and other artifacts” (636). When these texts generate discussions that concern the “widespread understandings” of a large number of the community, they can potentially lead to debates, which, in turn, may lead to the development of new social institutions (639-640).

N. Phillips, T. B. Lawrence, and C. Hardy offered some insights into the circumstances that are likely to pave the way for the establishment of new social institutions. First, they contend that texts which describe new, yet-to-be-understood phenomenon are more likely to generate social discussions (641). Then, they posit that active promotion of these texts into wide, public consumption helps to strengthen their chances of creating social institutions since people often feel the need to make sense of new and/or controversial events (642). The promotion of texts that are associated with legitimate, pre-established institutions, subsequently, plays a large role in determining
the texts which will be privileged by the society. The relevancy of these texts to other established discourses (such as the economy) also raises their likelihood to succeed as legitimate topics of social discourse (643). It is also apparent that the authority wielded by the actor(s) of these promotions—whether through verbal or physical persuasions—affects the expansion of these texts from minor discussions into major debates (643). Together, the relevance of the texts and the authority of the actors raise the chances of transforming the phenomenon into new, social institutions (642-644).

According to the process of institutionalization offered by N. Phillips, T. B. Lawrence, and C. Hardy, ‘urfi marriage may gradually transform from a deviant social practice into a legitimate, socially acceptable practice. This contemporary, local practice meets many of the propositions mentioned above. Though it is regarded by many adults as a modern perversion of an outdated, social practice, the general perception of this social practice as a continuing tradition among young adults—who currently make up approximately sixty to seventy percent of the Egyptian population—and the perceived connection between its rising popularity and the deteriorating local social and economic conditions make it incumbent upon those who dominate the social, economic, and political arenas to participate in discussions and generate debates on the causes and the consequences of this contemporary social practice (Singerman, “The Economic Imperatives of Marriage” 5; Mohsen 1; Buchen 1)

Furthermore, the wide dissemination of texts on ‘urfi marriage in socially accessible venues—the cinema, online blog sites, online forums, and news coverage—often by actors whom the audience deems to be credible due to their age, experience,
and/or occupations also help to promote social discussions and facilitate acculturation.

Discussions on ‘urfi marriages have grown rapidly into full debates due to the media exposure and attained certain legitimacy due to the presumed authority of social actors such as film-makers, Islamic scholars (who consider ‘urfi marriages as rooted in Islamic traditions) and experts. This social discourse, which often encodes a critique of the government’s social, economic and political policies, helps to generate even greater dissemination, discussions and debates on ‘urfi marriages. The recurring tides of discourse, in turn, affect the process of acculturating ‘urfi marriages and offer an alternative means to construct social reality within the Egyptian society.

Therefore, theory of social construction argues that perceptions, meanings, and ideas are subjects to negotiation. It opposes the view of essentialism which holds that all things have a definitive essence independent of its social context. As such, the theory of social construction makes a case for the mutability and negotiability of definitions, ideas and meanings and contends that the latter, like the practices or ideas which they communicate, undergo constant change. Additionally, this theory also helps to expose the underlying tensions and struggles which affect the on-going cycle of destruction, re-construction, and re-integration of definitions, ideas and meanings and, accordingly, reveal the dominant and evolving perceptions of tradition, customs, institutions and beliefs within the society.

For that reason, the theory of social construction helps toward un-covering and explaining the process of institutionalization: specifically, how people react to local conditions and how they negotiate the past to manage new realities. Furthermore, it
exposes the motives and behaviors of different individuals and groups as they attempt to create the perceived social reality that works for them. It is important to note, however, that the theory of social construction offers only a basic framework with which to understand the development of ‘urfì marriage into a complex social phenomenon that is indicative of and addresses a whole range of related contemporary cultural issues. Since many people believe that all entities are prescribed by distinct definitions, in addition to religious and social customs, it is important to begin the study of ‘urfì marriage by un-covering its linguistic and historical context. Together, they are indicative of the perceived rights of the individual and the group and suggestive of the on-going struggle to define and to legitimize ‘urfì marriage.
Chapter 2: Historical, Linguistic Definition of ‘Urfi Marriage

Language is a primary factor in how practices are ingrained within society and the evolution of language is a window into the how those ideas are shaped and interpreted by society. As different segments of the Egyptian society continue to negotiate the inclusion of ‘urfi marriage into their ongoing struggle for social stability, the linguistics of ‘urfi marriage in Egyptian society continue to fluctuate as those who practice ‘urfi attempt to find ways to defend or explain its use and to render it a socially and legally acceptable alternative to mainstream marriages. Due to their constant struggle, the definitions of what constitutes an ‘urfi marriage continue to evolve and take on distinctive and definable forms both in the courts and on the streets based on the varied, perceived needs of those involved. However, despite having evolved separately to fulfill distinct needs, ‘urfi discourses still share similar characteristics due to mutual historical, linguistic core contexts. Therefore, in order to properly understand the intricacies and the factors involved in the modern social debates of ‘urfi marriage, it is first necessary to return to the roots of the term itself and uncover the shared linguistic and historical definitions of ‘urfi marriage.

An ‘urfi marriage, or “zawāj ‘urfi,” generally means an unregistered, social, or common-law marriage. The word “zawāj,” derived from the root “z-w-j,” which denotes a pairing in Classical Arabic, is used in the Modern Standard Arabic to mean
“marriage” (Holes 1). In Islamic societies, marriage is a social institution that unites the couple and their families for the purpose of kinship. It is generally regarded “not as a partnership between individuals but rather as an alliance between two families” (Hoodfar 55). The Encyclopaedia of Qur’an lists marriage as “the social institution through which a man and a woman are joined in a social and legal dependence for the purpose of forming and maintaining a family” (Motzki 2010). In the section “Is Islamic Marriage like Christian Marriage,” IslamiCity describes the Islamic marriage “not [as] a 'sacrament', but… (as) a legal agreement” (“Understanding Islam” 1). In Egypt, an Islamic marriage is contracted ideally for “a permanent arrangement destined to last `for life’” (Bernard-Maugiron 21).

Those who get married are considered prepared to be entrusted with the social, economic, and religious responsibilities of adulthood. Traditionally, the future husband will be expected to provide the financial and material needs of the household while the future wife will be expected to maintain and supervise the household. By drafting into marital service, both parties are deemed prepared by their families and their communities to take up the burdens of adulthood and to engage in sexual acts within a socially and religiously controlled environment relegated for the stability and the prosperity of the society.

The Arabic terms designated for ‘urfi marriage combines the word that defines the marriage state, “zawāj,” with the adjective that refers to customary norms, “’urfi.” The word ‘urfi is an adjective derived from the verbal root “- r-f” which means “traditional, conventional, usual, common, customary, habitual” (Wehr 606). It is
important to refrain, however, from linking local norms with official, written laws since ‘urfi can also refer to “private, unofficial” acts “pertaining to secular legal practice (as opposed to sār‘ī)” (Wehr 606). The opposite of ‘urfi, “munkar,” denotes “any action disapproved, or disallowed, by sound intellects” (Lane 5: 2015; Lane 8: 2850). Together, “zawāj urfi” generally refers to common-law marriages.

In Egypt, what is considered to be common conventions or norms becomes slightly confusing when one considers that the word generally employed by Egyptians, in verbal (dialectal) communications, to mean “marriage” (“gawāz” or “jawāz”) belongs to the root “j-w-z” rather than “z-w-j.” “Jawāz” indicates that “the thing was, or became allowable; it passed for lawful: as though it kept the middle (“jawz”) of the road” (Lane 2: 484). Lane referred to commercial transactions and marriage as examples of permissible transactions. These transactions are considered to be “right, sound, valid, and good” since they enjoy legal and official recognition by the society and the law (Lane 2: 484). The transposition of sound—such as that which occurs with the words “zawāj” and “jawāz” (or “gawāz”)—perhaps reflect the historical change in local perceptions on the conditions for marriage. This linguistic shift, described as Wurzelangleichung by Voigt, possibly marks the turning point of marriage from a predominantly verbal agreement to a predominantly written, legal agreement in the Egyptian society (Holes 842).

With these simple, linguistic shifts, one can already begin to see both the commonalities and divergences of what constitutes a modern ‘urfi marriage. In order to successfully communicate local practices, the store of words within a language often
undergoes constant change. As the linguistic definitions of these practices take root, they themselves can form a basis for a further shift in local practices. Language is affected by and affects local practices and conditions as it continues to express the changing goals and realities of individuals and communities in order to remain relevant. Just as the practice of ‘urfi marriage evolves, so too does the language which defines ‘urfi marriage.
Chapter 3: Historical and Social Context of ‘Urfi Marriage

Just a language evolves over time, local marital practices and customs have changed, naturally, over the course of history to meet the needs of the larger population. Though the collective group (the society) generally resists significant changes to the established order, individuals have often learned to react more quickly to changes in order to ensure their own stability and prosperity. When a great number of these individuals respond similarly to local conditions, they compel the society to take note and sometimes even accept significant changes in established social laws and practices. Therefore, a historical study of these changes in local practices offers a crucial means to understand how individuals and groups respond to transformations in social, economic, and political changes in Egypt’s long history. These practices also lay the historical foundation for discussion of the contemporary practice of ‘urfì marriage and give a historical context within which to frame its complexities. A historical context will aid in uncovering the motives, interpretations, and changes of popular perceptions over time.

In ancient Egypt, (Thirty-First Century BCE to the Fourth Century BCE) marriage was often contracted among one’s own circle of extended relatives or social peers. The process of marriage began by a proposal from the prospective groom to the
bride’s father or male guardian (Pestman 11). In cases where the bride’s male guardian had passed away, the bride’s female relative could also act as guardian (Pestman 12).

Then, if the guardian agreed to the marriage proposal, a modest payment would act to seal the agreement between the groom and the father. The word used to indicate this payment, the “šp n s.hmt,” was also used in commercial transactions to denote the “price or compensation” for the lease of land (Pestman 16). The payment signified the end of the father’s duties and claim to his daughter and the beginning of the groom’s responsibilities and rights to his wife (Pestman 16). The marriage then became recognized by the public when the wife moved from her father’s domicile into that of her new husband’s (Watterson 17).

Though not mandatory, these marriages were sometimes recorded on documents (written on the date of marriage or sometime thereafter) to preserve the material and financial arrangements between the couple. These documents often listed the amount of the immediate payment, the bridal dowry, and, in some cases, guaranteed payment to the bride in cases of divorce is also listed (Pestman 15, 91, 59). If the husband later initiated the divorce, he would be expected to provide material compensations to his wife. Additionally, he would be expected to disburse double such amount if he sought to divorce his wife for the purpose of marrying another woman (Pestman 63). On the other hand, if the wife repudiated the husband, she would be expected to offer certain

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1 In cases where the bride’s male guardian had passed away, the bride’s female relative could also act as guardian (Pestman 12).
2 According to a papyrus in the Cairo Museum, Ahwere, daughter of the pharaoh, was considered married when she moved into her new husband’s home (Watterson 60).
3 The bridal dowry may include coins, cloths, jewelry, and beauty paraphernalia (Pestman 94).
4 The local practice of transferring the immediate payment to the father, upon entering the marriage, changed in 536 BCE. At that time, the woman, rather than her father, became an acknowledged party of the marriage transaction (Pestman 13).
financial compensation and/or return whatever he had bestowed upon her during the course of the marriage (Baber 413).

During the period of Greco-Roman Egypt (Fourth Century BCE to the First Century BCE), marriage documents became more commonly contracted among the wealthier social classes. The marriage was still contracted primarily between the father, who acted as the male guardian of the bride, and the suitor. There were, however, many instances in which “ekdosis,” which describes the act of “giving over” the bride during marriage, was performed by women-usually, by the bride’s mother if the bride was still financially dependent (Grubbs 122; Yiftach-Firanko 43). On the other hand, if the bride was older and financially secure, she could perform the act herself, through “auto-ekdosis” (Grubbs 122; Yiftach-Firanko 44). In time, due to the increased interaction and intermarriages between immigrated Greeks and native Egyptians, many of the distinctly Greek social practices changed and merged with Egyptian local practices to such an extent that their language, customs and religions become intertwined (Bell 146).

The arrival of the Romans in the First Century BCE brought about great changes to local practices in Egypt. They re-introduced a social system based on ethnic race which is dominated by the Romans at the top and supported by the Greek elites (Parker 368). The third tier of the social strata was composed of the Greeks with mixed blood and then followed by local Egyptians on the fourth (bottom) tier (Parker 369). Only those who could prove their untainted Roman and Greek blood could become

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5 Uri Yiftach-Firanko cited a document which recorded the mother’s performance of the “ekdosis” of her daughter and a will whereby the late husband designated his wife as the performer of “ekdosis” to their young daughters in their future marriages.
Roman citizens (Parker 368-369). To maintain their family lineage, it is believed that full or mix-blooded Greek families encouraged marriage between siblings. Certain financial and legal leniencies for female landowners, under Roman laws, also encouraged the transfer of land ownership to women upon their marriage to their siblings (Parker 373). These controversial full-sibling practices were later located within their historical and social context as attempts by those who belong to the second and the third tier of the social strata to maintain their family’s property, wealth, inheritance, and social status in the prevailing economic, social, and political systems based on ethnic purity (Parker 373).

A Roman marriage was deemed valid upon verbal consent of either parties (or a third party representative). The Digest of Justinian recorded that “sleeping together does not make marriage, but [verbal] consent does” (Grubbs 83). This is further emphasized in a document from Emperor Probus Augustus to Fortunatus which states:

If, with the knowledge of neighbors or others you had a wife at home for the sake of producing children” and a daughter was begotten from this marriage, though neither marriage tablets nor records…were made, nevertheless the truth of the marriage and of the daughter…has its own value (Grubbs 83).

Though written documents attest to the use of marriage contracts during these periods, it cannot be assumed that written documentation was a necessary condition for a legitimate marriage (Yiftach-Firanko 45). It is believed that such contracts were composed mainly among those who wanted to safeguard their material arrangements during and after marriage. It is doubtful that written documentations were commonly practiced among the poorer segments of the society: many of whom customarily
contracted (and still contract today) endogamic marriages and depended on other family members, rather than the state, to help resolve marital disputes.

Changes in the local marital practices, with regard to the transfer of dower and bride-wealth, began to take root during this period of Roman occupation. During the latter’s early reign, only the transfer of the dower from the bride’s parents to the bride on the date of marriage was considered customary (Anderson 153; Grubbs 114). By the Fifth Century CE, the exchange of pre-nuptial gifts from the groom to the bride became an important part of the marital negotiations. Their voluntary gift to the bride, known as “donation ante nuptials” in the Imperial legislation, was found recorded alongside dowries in marital contracts (Grubbs 115; Yiftach Firanko 217). This voluntary practice later attained social prominence, during the mid-Fifth Century CE, as the Western and the Eastern Roman Empires debated the need for state control over the practice of the marital dowry (Grubbs 119).

Documents found from this period reveal the rising importance of the bride-wealth and expose its troubling consequences within the Egyptian-Roman society. It is said that the practice of the bride-wealth “had become so important a part of the marriage negotiations that parents of marriageable girls were trying to extort as much as they could out of eager suitors” (Grubbs 119). Recordings of the bride-wealth without the dowry, in several documents, also demonstrate the rising importance of the former and the possible decline of the latter (Yiftach-Firanko 217). Additionally, the popularity of the bride-wealth may have contributed to the rise of legal petitions by abandoned wives who were traditionally given material proof of the dissolution of their
legal, marital status through the return of the dowry (Yiftach-Firanko 216-218). It is thought that the waning of this customary deterrent for divorce may have led to the local practice of partitioning the bride-wealth payment into the immediate payment and the deferred payment.

Though it is said that the advent of Islam introduced significant positive changes to the fields of marriage and women’s rights among the Arabs and the conquered lands, in the case of Egypt, many of the contemporary marital practices—the verbal consent, the allotment of the bride-wealth, the approval of the bride’s guardian, and the marriage contract—were already observed by the general populace prior to the arrival of Islam. As it had been since the time of the pharaohs, the potential groom is expected to forward his marriage proposal to the bride’s father or male guardian. If his suit is accepted by the latter, then intense negotiations follow to ensure the couple’s social, religious, and economic compatibilities. Then, marriage negotiations revolve around the once-voluntary gifting of the bride-wealth, perhaps adopted from Roman practices, which became incorporated as a mandatory Islamic marriage condition.

An important part of the Islamic marriage negotiation concerns the negotiation for the bride-wealth (the “mahr”). The amount of the “mahr” announces the potential groom’s acknowledgement of his bride’s social significance and familial honor to the world. Therefore, even though Islam imposes no maximum or minimum requirements for the “mahr,” the couple’s families work together to reach a favorable resolution. Sometimes, their negotiation results in the recording of a significantly higher amount (than the verbally agreed, actual amount) on the written (public) marital contract
To further delineate the tension between verbal and written local practices, Ron Shaham defines the documented bride-wealth as the “*mahr al-sum’a*, ‘dower of reputation,’ or *mahr al-’alāniyya*, ‘public dower,’” and the verbally agreed, actual bride-wealth as “*mahr al-sirr*, ‘secret dower’” (Shaham 29).

Egyptians continue to negotiate for the “*mahr*” to be disbursed into two payments—the immediate payment (the “*muqaddam*”) and the guaranteed payment (the “*mu’akhkhar*”). This practice differs from the actual religious requirement prescribed in the Qur’an which obliges men to provide the bride-wealth. The Qur’an states:

> And give the women (on marriage) their dower as a free gift⁶; but if they, of their own good pleasure, remit any part of it to you, Take it and enjoy it with right good cheer (Ali 184).

The Qur’an requires that women be given their “*mahr*” but does not describe how or when it should be paid. Therefore, the disbursement of the “*mahr*,” in Egypt, represents a local practice that developed to meet the needs of the local population for deterrence for divorce.

This tension between the theory (the written word) and the actual (or popular) local practices was described by Yossef Rapoport in “Matrimonial Gifts in Early Islamic Egypt.” In this study, he mentioned the intense debates which emerged, in the Second Century of Islam, between religious legal scholars who resided in Egypt with

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⁶ In this verse, however, Yusuf Ali translated *sadaq* as “dower” rather than “bride-wealth.” The term “bride-wealth” is chosen over “dower” in order to avoid confusion with the western practice of bridal dower which indicates a transfer of material resources from the *bride’s parents* to the bride. The Islamic practice of the *sadaq, or mahr*, on the other hand, refers to the transfer of material or financial resources from the *groom* to the bride or her family.
those who resided in Medina on the practice of deferring the second-half of the “mahr” payment to women (6). The Medinese scholars believed that the bride could demand the deferred amount of the “mahr” at any moment after the consummation (8). The Egyptian scholars, on the other hand, disagreed. They argued that the Egyptian customary practice of disbursing the sadaq into immediate and deferred payments, releasable only upon death or divorce, found support in the tradition of the Prophet and his Companions (6-7). In the end, Rapoport reasons that if one were to judge by contemporary Egyptian Islamic and Jewish marriage contracts and practices, the early local custom or local interpretation of the religious Islamic requirement prevailed as `urf (“customary law”), believed to be associated with the sunna, was considered an intrinsic part of the local law (Rapoport, “Matrimonial Gifts” 9-11; Libson 1).

As previously indicated, the practice of “mahr” is an important aspect of the local religious and social customs. Negotiations and talks continue in earnest during and after the occasion of betrothal (the “khutba”). At this time, the groom seals his engagement to the bride with a token jewelry (the “shabka”) and announces their betrothal through the reading of the “fātiha.” For many couples, the ensuing betrothal period offers them great opportunity to get to know one another and discover individual and familial compatibility under adult supervision. For their families, this period enables them to contract a mutually beneficial “mahr” and social arrangement for their children and their families. If either the couples or their families later find themselves

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7 Rapoport in “Matrimonial Gifts in Early Islamic Egypt” mentioned that he was not able to find any mention of such tradition in his study (7).
unsuitable with regards to either arrangement, then they may dissolve the betrothal without fear of undue societal recrimination.

If both the couples and the families instead continue to find themselves in agreement over social and financial negotiations, the couple will eventually conclude the marriage negotiations by signing the marriage contract in a ceremony called the “katb al-kitāb.” The marriage contract lists the names of the bride and the groom, their family, and their witnesses; records the “mahr” and the partition of the “mahr;” and registers the conditions previously negotiated by the two families. The terms of the contract must be consented by the bride and the groom in the presence of the wali (the bride’s guardian) and two male witnesses or one male and two female witnesses. Though under-stressed by many as a condition for Islamic marriage, the Qur’an also emphasizes the couple’s sincere intention for marriage as the determining factor towards the legitimacy of the marriage. Line 235 in Sura al-Baqarah states:

There is no blame on you if you make an offer of betrothal or hold it in your hearts. Allah knows that ye cherish them in your hearts: But do not make a secret contract with them except that you speak with them in terms honourable…and knoweth that Allah knoweth what is in your hearts, and take heed of Him; And know that Allah is Oft-Forgiving, Most Forbearing (Ali 97).

The signing of the contract marks the beginning of the couple’s marriage even though the couple may decide to postpone cohabitation and consummation of the marriage, the “dukhla,” for a mutually agreed upon period of time (Sherif 628).

After this period has passed, the wedding ceremony (the “farah”), another condition of the Islamic marriage, will be expected to take place. Islam expects the
couple to make public and announce their changed marital status to the community. Often, this ceremony takes place after housing is guaranteed for the young couple.

Many of these inherited practices continue to play important roles in shaping contemporary marriage practices within the Egyptian society. These practices continue until today because the local population still considers them to be relevant and applicable to their local conditions. However, like other long-gone local practices (such as full sibling marriages and the immediate disbursement of the “mahr”) these marital practices may yet fall into disuse if they do not continue to adapt to the needs of the local citizens. Sometimes, in the process of adapting perceived traditions to contemporary needs and conditions, the local practitioners, in their performance of these evolved local practices, or local hybridization of Islam, find themselves at odds with the established, mainstream religious authorities. Hybridisation, defined by Daniel P. Goh, in his study of contemporary Chinese religious practices in Malaysia, as “the ambivalent and unequal melding of meanings of the two cultural systems that create an existential condition…which causes people to innovate hybrid practice with the meanings stabilized in a coherent combination,” lead to the development of local practices which, though bearing close resemblances to the practices advocated by mainstream Islam, remain different in their actual practice (114). When forced into confrontations on the issue of the legitimacy of their local practices, local practitioners often prevail since local authorities have historically found it difficult to deny the historical link between the local, religious culture and the established local and religious law (Libson 1).
Thus, it can be seen that as time progresses and the circumstances under which society exists change even the most fundamental foundations which a society constructs are not immune to transformation. Egyptian history is fraught with constant construction and re-construction of social values and beliefs to adapt alongside changing social, economic, and political situations. The evolutions of these practices serve as the historical ancestors and foundations for the contemporary practice of ‘urfi marriage and account for many of the modern complexities of ‘urfi marriages and its numerous interpretations. With these historical definitions and incarnations of ‘urfi marriage in place it is now possible to examine the modern phenomenon of ‘urfi marriage.
Today, many Egyptians consider the ‘urfi marriage crisis as a unique phenomenon in their country’s history. They believe that the challenges wrought by social and economic changes within the last few decades have surpassed whatever changes occurred in the generations of their forefathers. However, history has taught us that changes in marriage have occurred in the past and will likely continue to occur in the future whenever the established social and economic orders face significant threats that threatened the collapse of an institution as central to a community as family (however that is defined). Modern history provides us with several examples of such events and each event led to the development of distinct local reactions among various segments of the society that contested the established social order.

In the twentieth century, sweeping social, economic, and political changes led to the development of other controversial, local marital practices. Hanan Kholoussy observed that in the years prior to and following the economic crisis of 1907, middle-class Egyptian young adults complained of the high costs of living, exorbitant bride-wealth and continued high expectations of household expenditures as reasons for their financial inability to marry (24-25). She also cited the opinions of many scholars, writers, and readers such as Sayyid Qutb and Muhammad Junaydi who blamed the low
price of cotton and the high costs of living, in conjunction with unrealistic, low
government wages, as reasons for this marriage crisis and its subsequent crises in the
1920’s and the 1930’s (25-27). She stated, “Sayyid Qutb held the wartime devaluation
of cotton responsible for endemic bachelorhood even years later, on the brink of Great
Depression, because its detrimental effects continued to make it fiscally impossible for
men to marry” (25).

Other local journalists, scholars, activists, and readers, on the other hand,
blamed drastically changed standard of wealth-based on possession and use of
expensive, foreign products-among middle-class families as main causes for the
prolonged bachelorhood among young adults (Kholoussy 29-30). They blamed
women’s unchanged financial expectations, growing middle-class dependency on
foreign goods, and increased illicit activities (i.e. alcohol and prostitution) as main
causes for delayed marriage (Kholoussy 30-40). In the end, these discussions
contributed to widespread, national debates not only on how to resolve the problems of
colonialism and foreign economic dependence but also on how “to define a new
middle-class masculinity” (Kholoussy 24).

Then, increased educational opportunities, in conjunction with lack of
employment opportunities and widespread economic crisis, further contributed to the
growing marriage crisis in Egypt. In 1931, Egypt, like many other countries, was
experiencing the Great Depression. Despite its financial and economic difficulties,
Egypt allotted greater funding for education, from one percent to approximately eleven
percent, of the national budget (Kholoussy 25-26). This increased spending, which
offered greater number of Egyptian young adults with much-needed training for employment in the public sector, when combined with decreased economic vitality and limited bureaucratic positions, led to stiff competition and mounting unemployment in the job market (Kholoussy 26). As a result, many of these newly-graduated, unemployed young, middle-class Egyptians males, when faced with the unrealistic demands of bride-wealth (that averaged around LE100), opted instead to defer marriage (Kholoussy 31).

Their shared response succeeded at setting off a widespread societal concern for the survival of Egypt’s established social, religious, and political order. To ensure social stability, the Egyptian government considered the adoption of a mandatory bachelor tax and higher wages for married government workers (Rizk 1; Kholoussy 42). The government, hoping to regulate and promote the virtues of legal marriages, also required all traditional ‘urfi marriages to be legally registered in 1931 (Kholoussy 34; Shaham 56). However, this did not achieve the desired effect as traditional, ‘urfi marriages continued (and still continue) to enjoy a quasi-legitimate status among average citizens, religious scholars, and experts.8 Though some of these suggested legislations never passed, they demonstrate the government’s real concern for maintaining social stability, which was considered to be threatened by untamed social, economic, and sexual frustrations.

‘Urﬁ marriage then re-surfaced as a re-imagined social, economic, and religious alternative to legal marriage among Egyptian war widows. In the 1950s and the 1960s,

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8 ‘Urﬁ marriages are still practiced in remote villages throughout Egypt (Rashad, Hoda, et. al. 7).
these widows seized upon unregistered ‘urfi marriages as a means to contract a socially and religiously legitimate marriage that allowed them to continue receiving their late husbands’ pension (Shahine, “The Double Bind” 1). Since the government denied war widows their late husbands’ pension after remarriage, these widows turned to Egypt’s considerable store of historical, social, and religious practices to find a pragmatic and socially acceptable way to enjoy the social and economic benefits of their old and new statuses.

Since Sadat’s reign as President (1971-1981), widespread public education, competitive job market, high inflation, slow economy and high marital costs again created highly insurmountable obstacles to legal marriage. As occurred before in the early twentieth century, a new generation of young adults again fell and continues to fall into despair over the lack of job opportunities, which in turn, curb their marriage opportunities. These graduates, many of whom entered the job market with the hopes of securing government employment, like their earlier predecessors, become quickly disillusioned with securing employment and become forced to seize whatever job opportunity available in order to begin accumulating the funds for their future wedding. They are forced to decide between immediately working temporary positions that pay slightly higher wages in the private sector and waiting to secure permanent positions that offer unrealistic, low government wages that are offset by work compensations in the public sector (Buchen 1). Due to the overall lack of employment and the highly competitive job market, these graduates are often left to contend with temporary, unsecured jobs in the private sector rather than the public sector in order to begin
accumulating the costs for marriage (Assaad, Ragui, et. al. “Transitions to Employment” 5; al-Malky 1; Dhillon, “Egypt’s Economic Prosperity” 1).

The lack of employment and financial opportunities therefore play primary roles in their financial ability to afford and contract legal marriage. Though it is said that the youth unemployment rate declined from 25 percent in 1998 to 16.7 percent in 2009, these university graduates still continue to make up the majority of the unemployed (Assaad, Ragui and Samantha Constant, “The Paradox of Employment” 1; Dhillon, “Egypt’s Economic Prosperity” 1). Diane Singerman, in her research on sha’bi communities (the low middle class or upper, low class) in Cairo, focused on the impact of high inflation, increased costs of living, lack of secure employment, low wages, and the competitive job market-compounded by the high costs of marriage-on contemporary Egyptian youths and their family. She discussed, in *Avenues of Participation* and *The Economic Imperatives of Marriage*, the ever-increasing economic difficulties of contracting legal marriages among Egyptian young males for whom social tradition designate the bulk of the wedding costs. She initially reported the costs of marriage to run approximately LE 15,000 in 1985-with the groom (and his family) responsible for two-thirds (*Avenues of Participation* 110). The total costs then increased to LE 20,194, by 1999, and to a staggering LE 32,329 during the years 2000 to 2004 (“The Economic Imperatives of Marriage” 5). In her study, Singerman calculated that the lower classes must save more than seven years of their income and that of their fathers’ in order to afford marriage (“The Economic Imperatives of Marriage” 5).
As a result of their financial hardship, more and more Egyptian young adults have opted for bachelorhood or prolonged engagements until they can accumulate the material and financial resources necessary to afford legal, Islamic marriages. Some men work two to three jobs while their potential brides enter the work force specifically to accumulate the remaining costs of the wedding (Singerman, *Avenues of Participation* 122). Other men emigrate for years in order to secure the wedding funds (Singerman, *Avenues of Participation* 123; “Egyptian Youth Immigration”). BBC News cites a study by the Earth Centre for Studies which reveals that 460,000 Egyptians legally emigrated into Europe during the last decade (Sayed, Mahmoud and Dina al-Naggar 1). Many of these men then become enticed by greater employment opportunities and improved living conditions to permanently settle abroad in western or Gulf countries and to give up their nationality “for another which offers them the most security and stability” (“Egypt Secret Marriages”; Dhillon, “The Wedding Shortage” 1; “Egyptian Youth Immigration”). Therefore, their hard work does not necessarily guarantee marriage as the intermittent period to accumulate the much-needed funds sometimes lead to growing friction between the families, a break-up, and the need to restart the whole process (Sherif 624-625; Slackman, “Stifled, Egypt’s Young Turn”).

Their anxiety and frustrations over finding stable employment that would enable them to accumulate the necessary funds for marriage occasionally erupts into various acts of rebellion. In 2008, students, activists, and workers in Egypt held riots, strikes, and demonstrations to protest low wages and increased costs of living (Slackman, “In Egypt, Technology Helps” 1; “Egyptians Riot Over Bread Crisis” 1). The strike, which
took place on April 6, was initially supported by the workers of El-Mahalla El-Kubra who complained against the “skyrocketing food prices, inflation and the dire economic situation of the working class and civil servants” (Al-Malky 1). It quickly spread throughout the country through the help of the media, internet, and mobile phone users and led to organized demonstrations by university students, political parties, blue-collar and white-collar workers (Slackman, “In Egypt, Technology Helps” 1; Hussein 1).

Belal Fadl, a script writer in Cairo, informs the *New York Times* that Egyptians, who generally refrain from open acts of protestations, finally rose up to protest against the established government due to their heightening frustrations and desperation to survive (Slackman, “In Egypt, Technology Helps” 1). He said, “People in Egypt don’t care about democracy and the transfer of power... They don’t believe in it because they didn’t grow up with it in the first place... Their problem is limited to their ability to survive, and if that is threatened then they will stand up” (Slackman, “In Egypt, Technology Helps” 1).

Other acts of rebellion emerged in the forms of non-traditional and ‘*urfi* marriages. A growing number of young adults have chosen to either contract marriages with older women who demand little financial and material responsibilities or opt for illegal but socially acceptable means of contracting sexual relationship: the ‘*urfi* marriage. It is noted among wedding officials that the percentage of older wife-younger husband marriages represent a fourth of the marriage contracts studied, in 1996, by Magued Osman and Laila Shahd in “Age discrepant marriages in Egypt” (60). In most
of these cases, younger men sought older wives who are more financially secure to offset the high cost of marriage and the high costs of living (58).

The financial and economic impediments to marriage ultimately discourage many young adults from contracting legal marriages.9 Aisha Gawad, the author of “You Know I Love You, Baby: Muslims in Secret “Urfi” Marriages,” believes this trend of expensive marriages to be harmful and unsustainable for Egyptian young adults. She said:

Young Egyptians can no longer afford to get married and are engaging in secret “urfi” marriages—essentially, a Sharia version of common law marriage…Weddings in Arab culture are slightly absurd in their extravagance and expense. Pretty much every ordinary Ahmed and Laila gets married like Jay-Z and Beyonce. In addition to the cost of the wedding itself, the groom has to pay for the bride’s jewelry, her dowry, and a fully-furnished apartment for the couple to live in after the wedding. But how are young men supposed to pay for all of this if the youth unemployment rate in Egypt is significantly worse than the unemployment rate for the general population? (1).

She also cites the findings of the Brookings Institute which reports the high youth unemployment rate as a contributing factor to the difficulty of sustaining extravagant, traditional marriages (1). Navtej Dhillon, director of the Brookings Institute, in his report, entitled “The Middle Eastern Marriage Crisis,” also finds “the growing economic pressures on young people, combined with the weight of tradition” to be the main reasons for prolonged bachelorhood or spinsterhood among Egyptian young adults (qtd. in Abaza 1). He added, “It used to be the case that a generation ago the majority

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9 According to the CIA World Factbook, the current unemployment in Egypt is almost 9.7% and the figure of those living under the poverty line is approximated at 20%. See https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html.
of young people would have been married by their mid-20s. Today almost 50 percent of the men between the ages of 25 and 29 are not married” (Abaza 1). However, unlike Gawad, Dhillon is optimistic of their future positive economic and marriage prospects and points to Law 4 of 1996, which makes the costs of housing more affordable, as the catalyst for positive change (Dhillon, Navtej and Ragui Assaad, “Light at the End” 1).

In spite of this recent sign of change, the widely perceived inability to contract legal marriages, among youths, helps to give rise to alternative definitions and practices of social marriages. According to the National Council for Population and the American University in Cairo, approximately 400,000 cases of ‘urfi marriages are contracted each year (Al-Ţārābīlī 1; “Milyūn hālat” 1). Of this figure, 255,000 cases of ‘urfi marriages are contracted among Egyptian university students (or one in every five students) (Mahmoud 1). Most of these ‘urfi marriages currently in practice are illegal, unregistered “marriages” contracted among classmates in schools and universities. These young adults often arrange to meet after classes for a few hours, in apartments owned by their families or friends, without parental and communal knowledge (Mahmoud 1).

However, the forms of ‘urfi marriage practiced can differ significantly from arrangement to arrangement. Hind el-Hinnawy describes the plethora of these ‘urfi marriages with their common thread of non-registration in an episode of Everywoman,
entitled, “Marriage and Weddings-Part 2.” She states:

‘Urﬁ is a non-registered marriage. It’s a paper that has all the condition of shari’i marriage but not registered by the state...It ranges from not writing a paper to only saying we’re married, or it might be with a paper, or this paper might even be signed by a lawyer..So it ranges.10 ‘Urﬁ marriage ranges.

While these ‘urﬁ marriages often fulfill the Islamic requirements of the legal contract, the couple’s verbal consent for marriage, and the testimony of two male witnesses (or one male and two females), they lack full public declaration and the required familial consent and knowledge (Shahine, "Illegitimate, Illegal, or just Ill-Advised?” 1; El-Safty 279). These ‘urﬁ marriages may or may not also include the gifting of the “mahr” from the groom. Due to their lack of clear definition and their ability to adapt to the needs of their contractors, these ‘urﬁ marriages offer young men and women the power to shape their own social destiny. Through ‘urﬁ marriages, they can contract sexual relationships outside of typical social, familial, and religious constraints, select their own sexual and social partner, acquire life experience away from anxious parental supervision, and explore alternative definitions of marriage than the ones previously attained through primary and secondary socialization. However, raised to respect and obey the decisions made by their family and society, many of these young adults sought to construct for themselves a social reality where they may explore other definitions and principles of marriage while still maintaining a sense of social, customary, and religious propriety.

10 ‘Urﬁ marriages may also be contracted through tape recordings.
Two examples of their attempt to strike a balance between traditional duties and modern needs are the practices of “zawāj friends” and “blood marriage.” “Zawāj friends” are normally contracted by Egyptian and Arab university students who work or study abroad with their foreign girlfriends.11 Separated from the pool of what their family may consider suitable marriage candidates and pressured (or perhaps enticed) by what they perceive to be normal local practices, these young adults contract sexual relationships based on modern principles of sexual attraction, individual choice, and mutual commitment. Another version of the ‘urfi marriage, the “blood marriage,” on the other hand, appeared among younger Egyptian students in the school Shubra el-Kheima (Abul-Gheit 1). This version of ‘urfi marriage requires that the couples sign their ‘urfi marriage contract with their bloody fingerprints “under the words Zawagtoka nafsy (I have offered myself to you as a wife) and Wa ana qabelt (And I have accepted)” Abul-Gheit 1). Following the murder of a “blood” spouse in 2003, the local police revealed, to the media, the discovery of thirteen other blood marriages (Abul-Gheit 1). It is believed that these students’ use of blood to sign their marriage contract most likely signifies their individual pledge to enter willingly into an everlasting (rather than temporary ‘urfi) partnership with their chosen partners.

Since marriage and sexuality are also tied to the concept of adulthood among Egyptians, some of these young adults, who were raised with the common belief that marriage “fulfills the second half of their religion,” undoubtedly feel that ‘urfi marriage

11 In my search for information on these types of marriages online through Google.com on February 13, 2010, twenty-six out of thirty results refer to “dating” and “matchmaking” websites such as zawajfriends.com, araboo.com, and arabelove.com.
offers them the chance to reclaim adulthood and to attain spiritual fulfillment. With their inherited knowledge of Egyptian history, many of these young adults regard ‘urfi marriage as a practice steeped in social and religious tradition which further imbues it with a certain legitimacy that cannot be denied by modern, man-made laws. This means that though they understand the state’s requirement for marriage registration, they consider such legal requirement to be secondary to what they perceive to be the traditional and religious norms. Some of them may even consider the government’s inability to guarantee their social and economic prosperity as just cause to wrest control away from the government and reclaim their adulthood.

Unlike the above-mentioned ‘urfi marriages contracted among young adults (which developed primarily out of economic difficulties), the ‘urfi marriages contracted among adults developed primarily out of social and familial constraints. Typically, in these ‘urfi marriages, either one or both partners possess financial security. Often, the males are married men who respected their families’ will for their earlier marriage and later become attracted to or fall in love with an employee from a disparate social class. *Al Arabiya* reports that there are approximately 10,000 cases of ‘urfi marriages between bosses and their female employees in Egypt today (‘17% min ٹلل" 1)

Since the participants of these marriages are often reluctant to discuss their ‘urfi arrangements, the film *Fatima* will be used as a window into the social construction of this type of ‘urfi marriage. The film generally relates the story of ‘urfi marriages contracted among adults. It depicts the ‘urfi marriage between an impoverished nurse, Fâṭma, and her rich patient’s brother, Fathy. In this film, Fathy attempted to realize his
definition for an unconventional (modern) marriage by challenging Fāṭma’s old-fashioned concept of “true marriage.” He emphasized the strength of their love while simultaneously de-emphasizing the importance of traditional and religious norms such as marriage contracts and public announcement of their marriage. He asserted, “What is marriage? A contract between two people. That is, ink on paper. Our marriage is far superior. Our marriage is a link between two hearts and souls.” By contesting the validity of the old definition of marriage and its strict conditions, Fathy attempted to promote and realize his terms for a “modern” marriage that is based on sexual attraction, love and limited social and familial responsibilities. Unconvinced of the religious legitimacy of such a marriage, Fāṭma sought the help of a local elder and was subsequently informed that Fathy’s modern definition of marriage, though unconventional, was religiously allowed. Her acceptance of such a marriage realized Fathy’s definition of marriage based on love and sexual attraction and defied conventional norms such as familial duty and social responsibility. The realization of his “superior” marriage consequently enabled him to delay the wrath and the marginalization of his wealthy family and his social peers.

The type of ‘urfi marriage contracted between Gulf Arabs and local women, known as misyar marriage, on the other hand, developed primarily out of social and religious constraints to sexual relationship. In Egypt, misyar marriages are generally contracted by already-married Arab men from the Gulf States, who arrive without their wives, for the purpose of business or entertainment in the summer (“ṣayf”) (Al-Khalaf
During their stay, many of these Arab men visit local villages and pay large sums to the male guardian of Egyptian women (sometimes even girls below the minimum age for marriage) in order to contract temporary marriages (Abou el-Magd 1). Many of these women, unaware of the unspoken short-term duration of their marriage, would initially see only the financial relief and the chance to establish their own household. Later, they often find themselves suffering alone-waiting indefinitely for the return of their Arab spouse or re-contracted by their fathers to other ʻurfi marriages (Abou el-Magd 1).

These temporary marriages are surprisingly considered to be religiously and legally valid by many Islamic scholars even though they appear to violate the condition of public declaration of marriage in Islam and lack the sincere intention to establish a long-lasting marriage. Arab News reports that 60 Islamic scholars had released a fatwa which permits the practice of misyar marriages at a Muslim World League meeting (Hawari 1). These misyar marriages often meet other pre-requisite Islamic marital conditions such as the couple’s acceptance, the approval of the wali, the bride-wealth and the signing of the marriage contract in the presence of two male witnesses. The late Sheikh of al-Azhar Mosque, Muhammad Sayyid Tantawi, declared misyar to be religiously permitted if the basic Islamic conditions for marriage were met and “the two parties mutually agree to absolve their entitlement (under normal marriage)” (“Marriage of Convenience” 1). The last part of the statement refers to the religious right of the couple to include clauses within their marital contract-so long as they do not contradict

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12 For these reasons, misyar marriages may also be called summer marriages or “zawāj miṣyāf (from the same root as “ṣayf”) (Abou el-Magd 1).
established doctrines within the Qur’an. The Islamic doctrines on marriage, however, while seemingly forthright, are difficult to list as they shift according to the perceptions and the beliefs of the speaker and his/her communities (see pages 24-25 for the debate on the Egyptian practice of partitioning the “mahr”). Additionally, many Islamic communities, despite explicit statements in the Qur’an, continue to disregard sincere intention for long-term marital commitment as a necessary, Islamic marriage condition (see page 26 for translation of line 235 of Sura al-Baqarah).

Without sincere intention for long-term marriage, this ‘urfi marriage would not be dissimilar to the fixed-term, shi’i temporary marriage known as “zawāj mut’a,” which is considered to be religiously forbidden among the Muslim Sunni majority. It can be argued that misyar marriage, which has also been called a “legal prostitution,” resembles mut’a marriage since the bride and the groom contract a sexual relationship for a limited duration. However, it must be pointed out that women who engage in mut’a marriages are aware of the temporary nature of their marriages (since it is listed in the marriage contract) while women who engage in misyar marriages may or may not be aware of this unspoken term of the marriage.

Another newly emerged type of ‘urfi marriage—“zawāj mətyār”—also developed out of practical social needs and religious constraints to sexual relationship. The term “mətyār” is derived from the root “t-y-r” which refers to flight. “Zawāj mətyār,” as the root “t-y-r” implies, is a type of marriage contracted among wealthy adults who are

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13 In their marriage contracts, couples may opt to include certain stipulations so long as they do not counter the explicit teachings of the Qur’an. For example, they may stipulate the maintenance of separate households (in other words, no cohabitation) but not the consumption of alcohol.
14 See http://www.zawaj.com/askbilqis/is-misyar-marriage-right-or-wrong/
often in-flight. They are usually wealthy, married men who seek educated second 
wives (preferably versed in foreign languages) to provide companionship during their 
business travels (Al-Khalaf 1).15 Since Egyptians usually pursue endogamic marriages, 
this means that their first marriages are primarily arranged to ensure familial security 
and prosperity rather than to satisfy individual taste or sexual attraction. Therefore, for 
their mityār wives, these men often seek physically attractive and foreign or highly 
educated women who offer a change from traditional obligations and a relationship 
based on sexual attraction and mutual interests where they can relax their familial and 
religious duties and responsibilities (Al-Khalaf 1).

These contemporary practices of ‘urfi marriages demonstrate that rapid social 
and economic transformations often result in unforeseen social repercussions and 
responses that threaten the prevalent social and economic structures. These practices 
build on previous responses to social and economic changes and, in fact, derive certain 
legitimacy from ‘urfi’s long-secured position in Egyptian history. The major difference 
between the reactions of those who experienced the marriage crisis in the early half of 
the twentieth century and those who have experienced it at the end of the twentieth and 
beginning of the twenty-first centuries lies in the multiplicity of innovative local 
practices constructed to cope with the multitude of contemporary social and economic 
challenges. This multiplicity, in turn, is partially considered to be spread and promoted 
by the constantly developing technologies and resources that enable individuals and

15 Though the article describes the types of new marriages prevalent in Saudi Arabia, these marriages 
exist in other Arab countries, specifically, Egypt.
groups to share their individual responses and disseminate pertinent information at a speed previously unimagined.
Chapter 5: Social Construction of ‘Urﬁ Marriage and the Media

According to the process of institutionalization developed by N. Phillips, T. B. Lawrence, and C. Hardy, ‘urﬁ marriage will likely be transformed from a deviant social practice into a legitimate, socially acceptable practice due to the wide dissemination of its texts in socially accessible venues such as the cinema, online discussions, and online news coverage. These verbal, visual, and written texts initially materialized through public curiosity on the new and controversial practices of ‘urﬁ marriage. The encoded critique on other relevant social and economic issues such as the faltering economy, the mounting costs of living, and the marriage crisis also facilitated discussions on this controversial marital practice. However, it is the act of privileging and promotion of these texts by trusted actors, whose political and social roles are widely recognized, that helped to launch discussions of these texts into national and international debates. Their active participation placed them in a unique position to promote certain definitions of ‘urﬁ marriage and to shape the public’s perception of this controversial (deviant) social practice.

Like all media, these verbal and visual texts are meant to communicate information about the society and to influence the perceptions of individuals and
groups. In *Anthropology & Mass Communication*, Mark Peterson states:

That media have as one of their primary and manifest functions the expression of social and cultural…All media, moreover, explicitly seek to affect human beings…(and) can persuade (seduce, compel) us. They can inform (educate, provoke, brainwash) us. And they can give us pleasure in the form of escape, laughter, or insight (18).

The coverage of the famous paternity case between Hind el-Hinnawy and Ahmed Al-Fishawy exemplifies the decision of those in the media to share information and to promote discussions on a troubling social and cultural phenomenon with the wider public. In 2004, the costume designer Hind el-Hinnawy took the actor and host of “Yalla ya Shabab” Ahmed Al-Fishawy (the son of famous Egyptian actors Soumaya Al-Olafî and Farouk Al-Fishawy) to court over the paternity of Lina, whom Hinnawy claimed to be the child of their ‘urfi marriage (“Egypt: Landmark Paternity Case” 1). This case proved to be devastating to Al-Fishawy who served as a counselor to Egyptian youths due to his perceived religious piety (“Egyptian Woman” 1; Williams 1; Rashed 1). This high-profile case raised concerns about the penetration of unregistered ‘urfi marriage through many levels of the Egyptian society. It also raised many questions on the limited rights of Egyptian women and children, the burgeoning youth crisis, the impact of rapid social and cultural transformation, the legitimacy of the state and religious authorities, the applicability of the shari’a, and the plans for future economic and political stability and prosperity.

It is important to note that many of the actors who promote these discussions, in the media, belong to the same age group as those who contract ‘urfi marriages. These actors tend to be between the ages of 18 to mid-30; therefore, they share similar social
and economic experiences with other Egyptian young adults. Since both “media production and media consumption (are) interpretive events,” their shared background enables the texts produced by these social actors to be easily decoded and regarded with a certain measure of trust by their young audience (Peterson 21). This perceived trust, in turn, enables films such as Qubulāt Masrūqa, Wāhid Šīr and Awqāt al-Farāgh—credited for their gritty depictions of the contemporary social conditions—to “creat(e) and reinforce their identities” (Peterson 146). 16 However, it must be understood that although the media contributes greatly to the formation of their identities, these youths ultimately evaluate what they acquire from the media alongside what they have already learned from previous social and educational experiences to construct their identities (Weimann 20). The knowledge they then glean from evaluating these sources enables the youths to seriously assess, interpret, and define ideas.

As previously mentioned, these film-makers can affect the negotiations of meanings, perceptions and ideas within the society. Their works not only depict actual work and living conditions but are also employed as tools to sensitize public perception and to shape new realities. Consequently, it must be understood that “the lens through which we receive these images (texts) is not neutral but evinces the power and point of view of the political and economic elites who operate and focus it” (Gamson 374). Through media, these texts become “site(s) of struggle where the powers that be…

16 Awqāt al-Farāgh, which was written, directed, and starred by virtually unknown young talents in the Egyptian film industry, was especially successful in depicting the illicit activities of today’s young adults (such as pre-marital sex, casual drug use, and pornographic entertainment) during their period of prolonged puberty, coined the “waithood” by Diane Singerman (Singerman, “The Economic Imperatives of Marriage” 7).
(and) the challengers … offer competing constructions of reality and … find support for them from readers whose daily lives may lead them to construct meaning in ways that go beyond media imagery” (Gamson 373). A critical study of the messages and critiques encoded within these texts consequently would reveal “the very art of social construction” (Gamson 374).

These actors sometimes took certain risks to promote and negotiate new definitions of realities between the younger and the older generation and between the masses and the established authorities. For example, the film *Faīma* (first mentioned in Chapter IV), directed by the legendary Ahmed Badrakhān, challenged the audience to review their perception of marriage in the 1940’s: a time of social, political and economic upheaval. When the leading character, Fathy, asked, “What is marriage?” he was, in reality, questioning the validity and the applicability of the traditional perception of marriage. In other words, what is the reasoning behind marriage? Is it based on traditional and familial duties or is it based on mutual love and respect? Furthermore, what makes a union between a man and a woman legitimate in the eyes of the society? Are there conditions that need to be fulfilled for such union to be considered a “true” marriage? Fathy’s following response suggests that the traditional definition of marriage as something akin to a legal transaction no longer sufficed. Marriage must involve a deeper, spiritual commitment between the two parties. He said, “(Marriage is) a contract between two people. That is, ink on paper. Our marriage is far superior. Our marriage is a link between two hearts and souls.” Through these words, the film-maker offered a contending definition of marriage (most likely imported from Hollywood
movies) to possibly steer the audience’s participation towards the construction of a new social reality.

Later films such as *Qubulāt Māsrūqa* (“Stolen Kisses”) and *Wāhid Šifr* (“One-Zero) offered alternative perspectives of marriage within a larger critique of contemporary social and economic conditions. The first film largely tells the story of three young couples whose relationships suffer due to the competitive job market, corruption, high unemployment, and faltering economy. One of these couples, Ihab and Marwa, was forced to pursue an ‘urfi marriage after their desire to marry was abjectly denied. Marwa’s father rejected Ihab’s sincere proposal for legal marriage due to his lack of income and financial stability. (Ihab was a graduate from the School of Engineering who could only find employment at a gas station.) Another couple temporarily went their separate ways because the girl, Hanan, tried to secure quick social mobility through a relationship with her university instructor rather than wait to realize a love-marriage with her then-boyfriend who worked as a law student and part-time lawyer.

The second film, *Wāhid Šifr* (“One-Zero) dealt with even more social ills such as divorce, the collapse of traditional moral values and norms, and social and sexual frustrations. One of its protagonists- an older, pregnant, wealthy, Coptic divorcee-struggled to secure permission from the Coptic Church to contract a legal marriage with a young, talk show host, named, Sherif. When her request was denied based on a previous history of civil divorce, she subsequently turned to the controversial ‘urfi marriage as the most socially viable option for marriage.
*Qubulât Masrûqa, Wâhid Şîfr,* and *Aqwât al-Farâgh* serve as examples of contemporary social discourse on the new social reality pioneered and propped by young adults who are desperate to claim their right to social, economic, and political participation in Egyptian society. These films highlight the general frustrations of contemporary Egyptian youths towards the society’s inability to compromise and engage their efforts. They also offer insights into the motives and reactions of citizens who attempt to survive and attain happiness during these socially and financially difficult times. Some say that the films concentrated mainly on the negative aspects of the youth culture since the characters, for the most part, responded to strict social and economic constraints by opting for what the critics perceived to be easy solutions to realize their ideas and dreams of marriage. However, it must be understood that many of these characters tried to work with the established system before they were forced to abandon their initial attempts for cooperation in order to construct more viable realities.

These films, with their realistic presentation of social realities, challenge the reign of the predominant (mainstream) cinematic principle to promote commercial, “clean films” known as “Aflām Naḏīfa (Karawya 1). The cinematic principle “Aflām Naḏīfa,” grew as the government’s perceived failure to bring about greater employment and educational opportunities and higher wages, in addition to the return of Egyptian workers from the Gulf States, led to increased religious fervor since the 1970s (Jaafar 1; Karawya 1). Such a climate resulted in the increased support for commercial, “family-skewed comedies” that “deal with more wholesome story matter” at the Egyptian cinemas (Abdulrahman et al. 1; Jaafar 1). However, as social, economic, and
sexual frustrations continue to grow due to the declining economy and the increased costs of living, the need to offer the society more realistic depictions of the living conditions and sufferings of the poor and the despairing youths took root among young film-makers in recent years.

This new wave of realistic films, with explicit discussions on contemporary issues and implicit critiques of local politics, marks a return to the earlier Egyptian cinematic movements of the 1950’s and the 1970’s that focused on depicting “social reality” (Shafik 128). These films focused on the declining relevance of traditional values and the rising popularity of new ideas, definitions, and social practices alongside a social critique of the government’s inability to adapt to rapid social transformation and modern challenges. Like the Egyptian melodramas, they also focus on the “emotionality” and the trials and tribulations of the “common citizen” (Abu-Lughod 116). Sometimes, these depictions shock their viewers with their all-too-realistic depictions. For example, *Qubulāt Masrū qa* scandalized the audience with their depictions of sexual frustrations and passionate lovemaking while *Awqāt al-Farāgh* initially surprised the public with its portrayal of casual drug use and constant vacillation from religious piety to liberal enthusiasm among Egyptian young adults. Through their depictions of everyday frustrations and struggles of these characters, these films offer a unique perspective into their lives and subtly attempt to influence the society’s opinions and perceptions. Therefore, like the melodramas, these works should be seen not just as reflections of society but also as subtle attempts to affect “social
development, national consolidation, and modernization” and “to produce modern citizens and subjects” (Abu-Lughod 115).

Along with narratives disseminated through the cinema, texts disseminated through the internet offer the means to discover multiple local opinions and spread weighty ideas regarding ‘urfi marriages to the national and international communities. A reading of “Have I Been in the Field? The Ethnography of Electronic Correspondence” broadened the conception of field research from one defined by physical closeness to one defined by virtual closeness between the scholar and the subject(s) of research through the internet (Ples 6). This article subsequently led the author to conduct “field research” of primarily English-speaking websites, on the highly sensitive and delicate topic of ‘urfi marriage. It was believed that this method would expose the multiple meanings of ‘urfi, deeply fore-grounded in Egypt, and reveal more candid statements and opinions among youths who regard the internet and internet cafes as means for escape from the watchful eyes of the society.

Texts in the form of stories, blogs, and online studies—such as the short story written by Marwa Rakha, entitled, “El-Lokanda,” blogs written by foreign workers, writers and scholars living (or have lived) in Egypt and surveys—are often meant to educate and expose the audience to the natures of ‘urfi. Egyptian writer and blogger, Marwa Rakha, discloses common cross-cultural misunderstandings associated with mainstream marriage and contemporary ‘urfi marriage among ‘urfi couples in “El-Lokanda.” The latter, an unfinished tale available on her personal webpage, on “terrorism, extremism, interracial marriages for immigration purposes, ‘urfi marriages
in the resort, the heterosexual and homosexual relations,” tells the story of four main characters and their clients at a resort in Sharm al-Sheikh, following the events of 9/11. One of the main characters, Elizabeth, is understood to have contracted an ‘urfi marriage with a local Egyptian who worked as one of the hotel’s ground staff—though the author never explicitly described her marriage as such. Following the attacks on 9/11, Elizabeth was informed that she, along with other foreigners who were working as the hotel’s administrative staff, would either be let go or be offered reduced wages comparable to those received by their Egyptian counterparts. When she later informed her Egyptian husband about their possible relocation, she discovered that their cultural perceptions and expectations of marriage clashed—hers are based on the ideas of love and partnership while his are based on social stability and mobility. Their clash of ideas and impending separation perhaps convey the incompatibility of Western, modern values with Eastern, traditional pragmatism. In addition, this idea that their love marriage most likely had existed only in her mind was probably meant to convey the plight of other ‘urfi wives who discovered, too late, that their perceived marriage served merely as convenient sexual relationships for their husbands. The very absence of explicit mention of Elizabeth’s marriage as ‘urfi marriage, despite Rakha’s detailed summary of “El-Lokanda,” also demonstrates the delicacy of ‘urfi marriage as an acceptable conversational topic and denote the difficulty of defining ‘urfi marriage within Egyptian society.

The authors of the Trailing Grouse and the Old Bag of Cairo, on the other hand, attempted to educate their audience about ‘urfi (secret) marriage on the basis of law.
Written by foreigners living in Cairo, these blogs interpret ‘urfi in terms black and white or, rather, in terms of legality and illegality. Thus, they help the readers to recognize the symptoms of ‘urfi rather than explain the reasons behind the popularity of ‘urfi marriages in Cairo. Perhaps their lack of explanation is due to their lack of knowledge or unfamiliarity with local conditions. Regardless of their simplistic account, these authors manage to convey clear definitions of the ‘urfi marital practices (and their consequences) to their foreign readers–some of whom have contracted ‘urfi marriages or had planned to contract ‘urfi marriages (“Foreign Women” 1; “Marriage between Foreign Women” 1).

Khaled Diab’s article, entitled, “What’s Love Got to Do with It,”17 warns the readers of the possibility of unknowingly contracting ‘urfi marriages through matchmaking businesses. The title of this article, “What’s Love Got to do with it,” announces the author’s intention to attack the time-honored occupation and motive of matchmakers as traditional love contractors within the Egyptian society. He warns that, despite their promise to secure love or love-marriage matches for their clients, many of them, in reality offer to contract only short-term sexual relationships or ‘urfi marriages. Diab wrote:

Matchmakers, both formal and informal, have existed for as long as the concept of marriage has been around. But modern marriage offices have seemingly strayed far from the path of traditional matchmaking, often arranging temporary summer marriages for wealthy Arab tourists, or serving as a sort of immigration service by promising to match clients with partners of dual citizenship (1).

Since religious and civil laws forbid pre-marital and extra-marital relationships, these matchmakers (which are formally listed as legitimate businesses to contract marriages) often keep this aspect of their practice away from the prying eyes of the general public (1). To remain in business, they charge exorbitant prices for each application and match arranged (1).

To avoid becoming victims of short-term ‘urfi relationships, Khaled Diab warns the clients to be diligent in their research of matchmakers. He said that, often, those who seek love matches through these matchmaking businesses expect the latter to deliver the same quality of service as online dating services found in the West (1). However, what they found instead are businesses which aimed not towards finding long-term marriage partners but rather towards exploiting their unsuspecting clients.

Wael Nawara, however, through his blog, entitled, “The Sex Files- Emotional Deficit,” offers psychological and theoretical explanations for contracting ‘urfi marriages. He explains that the lack of employment opportunities, high costs of living, and inadequate professional training produce an “emotional deficit” among young adults during the twenty year-period needed to secure stable employment and accumulate the funds for legal marriage (1). The hopelessness and despair over their inability to afford the extravagant costs of traditional marriages-upheld by local practices rather than by Islamic principles-leave these young adults emotionally and sexually frustrated. These frustrations, which bring about confusion and stress, lead them to turn to ‘urfi marriages to fulfill their needs (1). Waleed, who appeared in an

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18 Diab cites Islamic laws and civil laws-Articles 274 and 275 of Law no. 58 of 1937-which criminalize adultery.
episode of *Everywoman*, entitled “Marriage and Weddings-Part 2,” concurs that emotional and sexual stresses contribute to ‘*urfi* marriage. He said, “At (the) age twenty-two (to) twenty-three (a period when sexual desires are high) you need to use up your sexual energy within the religious framework of marriage but you are unable to do this…While you are trying to save this money… you’re under mental pressure and living as if you have a split personality. A person who wants to obey his God and a person who is human and wants to have sex wants to do this (‘*urfi*).”

Nawara then turns to the theory of the “Parallel State” to help explain the rise of ‘*urfi* marriages and generate greater understanding towards this controversial practice. He describes ‘*urfi* marriage as a direct, normal response to the government’s impotence. He said:

> Such practices arise because the society cannot address the needs of its citizens, thereby, causing the rise of a “parallel sub-system…. [W]henever a formal economic, social, cultural or legal subsystem fails to deliver the basic needs of the people, mother nature steps in. People have collectively demonstrated a remarkable genius in devising parallel sub-systems to fill that gap, hole or deficit. Marriage becomes unaffordable, young couples resort to "civil marriage" or "Gawaz 3orfi" (1).

He mentions the rise of other “gray” practices as examples of the “Parallel State” at work in contemporary Egyptian society (1). He lists the spread of exorbitant housing deposit by apartment owners to make up for the low fixed rent for their apartments and the increase in private tuition by private tutors and educators to supplement their inadequate income as some examples of “gray” practices (1).

Nawara believes that the practice of ‘*urfi* marriages can only be stopped if the state and religious authorities can successfully address the social, economic, and
religious needs of Egyptian young adults. He believes that Egypt needs to develop
more lasting, long-term solutions rather than turn to imprisonment as the sole solution
(1). He also believes that greater relaxation of the moral pressures on relationships
between the opposite sexes would help to reduce the cases of ‘urfi marriages. Nawara
states:

I am not promoting total dropping of our customs, traditions or values in favor
of becoming widely permissive. I am only suggesting that we, as a society,
loosen the tight screws a bit to help release some of the pressure, in order to
avoid explosion of an already flammable situation” (1).

In doing so, Nawara believes that the society may be able to prevent the rise of
“immoral,” or “black,” behaviors such as sexual violence and incest (1).

Anonymous correspondents and surveys in the virtual network also offer the
readers virtually safe (or at least, safer) ground to discuss sensitive issues and social
taboos. Reports and online surveys were conducted to discover dominant perceptions
of the Egyptian ‘urfi marriage crisis and to bring international attention to this social
phenomenon. One out of four respondents who commented on the BBC article,
entitled, “Spotlight on Egypt's Marriage Crisis,” believed ‘urfi marriage to be the same
as a traditional, Islamic marriage while others believe such marriage to be merely an
excuse for sex (“Egypt’s Marriage Crisis” 1). Most of the twenty-eight international
respondents to a survey conducted by BBC Online, entitled, “Can You Keep Marriage a
Secret?” indicated financial conditions, love, parental rejection of their partner’s
proposal, and high social expectations as the main reasons for contracting ‘urfi

19 The respondents were responding to an article posted from BBC News in:
http://www.islamicaweb.com/forums/news-media/7476-egypts-marriage-crisis-rapes-reach-shocking-
levels.html
Among them, two of the respondents admitted that they had already contracted secret marriages (1). Seven respondents indicated that they were open towards contracting secret marriages while twelve respondents adamantly rejected this social practice (1). The remaining respondents, on the other hand, did not respond to the topic question or were unclear in their answer (1). As with all online correspondences, the publicized names and localities of the respondents do not necessarily reflect their nationalities or social identities. Additionally, their responses may not necessarily project the respondents’ opinions and beliefs but rather what they want others to believe.

Religious websites also offer the readers the chance to express their diverse ideas and perceptions on marriage; however, these sites always remind the readers of the necessary and “true” conditions for marriage in order to preserve religious sanctity and ensure the continued stability of the society. A search on “‘urfi” on Google.com resulted in 156,000 entries. From the resulting thousands of pages of entries, ten pages of entries were carefully studied. The latter resulted in forty-seven entries dealing specifically with the ‘urfi phenomenon and six main websites that offered information or advice on ‘urfi marriages. Four of these websites-Islam-qa.com, Islamawareness.net, Zawaj.com, Islamicanswers.com, and IslamOnline.net-are run by Muslim individuals or organizations that offer religious services and information for the wider Islamic community. A further search on “‘urfi” and “misyar” in these websites offer forty-

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20 Of these twenty-eight correspondents, eleven wrote from (or identified with) the western countries (United States, Belgium, Germany, Canada, and Austria), sixteen wrote from countries located in the African continent (Zambia, Ghana, Tanzania, Nigeria, Somalia, Liberia, Cameroon, Egypt and Sierra Leone) and one wrote from Asia (India).
seven entries-twenty-four of which involve questions or concerns regarding ‘urfi marriage. The results of these searches were startling as they reveal the general lack of knowledge regarding Islamic marriage conditions and ‘urfi marriage conditions. For example, one respondent on Islam Online thought that the secret misyar marriage she was hoping to contract-which would involve two witnesses, dowry, and the Islamic contract but would lack public announcement-was religiously permitted. The presiding scholar, Dr. Zainab Al-Alwani, informed the former that such a marriage is considered religiously forbidden as it lacks the pre-requisite “publicity and announcement” (“On Women’s Issues” 1). Another respondent believed that marriage based primarily on the individual intention to marry. This respondent informed that he had contracted “nikah just for ourselves and for Allah … However, we haven't told anyone” (“Marriage in Secret” 1). While yet another, who recognized that his ‘urfi marriage did not satisfy “all the conditions since there were no witnesses and no wali for the bride at the time,” hoped that the recognition of his mistake would absolve him from subsequent duties and punishments (“I Have a Civil Marriage” 1). These inquiries were all met with censure and disapproval since their definitions of marriage threatened the breakdown and collapse of prevalent social and religious values. To maintain social stability and security, these respondents were each informed that their individual perceptions and ideas on marriage were at variance with traditional, social and religious marriage practices and they were strongly encouraged to rectify their mistakes.

The depiction of these distinct perceptions on ‘urfi marriage demonstrates the media’s role in ushering and mediating the process of social construction in
contemporary Egyptian society. By zooming in on topics which they and/or the wider public perceive to be novel, problematic and/or in need of re-negotiation, the media help to un-cover dominant and marginal societal perceptions and illuminate acceptable and unacceptable ways to discuss the topic. In so doing, the media helps to frame and mediate local discussions and debates. The responses and discussions generated by their coverage of these topics are therefore indicative of social construction in progress.

Hence, a study of verbal and visual texts such as films, online surveys, and blogs, helps to reveal underlying social struggles and dominant individual and group perceptions within the society. Texts on ‘urfi marriage, which initially materialized through public curiosity on its controversial nature and later spread as a result of textual privileging by certain actors, facilitate informal discussions of sensitive cultural and social issues and help to launch local discussions into national and international debates. The forums of these texts not only reveal the underlying behaviors and motivations of the social actors (the media producers) and the audience (the media consumers) but also affect the immediacy and depths of correspondences. Regardless of the perception(s) and text(s) promoted, the media and the social actors play important roles as the middle-men between the youths, the state, and religious authorities, thereby, encouraging continual debate and social discourse. Their discussions and depictions of dominant conventional and alternative perceptions and definitions of ‘urfi marriage, furthermore, offer the potential for greater understanding and room for negotiations in the on-going struggle to potentially strictly define and acculturate this controversial (“deviant”) social within the Egyptian society.
Chapter 6: Religious and State Responses to ‘Urfi

Discussions of ‘urfi marriages are far from limited to popular media and the internet. Just as wide ranging, influential, and with potentially far reaching consequences for many are discussions of ‘urfi marriages within the parliament, government offices, and mosques. These discussions have led to increasing debates regarding the legitimacy and illegitimacy of ‘urfi marriages among government officials, religious scholars, academic scholars, activists, experts, and other leaders. Marriage, which is regarded as a means to ensure women’s “mental and moral harmony,” is required by law to meet the religious conditions for marriage and to be legally registered (Welchman 27). Egyptian law considers this act of official registration as a fulfillment of the basic condition of public announcement in an Islamic marriage. Local, historical practice of Islamic marriage, on the other hand, interprets the act of public announcement differently. This difference in the local and theoretical interpretations of the religious, marriage requirements highlights the tension between the ideal and actual, local practice in Egypt.

Many religious legal scholars and experts subscribe to the belief that ‘urfi marriages are valid, Islamic marriages. Others, however, find ‘urfi marriages to be religiously unacceptable since many couples forego public declaration (through wedding ceremonies or through legal registration) and sincere intention for long-term
marriages. Ali Sahaba, president of the Personal Status Court of Appeals, regards the ‘urfi marriages as illegitimate and as “secret” marriages since they are “usually conducted in great secrecy, even without the knowledge of the parents or relatives” (Shahine, "Illegitimate, Illegal, or just Ill-Advised?” 1). Mohamed Hamed El-Gamal, the former president of Majlis Al-Dawla (the State Council), considers such marriages invalid since they do not meet certain conditions for legitimate Islamic marriages (Shahine, "Illegitimate, Illegal, or just Ill-Advised?” 1). He states:

I believe that what people call ‘urfi marriage these days is illegitimate, since two of the main conditions stipulated by the Shari’a are lacking. First, the mutual acceptance of marriage means that husband and wife must have the intention of forming a stable relation that is meant to last until death. In most cases, however, youths resort to such a marriage to fulfill a sexual desire, but not to form a family -- which should be the main target of marriage….According to Shari’a, however, the man should be financially capable of getting married -- the second condition ‘urfi marriage (which he) fails to fulfill (Shahine, "Illegitimate, Illegal, or just Ill-Advised?” 1).

Dr. Gamal Kotb, former head of the Fatwa Committee at Al-Azhar University, on the other hand, stresses on the continued lack of consensus on a “true” definition and practice of ‘urfi marriage. He states, "Unfortunately, since 2003 until the present, Al-Azhar failed to agree on ‘urfi marriage…The debate turned into a media battlefield where Azhar scholars are either for or against" (Mahmoud 1).

Due to the historical context of the ‘urfi marriage, scholars who personally disagree with the contemporary practices of ‘urfi marriage often stop short of declaring them to be religiously forbidden. Muhammad Sayyid Tantawi, the late Sheikh of Al-Azhar Mosque, stated, "I personally do not recognize it, like it or even heed it because it entails the loss of the wife's rights and is hateful to God” (Shahine, "Illegitimate, Illegal,
or just Ill-Advised?” 1). His refrain from declaring ‘urfi marriages to be religiously unacceptable, despite his personal opinion, reveals not only his sensitivity and awareness of contemporary social and economic realities but also the effects of ongoing social debate between young adults and the authorities within the wider public.

For immediate solutions to the problems of ‘urfi marriage (and perhaps to remove certain censures and social pressures from himself), he turned to the leaders of the Egyptian republican government to create and make public certain modern, non-religious definitions and solutions. Tantawi proposed such acts as banning ‘urfi marriages on the basis of civil law and improving the quality of religious education on “what is halal and what is haram (permitted and forbidden) in marriage” to communicate and promote these new definitions of ‘urfi marriage among the younger generations (Shahine, "Illegitimate, Illegal, or just Ill-Advised?” 1). The Grand Mufti of Egypt, Ali Gomaa, also implored Egyptian parents to join in this on-going debate to define ‘urfi marriage. He encouraged the active participation of these parents to improve "the way these children are raised” in order to turn the tide of this debate (Abdoun 1). These scholars’ perceived pressures and their subsequent perception of religious transgression on matters of ‘urfi marriages therefore reveal their perceived inability to create definitive explications on ‘urfi marriage. For that reason, they turn to the state and the society to negotiate the final outcome of this social debate. These underlying struggles and tensions demonstrate the theory of social construction at work.

The charismatic Egyptian Islamic figure, Amr Khaled, in an interview with Isam Al-Gazi for 'Kul Al-Nass' magazine in 2003, made available in a section, entitled, “The
Unregistered ‘Orfi’ Marriage is Forbidden ‘Haram’” of his official website, also offered similar perceptions on ‘urfi marriages. Khaled, who, in fact, rejects ‘urfi marriages on social, religious, and legal grounds, disagrees with all contemporary practices of ‘urfi marriages in the Egyptian society. He informed the readers that all contemporary ‘urfi marital practices should be considered socially unacceptable since a marriage “must be built by a couple that want to start a family that will play a role in the advancement of the society” (1). In addition, he chastised the war widows for their deception upon the government and the religion. And he blamed the government for encouraging such behaviors through strict, unbending laws that prohibit widows from receiving their former husband’s pension after lawful remarriage (1). To reduce the occurrence of ‘urfi marriages among the war widows, he implored upon the government to “take that (pension) into consideration and set Laws which preserve the right of women as a citizens, and allow them to marry in the open without deceiving the government” (1). By relaxing this law and offer war widows the right to their late husbands’ pension even after remarriage, he believes that the government will act to “prevent people from learning ways to deceive their governments,” thus, further, preventing social, religious, and political disorder (1).

In “The Unregistered ‘Orfi’ Marriage is Forbidden ‘Haram,’” Amr Khaled also considered ‘urfi marriages among students to be religiously forbidden due to the lack of certain marital requirements such as “the declaration of the marriage and the presence of fair witnesses who are trustworthy and honest” (1). Responding to a question specifically on his perception of ‘urfi marriages, the speaker warns girls to stay away
from ‘urfi marriages. He then described the two main scenarios for contracting ‘urfi marriages. He said:

The logic of the young man or student says, “She loves me and I love her, so we have no option but to marry. Our financial situation does not allow us to have a home of our own; we marry secretly because we have desires and we'll have long years to wait before we can marry. When we graduate we will tell our families and declare our marriage. But for now, we will invite two of our friends to bear witness for our 'orfi' marriage certificate. We marry…then, only to avoid anything haram.” But this is only half the story. The other half goes like this: After 4 months he will tell the girl, “I am sorry, but my family will never approve our marriage.” Then he will start to mistreat her, and may even tell her that the paper of the marriage is of no value and it does not entail any obligations (1).

He stressed to the female readers that those men who contract ‘urfi marriages do so to contract temporary sexual relationships. And he warned them, in the end, women will become the victims of ‘urfi marriages.

When asked to respond to the connection between dire economic conditions and the rise of ‘urfi marriages, Amr Khaled sidestepped the issue. He disregarded such a connection as an excuse for contracting ‘urfi marriages and focused instead on the importance of familial acceptance and permission as the primary requirement for marriage. Then, he sought financial support from various segments of the Egyptian society-families, businesses, and religious authorities, and state authorities-to help establish a marriage fund (like the ones which exist in Saudi Arabia, Bahrain, Qatar, and the United Arab Emirates), thereby, easing the financial burdens of marriage and bringing about the decline of ‘urfi marriages among disenfranchised Egyptian young adults (Kaaki 1).
Within the last decades, both government and religious leaders have begun to recognize and take steps to address the frustrations of these young adults before ensuing pragmatism leads to a further breakdown of their society’s religious and social mores. In 2000, a law that gave Egyptian women the right to divorce their husbands was passed. This law gave all women the right to divorce (khul’) based on the argument that Islam has room for social and political change. As a result, ‘urfi wives obtained the means to end their legally, unrecognized marriage. This law brought to conclusion the fifteen-year cooperation and struggle among lawyers, religious and academic scholars, and experts to bring about majority support for the proposed changes to the family law (Singerman, “Rewriting Divorce”).

The introduction of this bill, which was presented to the Parliament on January 16, 2000, initially led to fierce debates of women’s ability to make sound judgments (Singerman, “Rewriting Divorce” 176-177). Dr. Aisha Rateb, Egypt’s former Minister of Insurance and Social Affairs, gave voice to the dominant fears and arguments against the bill. She explained that some ministers of parliament feared that women would take advantage of the law and “change their husbands the same way they change their dresses”-in other words, they were afraid of the social transformation of women’s socially acceptable subordinated roles (qtd. in Singerman, “Rewriting Divorce” 178). Some religious conservatives and liberal feminists feared that this legislation would grant official recognition and status to ‘urfi marriages, thus, giving greater license among women to contract secret marriages (Ibrahim 1). They also believed that this type of divorce, which gives women the right to divorce in exchange for her bride-
wealth, would be used by husbands to force women into seeking divorce, thereby, relieving themselves from the customary burden of paying the *mu’akhkhar* after the dissolution of the marriage (“Egypt” 1). In the end, despite certain reservations, Law No.1 of 2000 was passed.

In 2008, a change to Article 20 of the Egyptian law was proposed in order to protect the rights of illegitimate children. Until then, only children who were legally recognized by their father could enjoy legal status. This consequently meant that children who were born of abandoned *‘urfī* wives had “to bear the consequences of their parents' behaviour…(and) grow up without a name and without any care from society” (Leila 1). With the proposed change, *‘urfī* mothers would be able to offer their citizenship and family name to their child.

In 2009, several attempts were made to regulate the practice of *‘urfī* marriage. A member of the Egyptian Parliament, Ibtisam Habib, in an attempt to curb the popular practice of *‘urfī* (secret) marriages among young adults, proposed a law that would penalize not only the couples who were found guilty of contracting *‘urfī* (secret) marriages but also those who helped them. In her proposed law, the *‘urfī* couple would be “sentenced to at least one year in prison and…a fine ranging from LE 1,000 to LE 10,000. The persons who wrote the contract and the ones who acted as witnesses are also subject to punishment” (Abdoun 1; “Egypt Secret Marriages”). In the same year, Egypt's Supreme Constitutional Court (SCC) and the German think tank Konrad Adenauer Stiftung organized a symposium, composed of academic and religious
scholars, leaders, and experts, to discuss the societal consequences of urfi marriages and to offer solutions to the ‘urfi crisis (Adel 1).

As with the construction of any new social reality, as ‘urfi marriages become more prevalent, religious legal scholars and judges, and state leaders must debate and grapple with what policies will best ensure social order. To construct these policies, they must be seen as addressing modern challenges while still preserving traditional social and religious values. For these reasons, some academic and religious scholars avoid discussions on the legitimacy or the illegitimacy of ‘urfi marriages while several others offer alternative solutions and explanations for the contemporary marriage crisis. In the end, many of these scholars and experts turn to the state to implement laws and reforms that will address the needs of the youths and curb the practices of this controversial social practice. As the state attempts to respond to the legal and religious implications of how to deal with ‘urfi marriages, they must also grapple with the social and financial challenges which weigh heavily into the actuality of the lives of the citizens for which their decisions will have far reaching consequences.
Chapter 7: Social Consequences of ‘Urﬁ Marriage

Regardless of the type of ‘urﬁ marriage practiced, the nebulous and multi-faceted nature of ‘urﬁ marriage poses serious concerns to Egyptian society. Many women who perceive their ‘urﬁ marriage to be based on mutual love and respect later find themselves not only unversed in the numerous definitions and terms of their ‘urﬁ marriage but also woefully ignorant of their true marital status following the departure of their ‘urﬁ husbands. According to an article by the BBC, the Egyptian Centre for Women’s Rights “receives regular calls from young women confused about the legal and religious status of their marriages or seeking help when things have gone wrong” (Knell 1). One respondent wrote to IslamQ&A.com to inquire about her marital status following her husband’s departure. The scholar responded by mentioning that s/he has heard “dozens of stories, if not hundreds or more than that, of such calamities. It happened repeatedly and it is still happening repeatedly” (“He Had a Customary Marriage” 1). Thus, while the men, who generally guard both copies of the ‘urﬁ marriage contract, can easily put behind their marriage experiences by tearing up both copies and move along with their lives, their ‘urﬁ wives often do not share that luxury. Additionally, many of these ‘urﬁ wives must face the harsh consequences of their ‘urﬁ unions alone—with little hope of recovering from their experiences and from the loss of their family honor (the loss of their virginity).
The shame and family dishonor involved in ‘urfi marriages sometimes lead the women to take their “spouses” to court. One of the cases, which was made public by the internet, concerns the ‘urfi marriage of Mahmoud and Rania Saber—both students at the University of Helwan (Mahmoud 1). In September of 2009, they secretly married and successfully kept the news of their ‘urfi marriage from their family by arranging meetings at a friend’s apartment near the campus. In December 2009, when a friend informed Rania’s family of her ‘urfi (secret) marriage, the latter tried to convince Mahmoud to make the marriage official. The latter’s refusal prompted the family to refer the case to the court in Helwan (Mahmoud 1).

Faced with social disgrace, the loss of family honor, and even worse, the potential loss of their lives, women have also turned to illegal means of maintaining the appearance of sexual innocence. Hymen reconstruction operations—which may include “stitching a small capsule of red fluid into the vagina” and creating a new hymen from the vaginal lining—are sought by “two or three young women each week”, according to Dr. Ahdy Wahid Rizk (Sharp 1). Though the BBC article “Cairo Youth Break Sex Taboo” states that doctors may “charge up to (LE) 1000… (US$182) to reconstruct a young woman’s hymen,” it is said that virginity could be bought for as little as LE150 (US$27) (1). The popularity of this scientific procedure surprisingly encounters no opposition with the Mufti of Egypt, Ali Gomaa, who states that such surgery is “permissible” for women who have lost their virginity “for any reason” (“Mushtarīṭan ‘an yakūn ‘iğrā” 1). Furthermore, he adds that "there is no text prohibiting (hymen
reconstruction)… it is permissible as long as (it) does not affect the health of women” (“Mushtarīṭan ‘an yakūn ‘ījrā’” 1).

In addition to hymen reconstruction, or hymenoplasty, the numbers of women who visit their gynecologists to inquire about abortion or complications from a prior abortion have also risen. Dr. Rima Kofash states, “Approximately one woman a month comes to her clinic with complications resulting from a backstreet termination” (Sharp 1). There may be a correlation between the rising number of young adults who are sexually active and the rising number of abortions being performed. Dr. Kofash states, "All gynaecologists know this, but we don't know how much it is increasing by" (Sharp 1).

If the women cannot afford the price of the abortion or chooses to keep the children of their ‘urfi unions, both will then have to face the social price of ‘urfi. The women often cannot contract future marriages due to their social stigma and the potential for bigamy. The children, on the other hand, cannot enjoy the same legal and social benefits as other children born of legal unions since there is often no legal proof of the father of the child-whose signature is needed to issue official birth certificates. Waleed, in "Marriage and Weddings-Part 2” of Everywoman, states, “If (a woman) has a baby in an ‘urfi marriage then the child is not considered officially his. There is no proof and she doesn’t have the right to say it’s his baby. Basically she has no rights!” Hind el-Hinnawy concurs that the men, in ‘urfi marriages, can opt to withhold responsibility when it comes to the baby by simply denying the paternity of the child (“Marriage and Weddings-Part 2”). She states, “In Egypt, and it is not a law as much as
it’s a protocol or something...that women cannot issue a birth certificate so then that means if any father doesn’t want the baby he will just not go and issue the birth certificate…” (“Marriage and Weddings-Part 2”). Unfortunately, without official documentation, paternity cannot be proven and the child is often denied legal status and access to public health care, education, and legal employment. Hind said, “Think about it-no legal paper! You cannot travel; you cannot get (an) education; you cannot go for vaccination; you cannot have any privilege from the state...which means you don’t exist” (“Marriage and Weddings-Part 2”). Unless the case is brought to the Egyptian court with proof of the ‘urfi union, the baby will continue to be regarded as illegitimate and as non-citizens. According to Mona Zulficar, in 2007, 9,000 of the approximately 14,000 cases concerned the fate of ‘urfi children (Leila 1; “Milyûn hâlat” 1). It is also estimated that there are hundreds of thousands of illegitimate children (Leila 1).

When discussing the problems of ‘urfi, one must not forget that, in general, ‘urfi marriages were re-imagined to serve local needs and respond to social, economic, and political situations. To truly fathom the motives behind these local marriage practices, one must acquire knowledge of the traditional norms and contemporary conditions. In addition, one must evaluate their relevance to the prosperity and survival of the local population. The perception of what is relevant or necessary for the collective benefit of the society are inherently linked with individual perceptions of legitimate and illegitimate cultural practices and safe and dangerous cultural practices. These perceptions are, in turn, strongly influenced by past experiences and by the media-whose purpose is not only to report true conditions and to highlight the consequences of
popular decisions but also to manipulate the moral and social character of the audience. For these reasons, the seemingly straight-forward question of what is ‘urfi holds no straight-forward answer but does have many long term consequences for the whole of society.
Conclusion

So, what is ‘urfi marriage? In the past, this term was used to describe all social and religious marriages since what was regarded as cultural was also regarded as legal and socially acceptable by the entire Egyptian society. However, when marriages were required to be registered, it produced tensions between the established traditions and the new state laws, which, in turn, led to the problematization of the customary definition of ‘urfi marriage. In seeking a modern definition of ‘urfi marriage, it is clear that it is not so much as seeking a simple, linguistic answer but rather examining a piece of society and trying to figure out how it fits within the greater puzzle of what society is today and what it will be in the future. In order to accomplish this, one must examine how ‘urfi marriage has fit into society in the past and try to untangle the complex interweave of how society is currently shaping and being shaped by ‘urfi today. What issues have given rise to the modern phenomenon of ‘urfi marriage? Which incarnations of ‘urfi marriage are likely to survive and what are their present and future consequences?

Through the relatively simple act of marriage, ‘urfi embodies some of the greatest struggles and debates within human civilization. It embodies the struggles of individual freedom against familial piety and obedience to the state; of individual choice in marriage; the role of wealth in marriage; of what defines individual power, independence, and personhood; of religious doctrine and changing perspectives on
morality; of the ethics of medical science; and of the hereditary rights of children. These are all subjects that have led to great debates, schisms, and even wars throughout history. It is little wonder then, that a unified definition of ‘urfi marriage has not yet been agreed upon.

As if this multi-faceted issue were not already complicated enough, the modern emergence of exponentially growing technology and the near instantaneous spread of new knowledge, ideas, and concepts is further driving the struggle between the embrace of change and the embrace of perceived tradition. The media, through their projection of selected images, social truths and societal perceptions across social classes, religious groups, and ages, privilege certain types of ‘urfi marriage while disregarding others. By privileging certain ideas and realities, the media brings new ideas into conflict with established ideas and help to merge or redefine other ideas, thus, forcing people to consider the applicability and the inapplicability of inherited social ideas and values in the process of adapting to the world in which they live. In doing so, the media help to steer social discussions as well as promote the perceptions of acceptable and radical social practices, thus, subsuming some of the roles of political and religious leaders in homogenizing the society.

Among many young adults in Egyptian society, there is a perception that without an embrace of change then, stability, equity, and success will never be within their reach. The deterioration of modern economic conditions (characterized by increased costs of living, a lack of secure employment, and low wages), the relative slowness of governmental policies and social decorum to adapt to the rapid spread and
adoption of new (western) ideas, and the religious ambiguities which have arisen from the current debates on ‘urfi marriage have all led to an environment where ‘urfi marriage is seen by many as an opportunity to gain adulthood (both sexually and socially) and to bypass the crippling costs of modern marriage expenses. As others see the current incarnations of ‘urfi marriage as a symptom (or cause) of a deterioration of morals or as a threat to the stability of their lifestyle, all sides seek to affirm the legitimacy of their ‘urfi marriages by pointing to Egypt’s social and religious history as evidence of their claims. As this conflict of views evolves, so too will ‘urfi marriage.

In the process of re-defining ‘urfi marriage, the society have to consider the most significant and immediate consequences of today’s ‘urfi marriages—those who have become victims of and those who have capitalized upon the legal voids which have arisen due to the ambiguities created by the debate on this developing phenomenon. The former are composed of women who face social dishonor due to the abandonment by their ‘urfi husbands, children whose legal status within society is left unclear, or worse, unrecognized, and families who subsequently suffer from the social stigma of their children’s failed or abandoned ‘urfi marriage. Conversely, the latter are young adults who exploit the social and religious history of ‘urfi marriage to engage in casual sexual relationships rather than long term commitments with familial goals. All of these variables, and their unfortunate social consequences, have contributed to a sharp rise in surgical procedures related to virginity restoration and pregnancy termination, which has further fueled the debate on not only ‘urfi marriage but on personal rights and the ethics of many modern medical procedures. As a result, political leaders, religious
scholars, and the courts all currently struggle with how to handle these new dilemmas and how to incorporate viable solutions which are compatible with societal needs, religious doctrine, and the balance of the law. As the debate on what form(s) ‘urfi marriage moves forward, all of these immediate and long term consequences must be taken into account.

At the present, we clearly have not reached the end of the social debate on what the society will, eventually, collectively perceive as a “legitimate” or “socially acceptable” ‘urfi marriage. ‘Urfi’s complicated nature as a lodestone for other significant social, economic, and political issues—such as the future of disenfranchised Arab youth who make up at least sixty percent of the population of the Middle East—makes it necessary for the debate to proceed with sensitivity and awareness as to how to licitly engage the efforts of Arab youths determined to carve their own “avenues of participation.”21 In such debate, general issues, questions, and concerns must be perceived as carefully deliberated and their solutions as mutually derived in order to prevent widespread social alarm and instability. Leaders, activists, experts, and other members of the Egyptian society must ask themselves, “Can youths realistically afford to contract legal marriages?” Can the society continue to ignore their efforts towards social integration? Should social and legal allowances be made for them due to contemporary social, economic and political realities? Will ‘urfi marriage one day influence a wider shift in society where the marriage process itself becomes less structured and tied to the influences of inheritance, family wealth, social status, and

familial fidelity? Will it influence a societal shift toward a relaxed outlook on sexual contact and temporary sexual partnerships? Or, in the end, will the society itself draw up rules and customs whereby ‘urfi marriage becomes nearly indistinguishable from marriages currently held as legitimate by the state? In any case, the resulting definition will be reached when, and if, a viable equilibrium can again be re-established and the participants can again feel comfortable with and confident of their newly constructed and negotiated reality. Once reached, this constructed reality will remain a socially acceptable reality so long as it continues to adapt alongside local economic, political and religious conditions and continues to be perceived as widely meaningful and derived from the cooperative efforts of large segments of the society.
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