

Review - Khul' Divorce in Egypt

Written by Lubna Azzam

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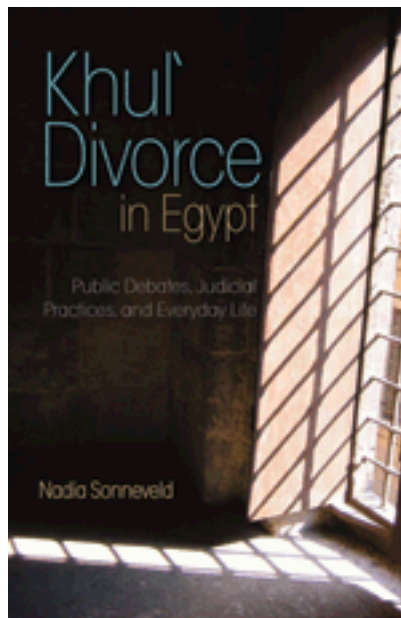
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LUBNA AZZAM, FEB 21 2013

Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life

By: Nadia Sonneveld

Cairo: The American University in Cairo Press, 2012



Published at the end of 2012, this analysis appears at a very poignant point in Egypt's history. Women were one of the more notable actors who were actively visible on Tahrir (Liberation) Square on January 25th to February 18th 2011. If democratisation is to succeed, they most certainly need to be included in the process. Nadia Sonneveld's book depicts one of the legal advancements made regarding women's legal rights under the old Mubarak regime. Here, Sonneveld describes in detail how one law, enacted in 2000, served to improve women's rights in Egypt. This controversial law allowing women a non-fault unilateral divorce for the first time in Egypt, proved to be a major innovation to the Egyptian Personal Status Laws governing Muslims in the country. What makes this case so interesting is, not only was change effectuated to the notoriously difficult to amend Personal Status Legislation, but it was based not on a non-religious interpretation of women's right to equality but on the Islamic Sharia.

The book is clearly divided into two parts; the first dealing with the press-centred debates which ensued prior to the enactment of the law and the second dealing with its practical implementation and what it meant for everyday women. Here several women, who had applied for this form of divorce, were accompanied for a long period of time by the author. Trained as a cultural anthropologist she takes a very detailed look at the process itself and at the individual women involved. Nura, for instance, was accompanied throughout her successful application for a khul' divorce and further to her re-marriage in 2004. This makes the book engaging and manages to render Sonneveld's arguments in a more amenable manner also for the non-specialist reader. Despite this, it is also the weaker part of

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the book, as it deals with a very small sample of women.

Due to her anthropological approach to the subject matter, Sonneveld also manages to make observations which may well have eluded a non-specialist. This work is indeed a section of her PhD thesis. This lends the book an analytical depth which is unique. Once such example is the very poignant observation made in the first part of the book, in which judges when observed in a formal setting use fusha (classical or academic Arabic) do not alternative from this when expressing professional views or in a professional setting. When, however, in a more informal setting amongst peers or when expressing personal viewpoints, for example on the women involved in Khul proceedings, amaya (colloquial Arabic) is used. Here one can observe the official versions as propagated by judges during formal interviews with Sonneveld and the informal atmosphere, where personal views are aired. Here one gains a profound insight into the controversial nature of law, even as seen by those supposed to be most objective. Thus, the analysis gains a depth by the use of the observational method, which may well have been lacking had it not, been carried out by an ethnologist. These small details make the book both a very interesting and insightful read.

Whilst the first part of the book is taken-up largely with the theoretical discussion of the debate surrounding the enactment of the khul' law prior to 2000, the second gives a very close and personal account of what this law meant for women in reality and which women were most likely to avail of it. By means of vivid descriptions of the court atmosphere, and of Nura and her workplace (a post-office), Sonneveld guides the reader through the arduous procedure of obtaining a khul divorce. Contrary to popular belief and representation in the media (in press commentaries, film depictions and cartoons) the law appealed to women of the middle and lower middle classes. Because women had to renege on their right to alimony, as was the case in fault-based divorce, and return their dowry, or "mahr", the law was thought to be one which appealed more to the elite sections of society, before it came into practice. It also, indeed, had to endure severe critiques from all political fractions (both liberal and conservative) in the debates preceding its enactment. Sonneveld does, however, note that prior to the establishment of Family Courts in 2004, the legal reconciliation requirement proved to be a significant financial deterrent regarding women from poorer backgrounds to apply for khul. Her research demonstrated varyingly informal and formal discourse. She describes this as follows:

Instead, it made clear that, depending on the moment, judges and mediators shifted between different roles and identities, and that there were 'gendered moments' of formality and informality. The male mediator, though in an informal context professing an unfavorable opinion of women in khul' cases, switched over in the formal and professional context of dealing with his clients, and stressed equality and understanding between the sexes (p. 132).

As such the mediators made a great effort and managed in most cases to please both of the spouses, without infringing on their rights too harshly. This is indeed noteworthy in a male dominated judicial system.

Sonneveld ultimately paints a sobering picture of reality in her conclusion by stating the following:

If the new government were to embark upon legal reform of personal status matters, then if anything, this study has shown that notions of men's and women's proper roles in marriage and society are hard to change, even when the realities of everyday life defy such notions (p.188).

This poignant statement underlines once again that social reality is not necessarily reflected in social and legal practice and vice versa.

On the whole the book is an enjoyable and informative read, even for those who have no academic interest in the subject but want to be well informed on women's legal rights in Egypt. At times, it does come across as somewhat anecdotal in places and the small sample of research participants leaves the academic reader with open questions regarding the universality of its findings. It is a nonetheless well-written and well-researched, and an informative read.

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