WHY URFI?

AN EXAMENING STUDY OF URFI MARRIAGE IN EGYPT AND ITS CAUSALITIES

Spring 2016
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Silje Saliha Telum

Spring 2016

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Department of Culture Studies and Oriental Languages

THE UNIVERSITY OF OSLO
FACULTY OF HUMANITIES
WHY URFI?
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ABSTRACT

The assumed emerging amounts of urfi marriages being contracted in contemporary Egyptian society are often perceived as contemporary innovations. However, the urfi marriage has long tradition. The use of the Arabic word urfi marriage in order to describe the term or phenomenon, implies that it is closely linked to customs, and further on that it may be translated into the term customary marriage. The frame of this union itself is also similar to what is known as common-law marriage. The main difference between the formal marriage and the urfi marriage, is basically that the urfi marriage contract is not registered in official registries. However, it has since 2000 been possible to register urfi marriage contract in order to make them legalized. Another significant difference between the two basic options for entering into marriage in today’s Egypt, is that the urfi institution does not provide the same rights, commitments and safety as an official, formal marriage.

Knowing that the union of urfi marriage may involve many challenges, it is interesting to see that there still are people in today’s Egypt who choose to enter into a union of this kind when forming a relationship. The reasons of choosing this option in the first place can be very complex and diverse. I intend to examine its background and causalities, in order to try getting a wider understanding of these reasons, mainly from my research stories in Egypt.

This master thesis aims to examine causal factors of why people choose to enter into urfi marriages – in a country where formal marriage is the ideal. Why is the amount of urfi marriages believed to increase, and what is in case the background for it? The idea is to use a contextualization of marriage in Egypt as a tool of reaching a better understanding of what urfi marriage is, within its own frames of contexts, in order to also see what differentiate the two forms of marriage from each other. This is the way of approach, alongside my fieldwork, interviews and my observation, I have chosen in order to understand the causalities of why people sign these urfi contracts. What are the contextual backgrounds which make people choose to enter into this form of marriage over the formal marriage?
AKNOWLEDGEMENTS

It is to me a great privilege that I have had the chance to write this text. It has indeed involved a lot of blood, sweat and tears, and the actual effort it took to get to the point of starting writing this thesis is well earned, thank God. I am forever thankful for all who have helped me through the process of writing and finalizing the work of this master degree project. Special thanks to my soulmate, for continuously easing my stress, and proudly cheering me on!

I am grateful to God for coming from a lineage of incredibly strong women, I salute you! You have always inspired me to stand by my rights as a girl. I would like to acknowledge and give thanks to my family who have supported me through the difficulties I have been well planted in with both feet while working on this thesis. Special thanks to my mother and stepfather for giving me shelter and support when I needed it the most. Thank you my dearest uncle and aunt, my sister, cousin, and stepsister-in-law with help on reading through and finalizing the product. I have to acknowledge my other siblings as well. Thanks to my Moroccan family both in Norway and in the great wide world, and thanks to my dear Egyptian family. I want to acknowledge all my amazing teachers and professors for helping me on the journey to expanding my horizons and abilities of cultural understandings by providing guidance, discussion, critique and most importantly; inspiration. Thank you, my big sister Nashwa for showing me love and sisterhood when I lost belief in the existence of the good in people. I surely hope my achievements would have made my adventurous great grandmother Laila proud. I intend to always keep on fighting for rights in this life; may the good always win.

Berit Thorbjørnsrud, it has truly been an honour for me to have you supervising and guiding me through this project, thank you for continuing to challenge me all the way, and giving me new energy and ideas whenever I was stuck in my own studies and old ways. Thank you for all the inspiration you always give your students and others, you are absolutely amazing!

I have to acknowledge all my fellow student colleagues in Norway and Egypt for good discussions, teamwork and for challenging each other towards different stages of bettering ourselves. Thank you Dina, Hanne, Caroline and Hege for contributing to discussions on my project. Caroline, thank you for handing me this idea in the first place, because this issue should absolutely be shed a light upon, it should absolutely be discussed in a Master Thesis of the University of Oslo – where we have some of the leading experts on MENA.
Thank you Misr for all the good and the bad that you have shown me, Egypt, thank you for the enrichment of life experiences, and for making me realize that so many people in the world are anything but good. Thank you Umm el-Donya, the mother of the world, Masr, Egypt, for showing me your beauty as well as your darker sides. Thank you for anyone who showed me that this world can be anything but nice, because it has contributed to trading some of my naïve innocence for thicker skin and better understandings. May this thesis in which I have discussed urfi marriage help clarify and give a better understanding for the picture not always being as black and white as one may first perceive it to be. I speak in general when I say thank you for everyone who knows how to keep their heads, hearts and hopes up, even when the light at the end of the tunnel is not showing – may you guys keep standing tall! After all hard work, success will show in one way or another.
First, foremost, and last; thank you for all the strength, enlightenment, inspiration, motivation, blessings and prosperity that you give us on a daily basis, God Almighty.

Cairo, May 20th 2016
NOTE ON TRANSLATION, TRANSCRIPTION AND SOURCES

After a background of studying Arabic at the University of Oslo with part-studies in Cairo, and continuously using the Arabic language in the daily life, I have reached a level of being able to express myself fluently in Arabic – just as in English and Norwegian. This, I consider a great fortune and advantage when doing research on a topic which should include Arabic sources, articles, legislature, books, newspapers, information from my informants, as well as being able to observe certain situations from a better point of understanding than I could have been at without ears, eyes and tongue imprinted by the Arabic language. With one bachelor degree in History of Religions and one in Middle Eastern and North-African studies and Arabic on my back, and from previously living amongst Arabs both in Norway and in the Middle East, I have to consider myself as having reached a level of better contextual, traditional, religious and cultural understanding which gives me an advantage when it comes to understanding the content of actual settings and situations, understanding my observations of what is going on both in the obvious openness and behind the curtains – more clearly to understand the underlying meanings between the lines, and behind various talks, behaviour, actions and expressions.

Information from my sources, obtained through interviews, conversations and observations, is referred to from the perspective of each individual situation and its surroundings. Meaning that the observational part of the research for this project has been an important basis for the translation itself. As this thesis deals with a rather “touchy” subject, the information from both English-speaking and Arabic-speaking informants needs to be understood from their understandings, their viewpoints, perceptions, and information about this particular topic, including taking into consideration any possible prejudices of theirs regarding the institution urfi marriage contract.

Honestly, I would not have had the same guts to take on a project of this calibre without my relevant background of studies and experience of adapting to life in this particular heart environment of the topic of my project. Because I have been able to personally look at all the sources in which I have used for, and in, this project as first-hand information. Switching between Arabic, English and Scandinavian languages, I have also taken the freedom to translate expressions into English myself as a withholder of the required competence of doing so. It is in
particular the Arabic translation that I am referring to in this case, but the same goes for any of the Scandinavian sources I have included usage of for, and in, the text.

Regarding the transcription of Arabic words, I have chosen to not follow any particular of the already developed and known systems of transcription. In order to simplify the language in this thesis, I have specifically chosen not to include any apostrophes or rather complicated spellings of the few Arabic words used in the text. In the case of the definite article al- (the), which is usually preceding nouns and names to make them definite, I have chosen not to capitalize it unless it is placed in the beginning of a sentence or endnote, with the exception of established names written in this way, like Al-Ghazali and Al-Azhar. I have also explicitly chosen to write it as al- instead of el- with the exception of Sharm el-Sheikh and other names which are officially transcribed in this way. This is in order to keep the Arabic words written in the text as simple as possible, with the intention being that the text is easy to read and understand even for anyone who do not know any Arabic words, and therefore I do not see my way of spelling fitting into a specific transcriptional system. I have intentionally tried to avoid the usage of complex expressions in Arabic. In addition to this, to simplify these few words or expressions any further, I have chosen to emphasize the Arabic words by italicizing them, as in the case of the word urfi. Furthermore, I have taken the freedom to emphasize words in which I would like to make stand out after their importance in sentences and other relations. Important to add here, is it that this way of spelling in which I have chosen to use in the text, of course is the most simplified way after my personal opinion and experiences, and that I here by claiming this do not intend to point out any other transcriptional system as particularly complicated. The main point is that I wish that this informational thesis about causalities of urfi marriage can reach out to be understood by all people whether they are familiar with the Arabic language or not, whether they know how to transcript Arabic into Latin letters by any particular transcriptional system or not.

For the sake of order, I have used the IJMES transcription system for the transliteration of the titles of the Arabic sources which entails applying English capitalization rules on the Arabic titles. The Scandinavian titles, I have kept in their original forms, also for the sake of order, and to avoid any possible confusion on the matter.
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1 INTRODUCTION

The thick grey smoke dissolves on the ground around the table where the lawyer sits. Nothing implies that this café or so called coffeeshop\(^1\) is for men only, though most of the guests are middle-aged men and over, smoking smelly cigarettes and old fruit tobacco in waterpipes\(^2\). There are exceptions; some have taken their wives and children out to drink soda and fresh juices, while other guests are sitting paired up in couples of two and two. There are also groups of tourists sitting in the same café with their tour leaders and guides, some are just groups of random Egyptians and foreigners sitting together, where some may be tourists and some may be residents. I am sitting in a group like this, where we are all residents in the Province of South Sinai, but a good mix of Egyptians and foreigners – though all of in a way are foreigners, strangers far away from our origins. None of us are originally from Sinai, we all live and work in a newly settled area basically built upon tourism to the beautiful red sea with its oasis along the coast in a multicultural environment as far as settlers concerned. More specifically, back to the café, there is one 28-year-old Italian woman sitting at the same table as me, with her boyfriend – a 24-year-old soldier from Egypt’s special forces who is back in Egypt and working on South Camp in Sharm el-Sheikh after leading war in different countries in mid-Africa. His colleagues in the multinational forces are my friends, one of them I happen to call my brother. Among friends’ friends is also Hassan who works in this coffee shop. After taking orders from our table, the attorney’s table was up next. Dices are rolling as tawla and domino games are being played over the five tables put together in order for them all to be able to sit with each other. Coffee and tea with tons of sugar and a mint leaf here and there are spread on the tables in the middle as well as the smaller side tables, as the glimpse of brown teeth are appearing through the smoke. The lawyer does not lift an eyebrow or eyelid to look around, just looks directly at Hassan while he hands him a paper. The fresh juice arrives at our table, and the Italian stands up to go to the bathroom. Her boyfriend walks her through the waves of men, their staring and any desirable or jealous looks and evil eyes possibly being casted /shed. He, the boyfriend, stays at the bar to wait for her to finish while chatting with Hassan. They attend to be playing with a piece of paper. As the lady friend comes back from the toilet, she walks straight to the two men at the bar, one of them leaves the scene while she writes on the same piece of paper that they guys had been playing with. They get back to the table to sit down. One of the other soldiers at our table looks through the paper, before scribbling on it as well. Two

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\(^1\) What the chab, people, usually calls the chabby cafés in English, while it is called ahwas in Arabic. As cafés is a word used for finer or classier places to take their coffees or snacks.

\(^2\) Other words for these pipes are shisha, argile, nargile and so on.
Polish girls and the British/Ukrainian couple who have been sitting with us choose to hit the road back home since it in their opinion is getting late. The Italian/Egyptian couple also chooses to leave the setting even if their way home is rather short they join the excuses about how it is starting to get late. After they have all left, and our table now only gathers me, my “brother” and his two other “brothers”, his soldier colleagues – one Egyptian and one American – they decide to tell me what has been going on in this particular setting and sitting here tonight. An urfi marriage contract has been arranged, signed, and payed for. This apparently has happened right underneath my nose, without being able to even smell the slightest scent of it through the thick grey smoke. The man, the attorney who is authorized to issue these kind of contracts collects money on these contract under the table – most of all from couples consisting of one Egyptian and one foreigner – while he is rolling the dices on top of the table.

The narrative above is one of many everyday examples on how the urfi marriage contract is being signed. This particular situation is first-hand information which I have personally witnessed during my stay and fieldwork in Egypt. It is an illustration on how urfi marriages may be contracted, but at the same time I have to clarify that I here, by showing this example in particular, do not mean to imply that this somehow is the normative way of how it happens. There is an ocean of various contexts in which the urfi marriage may be contracted within, based on so many different initiatives, motives, and intensions, that it would be very difficult to illustrate one example that could fit all of the different situations. The urfi marriage document may be contracted secretly between the two parts included only, though it should be in the presence of at least two witnesses who also are supposed to sign the contract, alongside with the one authoritative person who draws up the contract, it may be contracted in front of both parts’ families and extended families in large wedding celebrations, or smaller celebrations. Though the perceptions on urfi marriage are many, it is known that the urfi document can earn use of itself in many various situations.

Some choose to use this document with the simple intention to minimalize their sins or possible punishment of staying together either behind locked doors, showing love and affection publicly in boyfriend-girlfriend -or fiancée relationships. Some may even go as far as drawing up such a contract in order for them to live together without actually wanting to be married, while on

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3 This sudden situation unexpectedly occurred right in front of me during my stay and fieldwork in Egypt.
the counter side, this exact document may be the only resolution and possibility for others to tie the knot in holy matrimony. The causalities, however, I intend to discuss through the contextualization, and further portray better when showcasing the few, but various, cases from my fieldwork in which I have decided to include in this thesis. First of all, I find it important to possibly find an answer, and a definition, to what urfi marriage is precisely, and to showcase its contexts on different levels from my best abilities possible; where I have included some information about religious perspectives surrounding marriage in general, drawing up the significance of the marital institution and legislation in Egypt, how the contracting of a marriage is situated in addition to pointing out rights and duties which the marital frames supposedly bring with them, and what differs the urfi marriage from formal marriage in this case. Note that I have chosen to call the mainstream, legal, normal marriage version for formal marriage.

Regarding the cases, the main questions asked are as following; Are traditional Egyptian marriage and wedding traditions being challenged by financial difficulties? Are traditional religious perspectives on the relationship between man and woman being challenged by social reconstructions and changes? Does the challenging economy and unemployment in Egypt cause misuse of the urfi contract, as in the cases of being considered a form of temporary marriage in direct and indirect prostitution? Can the prevalence of the controversial term and phenomenon sex tourism be considered a cause of the urfi contract’s existence, or is this further on to be considered a misuse of the document? How is the urfi contract included in causing polygamous relationships to occur? What is the reason why the urfi marriage is so frequently used in Egyptian-Foreigner relationships?

Urﬁ marriage is without doubt a controversial topic in contemporary Egypt. It is by many means considered a shameful and taboo topic both in national and international contexts and debates, it has even gone as far as being connected to prostitution, yet it has become an occurrence so normal in contemporary Egypt, that it may take place right in front of your eyes, right under your nose, or even beside you – wherever you and your values might stand. In fact, Egyptian

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Fisher, Max (2013): *Some girls have been married 60 times by the time they turn 18*. https://www.washingtonpost.com/news/worldnews/wp/2013/08/06/some-girls-have-been-married-60-times-by-the-time-they-turn-18/
authorities may even in some contexts encourage people into signing *urfî* marriage contracts, for instance at the visa renewal sections of local and national official offices. The fact of knowing this, causes various interesting questions to arise. What is *urfî* marriage in the first place? Why do people choose to enter into this form of relationship as oppose to the formal marriage? Which causalities lurk behind people resorting to this way of contracting marriage? And at the very end of this thesis, I intend to briefly mention some of the challenges that this form of relations bring with it.

1.1 **THE CHALLENGING DEFINITION OF URFI**

Directly translated into English, the Arabic word *urf* approximately means a folk custom or tradition of the people, or a conventional, customary act. Therefore, we can say that *urfî* marriage means *customary marriage* in a directly transferred meaning. Marriage is a major, central event of anyone’s lifecycle, which has a complex set of many traditional customs initially bound up to it, with variations of remarkable measures, varies according to different societies and their special traditional set of marital customs. This is no exception in Egyptian societies.

*urfî* marriage is known by many means and definitions. Especially is media diligently using this term, intentionally folding it and moulding it into any suitable term, word, or phenomenon that would fit into, and possibly underline their arguments, cases and reports. Hereof, the general public assumption about *urfî* marriages is that it is an increasing variable. The media is continuously making sure to inform the inhabitants of Egyptian national and international society about the rise of the amount of *urfî* marriage contracts being signed in Egypt. Whether or not the actual numbers of such marriages can confirm these statements however, is currently unknown – as there is no form of statistics available on the matter which can be considered accurate. This is mainly because of the secrecy of some cases, beside the fact that a frequently high number of *urfî* marriages are not being registered in public registry or any other form of governmental records. The information of the existence of such cases comes to light whenever problems between the two parts of the union arise. Examples here are for instance denial of being part of an *urfî* marriage at all, making it especially difficult for the female part if the male

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5 As was the case for two of the foreign females I interviewed, respectively in the visa renewal offices in el-Tor and Sharm e-Sheikh. The office in Sharm el-Sheikh confirmed this information to me on request.

6 About *Nikah ‘urfî*, [http://worldbookfair.org/articles/nikah_urf](http://worldbookfair.org/articles/nikah_urf)

part denies her divorce, the denial of paternity of the union’s offspring is a matter which highly affect these children in negative manners on so many levels. The examples of such cases, covered by media, are many.

One popular perspective of the urfi institutions is the connection to prostitution which it may be linked to, describing it to be a term close to the misyar and the muta forms of temporary marriage. “To give prostitution an Islamic cover, some women enter into secret marriage contracts with their summer visitors. Known in Egypt as zawag al-‘urfi, this contract is made without witnesses and typically ends in divorce by summer’s end. Most of Egypt’s Islamic scholars condemn this use of zawag al-‘urfi.”8 In the article “Sex Tourism in Cairo”, El-Gawary gives us a roughly realistic picture of the “sex tourism” that takes place on a regular basis in Egypt. Other forms of sex tourism are to be found in the cities typically feeding off of tourism, like in the South Sinai Region, Hurghada and Luxor are other examples.

However, the assumed link between urfi marriage and prostitution or urfi marriage and sex tourism needs some cleaning up. The urfi marriage contract may be considered something similar to the common-law marriage institution. Sometimes it serves as a better validated, and maybe more secure, form for boyfriend-girlfriend-relationships, making their union feeling less sinful. For some, it is about going back to the original, back to how it used to be before the impose of registration requirements. Some people do not have the possibility to enter into the formal marriage, and the urfi marriage in this case serves as a good option.

1.2 ABSTRACT ABOUT URFI AND ITS ACTUALITY IN EGYPT

Historically, there was a time when all marriages in Egypt actually in fact were urfi marriages. According to an article on the issues of urfi marriages at www.islamawareness.com, Professor of Sociology at the American University of Cairo, Madiha al-Safty, has stated that this form of marriage always has existed, and that the reason for marrying in urfi-wise is what differs the cases through the history from each other:

In the past, it was common among the widows of soldiers who had huge pensions and they did not want to lose it by officially re-marrying. Now, however, it is mostly among university students and young couples who cannot afford the high cost of marriage.9

Whether or not it always has existed, is of course debatable to a certain degree, as is everything else in general. Everything may also possibly be considered relevant to a certain degree, and everything is thereof also debatable, according to certain conceptions and perceptions. However, as I also claimed that all marriages used to be urfi marriages, I need to validate my claim a bit further.

Egyptian authorities first opened up for the registration of marriage contracts in official records in 1931. The background and main reason for this decision was all the social issues of that time’s cases brought to court, where for instance men refused the paternity of their wives’ offspring. This naturally caused collective confusions where there was no need for it, as the family unit historically stands as the normative, firm rock which as society further on is built upon. Public refusal of paternity, which caused numerous young citizens not to be registered in official records – meaning that they evidently never would be able to obtain a full name or identification papers to go with it – was a relatively newly highlighted problematic challenge to society’s order of the time, and an unnecessary situation in which Egyptian authorities needed to take control over in best possible way.10 Posing an official registration requirement for all marriage contracts in public national registries was the best way for the government to solve this issue.

The main principle we can refer to when differentiating between what is called urfi marriage and what I have chosen to call the formal marriage – referring to what is considered the normal, mainstream form of marriage – is the registration of the marriage in official, public registries, along with the rights in which the two different contracts withholds accordingly. That is why in today’s society, the urfi marriage can be interpreted as the common, customary marriage, which in fact can be considered a version of common-law marriage in Europe and elsewhere. There has been a general assumption about the

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world of consumerism and the Americanization of society as a consequence of the open door policy launched by Sadat.\textsuperscript{11}

Charfi claims that most Arab-Islamic countries today are “passing through a serious political and cultural crisis. After the failure of Arab nationalism and the lost illusion of rapid economic and social development, a certain fringe of the population is seeking refuge through a return to the sacred.”\textsuperscript{12}

Abaza in her article about “Perceptions of Urfi Marriage in Egypt” mentions a certain of radical groups of Islamists of 1980s and early 1990s who chose to isolate themselves from modern society in which they perceived as a newer version of \textit{jahiliya} – the pre-Islamic era considered consisting of customs that later were labelled as practices going against the Islamic faith.\textsuperscript{13} As a side note, these groups may be considered followers of the Islamic fundamentalists’ practices in the 1970s.\textsuperscript{14}

One of the more radical and violent Islamist organizations to emerge in the country was Takfir wal-Hijra, which posited customary marital solution for urban poor and working-class men who always had more difficulties accumulating the resources necessary for marriage. To the outrage of popular opinion captured in the Egyptian press, Takfir’s leader Shukir Mjustafa (killed in 1978) contended that dominant Muslim marriage practices produced suffering for young people who are forced to delay this rite of passage and licit sexual outlet. As a mobilization tactic, Mustafa arranged “Muslim marriages” between young people, usually without parental involvement or approval, in the presence of witnesses. Such marriages simply required the consent of the bride and groom, although it seems that girls and women were sometimes kidnapped. Married couples lived communally in furnished apartments rented by the organization. Dr. Faysal al-Yunis explains that the “extremist groups” “exploited this question of marriage difficulty in order to attract young men. It would marry them with its acquaintances. By simplifying and easing marriage, by completely cancelling the traditions existing in marriage, marriage again returns to request, acceptance, witnesses, and we are done… The amir (leader) of the group marries the brother and the sister (men and women members of the organization, and that is it. And the question of having a home is not relevant – they were closer to the hippies of the 1960s, some of them.\textsuperscript{15}

Within these groups, they “allegedly took to matchmaking and exchanging women within the group”\textsuperscript{16}, which also recently was found proof of in an incidence where a group consisting of ten extremists chose to marry within the group without contracts in order to take it all back to what they considered the \textit{original} religious form of the marriage institution, which previously

\begin{footnotes}
\end{footnotes}
did not require any registration on or in any documents. According to Barakat, and accordingly also Lahoud:

civil marriage is to be regarded as 'a marriage contracted according to frameworks and conditions defined...by civil legislation...enacted for all citizens and [that] may be amended according to the evolution of public opinion trends and of the society. That is what distinguished civil marriage from religious marriage, in which religious legislation regulates all aspects of its contracting, dissolving, prohibitions, and implication – an arrangement that applies to affiliates of a particular religion and rarely changes or changes slowly and with difficulty. The fact of the matter is thus that marriage in all Arab countries continues to be religious.\textsuperscript{17}

Hasso makes clear in her work “Consuming Desires: Family Crisis and the State in the Middle East”, that it in pretty large proportions of the Middle East and North Africa area – including the countries with completely secularized legislation, Muslims still decide to get married without informing the state or registering it in public records or the court, though marrying in the presence and full knowledge of their friends and families. The reasons for such practices, she describes can be a result of a variety of causes.\textsuperscript{18} I will in this case like to argue that these described types of unregistered marriage unions then are what is called urfi marriages in Egypt. As long as the contracts follow the Islamic requirements posed on marriage, they are also licit thereafter. The main difference is thus that these marriages are not legally recognized until they are registered. Hasso explains that this form of marriage officially is considered illegal in most countries within the region of its existence, but because of the fact that the contracts still can be halal marriage unions according to Islamic principles, “penalties against religious authorities who supervise them are rarely applied and have little prophylactic effect.”\textsuperscript{19} In Egypt, however, the unregistered customary marriage is a recognized practice, and as far as my knowledge reaches, I have not found any cases where the authorized person providing the contract for marrying couples possibly could be punished in any way for giving this authorization. On the contrary, if this was in fact the case, any observers of such practices or anyone in general seeing the document would be able to make money by turning in the legal authorizations drawing up the contract. The customary marriage was recognized in the changes of the personal status law in 2000,\textsuperscript{20} which opened up a whole new relieving chapter for women who previously had been bound to such contracts without any chance of getting out of them, who now finally could go through a divorce process.

\textsuperscript{18} Hasso (2010): p.80.
\textsuperscript{19} Hasso (2010): p.80.
From the 1960s, the phenomenon of (re)marrying without having to register the new marriage in court or any other official registries, have had great advantages for “widows generally in order not to lose state-provisioned pensions and privileges, since a woman is expected to be maintained by a husband. Customary and common law marriages of these varieties are commonly called ‘urfi because they avoid registration with state authorities.” 21

The information above shows us the variety of situations where the urfi marriage union may be applied and used, and it also, in a short summary, shows us the extensive complexities of the urfi institution. Further on, this also proves why the urfi term or phenomenon is so challenging to define within a complete framework.

What has become clear in contemporary national and international debates, is that all these facts about urfi marriage which are stated above, the social factors, economic and religious ones are all relevant to the causalities in relations to contracting urfi marriages. However, “The Marriage Crisis That Made Modern Egypt” 22 is central to one wing of the causalities, as is also indirectly stated by Kholoussy in her studies on the subject. This is why a contextualization of the Egyptian legal system, and the perceptions about the contracting of marriage, and about marriage customs in general, is vital for the further understanding of why the cases included in this thesis have aroused.

22 Which is the title of Kholoussy’s work which I am here referring to: Kholoussy (2010): For Better, For Worse: The Marriage Crisis That Made Modern Egypt.
2 METHODOLOGICAL APPROACH

The period of which I have spent on research for this project in Egypt is mainly from November 2014 to October 2015, with a follow up on some of the cases from February to May 2016. The first months of my fieldwork, I spent in Cairo, where I was lucky to get study help and tips at the library of "The National Council for Women". From mid-January to July 2015, I was employed in one of the largest diving companies in the South Sinai Region. By working in dive centres expanding over approximately 16 hotels at the time, and being trusted a position filled with big responsibilities, including the role as a conflict mediator in occurrences of conflicts between workers and guests, I have observed a great deal of situations and ways of life that I never could have been able to imagine before this experience. After resigning from this job, and a short vacation in Norway, I went back to Cairo to continue my research there until October 2015. When I decided to go back to Egypt with the intention to finish writing this thesis within its topic’s central environment, I did a follow up on a couple of the cases in South Sinai. This turned out to prove changes in two of the interview objects’ living conditions, which also made remarkable changes to their overall life situations – which conclusively made me decide to include these two particular cases in the final version of the project.

2.1 METHODE APPLIED

To get in contact with enough sufficient sources during research in Egypt proved to be no problem at all, as urfi marriage is well incorporated in society in variously situated settings. As the matter of fact, this very point made the selective processes of which cases to include in this thesis rather confusing to me. The fieldwork has included about 55 interviews performed over a period of several months in the extensive time of one year plus. I started out with working from semi-constructed interviews, but soon came to learn that interviews without any constructed beginning – rather light and loose beginnings – would give better results of the information I possibly could get out of the interviews. This act was based on an instinctive reaction after experiencing that some of the interview objects would interpret my research on the topic as something negative, and therefore decided to not open up as much as they would in the cases of a looser and more friendly beginning. After presenting different explanations of why I would ask them about this specific topic, I consequently decided to start off the interviews by asking if they knew anyone who had signed urfi contracts, entered into urfi marriages, or was living a married life based on the urfi document, hoping that this would leave a greater space for them to unfold and reveal stories about urfi marriage. This strategy I mostly turned to
use in order to give people a chance to tell me “stories about others”, even though the stories originally were about themselves. In the matter of discussing topics which occasionally are related to the category of shamefulness and considered social taboos in some contexts, I found that some people tended to confine themselves into bubbles of insecurities and silent questions about what my perceptions about, and possible prejudices and intentions regarding this subject were. In addition to the semi-constructed interviews, the ones with a few reference points, and the ones without any script at all, I have started numerous conversations about the subject with people from different backgrounds, whenever I found it possible to do so, with the intentions mainly being to bring their general perceptions about, and their perspectives on the *urfi* marital union and institution. Observations of diverse situations in South Sinai and Cairo has also helped my understanding of the contexts on different levels and settings around the practice of *urfi* marriage and its complex causalities.

The information I have obtained from the interviews and received from any informants and acquaintances in Egypt, represents the basic element of this thesis and is further the main point of reference. It was from this information that I learnt where I should continue my research and what the research question and final outcome of the project was going to be.

This master thesis is a qualitative study based on direct observations, interviews and conversations about *urfi* marriage in *all its bloom* in Egypt. I have done my best to involve as much of the causational aspects of the subject as I possibly could, while still keeping it on an introductory level.

Because of the widespread social *stamp of shame* that the subject for this Master thesis has on it in most settings, I have chosen to be very discreet about all the different cases which I have chosen to incorporate into the final text. In order to keep the highest form for anonymization that I could, I have chosen to use names as far away from the originals that I could think of. I have also found that this specific element gives a certain original twist to the subject, which is also something I initially wanted to do. That is, because I hope to make the subject a little more familiar at least to Norwegians or Scandinavians reading this Master project sometime in the aftermaths. It is a folksy issue mostly grounded in social challenges of Egyptian society.
As the thesis mainly is based on direct observations, interviews and conversations with people who has had, and told me, stories about the subject, or who have been, or are still, actually living the examples and stories on urfi marriage themselves.

### 2.2 GEOGRAPHICAL CONTEXT

#### CAIRO

Egypt is considered “a dynamic and influential country in the Middle-East and North Africa (MENA).” Egypt is amongst the world’s first civilizations, with its days of glory considered to be the time of the Pharaohs. Cairo has functioned as a well-developed metropolitan centre of religious, political and general knowledge, education and sciences through hundreds of years. And all the way up to at least the military coup of ’52, people would come to seek education here. A consequent mixture of various segments of rich and poor, old and young, different sets of mind, different states of mind, educated and un-educated, conservative versus not etc. this is truly a mosaic consisting of different worlds all in one.

#### SOUTH SINAI

The Sinai Peninsula stretches from Suez in West to Aqaba in East, it is the actual cross point where Africa and Asia meet on land. The South Sinai Governorate is considered sacred land. It is highlighted in the Quranic verse called the Fig, and the Mountain of Moses, where he according to the Tura and the Old Testament of the Bible received the inscribed stone tablets, is located here. Saint Catherine’s Mountain and Monastery is widely known for being the site of the sacred incident of the burning bush. The coastal towns of the South Sinai Governorate, for instance Sharm el-Sheikh, Dahab, Taba, and al-Tor are paradise oasis pearls located between the sunny desert landscape and the beautiful blue ocean. This paradise-like vacation destination offers sun, sand and sea all year around, and some of the older guests I have had the pleasure to meet here even claim that it even tops the beautiful Caribbean, because South Sinai is not a seasonal vacation spot has the absolute dream environment of good temperatures and weather conditions all year around. The Red Sea is known for its world class’ diving, providing some of the most gorgeous dive sites one can only try to imagine, with the water offering a clear visibility and the fishes showing their colourful selves. Though I have to agree with Behbehani saying that there often are more behind such picture perfect tourist destinations “The lucrative international trade associated with Third World tourism involves packaging and

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24 The Holy Quran, Sura 95. http://legacy.quran.com/95
marketing areas of the world that are most devastated by contemporary economic conditions, essentially creating landscapes of paradise out of realities of poverty.” 25 Especially has Sharm el-Sheikh, and Dahab, undergone great transformations and developments, and have expanded beyond what anyone would think they would from when the Egyptians repossessed Sinai from Israeli forces. Sharm el-Sheikh is internationally known as the City of Peace, because of continuously hosting different types of peace conferences. The city is intertwined consisting of a diversity of different cultural migrant residents that are continuously mobilizing, meaning long -and short-term tourists, short -and long-term workers of different fields of profession. Interesting in this context is how the workers are affected by the intertwined constant mobilizing international tourism and impressions of the different cultures. It is not strange that all of the intertwined factors which the way of life in Sinai contains, with actual significant differences from day to day, that the residents who stay for longer periods of time also develop some kind of migrant, intertwined feelings of being stuck in between several cultures at the same time. Living on low wages, though generally having better chances of making any money in the tourism industry than in their hometowns, the thirst for any extra little tip, an apple received from a guest because he or she thought you might be hungry – when you behind it all did not eat since yesterday, the temptations become many, when the possible chances to take multiply.

2.3 ETHICS

I have come to realize and had to learn that the actual act of going forth with research on such a shameful26 topic may leave certain ideas about me amongst Egyptians about being very positive to these types of relationships. The way I see it, there would mainly be two reasons why; first of all, I am a foreigner who during my studies have been working in Cairo and Sharm el-Sheikh, which further, as far as people generally concerned, should make me understand the social structures, environmental settings and possible situations in which the urfi marriage occurs and is defined within. This meaning that I, from living in environments where this kind of marriage is part of the social norm, should understand the difficulties surrounding the entering of marriage in Egypt, both in the matter of the legally valid contract as well as the customary kind which is called the urfi marriage. Second of all, as a foreign girl living away from her family while working and doing research for the purpose of completing a degree of

26 I have used the word shameful as to explain the general conception amongst people. Yes, this is a generalization. This generalization is a necessity in the matter, because it explains most people’s views on the unregistered form of customary marriage. It is a shameful topic, especially to talk about openly.
higher education I am obviously posing a non-understandable variable that does not fit into the ideal picture or behaviour of a Muslim girl. Experiencing the prejudicial perceptions of some Egyptians on this particular matter left me wondering what I had taken on for real. One of my interview objects went even put his prejudices into words; why would anyone choose to shed a light on this topic if he or she does not have personal experience on the subject, good or bad? After discussing this particular point with others, and fighting any irrelevant prejudices of my own, I decided not to let such perceptions bother me personally, as my role here simply is a researcher and an academician, and that as long as I achieve knowledge related to the topic of the master thesis, it is a win situation for me.

The personal understanding of my role in the matter, as a researcher, is that I should try my very best to leave my moral compass of previously imprinted values that I might have on the subject behind, before entering the research of this subject with an as open-minded attitude as possible. I hereby suggest that since I come from a different environmental background than most of the people I have had to deal with during this research work, I also know that all of the factors who have shaped my set of morals and values also sets a certain form of prejudicial opinions on anything that differs from my set of morals and values, as with anyone else as well. This is why it would also be very difficult to even try to imagine why people would come to the decision to make choices that might come to have fatal consequences. However, as long as I am aware of this fact, I believe that it can help me keep my horizons a little bit wider and further on be able to keep any prejudice on the topic to the side while discussing this issue. I have chosen to anonymize my sources to the highest degree possible. Therefore, I have chosen to give all people spoken of in the text, Norwegian names, and not described more of their contextual surrounding than what is relevant to the understanding of the circumstances of their cases.
3 CONTEXTUALIZATION

A contextualization is rather important in order to possibly reach a point of understanding the causalities in which the entering of urfi marriages derive from. In this contextualization I first of all attempt to portray the Islamic Egyptian perception of marriage as an institution, along with its customs and traditions in Egypt. My fieldwork is to me vital in this manner, as it is from the perceptions and expectations of the people that I wish to portray here – as a starting point. The social context includes relevant information about any background surroundings to the issue, mainly consisting of social frames, religious and cultural perspectives of the people concerned, their traditions, customs, and the impact or effect of others’. The Egyptian constitutional law and Islamic law on the issue is also highly relevant to mention briefly in this study, most of all in order to clarify the legal framework of the concerned people, in addition to how it goes hand in hand with the perception of what are perceived as the social normative systems. I view it as highly relevant to try painting a picture of the circumstances which opens up for and allows urfi marriage as an option to the legal and original marriage. What are the factors that play an actual role in the matter, and what makes people choose urfi as a marriage form as opposed to the formal one? Why?

3.1 LAW

Egyptian legal framework and laws are primarily based on the French civil code and Islamic law. Family law is based on Sharia. Dahl claims that traditional “family law is the central part of the law, because the family is the unit on which the Muslim community is based. If families do not function properly, the community will not function. It is therefore necessary to protect the family and its supporters.”27 The personal status law that regulates matters such as marriage, divorce and child custody is governed by Sharia. Regarding cases brought to family court, a female testimony is worth the half of a male’s testimony. Note that the other religious groups of the Egyptian community, like the Coptic Christian one which is set to constitute about 10-15% of the total population,28 own religious standards apply to the personal matters that embraced by the Family law for Muslims.

Egypt is mentioned in all of the holy texts of the “People of the Book”, Judaism, Christianity and Islam. The last one of these revelations, is the Islamic one. Egyptians are very well aware

of the fact that Egypt is mentioned in the Quran. The root of the Arabic word for Egypt – *mısır* – is mentioned at least five times in the Quran, twice in the story of the Prophet Yusuf (12:21 and 12:99)\(^\text{29}\) and three times in the narrative dealing with the Prophet Moses (2:61, 10:87, 12:21).\(^\text{30}\) One is constantly aware of how Egypt stands out as a particularly religious country. This is the case as regards both the theoretical development of Islam and Islamic law, and the strong influence and position of the religion among the people as a whole unit. In a rapid review of Egyptian history Hassan Hanafi puts it thus: “Religion has always been identified with the Egyptian. Religion was Egypt’s science, art, philosophy, literature, belief-system, values, etc. …Islam in Egypt adopted all the religious traditions of the past. Islam is identified with Egypt. Since the birth of Islam until Nasser, Islam was a shaping factor in Egyptian history. Egypt is mentioned in the Quran and its people are very aware of this.”\(^\text{31}\)

Through the history, Egypt has been an important centre of education, knowledge and various sciences. Especially the division of Al-Azhar has played, and still plays an important role in the country’s religious matters. The *ulama*, the religious scholars of Al-Azhar have a great impact on people’s everyday life situations by issuing different *fatwas* for different situations. People are also free to make appointments with the *ulama* in their offices at any given time during the day, in order to ask for help from the *shaykh* to solve personal matters in a best way possible according to their religion and Almighty Lord. This is a very helpful service for regular people who do not have the same knowledge about Islam as the educated religious scholars, or knowledge of the different law schools and issued *fatwas* on different matters.

Whenever legal questions should arise in the manner of what the correct righteous behaviour implies according to Islam and its principles, believers basically have three established main elements to refer to when defining concepts in *fiqh*. answering these questions. In dealing with Islamic Law, which structure of legislation is not formulated like a national constitution or any other statutory set of fixed laws, one has to refer to the actual sources of jurisprudence, *fiqh* in cases of confusion regarding legal questions and actions. These are *sharia*, *urf*, and *ilm*.\(^\text{32}\) Following, I will give a short description of these legally related terms.

Sharia is considered “the sacred Law of Islam which”\(^\text{33}\) accordingly embrace “all aspects of a Muslim’s life.”\(^\text{34}\) The pillars of *Sharia* legislation are based on

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\(^{29}\) The Holy Quran, Sura 12:21 and 12:99. [http://legacy.quran.com/12](http://legacy.quran.com/12)


infallible texts that were sent down from heaven, which are represented in the verses of the Holy Qur’aan and he texts of the saheeh Prophetic Sunnah … From these two sources the scholars derived other principles on which rulings may be based. Some scholars called them the sources of sharee’ah or the sources of Islamic legislation. They are: ijmaa’ (scholarly consensus) and qiyaas (analogy). The scholarly consensus and the analogy are the contents of what in Arabic is called majmaa al-ilm which basically refers to what scholars – ulama – interpret and agree upon based on what is affirmed in the two main sources of rules and guidelines on Islamic jurisprudence which should have the best of the society at interest. One of such assemblies is the dar al ulama at al-Azhar, which refers to the selectively appointed certified group of ulama issuing and agreeing on fatwas. “Understood and applied correctly, sharia is an imminently flexible, dynamic jurisprudence that is fully compatible with the modern human rights framework.” Hence, we can divide the sources into the primary ones, the Quran and the saihih reported Sunna literature, and the secondary sources are the analogy and scholarly consensus, which is considered to be the main continents of fiqh – Islamic jurisprudence. The sources “all stem from the same source, because the Messenger agrees with everything that is in the Qur’aan, and the ummah is unanimously agreed upon it in general.”

Ilm refers to scientific knowledge. A lot of modern scientific findings harmonize with knowledge which was already established with the revelation of the Holy Quran. Sometimes we have to turn to definitions established by science, also outside of the Quran, in order to define truths that answers to right Islamic act or behaviour in different settings. However, as Rizvi points out, it is not always that science gives us the right answer in cases of righteousness according to Islamic law and principles. Rizvi says that in most cases, one should turn to the urfi definitions before bringing up the ilmi resolution to definitions. One good example is that where Sharia states that water used when preparing for prayer must be pure, it does not mean scientifically pure – which would be very close to impossible – but pure according to common sense and what people perceive as pure in their environmental settings.

35 Sources of Islamic Legislation: What are the sources of Islamic legislation? https://islamqa.info/en/112268
36 Information obtained during my fieldwork in Egypt, from one of my informants who is a well-known sheikh.
38 Sahih Sunna literature means the reported Hadith stories about the Messenger Mohamed and the revelations of the Holy Quran in which he received from God, in order to call them saihih – true or real – the line of people who reported the Ahadith must be known for sure and trustworthy.
39 The expression ummah refers to the whole united society of believers.
40 Sources of Islamic Legislation: What are the sources of Islamic legislation? https://islamqa.info/en/112268
"Urf is a term which refers to customs in a community and its general opinion. “Urf means conventional, common tradition. ‘Urfi definition means a definition acceptable to the common people without any scientific or shar’i precision.”\textsuperscript{41} This basically means that an urf about an issue can change by passage of time and change of place.\textsuperscript{42} Furthermore, the urf al-mutasharreen or urf al-muttaqeen are terms referring to the general opinion of the righteous believers in a community. An example of cases where urf needs to be applied to solve the issue. One fatwa states that “wearing gold is haram for men”, but this fatwa may trigger questions about what is to be considered as gold; is a measure of 18-karat to be considered as gold, and what about white gold etc.?\textsuperscript{43} This consideration may depend on the urf of a society, however the urf in this matter is not depending on the opinion of gold experts whether the implementation of this fatwa will be accepted by sharia legislation or not.\textsuperscript{44} An example of cases where urf do not apply is for instance which meat can be considered halal meat, the reason for this, is that “A mujtahid has laid down specific conditions and method for slaughtering an animal. This will not change by Urf.”\textsuperscript{45} Another example to understand how important this exact point is in Islamic jurisprudence and legislation, is when it comes to water and prayer. Sharia implies that in the pre-prayer cleansing, pure water should be applied. If referring to ilm – science, almost no water could be considered pure because of the continece of all the compositing substances and traces of various bacteria etc., whilst the water after urf definition would be considered clean or pure when it is clear, without smell or taste.\textsuperscript{46}

The urf term plays an important role in fiqh because of the fact that many issued fatwas need to be based on urf. Without implying that all of these legislative rulings\textsuperscript{47} are based on urf, it is a significantly essential part of Islamic law and legislative processes, which is also what makes it so special and different from other laws and legal, legislative systems.

Since the two terms derive from the same word and root in Arabic language, how can the urfi marriage be connected to the principle of urf used for Islamic legislation? Since the urf –

\textsuperscript{43} This example is borrowed from «Urf & Witness: Role of "Urf" in Fiqh», http://www.islamic-laws.com/urf.htm.
\textsuperscript{47} Fatwas.
common morality, or common customs of the people, in various contexts actually has a vital importance in defining Islamic law, does this mean that the urfi marriage contract also has some kind of similar centrality in the society, traditionally or untraditionally?

The connection between the two terms is simply that the meaning of this Arabic word is based in customs. The urfi marriage can be considered a form of customary marriage from its expression. Marriage is an event of the lifecycle that’s legal principles are based in Sharia, and that’s reviews are connected to local social practices and customs. This is why it is considerably important to localize and contextualize marriage and urfi marriage a little further in order to try getting a better understanding about what differs the two different forms of marriage from each other. What does marriage customs have to do with customary marriage? What do the local, social frames of customs say about marriage and urfi marriage, and what part of the customs differ the two from each other?

In an attempt to sum up the legislative system of jurisprudence in Islamic Law, it is important to keep in mind that Islam is a combination of religion, law and morality. According to Islamic sources, moral injunctions are embedded in human from birth, “And [by] the soul and He proportioned it And inspired it [with discernment of] its wickedness and its righteousness”, the only challenge of valuating one’s actions. According to Islamic sources, moral injunctions are embedded in the “(Allah gave to the Soul) its enlightenment as to its wrong and its right; ..... (Quran, 91:8)”

Vogt says that Islamic law rests on the idea that every action be considered or judged from the state of what the underlying initial purpose or intent of the act itself originally was. Morality here points to the comprehensive framework of the total normative system within a society which hence occasionally needs to refer to the urf in order to formulate fatwas and to answer legal questions.

The major tradition is constituted by Islam as a paramount code for the conduct of individuals. This code derives from Sharia – Islamic Law – with its special historical and authoritative sources of law. This code is then locally ingrained in the minor tradition, which is constituted by the acts, opinions, and attitudes we have found in a sample of families and women in one of Cairo’s poor quarters. Between these two traditions stands Egypt as a nation with its special political and legal system, with a complex of duties, rights and public expectations vis-à-vis its citizens.

48 The Holy Quran, Sura 91:7-8, http://legacy.quran.com/91
49 Mawdudi. The Islamic Way of Life, http://www.islamawareness.net/Way/islamicway.html#b2
3.2 THE RULE OF LAW IN CUSTOMARY MARRIAGES

The Senior Scholars and Scientists, Ulama, of the Islamic Research Group at Al-Azhar in Egypt, say that any marriage may be legalized and halal according to Sharia law as long as the marriage follows the religiously established Islamic terms of a healthy righteous marriage, and the marriage is contracted in the presence of minimum two witnesses and with parental consent especially from the girl’s side, as the consent of the wali has a certain value. Most important of all, is the publicity of the marriage.\(^\text{52}\)

The officially declared statement of the decision on urfi marriages from the Islamic Research Group of ulama at the Islamic Centre Al-Azhar becomes clear in an online article from the 1\(^{st}\) of June 2007, whereas this decision hence was made clear after heated discussions about the topic on the 31\(^{st}\) of May 2007.\(^\text{53}\)

Urфи marriage was recognized by Egyptian legislation when it was first mentioned in the personal status law in 2000.\(^\text{54}\) This opened up the possibilities of registering the document in public records and in court, documenting the marriage, along with clarifying further and an easier process of proving paternity. The urfi marriage contract then becomes a legal document, once registered in the Egyptian courts and public registries. This specific law of 2000, that recognizes urfi marriage, also opened up for the possibility of women getting a legal divorce from their urfi husbands, going through a divorce process, which previously had been impossible if the man denied to grant his urfi wife a divorce, or denied to destroy the marriage documents.

From the 1920s and up until today’s society, Egyptians have engaged in various efforts to reform the Family Law, also known as the codified personal status law.\(^\text{55}\) The main problem areas, according to Al-Sharmani, in the present day activism seeks “gender justice and unequal parenting rights, and men’s right to unilateral repudiation and polygamy, both of which men

\(^{52}\) Al-Arabiya, News Agency, Research Group at Al-Azhar has Approved Customary Marriages, but Refuses Blood Marriages. [http://www.alarabiya.net/articles/2007/06/01/35053.html](http://www.alarabiya.net/articles/2007/06/01/35053.html)

\(^{53}\) Al-Arabiya, News Agency, Research Group at Al-Azhar has Approved Customary Marriages, but Refuses Blood Marriages. [http://www.alarabiya.net/articles/2007/06/01/35053.html](http://www.alarabiya.net/articles/2007/06/01/35053.html)


can exercise without resorting to the court. While men have almost unconditional divorce rights, women have restricted access to limit types of divorce that can only be obtained through court.\textsuperscript{56} The six respective bases on which women can file for fault-based divorce are: non-maintenance, absence, defect, harm, the husband’s polygamy and imprisonment.\textsuperscript{57} Such fault-based files for divorce are often extensive and with high costs, and so the change of personal status law in 2000 – where women obtained the rights of no-fault divorces, known as \textit{khula}\textsuperscript{58}, is to consider important improvements on women’s rights to file for divorce.

### 3.3 CONTRACTING MARRIAGE

Marriage in is not considered a sacrament in Islam. It is considered a legal contracted agreement concluded between a man and a woman who pose mutually consenting parties of the marital union. They have to be of legal marriageable age, which is stipulated by law in each country, with Egypt being no exception. There are two main factors needed for the marriage to be valid and categorized as a marriage in Islam: the marriage needs to be permitted by Allah, and both parties need to give their free consent in written form.\textsuperscript{59} However, the full content of a licit, legal Islamic marriage contract is the consent of both of the qualified parties, \textit{mahr}, and the signature of at least two witnesses. Names of the bride and groom, some form of identification or reference to identification documents – like their personal identification number or passport number, the amount of \textit{mahr} given from the groom to his bride, and the names and identification of the witnesses are the basic elements that has to be stipulated in the contract. The groom must pay \textit{al-mahr \textit{al-muqaddam}} in advance to the consummation of the marriage. The payment of \textit{al-mahr al-muakhkhar} can wait until a possible divorce or death. Further on, the two parties can discuss which other elements or stipulations in which they want the marriage contract to contain.

The Arabic expression \textit{Katb el-kitab} means the signing of the marriage contract itself, and it is a critical point in an Islamic marriage, representing the only juncture at which the parties can consensually define, enhance or limit their rights in the marriage.\textsuperscript{60} Accordingly, this

\textsuperscript{59} Muslim Marriage Contract Basics! \url{http://www.muslim-marriage-guide.com/muslim-marriage-contract.html}
momentum offers an opportunity for women to prevent subsequent abuses of their rights, including the opportunity to condition the marriage on the equal right to divorce.61

During the stage in which the marriage contract is being negotiated, women can insist on including certain legal conditions in it, as for example the right to obtain divorce if their future husbands were to prevent them from such endeavours as finishing their education or to go to work.62 While women who have included such stipulations in the marriage contract are still required to get a judicial divorce through Egypt’s courts, they can do so on grounds that otherwise not would be automatically recognized by the courts as sufficient.63 Men obviously also obtain the right to insist on certain stipulations in the marriage contract. The man basically holds the power to deny his wife her right to education or work outside the home, and he can even specify a particular timeframe for the birth of their first child together.64 None of the two parties of a marriage contract may require from the other something that is contrary to the Quran, Islamic Law or the fundamental principles of Islam.

Scholars suggests that the wali’s consent is required for the marriage to be valid in Islam, and supports this by referring to the Shafi –and Maliki-school, and says that the Hanafi-school do not require a wali’s consent for the marriage to be legal if the woman previously have been married or is of “older” age.65 However, the Egyptian Civil Code also limits a woman’s ability to enter freely into marriage by requiring that she must have the permission of doing so from her wali, her male guardian.66 The wali cannot prevent the marriage from happening,67 but as the head of his family unit, he exercises a significant impact on the marriage process. As the women in such matters as contracting something, usually have a subordinate status in the family, it often results in the exclusion of many women from the negotiating the terms and

conditions of their own marriage contracts. Because of such exclusions from the negotiation process, the brides rely on their wali to represent and act in their best interests. Demanding that they be present for these negotiations is not even contemplated by most Egyptian women because of the social stigma and awkwardness that such a demand most likely would generate.

3.4 THE IMPORTANCE OF THE MARITAL CONTRACT

The signing of the marital contract is usually the only point in a couple’s marriage in which the parties can agree upon the woman’s equal right to divorce, without resorting to the courts. In principle, all of the conditions and stipulations contained in the marriage contract should be the product of mutual agreement between the couple. In practice, the process is typically far less equal.

Islamic scholars and researchers claim that the contract of marriage may be written or oral. However, in the holy Quran it is stated that any agreement or contract should be in writing.

O you who have believed, when you contract a debt for a specified term, write it down. And let a scribe write [it] between you in justice. Let no scribe refuse to write as Allah has taught him. So let him write and let the one who has the obligation dictate. And let him fear Allah, his Lord, and not leave anything out of it. But if the one who has the obligation is of limited understanding or weak or unable to dictate himself, then let his guardian dictate in justice. And bring to witness two witnesses from among your men. And if there are not two men [available], then a man and two women from those whom you accept as witnesses - so that if one of the women errs, then the other can remind her. And let not the witnesses refuse when they are called upon. And do not be [too] weary to write it, whether it is small or large, for its [specified] term. That is more just in the sight of Allah and stronger as evidence and more likely to prevent doubt between you, except when it is an immediate transaction which you conduct among yourselves. For [then] there is no blame upon you if you do not write it. And take witnesses when you conclude a contract. Let no scribe be harmed or any witness. For if you do so, indeed, it is [grave] disobedience in you. And fear Allah. And Allah teaches you. And Allah is Knowing of all things.

It is hence very clearly expressed that once you make a deal or agreement, when you contract something, it is necessary to write it down, in order to avoid any confusions later on.

According to Leila Ahmed’s studies, sources suggest that the Prophet Mohamed’s great-granddaughter, Sukaina bint al-Husain (d.728), married four to six times. With respect for one marriage at the time, she initiated divorce. And it is said that she, out of respect for her significant other, “she insisted on stiff – almost capricious – terms in her marriage contract.”

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The terms that she wanted written down in her marriage contract would for example be that her husband under no circumstances could take another wife, no should he oppose her, or keep her from acting as she might please / desire. It is reported that also Aisha’s niece, named Aisha bint Talha (d.735), who was known for her remarkable scientific knowledge and beauty, also married several times, and knew how to protect her rights through the marriage contract. Relevant for being able to insist on such terms early in the first Islamic era, is it that both Sukaina and Aisha belonged to the elite. Both of them were “celebrated for their beauty, with a literary ability.”

Umm Salama was also a woman of the Aristocratic Arab elite, who, according to rumours, had been married twice before she married al-Abbas – founder, ruler and caliph (750-754) of the Abbasid dynasty. She was the one who sent him the proposal, and she made him swear that he would never take another wife or concubine. The second caliph’s wife, Umm Moussa, had also stipulated in her marriage contract that her husband was not to take any other wife or concubine. This agreement was done in front of numerous witnesses, and when her husband tried to declare this point of the contract invalid, Umm Moussa fought a smart battle against her husband by bribing all the legal judges the caliph would ask to change the contract, standing by the original contract. Even though Umm Moussa had the right on her side, by having agreed on the marriage contract with its stipulations in front of numerous witnesses, the patriarchal men’s society forced her to bribe the judges one by one that her husband would ask for help from. The contract they initially had agreed upon when entering the marriage, actually made the second caliph having to officially stick to the original contract as long as Umm Moussa was alive. Even though bribery was the key not to changing the terms of the original marriage contract in this case, Umm Moussa’s case represents a huge step in the right direction for the status and rights of women. All of these women make important examples for women’s rights to stipulate and protect their rights in the matrimonial contract.

“The fact that marriage traditionally is entered into by contract has also enabled the individual woman and her family to demand extra protection within a matrimonial law that on the whole primarily looks after the husband’s interests.” Such extra protection may for instance be provided by adding a condition to the effect that the man shall not be entitled to practice

polygamy, or that the wife shall be guaranteed the opportunity to complete her education. The wife may want an assurance from her husband, if appropriate, that she within the marital frames still have the right to take paid employment, if she herself wishes to.

In reality, such rights and customs regarding stipulations in the marriage contract is more an ideal than an actuality. It is a fact, that most women choose not to benefit from this right of discussing and stipulating agreements in case of divorce in the marriage contract, since this could be interpreted as an expression of mistrust to the groom and his family. Dahl says that: “It has proved to be difficult to enter into such individually based contracts, because they indicate that the husband will not be a perfectly good husband unless he is bound by additional conditions. Thus, special conditions reflect on the Muslim husband’s honour and dignity. Therefore, the more collective customs are so important.”

According to the Human Rights Watch Report from 2004, many Egyptian women are reportedly “simply not informed of the fact that they have the ability to insists that certain conditions be included in the marriage contract”. In Egypt, “Ma’zuns who fall under the authority of the Ministry of Justice are required by new by-laws to inform the marrying parties of their right to include conditions in the contract. However, many Ma’zuns choose not to inform the couple of their rights”. As a Ma’zun of the governorate of Qalubiyya in Egypt informs to Human Rights Watch in 2004, is this simply because “Those that put conditions are very few. In 100 contracts, maybe only one [adds any conditions]. There is a fear of tension and ruining the marriage. If I tell them about the conditions, I’m opening up a door for tensions.”

Omar ibn al-Khattab used to say, “Next to faith is God, the best gift which has been given to man is a virtuous woman. There are some women that are priceless and others that are yokes from whom cannot be redeemed”; by priceless is meant that the she [woman] cannot be replaced by any other gift.”

The woman has, as stated by numerous scholars and researchers, an exalted position in Islam, as a daughter, wife and mother. It is in the hadith literature said that paradise lies beneath a mother’s feet. The woman is known to have a very much worthy role as any of the roles she play in her family.

Males and females are considered having the same value in front of God according to Islam, they have the same worth, but are created for each other, in order to match and fulfil each other. What one of the genders lacks, he or she can find with his or her partner. God created Eve from Adam’s side, for them to complete each other and dwell together in this life side by side. The revelation of the Quran and Islam helped women obtain important rights in society, whereas the family unit may be considered the starting point of. It restrained polygamous practices considerably, framed and secured relationships between man and woman, made girls more “valuable” to their parents – which sat a stop to the Jahiliya times’ killings of female infants. Through the marriage contract, the woman receives protection from the man in return for her obedience to him. This relationship gives and includes rights and duties on both parts’ sides, some based in moral sanctions, others with legal consequences. The man is also considered to be the family’s breadwinner, and the home is considered to the woman’s domain and responsibility. The woman is the mistress of the home, and the order of the household is her main task or assignment. The man is the authority outside of the home, but also withholds the final word when it comes to authority over his home and family, in which he supports.

The traditional gender roles, rights and duties which marriage normally brings with it, are indeed all being challenged in the urfi marriage union. Urfi marriage differs from the formal marriage by basically withdrawing all legal rights and securities which a formal marriage union...
create, especially in the woman’s case. One vital critique about urfi marriages is the fact that it seems to show a form for “backwardness” considering women’s rights, thus regarding marriage.

But the question remains in fact if the development of the urfi contracting of marriages should be considered a kind of backwardness in the women’s rights concern, or if it is to be considered a new development on a different course. Does the contemporary social hovering, indefinite changes on the urfi matter give women rights on other levels, like in the matter of freedom? Since the woman does not need to obey her urfi husband’s word, he does not need to provide for her, and they both practically and theoretically ask nothing from each other except being in a relationship with freer-or no leaches. Regarding sexual intimacy, is this not either a required right or duty that they owe each other.

Are these challenges towards traditional and shifting rights and duties in the marriage, and thereof also common, traditional gender roles which we have to assume is a fact in most of these cases, a result of more equal gender roles in modern society? In the cases where the woman owns property, or is receiving allegation or pension for being divorced or widowed, in the cases where she is the breadwinner, urfi marriage contract can be considered more appealing and preferable in her opinion, than having to resign from, or share her, rights, property and governmental or private financial receiving because of she wants to remarry. Based on my fieldwork research, it seems that the urfi marriage in the cases of the female breadwinners seems much more appealing to them, personally. It appeals to them, because in this way, their relationships do not set a stopper for them in any way; they may still travel as they would like to, without waiting for permission from their husbands, they do not expect or need to wait for the husband bringing home the bread, nor to provide shelter for them. They do not even need to live together, and there are no requirements from neither of the sides regarding money, food, ordering of the home, intimacy, connection or anything else that would be expected in traditional, legal forms of formal marriages. Because of this particular point, urfi marriage may serve to, fit, and meet individual needs, like for instance men “in need” of plural wives without having to provide for all of them, and without them having to know each other. There are a lot of examples of such situations. One such example is found in the cases I have included in this thesis, like a man working away from home, for example in the tourism industry, who would like his kids to be raised in his hometown, but is in need of female company where he stays.
away from home, where he spends most of his time. Another example, also found amongst the
cases, is a man who would like to enjoy short-term relationships without any commitments,
using the urfi contracting as if it was another form for temporary marriage, like muta or misyar
marriages. In the cases where foreign older women are in relationships with younger Egyptian
men, most of them seem to make sure that the gender roles are as equal as possible, or, that the
breadwinner is the withholder of the authority, and they also make sure that the Egyptian
younger males understands that the women do not need to obey them. This changed or reversed
role of authority between the sexes can, however, be validated after the kafa principle in a
reversed form as well. But what happens then to the younger Egyptian males’ sense of
masculinity, of feeling like a man? Maybe the answer to unleash or give vent to his feeling of
restrained masculinity is to get married to a girl from his home town who has to obey him and
stay under his control and authority? From my conversations with young, unmarried men during
fieldwork, it seems as if this is the ideal status and position of a man who finds himself caught
in between traditional customs of his origins, and what he considers modern perceptions about
life from the West? For he who finds himself caught between cultures, and feels the diaspora
because he is away from home, but still home? for the young males who have to marry their
cousins because they otherwise cannot meet the financial, normative, marital requirements of
their communities and societies, he finds his freedom in entering into any kind of relationship
with a woman who is not bound to such customs and requirements – who has a different view
on the most important elements or criteria of relationships between a man and a woman? For
the one who needs several partners in life in order to understand all the sides to him as a human
being?

3.6 RELIGIOUS PERSPECTIVE – MARRIAGE IS HIGHLY
RECOMMENDABLE

*Whenever a man is alone with a woman, the Devil makes a third.* Allah’s Messenger Mohamed
who is the last prophet according to Islamic faith, is according to several hadith narratives
supposed to have expressed this to his followers. To clarify the meaning any further, this
saying basically means that if a woman is alone with a man who is not her mahram, of her
closest relatives, the devil will automatically try to get in between the two, trying to tempt them

87 Hadith 3113, from *The Book of Marriage*, Sahih Muslim.
http://islamicencyclopedia.org/public/index/hadith/id/2/book_id/17
into wrongdoing. The woman can also appear to the man in the shape of a devil or Satan, in order to seduce him, for the male erection makes man weak and makes him lose “two-thirds of his mind”, or “a third of his religion”, as humans’ instinctively sexual desire “is the devil’s strongest instrument against the sons of Adam” and it “is an overpowering catastrophe should it rage, as no mind or religion can resist it”.

Human kind is naturally created with an instinctive sexual urge for the purpose of recreation. From a religious perspective, all three Abrahamic religions narrate that God created Adam, and then created Eve from Adam’s side, for them to be companions and partners in life. This basically gives us a religious picture of how the first relationship man ever had, was with God, his Creator, as well as it might be interpreted towards indicating that secondly, comes the relationship with his or her partner. Most believers would agree that one’s relationship with God should be first priority. Thereof, celibacy is in Christianity considered a virtue and the ultimate ideal life order for monks, nuns, etc. Al-Ghazali also describes that full submission to God, dedicating the self and all its time to submitting to God, supposedly did the Sufis previously mean that man may choose not to marry in order to obtain the greatest level of asceticism.

From marriage arise various types of such distractions that engross the heart; thus night and day would pass and the person would not have time to think about the hereafter or prepare for it. For that reason, Ibrahim Ibn Adham said, “No good can come out of one who becomes accustomed to the thighs of women.” Abu Sulayman said, “Whoever marries attaches himself to the world.” That is to say, he lured to depend on the world.

Hence, it is narrated in a known hadith that “Sa’id ibn al-Musayyib heard Sa’d ibn Abi Waqqas saying that Uthman ibn Ma’zun decided to live in celibacy, but Allah’s Messenger forbade him

88 Something immorally wrong according to Islamic law, principles and values.
93 According to Farah’s translation of Al-Ghazali, it is said that ‘Akramah and Mujahid interpreted the Quranic verse 4:98 “for man was created weak” by saying “he cannot refrain from women”. P.61.
97 Farah (1984): p.61-62. Ibn Abbas reportedly interpreted the Quranic verse 113:3 “From the evil of the darkness when it is intense” to the means of the male erection and continued saying this.
98 Eve’s name in the Holy Quran is Hajar.
to do so, and if he had permitted him, we would have got ourselves castrated.”

God created mankind, including their flaws and less good sides, as well as their good sides, therefore, He did not permit them to change the nature of the human being from their own considerations. The frame of marriage is a solution to ease the burden of any temptations of the flesh, which the devil so eagerly whispers to. Once having entered into marriage, it accordingly eases other prospects of life, like being able to keep focus in prayers and full indulgence to God.

A righteous man used to marry frequently; he never had less than two or three [women]. Some Sufis criticized him, to which he replied, “Has any of you stood (waqafa) before Him and experienced sexual desire?” They replied, “This thing occurs frequently.” He retorted, “Were I to accept throughout my life such a state as you have experienced once, I would not have married; but never did a distracting thought occur to me, which I did not carry through, thereby relieving and enabling myself to return to my work.”

Moreover, persistence in fasting does not eliminate the element of temptation as pertains to most people, unless it is coupled with weakness of the body and disturbance of the temperament. For that reason Ibn ‘Abbas declared, “The asceticism of the ascetics cannot be complete without marriage.” This is a universal ordeal from which few can be delivered.

According to Al-Ghazali’s text, even the Prophet asked God to purify his heart and safeguard his genitals because women were one of the three desirable things of this world, as he found that perfume, women and delight in prayer are amongst this world’s most desirable things: “The Prophet said in his invocation, “O God! I seek refuge in Thee from the evils of my hearing, my seeing, my heart, and the evils of my semen.” He also said, “I ask you to purify my heart and safeguard my genitals”.

The point of bringing this example to life is that the ideal of a life in celibacy and complete surrender to only worshipping one’s Lord and Almighty Creator is a life that not many people are able to lead. “how can there be laxity for others wherefrom the Messenger of God seeks refuge.”

The celibacy and childlessness of the Prophet Jesus is an exception. His life was characterized as miraculous as his message was delivered under direct divine influence, that he was born of a virgin, that his whole nature was ascetic, and that he died young. If he should return “to earth

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however he will, according to Al-Ghazali and others, marry and have children.\textsuperscript{108-110} Note that the Prophet Mohamed left no sons behind, as only his daughters survived and grew up.

Dahl states that the Islamic opinion is “that an honorable monastic order almost is an impossibility. Human urges are too strong for this, and both monasticism and a systematic celibacy will always run a risk of corruption, as occurred with Christian monasticism, according to the…” Quran.\textsuperscript{111}

The truth is that this world is full of temptations for any simple soul. But marriage puts the human instinctual sexual needs and desires into a legal framework approved by God. According to Islamic principles, it is better to get married than to live in celibacy. Marriage has certain advantages. The Prophet expressed that by marrying, one complete half of the religion, and claimed that he “lost no time in marrying”\textsuperscript{112}, further he firmly stated that “he who turns away from my Sunnah, he has no relation with Me”.\textsuperscript{113}

The Messenger of God is known to have said that every man should go directly home to approach his wife whenever he would get tempted by another woman, because the tempting woman would most certainly be the devil approaching him in a womanly form, but whatever those women appear to have, your wives also possesses.\textsuperscript{114} “When a woman fascinated any one of you and she captivates his heart, he should go to his wife and have an intercourse with her, for it will repel what he feels”\textsuperscript{115} – as the man’s wife also possess what those women possesses.\textsuperscript{116} This suggest that all righteous men who are not suffering from impotence, should get married. In order to stay on the righteous path and keep his morals intact, this encouragement goes out to all young men who are torn amongst such evils: “O young men, those among you who can support a wife should marry, for it restrains eyes (from casting evil

\textsuperscript{108} Dahl (1997): p. 51-52
\textsuperscript{112} Hadith 3107 and 3108, from The Book of Marriage, reported by Sahih Muslim. \url{http://islamicencyclopedia.org/public/index/hadith/id/2/book_id/17}
\textsuperscript{113} Hadith 3109, from “The Book of Marriage”, Sahih Muslim. \url{http://islamicencyclopedia.org/public/index/hadith/id/2/book_id/17}
\textsuperscript{115} Hadith 3115, from The Book of Marriage, reported by Sahih Muslim. \url{http://islamicencyclopedia.org/public/index/hadith/id/2/book_id/17}
\textsuperscript{116} Hadith 3115, from The Book of Marriage, reported by Sahih Muslim. \url{http://islamicencyclopedia.org/public/index/hadith/id/2/book_id/17}
glances) and preserves one from immorality; but he who cannot afford it should observe fast for it is a means of controlling the sexual desire.”

Extramarital sexual relations are unambiguously condemned in Islam, and all righteous people of God are highly encouraged to get married within the respectable legal frames that He has created for them. A direct injunction is to be found in verse 24:1-3 of the Holy Quran:

[This is] a surah which We have sent down and made [that within it] obligatory and revealed therein verses of clear evidence that you might remember. The [unmarried] woman or [unmarried] man found guilty of sexual intercourse - lash each one of them with a hundred lashes, and do not be taken by pity for them in the religion of Allah, if you should believe in Allah and the Last Day. And let a group of the believers witness their punishment. The fornicator does not marry except a [female] fornicator or polytheist, and none marries her except a fornicator or a polytheist, and that has been made unlawful to the believers.

Though sexuality is a natural aspect of marital life, the subject of sexual intimacy rarely is discussed in Islamic texts as this generally is viewed upon with absolute discrete privacy, Abu Hamid Al-Ghazali shed a light on, and thus de-alienated, some of the conceptions and issues surrounding marriage and sexuality with his text “Marriage and Sexuality in Islam” Farah informs us in her translation of Al-Ghazali’s work. Al-Ghazali in his time listed five advantages of marriage, where as satisfying sexual desire is one of them, along with procreation, companionship, ordering the household and disciplining the self, and three disadvantages of marriage which, according to him, would be inability to seek lawful gain, failure to uphold wives’ rights, distractions from God.

Ordering of the Household is by means that each parts of the marital union fulfil each other by helping each other by sharing the work at home. The man and woman complete each other by fulfilling the roles of the two genders. According to al-Ghazali, Omar ibn al-Khattab has claimed that “Next to faith in God, the best gift which has been given to man is a virtuous woman. There are some women that are priceless and others that are yokes from whom one cannot be replaced by any other gift.”

“...The virtuous woman who takes care of the house abets religiousness in this manner, and any disturbance of these preoccupations would perturb the heart and impede life. For that reason, Abo Solayman al-Darani declared, “The virtuous wife is not of this world, for she liberates you for the hereafter. Her contribution to freeing the

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117 Hadith 3106, from The Book of Marriage, Sahih reported by Muslim. http://islamicencyclopedia.org/public/index/hadith/id/2/book_id/17
man is by taking care of the house and by satisfying sexual desire.”

For the man, “being free from the concerns of household duties, as well as of preoccupation with cooking, sweeping, making beds, cleaning utensils and means for obtaining support…”

give the individual better room for exercising righteous deeds and duties. Chaste believers are preferred for each other.

…And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers.

While Mernissi discusses virginity as a patriarchal construction constructed by men, and many would agree with her discussion, Al-Ghazali verifies why virginity is preferable for girls in particular at the entering of marriage. The cliché “the first love is the greatest” applies here, as Al-Ghazali says that the vulnerability, the heart’s full devotion and investment in the marital relationship, and the faithfulness that follows, is the absolute strongest in the first relationship. “The greatest virtue of marriage is the procreation of children.”

Procreation is by Al-Ghazali described as the first advantage of marriage. It is “the prime cause”, and it is actually “on its account that marriage was instituted” in the first place. The aim is to “sustain lineage so that the world would not want for humankind.”

Disciplining the Self – into actually committing to his wives and children, and “training it to be mindful, faithful, loyal, and respectable of the rights of the family, tolerating their manners, enduring harm from them, striving to reform them, guiding them to the path of religion”, striving to make “lawful gains for their sake, and undertaking the upbringing of their children”.

And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing.

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Another advantage of entering holy matrimony, for both men and women, is that this form of companionship relaxes the soul and comforts the heart. The first religious picture and example we have of the companionship between man and woman is Adam and Eve. God created Adam, and then created his mate that he might “dwell in security with”, or “he might take rest in her”. “And when he covers her, she carries a light burden and continues therein. And when it becomes heavy, they both invoke Allah, their Lord…” The exact words of God found in the Quran, with the internationally approved English translation or interpretation, are:

It is He who created you from one soul and created from it its mate that he might dwell in security with her. And when he covers her, she carries a light burden and continues therein. And when it becomes heavy, they both invoke Allah, their Lord, “If You should give us a good [child], we will surely be among the grateful.”

I hereby suggest that an order to marry is to be found in Islamic tradition, Sunna, as well as in the Holy Quran. Let me note that what I choose to call the order to marry, may also be viewed upon and described as a highly recommended deed. Al-Ghazali points out a number of ahadith on this subject, where the Prophet for instance utters that “Marriage is of my Sunna; whoever likes my fitra, let him follow my Sunna” and “Marry and multiply for I will boast about you over other nations on the day of resurrection, even about the least among you”. A well-known hadith says that the Prophet declared that “He who marries fortifies half of his religion, so let him fear God for the second half.” Dahl formulates it like this “Whoever marries safeguard half of his faith” i.e. marriage is the foundation of a virtuous and religious life. Another valuable hadith related to the subject of imposed ordination of entering into marriage says “…he who turns away from my Sunnah, he has no relation with Me.”

The bottom line is that marriage is viewed as a highly recommended deed and exalted ideal after Islamic principles, according to God’s own words stipulated in the Holy Quran, since

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132 The Holy Quran, Sura 7:189, [http://legacy.quran.com/7/189](http://legacy.quran.com/7/189)
134 The Holy Quran, Sura 7:189, [http://legacy.quran.com/7/189](http://legacy.quran.com/7/189)
135 It is important to point out that the original Quran is to be read in Arabic, and that there initially are no room for translating it, unless for the purpose of understanding the content and learning from it.
136 The Holy Quran, Sura 7:189, [http://legacy.quran.com/7/189](http://legacy.quran.com/7/189)
138 Arabic plural for Hadith.
139 Natural disposition.
marriage satisfies each soul on several levels (I am here referring to the mentioned advantages). The disadvantages of marriage which Al-Ghazali has sorted out in his work, namely the distractions from God, inability to seek security, and inability to secure the wives’ rights, are all outshined by the advantages, which might be summed up in the restraining of sexual desire, procreation, ordering of the household, companionship, and disciplining of the self. The marital institution helps determine paternity of the couples’ offspring, and establish security and rights on both sides’, like the rights to obedience, maintenance, and inheritance amongst other goods. Marriage is also supposed to create a secure frame for the partners involved, in order to dwell in security with each other and to form a respectable team in order to cooperate and solve everyday challenges in best way possible. From Islamic principles, it also frames the roles, rights and duties between the man and the woman. Amongst the most important goods is it thus that this particular from of teamwork lets the individuals freely exercise their worship to God, it actually promotes religious righteous behaviour on various levels as I have tried to show in this text, and in this way it helps the involved parts to bring each other closer to asceticism and rewards in this life and the ever after.

The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise.145

Important to remember is it that the injunctions of Islam are intended for the benefit of the human race in all ages and climes,146 and the Prophet Mohamed firmly stated that:

> Whoever refrains from getting married for fear of having a family is not of us … Whoever has the means let him get married; for it will avert the eyes and assure more relief and virtuousness; and who does not, let him fast, fasting is for him a form of castration’ (here castration is used metaphorically to mean impotence) …147148

### 3.7 **THE SIGNIFICANCE OF MARRIAGE**

It is important to put the institution marriage within the understanding frames of a definition, so that we can reach a definition of urfi marriage and to understand what differs this type of marriage from the original one. In order to do this, let us keep in mind that since the beginning of times, at least the beginning of Arab Muslim society, marriage has been an important weapon in strengthening tribes or tying different tribes together etc. The revelation of Islam, received

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and transmitted by the Prophet Mohamed, brought a lot of changes to society, and a formation of modern day society started.

3.8 MARRIAGE CUSTOMS AND CUSTOMARY MARRIAGE
The customs typically found in Egyptian societies surrounding marriage, basically all springs out of the same origins, consisting of the marriage customs based in traditions and culture alongside with the religious requirements imposed by Islam and Orthodox Coptic Christianity\(^\text{149}\) to fulfil the socially constructed normative system of how to enter into marriage by righteous way according to these bases.

Marriage is traditionally to be considered the basic root from which family grows and is being moulded. The family unit is the primary core of society. Even if the previously fixed role and importance of marriage continuously are being challenged from all angles in contemporary societies, I would like to argue that the institution of marriage still is considered as the ideal foundation of the family unit. Especially in Arab societies is marriage usually being portrayed as an exalted icon, and based on experiences and observations during my research, this is also the case in Egypt. The construction, and functions, of the family unit is associated with showing us a smaller version of communities and the society and its functionalities in the bigger picture.

According to Kholoussy, marriage is constructed as a fundamental national duty amongst the Egyptian middle class,\(^\text{151}\) now, if we consider this an established truth, this should absolutely entail other social classes as well, at least the lower ones. I cannot without further research include the higher segments of society here based on the information I have gathered during fieldwork. However, one of my informants from Egyptian upper classes puts it into words: “God did not intend for all of us to get married, he gave me my abilities and enlightenment in the medical field so that all my medical research could benefit the human race, and since I did not find anyone suitable for me – or good enough for me – who could appreciate all of this, I

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just figured that God did not intend for me to get married”. What this grown woman with exquisite medical expertise and specialities meant by saying this, was that if she had married a man who was not enlightened enough to appreciate her importance and exquisite contributions in modern medicine research when she was younger, she would might have been forced to only stick to wifely duties instead. However, my fieldwork observations of families from middle class segments of society, and lower classes, all show that they seem to idealize and exalt the importance of marriage. This is specifically showing in the head -and heartache which the girls who pass 25, 30 or 35 without being married off cause for their parents, siblings, extended families, and not least for themselves. The parents who have managed to happily marry off their daughters, and continuously stress and underline how relieved they are about it, concludes to me that this is a highly exalted ideal which seems extremely difficult to reach because of financial difficulties. The economic aspect of the marital customs and the difficulties that they pose, also become clear in the hassle that the men experience from their parents and families once having reached a certain age, which I have also had to hear a lot about during my fieldwork research on the subject – meaning that in as much as every other interview I have done this has been mentioned, as well as all of the observations and conversations I have had with more than one person from the same families.

Regarding marriage preparations, some parents seem to prepare their children for marriage at a young age, while others point out that prosperity of the self is the primary goal and should come before any thoughts about marrying.

“The family is the basic unit of social organization in traditional and contemporary Arab society. At the centre of social and economic activities, it is a relatively cohesive social institution.” Marriage is an essential part of one’s life cycle, and also of the Arab traditions and cultures. Therefore, marriage in Arab societies is most often an important and societal affair which highly involves the whole family, rather than just the ones getting married. Officially, it has been perceived as a mechanism for reproduction, human survival, the reinforcement of family ties and interests, the preservation of private property through inheritance, socialization, and the achievement of other goals that transcend the happiness of the individual to guarantee

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152 Based on information from informants from various backgrounds in Egypt, obtained during my fieldwork.
153 Based on information from informants from various backgrounds in Egypt, obtained during my fieldwork.
In contemporary Muslim communities and societies people wish for and encourage each other to keep the sexes segregated to the degree that it is possible. This may be one of the reasons why arranged marriage is still popular to a certain degree in some Muslim communities.

Since the family is the primary and most important institution in the Arab societies, it is not rare that family members begin to look for a suitable match for your family member already before he or she has reached marriageable age. Various Arab societies have different marriage traditions and customs, but a reoccurring and deep rooted tradition is "the tradition of endogamy" - which means “marriage within the same lineage, sect, society, group, village or neighborhood.”

The advantage of endogamy is not only in a lower mahr and retention of family wealth and property within the clan, but also in the strengthening of the tribe or kinship solidarity. The Lebanese sociologist Zuhair Hatab has observed that the Arab tribes that traditionally were economically more self-sufficient and worried about their solidarity preferred endogamy, unlike commercial tribes who tried to improve their relationships and alliances with other tribes by making marital ties with them - called exogamy. Arranged marriages are therefore not uncommon even in today's Arab societies and communities. This is a cultural and traditional practice that has survived through generations.

Custom requires that parents seek consent from their daughter before they promise her to someone in marriage, but this does not necessary mean that they will act on her wishes. Girls are supposed to “shy away from expressing her wishes” and go along with her parents’ wishes because they are expected to act in her best interest and know what is best for her.

According to the Egyptian scholar Ahmed Shalabi, “if the girl insists on her own choice without the consent of her father, Islam gives her this right as long as she makes a good choice and she does not deceive by false appearances. If she errs in her choice and marries a person who is not of her status [kif] … then the father has the right to object because of … the effect on the family and the future of the girl, who may be unaware owing to the immaturity of youth. In this case … the guardian … may object and prevent the marriage or nullify it if it has already taken place and the girl has abused her right.” This interpretation reinforces the parents’ right to force a daughter into marriage (haqq al-jabr) to a man she does not like and to prevent her from marrying the man she loves.

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Customs of modern Egyptian society also show to luxurious engagement presents to the bride. At the same time, the man normally needs to come up with, and being able to provide for, a home for the newlyweds before marrying. He is also the main provider in terms of any wedding and all the luxurious elements that the bride usually demand. The furniture-ing of the home, however, is the bride’s family’s task, and in many settings, her brothers – older or younger – have to contribute to these expenses before even thinking about saving up for their own homes, weddings, and all the other elements which the entering of a marriage traditionally need.\textsuperscript{160} However, in the case of urfi marriages, none of these traditional enquiries apply, which makes it a possible solution for the ones who cannot afford to live up to the expensive expectations set up by the bride’s family. There are a lot of examples of such, one is mentioned in CASE 2 showcased later on in this thesis.

\section*{3.9 Economic Aspect}

The modern marriage crisis, Kholoussy has dated back to the last part of the 1800s, but says that it came to surface for real in the 1920s discussions about marriage where the traditional roles of the feminine and the masculine were challenged.\textsuperscript{161}

Important are the principles regarding the entering of a marital union which in relation to Islamic values should be considered kept to a level of certain simplicity. The ideal is to “solemnise out marriages with simplicity, avoiding pomp and show and wasteful expenditure.”\textsuperscript{162} For instance should the amount of the mahr be a light expense, not a heavy burden, for the upcoming bridegroom, in order to support the institution of marriage as in oppose to youth resolving to the contracting of “marriages” in secret for the purpose of releasing their sexual frustration or the desire of being intimate in senses of kissing each other without feeling that it is a great sinful act, just a minor one. Either way, it is obvious that the financial difficulties surrounding marriage are indeed rooted in traditional customs of the culture, since the Prophet Mohamed by many examples implied that the very initial idea and significance of marriage is not a result of how much money is involved in the process. Unfortunately, the traditional customs of tribes and clans, which also existed before the revelation of Islam, are still highly valued in contemporary Egypt though in new disguises related to the importance of

\textsuperscript{160} Information based on interviews
\textsuperscript{162} Imran (1979): p. 16.
a certain degree of financial security in a society where unemployment causes significant economic difficulties should it hit a family’s income.

In the case of the assumed increase of *urfi* marriage contracts signed between fellow students, Abaza boldly points out that if what the press would like to make us believe about how “*urfi*-like marriages have become widespread on Egyptian campuses” is true, “– one may argue that this generation has been smart in solving the growing sexual tensions in a society that idolizes marriage and is rigid in conventions regarding the financial requirements of the institution.” One of my sources, a Student at a University in Cairo, claims that all of her friends have boyfriends, except the very few who will not accept conducting a secret sexual relationship *validated* by the *urfi* contract. Ziba Mir-Hosseini states from Hanan Kholoussy’s work “For Better or Worse” that Egypt’s early twentieth-century media “was full of alarming stories of urban middle-class men who were choosing to remain bachelors on the grounds that they could not find the right woman to marry or could not afford the high costs of the dower and then maintaining a wife”.

Marriage creates families, the basic units of society, and men’s reported refusal to marry aroused tremendous cultural and social anxieties. The presumed rise in bachelorhood came to be called the “marriage crisis”, a phrase that turned into a metaphor used in the press for the fledging nation, in reference to the difficult choices that Egypt faced on the path to modernity and independence, and as critique of the sweeping socio-economic and political change of the time.

Kholoussy refers to cases from Islamic court records from early twentieth-century Cairo when suggesting that

many litigants and judges did not necessarily subscribe to the new notions of marriage, masculinity, and femininity that were being disseminated in the press. Others, however, were influenced by ideas about the roles men and women should play in marriage and the nation. Although the middle-class press argued that marriage was supposed to be a permanent hierarchical relationship, various legal possibilities were available to both sexes to escape the institution. …Egyptians petitioned judges to challenge apparently fixed doctrinal understandings because they viewed law as a crucial and flexible socio-political resource. …Egyptians of all classes were aware of their legal and socially acceptable options, even if they were not all aware of or influenced by the middle-class debates over marriage.

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165 Based on an interview from my fieldwork in Cairo.


Kholoussy in her studies connects marriage to the contested formation of a national identity which “attracted the growing social attention of the middle-class press and the legal attention of the Egyptian administration under British rule.” What accordingly came out of this press coverage of the current situation regarding marriage and implements of legal stipulations at the time was that “Egyptian men and women conceptualized the nation and understood their rights and duties through marriage in the early twentieth century. During this period, new ideas of marriage, law, nationalism, and gender were being shaped and redefined in an unprecedented manner.”

Islamic principles and Egyptian customs indicate that certain roles of the sexes in interactions and cooperation with each other are determined by the differences between the two.

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.

In today’s situation in Egypt however, both parts of the married couples are often imposed to contribute to the expenditures, costs, of their household. Though will many claim that the woman is entitled to stay at home and not have any work outside of the home since she is the primarily responsible person when it comes down to the home and its order and ordination. According to Kholoussy’s text, Gayyid in the 1920s presented a letter saying that “readers and writers deployed the term marriage crisis in the press to refer to a supposed rise in the number of middle-class men who were choosing bachelorhood over marriage in early twentieth-century urban Egypt.”

Social crisis is just as important and dangerous as their political or economic counterparts, if not more so, because their repercussions can destroy the entire nation and foreshadow its annihilation. Is there anything more indicative of this than the marriage crisis that threatens the Egyptian nation at its core, erodes its backbone, and forewarns of its ruin? The government and people must urgently unite to solve this crisis.

This is a topic which obviously has been going against the initial traditional Egyptian marital customs, assuming that there is a social normative codex which indicates that there is such a thing. In order to try to live up to the sky-high expectations about marrying, respectively

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regarding the bride price, gift, apartment, and all of the luxurious elements a wedding should
contain, people become desperate to find any solution to the issues of sexual tensions, and
desires of companionships. Since most of contemporary Egypt’s family units seem to have
forgotten the Sunna example and preaching of the Prophet on how simplicity is an ideal in *mahr*
and marriage, the young men look for possible options. In some cases, this helps the ancient
customs of arranged marriages between familiar tribes, clans and other family ties, and the
practice of endogamy and cousin marriages survive in high numbers, though sometimes based
on other reasons than keeping the old traditions alive. Another solution, is the underground,
secret marriages. However, it is important to mention that the main element of a licit marriage
agreement from the older cultural practices, was *the spread of the word* about the marriage
between X and Y, respectively.

### 3.10 NOTES ON HALAL / HARAM

We can mainly divide between two different kinds of *urfi* marriages. One case is when the
couple signs the contract *without* permission from the bride’s parents, more specifically her
*wali* – guardian – which usually is her father or father’s father. In this way, the marriage will
be considered *haram* – illegal according to Islam’s sources on God’s commandments and
thereof also according to Islamic law – *Sharia*. In the other case, the couple signs the contract
*with* the permission of the bride’s parents, family and most importantly her *wali*. For the
marriage to be valid according to Islamic premises, the couple must make their marriage
*officially known*, which means that the groom also needs to inform his family about the
marriage. *Inshar* – spreading of the word, of the news, is in fact the most important element in
all of the marriage process – because this was the only way for one’s own tribe, clan, family
and those near your family to know about the marriage in historical times – before the law of
1931 imposed public registration of the marriages.

As any marriage before the law of 1931, which posed registry requirements on marriage, can
be considered *urfi* – customary – marriage, we must now accept that an unregistered marriage
can fit fully into the Islamic principles of a legal and licit – *halal* – marriage.

Now, the question is: Is the contracting of *urfi* marriage against religion? Should it be
considered haram or halal? What exactly does the *urfi* marriage contract need to contain to a
religiously qualified?
Imam al-Shaafi is one of the early scholars who have confirmed that “No one has any right whatsoever to say something is halaal or haram except on the basis of knowledge, and the knowledge is a text in the Qur’aan or Sunnah, or ijmaa’ (scholary consensus) or qiyaas (analogy).”\textsuperscript{175}

\textsuperscript{175}Sources of Islamic Legislation: What are the sources of Islamic legislation? https://islamqa.info/en/112268.
4  CASES

As the urfi marriage in most settings is a controversial subject of conversation or discussion, several of my informants and acquaintances have had a reaction to me writing about this particular subject. Some of them seemed to think that I looked upon Egypt as old-fashioned because they still carry this tradition or option, some would even go as far as claiming that this does not exist in today’s Egypt, some would tell me stories about people choosing the urfi form of marriage and about their experiences or struggles with it, while others simply would say “oh, you should write about me then”. I find it important here to add a small piece of background information on who actually said what. From my own sense of logic, I see the possibility of dividing it into three categories; the ones who are totally against urfi marriage, the ones who would not prefer it – but who see the necessity of this type of marriage in certain cases, and the ones who are direct or indirect parts of such cases themselves.

In Cairo, where my project and research started, I quickly found out that the group of diverse acquaintances of mine actually in fact represents all three categories listed above. I will try to give short examples, only to show the diversity of people’s conceptions and impressions of the urfi marriage. One of them was raised and went to school in Zamalek, where a lot of embassies and foreigners in general are based. He is the one who told me that this type of marriage does not even exist in today’s Egypt, “this is an old-fashioned tradition that we have, and you writing about it, would only make us Egyptians look bad” were his exact words and reaction to the subject of my Master degree project. Another friend from the same group would say that he knows a couple who have had to write urfi contract because they were both under-aged, and that the two families contracted that the young married couple would have to register the marriage as soon as they were both old enough to do so. One girl says that she knows of several examples from the university attends, of lots of young couples marrying secretly in order to have sex in a way that they see as more legal – basically meaning that they cannot get arrested for. To this girl, it apparently seems like everybody is doing it, and according to her, she is one of the very few exceptions to this practice.176 She even said that the guys would “ditch” the girls who did not want to have sex with them. This sounds exactly like how guys and girls acted in my teenage days, where I went to school in the West. The only difference would have to be this secret marriage contract that young couples feel that they have to – or should – write before

176 This claim is not to take too serious though, since the girl stating this does not know for sure that all people except for her would do so – as such forms of direct generalizations are rather dangerous to make and further on to express in front of others, this should be considered with a pinch of childishness.
having any kind of sexual intimacy. So of course my mind went directly to this comparison, though there is a small difference in age between High School and University students. Two of the guys sitting in the same group of friends admit to having concluded *urfi* marriage contracts; one is referring to having done it in his “college days”, while the other says that because he wanted to marry a foreign girl, they had no option but to write an *urfi* contract because of the difficulties and long administrative processes which regular marriage requires in both of the countries concerned. And “thank God for that” he expresses, because after short time, they decided not to stay together after all.

In one of my interviews, the informant calls the *urfi* marriage contract for “the W.C. paper”. He is referring to the possibility of using any paper to write a few details on it and “sign” – for example toilet paper. According to him, this is a piece of paper that one can sign anywhere, like for example in the bathroom, at any chosen time just before sexual intercourse – underlying that the actual intention of this “marriage contract” would be the sexual intercourse and nothing more. From the use of this exact expression, any receivers can understand it as an attempt to show a metaphorical picture of the *urfi* marriage contract as one of the “dirtiest” and “most shameful” papers anyone can sign, because it according to some perceptions portrayed in for instance media especially online supposedly strides against Islamic principles and values about marriage. He tells me that this is why he feels disgusted that some of his acquaintances who has up to several children with foreign women still do not change this *WC paper* into an officially registered marriage contract – and follows this information up by saying that in order to make themselves, their wives and children look more respectable in front of the Almighty Lord.

Asking foreign females, based in the South Sinai Province, to give an input on the topic, to contribute to my project with any relevant information, stories or examples, have thus proven to give a more open aspect on the topic. Actually several of them have said “oh, you should write about me then”, or “I’m married *urfi*, so what…don’t tell my husband that I told you though”\(^177\). The causalities of choosing to enter an *urfi* marriage are often more severely complicated than what first meets the eye, or ear for that sake. In my fieldwork I have come to learn that it is only in the very fewest cases that the reasoning actually can be quite simple.

\(^{177}\) Read about Gudrun’s case.
4.1 WHAT ARE THE REASONS FOR CHOOSING TO ENTER INTO URFI MARRIAGE?

There are numerous challenges that meet couples or people as individuals when they decide to get married in Egypt. First of all, the economic situation in today’s Egypt, where the President has rouse the prices on food significantly, basically cut off any chance of income from tourism, and even sells off parts of Egyptian land to other countries\textsuperscript{178}, is not ideal. The people’s difficult financial situation has particularly made it difficult to get married. With all that traditionally and socially is being asked from a man when he wants to enter into holy matrimony, like having an own apartment or house, the cost of any inside upgrades and the cost to keep a household, mahr to his bride, money to arrange the kind of wedding that his bride deserves, and so on, the ordinary Egyptian man will not be able to afford to marry before reaching the age of 40-50 years – that is, if he works hard enough. In the mid-80s, Abaza estimated that it would take around 6 years of hard work on an average Egyptian salary at that time to save up the money it would require to marry.\textsuperscript{179} The resolution to this issue could be to marry within the family, after the tradition of endogamy, travelling abroad or anywhere one possibly can make more money than the average man, or, marrying a woman who would not demand all of the socially normalized impedimenta in order to get married to him whether that would be the girl next door or a foreign one.

First of all, the economic difficulties in which marriage generally retain, sometimes make youth resort to secretly writing the urfi marriage contract in order to have sexual relationships without any other or official commitment to each other. Economic difficulties may also make people resort to different forms of prostitution, and the urfi marriage contract in this case might as well be a tool in the process or in fact the tool that the arrangers need to complete the process in order to stay away from problems with the law.

Secondly, in certain cases the urfi contract may be known publicly, like for instance when the families of the bride and groom are the ones arranging the urfi marriage contracting. This has


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to be done in the cases where one or both parties are under the legal marriageable age, which
in Egypt is set to be 18 years old for boys and 16 years old for girls. Some parents would rather
marry off their daughters at a young age in this way publicly rather than to possibly
experiencing any appearances or acts from them that the parents would interpret as shameful
actions. An example of such actions which can be interpreted as shameful according to society’s
norms and moral and religious principles is for example if anyone ever discovered that the bride
was not a virgin at the time she got married (for the first time). *My interview object Jensine
comes from such a background, from parents marrying her off to a man at 15 years old, to make
sure that she would not bring any shame over her family before entering into marriage.*

Past notified incidents indicate that parents in rare cases may insist on their children getting
married at a younger age, like in occurrence of extramarital fornication being detected /
unveiled. A pregnancy could be one way to discover the disclosure of extramarital sexual
relations, and a respectable outcome of such a situation is to get the youth married off to each
other either in a legal marriage contract, or after an *urfi* marriage contract if one or both parts
are under 18 or if the part of the male is not accepting anything else but an *urfi* marriage in
order to get the child registered with him as the father. Children cannot be registered in official
registries if it is unknown who their father is.\(^{180}\) I claim this to be a significantly difficult social
problem in Egypt, as these children do not obtain any social rights according to any system. A
great number of the children living in orphanages in Egypt are such children, who are not
registered in any state documents as human beings. Because it is unknown who their fathers
and sometimes mothers are, it is not possible to register them with right names – and so they
do not have the possibility to obtain any ID documents showing who they are.\(^{181}\) Without a
name, the victims in such cases become second-rang citizens, not having any right to “access
post-secondary schooling, a job, the right to vote, travel or conduct the most basic financial or
administrative transactions, or even get married”.\(^{182}\)

Third, the requirements regarding official documentation in marriage between an Egyptian and
a foreigner can make them having to resort to writing *urfi* marriage contract, either temporarily


\(^{181}\) Information on orphans in Egypt from a Scandinavian friend working as a volunteer at several orphanages in
Cairo.

until they are able to put together all the requested papers from high and low, or in some cases they just decide to for example get married in the country of the foreign part and let the marriage in Egypt remain an *urfi* contract. Couples who are engaged to get married, or just boyfriend and girlfriend, may need to write *urfi* marriage contract in order to for example bring home and introduce their future wife or husband to their family, or in order to stay at any place together under the same roof. One of the people I had the pleasure to interview in my research for this thesis, tells me that he was living in Australia for many years, and when he brought his girlfriend to Egypt on vacation to meet his family, they were forced to write an *urfi* marriage contract to travel through Egypt together and staying at hotels and in his family’s home together, even though the man is Christian.

The process of collecting all documents required and then getting them approved in both countries concerned in each case in order for international couples to enter into marriage in Egypt, is truly a long, difficult and tiring procedure in the confusing non-systematic system of state offices, their employees, corruption and other challenges.

### 4.2 CASE 1: DIFFICULTIES ANSWERING TO EXPENSIVE MARRIAGE CUSTOMS

**Gustav** is working as a coach. He is after the rules of employment in Sharm el-Sheikh granted a bed in the staff house at the hotel he is employed by. He eats a meal at the hotel staff restaurant once during the whole day. His salary used to be 2000 Egyptian pounds, in the addition to receiving 10 percent commissions from any sessions he occasionally holds with guests upon requests. Gustav has been lucky enough to get engaged to the girl of his dreams from his neighbourhood in Cairo. The term of the engagement is thus that he would manage to provide, and finalize, an apartment for himself and his bride. Until now, he has bought an apartment in the same part town where they are from, but as the building is all new, and he bought it during the building process, he still needs to finalize the inside of the apartment. In order to do so, he is sending a monthly amount to his fiancé which she uses for this purpose. Gustav used to make 2500 Egyptian pound a month, but after the fall in Tourism, he now makes 1000 a month, not receiving any additional money from commission. As he previously was sending his fiancé 2000 a month, the amount has now had to go down to the amount of 700 Egyptian pound, and the money he has left for food and water these days are barely enough for him to survive on. His energy level has sunk to an absolute low, and the previously muscular coach is now nothing
but skin and bone. But, he has no choice but to keep on going, in order to reach his goal about marrying his dream girl in a formal union. *Urfi* marriage could have been an option in this case, in one way or another, but that would not get Gustav the life on the righteous way which he is aiming for. His fiancé’s parents would never have agreed on giving away their daughter in a marriage without any security, without a home of their own to settle down in, bound to an institution where she not would obtain the regular rights and duties of marital cohabitation.

### 4.3 CASE 2: A PROMISE OF LOVE CONQUERING IT ALL

*Borghild* is a quiet and very sweet girl from a small city in Upper Egypt, who just recently moved to Sharm el-Sheikh. She tells me about how she met her husband in college, six years ago. She tells me how she knew that they were meant to be, they were soulmates. She pulls out the pictures that they took together at that time to show me. In their college days, they decided to write an *urfi* contract as a special *promise* to one and other that they at a later time would get officially married. She says that at the time the idea seemed so romantic, but it would have been a disaster for her if anyone from their families had found out. She says that they never even considered to be intimate with each other in other ways than holding hands, so that was not the reason why they decided on writing the contract. It was simply a romantic and honourable promise especially from her to him, saying that she would wait for him. She would not marry anyone else before he would be ready to get married. Her husband has from that time worked his way up to having enough money to being able to ask her parents for her hand in marriage. At the time of the interview, they had been married for two months, and had just finished decorating their apartment, and bought their furniture and clothes and everything else that was required from the bride’s family. Now the money that he saved for *years* are all spent, and he had to come back to Sharm el-Sheikh to start working again. She came with him, because the newly wedded couple would miss each other too much if staying apart for several months. They did not want to be divided like that again at such an early stage of their married, cohabited life. However, they will most likely at some point have to live in separate cities, as this job is the best chance that Hassan has for viable income in order to support his household in his hometown.

Is love great enough to conquer all, even going against what is perceived a girl’s and her family’s honour, going against the considered customs? According to the two lovebirds in CASE 2 themselves, this case is an example of passionate, true love, and the fact that they were
fully set on staying committed to each other, no matter what. It was thus a huge risk for the unmarried girl to take, that she decided to sign an *urfi* marriage contract secretly without any other security besides the word of her lover. Because the *urfi* marriage contract can be registered in official records after the legal decision of 1931, this risk could in worst case scenario have resulted in her being stuck in a marriage bound by law, without the possibility to get a divorce. Or at least having to go through a rather difficult process, that is, if her *urfi* husband would have decided to change his mind about the marriage, or would not have been able to gather enough money for them to get married formally, and further on refused to agree on a divorce. The two possible outcomes of the situation would be either claiming his wife, or divorcing her. In case he would decide to claim his wife, to take her out from her family’s home as his *urfi* wife, which until that point would have been kept a secret, it would have caused a great amount of shame on the girl in front of her family and community. If refusing to divorce her, a fat attorney bill would have been her second choice to get out of such a situation, as the law of 2000 which recognize *urfi* marriages gives women a possibility to obtain divorce. As Borghild is an educated woman, with the knowledge of these possible outcomes of the situation, I asked her why she would risk taking this chance. The respond I got was that “it was either him or no one, if he could not have been able to gather the money to ask my family for my hand in marriage, I would not have wanted to marry anyone else as I had already found my true love”. This pretty much concludes the reason why she decided to take the risk of writing an *urfi* marriage contract.

### 4.4 CASES OF URFI MARRIAGE FOR UNDERAGED YOUTH

Some factors cause Egyptian under aged youth to resort to writing the *urfi* marriage contract. In a few cases, secret love relations cause youth to resort to signing *urfi* contracts in order to have sexual intimacy with the intention of decreasing the sin of their acts in front of God, or in order not to get punished by authorities if anyone should catch them. To actually have this contract in their pocket when walking and talking together, sitting on a bench in the park or in front of the Nile together holding hands, is a paper of security for them, should a police officer try to detain them.

In few other cases, secret love affairs end in the families arranging publicly known *urfi* marriages once the lovers get caught and one or both of them are under aged. In any case of minimum one part of newlyweds being under aged, the contract in which they sign is for sure
an *urfi* marriage contract, because the minimum legal age in Egypt is 18 years. This very point, Borghild has told me and explained to me in a clarification of how parents marry off their children under 18, especially on the countryside and small villages in Egypt.\(^{184}\) Borghild comes from a small city in the middle of widespread farmers’ fields, and in our conversations about *urfi* marriage, she recalls and tells me the story of two young ones from her community tying the knot last year. As both of them were under aged, hence 15 and 17 years old, they would have to resort to signing the *urfi* marriage contract. In this particular case, their parents agreed on contracting that the marriage would be registered with a contract of legal marriage as soon as they both reach legal age, so that any offspring of theirs would be registered later.

### 4.5 CASE 3: TOO YOUNG – SEXUALITY MORALS

**Jensine** is a Scandinavian woman in her mid-20s, of Arabic origin. She was married off to an older Egyptian man when she was only 15 years old. Her parents wanted to make sure that she would enter marriage as a virgin, not being influenced by practices in “the West” by having any boyfriend-girlfriend relationships and hereby a possibility of committing illegal sexual relations outside of marriage. According to her, the customs regarding marriage in the village that her parents came from, implies that particularly the girls should be married off while they are still young, in order to avoid extramarital sexual fornication.

She got married by the formal, legal marriage contract, and her husband was brought from Egypt to live with her in Scandinavia. If a girl is to be married off in Egypt before having reached the authoritative age or the legal age for marriage, she usually has to write an *urfi* marriage contract – which in most cases, at least where the parents care about their children, will be changed to a legal marriage contract when she turns 16 and he turns 18.\(^{185}\) However, back to the actual case, the groom that Jensine’s parents chose for her, was originally married in Egypt and had children with his wife there. In order for him to get married abroad, he had to get a divorce from his first wife, and marry her by the *urfi* marriage contract. This was obviously not a problem for his first wife, since he was searching for and trying to make a better life for all of them, by travelling to Europe. However, when Jensine finally found out that her husband was already married, she was already pregnant with his child. She divorced him, and he was

\(^{184}\) Official numbers from the UN and Unicef declares that such practices are still very much present even in contemporary Egypt. Even though this particular practice is said to have fallen fast in MENA, the child marriage report from 2013 gives us an idea about the existing amount. Child Marriage Report (2013) [http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR.pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR.pdf)

\(^{185}\) Based on customary practices in rural Egypt, as spoken of by informants,
deported back to Egypt as soon as the separation papers started rolling, on the way to finalizing an upcoming divorce for the young bride. Jensine was now suddenly a single mother who had to make a life for herself and her child. Sometimes, she would leave the child with her parents, and go to Egypt to get some free time for herself, and she tells me that two times she had actually stayed a longer period of time because she had found work in Egypt. Later on, she informed me that she actually could not bring her child into the country because the child’s father was fighting a battle of custody. If she had taken her child to Egypt, then the father would have the right to keep him for six months before returning him back to the mother for six months. That is how their case looked like in Egypt. The only way Jensine could even think about fighting this battle in Egypt, was if she could find a good man to marry, who would be willing to fight the battle by her side. This was the reason for her longer stays in Egypt, with a belief that this is what would help her with the case. At least, this is her perception of and how the case looks like, from her perspective. But then again, she said that her horrible first experience with marriage, made her believe that writing the *urfi* marriage contract was a better option, at least for her it was. As long as she did not want to have any more kids, there was no point in registering any marriage officially. This is also a better option in her opinion because it would be very difficult for her to trust a man enough to sign any official documents with him. She explains that when entering *urfi* marriage, they can actually sign the papers, usually two exemplars, and she would keep both copies with her. If anything was to happen, she then would have the chance to destroy the papers and claim that she had never been married or in a relationship with the person concerned.

Actually, this is exactly what happened, several times. During the period of time that I spent with her in Egypt, she told me about so many relationships with different guys, and I observed that she wrote *urfi* marriage contracts with at least three guys. One of those guys had even made it official to his family that he was married *urfi* with a foreign girl, and that they just were waiting for the official legal process to finish, so that they could register the marriage. However, Jensine told me another version of the story; she never intended to register the marriage, because from her perspective on formally registered marriages, based on her crucial personal experience. However, this story is what they needed to tell his family in order to stay and live together. Another guy, she took romantic pictures with, to keep in her purse when she went back to work and he had to stay in the city where he lived. The third guy that she told me about, was from a family of the higher social segments, living in Hurghada, and he required that they
would write a *urfi* marriage contract in order to go out together, minding their own business without any governmental officials bothering them. The police could never talk to him as long as he carried the papers with him whenever they went out, holding hands and kissing in public. They had actually had a small wedding ceremony as well, and she actually had to answer to a lot of questions when someone got the hold of these pictures from the guy that she married *urfi*, and sent the pictures to her family in Scandinavia. Jensine’s father refused to speak to her after this, and her mother told her that her child and the custody over him would remain with them. Important to add here, is it that the mother would not mind getting Jensine back on the right course as long as she did not go back to working as a belly dancer; which was her mother’s worst fear, and absolute nightmare. Any *urfi* marriage contract could be forgotten about, as long as she kept her actions on a low, kept all copies with her, and destroyed them when she decided to get out of the relationship, but a reputation about being a girl of several relationships – by *urfi* contracting – in addition to a belly dancer reputation, her mother knew that they would never be able to hush down. The early marriage which was imposed on Jensine, has made her life situation rather challenging, and her experience in failing with men, made her believe that the *urfi* contract actually is the best solution in any relationship.

An important point for the understanding of the situation for the youth who is married off before reaching legal age, is that Egyptian youth receive their national identification cards at the age of 16.\(^{186}\) The legal age of entering into marriage is set to 16 for girls and 18 for boys, stated in the 21/2 law of 1990.\(^{187}\)

The question appearing to my consciousness immediately here is *why* parents would arrange marriages for their under aged children? One possible answer to this which is already described in the contextualization, is that marriage is a good chance to tie two tribes or families together in close social relations – or to strengthen existing family ties. Another possible answer to this question, which also is partly described in the contextualization, is that parents wish to avoid offering any opportunity for especially their daughters to commit immoral actions like fornication or adultery as any intimacy of this kind should happen within the frames of marriage. In the text “Marriage in the Arab World”, Rashad, Osman and Roudi-Fahimi state that “traditional values surrounding girls’ virginity and family honour play a major role in Arab

\(^{186}\) An all-known stated fact amongst the people of Egyptian national society and international society.  
\(^{187}\) قرار جمهوري بنحديد سن الزواج بيبدأ من ثمانيت عشر عام
http://onaeg.com/?p=2172348
families’ decisions to marry off their daughters at young ages.” ¹⁸⁸ They also note that the practice of consanguineous marriages, cousin marriages, does not need to be based in the practice of arranging marriages, but it can “might as well be a response to “reflect the wishes of the marrying partners”. “¹⁸⁹

However, “child marriage is viewed as a manifestation of gender inequality”,¹⁹⁰ which further reflect “social norms that perpetuate discriminating against girls”.¹⁹¹ Consequences of child marriage are rough. It tends to generally be a lower level of education in states where the families prioritize to marry off the girls young. These girls often end up taking care of children, even though they may not even be physically ready for it. Thus, has marriage under 18 dropped remarkably in Middle East and North Africa over the last three decades.

Some articles and reportages claim that prostitution of young girls because of families’ financial difficulties is a great issue of poor back alley quarters of today’s Egypt. As I have no direct information about such cases – of poor girls being “sold” off to a man who would pay enough for her to her family – in my research, I will not be able to mention this any further. In the Al Jazeera Video on Vacation Marriage,¹⁹² such issues are portrayed, including interviews with some of the victims who had been taken out of Egypt and fought their way back. However, regarding the use of urfi contracts in settings of prostitution, where the cases are with girls of legal age, I have been lucky to catch first-hand information on during my fieldwork in Egypt, by bumping into a lady organizing such scenarios.

**4.6 CASE 4: URFI AND PROSTITUTION**

As shown previously in the text, El-Gawary controversially states that the urfi contract is used to give prostitution an Islamic cover: “To give prostitution an Islamic cover, some women enter into secret marriage contracts with their summer visitors. Known in Egypt as zawag al-urfi, this contract is made without witnesses and typically ends in divorce by summer’s end. Most

¹⁹² Arabic documentary about "Vacation Marriage in Egypt" shown on the TV-channel Al Jazeera Arabic, from 2014. [https://www.youtube.com/watch?v=iu3gg6EZzk](https://www.youtube.com/watch?v=iu3gg6EZzk) / [https://www.youtube.com/watch?v=CsyUHQoSzGw](https://www.youtube.com/watch?v=CsyUHQoSzGw)
of Egypt’s Islamic scholars condemn this use of zawag al-'urfi.”193 “Some girls have been married 60 times by the time they turn 18”, Fisher states. While Johnson points out that “There’s a point at which parents get so desperate they sell whatever they can to make ends meet, including their daughters”, which is also what the documentaries Vacation Marriage in Egypt and Sex Tourism in Egypt and Arab Countries194195 from the TV-channels Al Jazeera and Al Geena portrays. Prostitution is initially a good indicator of wealth inequality.196

Dagny is a well-respected woman working in the Congress in Cairo. She is an important contact person for several tourist guides working with tourists from the Arabian Peninsula. Many tourist guides working with these Arab peoples will fix anything and everything for them before their arrival to Egypt, except for female company – one of my acquaintances tells me that his principle is to stay as far away from the forbidden situations as possible, and says that he is not a pimp – which is why the Arab tourists who want female company during their holidays have to contact someone else for these arrangements. However, he has a contact person that he would refer them to; Dagny. I get to have a chat with this woman. The neighbourhood and the outside of her house is not of the shiniest facades, but the inside of her house is just like one can imagine that royalty would live. Every room has a different bright colour as the theme, and everything in it is matching. We eat and drink tea together, and personality-wise she is a joy to be around. She tells me about the pilgrimage that she just had finished, she is now titled Hajja. She also tells me how much she loves Saudi Arabia, and advices me to travel there to see it with my own eyes. After the meal, she starts to make tea, and the doorbell rings. Her grown son was expecting a delivery of hasheesh197. How the doorman let anyone in and out of this woman’s house is one side of it all, another thing is that this woman pays for her son’s drugs. He is sitting in the middle of the living room preparing to use the drugs, and three girls show up. They are neighbours of this family, and shows up at the right time to come and smoke all together. The girls are all married, however I understand that not all of them are happily married. I also understand that these girls are escort girls who makes money off of the wealthy tourists from the Arab

194 Arabic documentary about “Sex Tourism in Egypt and Arabic Countries” shown on the TV-channel Al Geelnaa, from 2012. https://www.youtube.com/watch?v=2ArPZDkQj30
195 Arabic documentary about ”Vacation Marriage in Egypt” shown on the TV-channel Al Jazeera Arabic, from 2014. https://www.youtube.com/watch?v=iui3gg6EZzk / https://www.youtube.com/watch?v=CsyUHQoSzGw
196 Johnson (2013): Egypt After The Revolution: There’s Not Much To Sell But Sex. “There’s a point at which parents get so desperate they sell whatever they can to make ends meet, even their daughters” http://www.businessinsider.com/prostitution-in-caro-egypt-2013-4?IR=T
197 Here referring to the expression of drugs.
Peninsula. One girl is going to Hurghada the day after, and the people who asked for her are paying for private transportation for her to get to and from where they are, plus that she will make 1500 Egyptian pound per day she is accompanying them. The guy who put me in contact with these people tells me that these type of tourists come to Egypt mostly in order to enjoy parties, alcohol and girls. In their countries they do not have the same opportunities and availabilities as they find in Egypt. The family invite me to go to a wedding with them the day after I was at their house, and I decide to join with the woman and her kids to this event. It is one of the largest and most disgusting weddings I have ever seen in my entire life. The event consists of business men only, and the drugs and alcohol is flowing. The men also let their young sons drink and smoke with them, and it seems that most of them are there to discuss business. They have brought two famous Egyptian artists to sing at the wedding party, along with ten belly dancers. In Egypt, any belly dancer needs to have her outfit approved by the government before dancing like this in front of people, in order not to show too much. However, these belly dancers are wearing bikinis while dancing on the stage. All I could see was breasts and ass floating on stage. We were the only females in the place, 13-year-old Oddbjørg, her mother and I. The girl should soon get married off too, her mother tells me. She is only 13 years old, but seems to have the life experience of someone older than me, with her big mouth and attitude. I did not feel even a small trace of childhood left in her. But that might not be that strange when I see how her daily life is. Dagny is a serious business woman and is obviously the person to call if you want to arrange parties with female company.

4.7 CASE 5: VACATIONARY URFI MARRIAGES IN SOUTH SINAI

Sex Tourism is a rather new and much discussed phenomenon. VG has highlighted the female sex tourism, that is spreading in several developing countries, where poor boys attract tourist on the beaches and end up in sexual relation to unaccompanied tourists. One boy accordingly said: “a hungry boy is willing to do anything”. Sex tourism is a variable where “women openly exchange cash and gifts for encounters with local boys and men”. Sex tourism may be considered a direct or indirect form of prostitution. They exchange money or the free flow

200 – Arabic documentary about Vacation Marriage in Egypt shown on the TV-channel Al Jazeera, from 2014. Available at: https://www.youtube.com/watch?v=u1y5gg6EzZk https://www.youtube.com/watch?v=CsyUHQuoSzGw
– and spending – of it, in return of special favours, food, clothes, or whatever the young men would need help with. There is clearly an underlying demand for money, and for sex, which thereof controls the sex tourism industry. Economic difficulties may be the main aggravator for enabling such variables in Egypt’s tourism areas. The examples of young men providing or exchanging such services to tourist women, are many, but as this thesis’ main focus is on the causal factors as to why people choose to sign urfi contracts, I just have to mention briefly that most of the boys or young men in the positions of the one mentioned above would write contracts for themselves, in their own company, or get the female to sign on it in some way as well, because they fear the God and the government. They fear severe punishment from God in the afterlife for their sins, as well as they also fear being thrown in prison by authorities.

Difficult economic situation and the desire to earn a living somehow makes it especially easy for young boys to jump on this train. Everyone wants to get married, but the financial demands are too high for most people to cope with this. Some parents and siblings rely on the boys who are out of work sends money home. With low paid work and hard, long hours, it seems to some that it provides escort services either in addition to their everyday work or full time position if such have not found work, this seems like a much easier and better life. How are the boys also ensured a certain minimum income, and usually place to stay, just like in other positions in the tourism industry?

Gudrun is a middle-aged European woman who is settled in Egypt. She originally came with her Egyptian husband, which she is legally married to, from her country of origin, to live in Egypt. After a few days, she found out that her husband was eight months pregnant with another woman of other than Egyptian origin, which he also was married to, in an urfi contract. This of course changed the situation completely for Gudrun, as she immediately left her husband. However, Gudrun decided to stay in Egypt and try to make a life for herself. She had always dreamt about starting her own business, so that is what she did, in partnership with a man in his early 20s. Gudrun had already shown interest in this young man when she chose him as her partner for the new business, and after a short period of time, they signed an urfi marriage contract. For Gudrun this would mean an end to the lonely nights in her huge apartment which is located in a luxurious compound far away from where her business is located. She proudly shows off her rings and talks about her marriage to the young man very openly, in any possible occasion. Very few people know that she is not married to him legally, and that this is not even
a possibility for them at the moment, since her first husband has not yet given her a final divorce yet. Since her new husband has now started to sleep at the staff house with his employees and friends, instead of coming home with her after work every day, she tells me that she is now really starting to get tired of him, and is more than happy whenever any other male gives her attention. One of my acquaintances, who is a twenty-year-old professional football player, playing in Egypt’s first league, was visiting Sharm El-Sheikh in his vacation related to the big feast in 2015. By coincidence, Gudrun passed me while I was sitting with my football friends, and she decided to join us. The boy at the age of twenty years started joking with her about being the most beautiful woman he has ever had the pleasure to meet and that he would have loved to have to honour of marrying her. At the same time, he was trying to explain that he does not care about looks or age at all, but rather the intellect. Everyone else but her takes the situation as the big joke of the day, as we do not think that he is serious about marrying a 55-year-old woman. But not many days after, she has already suggested that they get married in urfi form and that she would like to buy him a brand new car, and eventually take him to Europe, where he could get into European football. Gudrun however, would like to stay in Sharm El-Sheikh, or maybe move to Dahab, and has now put herself in the awkward position of being legally married to an Egyptian man with the same nationality as herself, because she has still not gotten a divorce from him, plus that she now has entered two relationships by urfi marriage contracts on the side. This is forbidden according to Egyptian law, and should anyone bring this case to court, she could possibly be punished. But then again, the case is that she most likely would avoid punishment from Egyptian authorities because she is to be considered as a foreigner for holding another citizenship even though she is a resident in Egypt. Gudrun refers to herself as a Muslim woman, but it is hence very clear that she does not mind committing sinful acts of such matters even though a polygamous condition like the one she has put herself in, is illegal – haram according to Islam.

Arnulf used to be a hardworking employee in a café, until Gudrun spotted/ put her eyes on him. She purposed to him that he should join in on her new business project, as a partner. He did not have to spit in any money in the project; all he had to do was to become her partner in personal life as well as at work. Of course, Arnulf saw this as his big opportunity to try to get up from the low salary that he has been struggling to obtain and maintain. The only down part to this agreement is that they had to become partners in personal life as well as in business. He feels very shy to show anyone that they are a couple, and does not tell anyone where he sleeps at
night or that he is even in a relationship, let alone married. He makes his urfi wife agree not to show him any affection at work, and to make a distinction between work and personal life. After every disagreement or argument, Arnulf sees an opportunity to sleep at the staff house with his friends and employees. He says that he feels that the road to his wife’s house is too long for him to travel back and forth one-hour-long bus ride each way every day, and is getting tired of having to ask his wife to drive him everywhere. He is 25 years old, and has written an urfi marriage contract with a woman who is over twice his age. He is a man who seized the opportunity that came to him. He dreams of one day being able to marry someone his own age, and to have children with her. What he would do with his urfi wife at that point know is currently a challenge to him, since she either would have to accept living in a polygamous relationship – all three of them, or decide to leave him – which in that case may get problematic because all property and lease contracts are signed in Gudrun’s name. In either way, the urfi marriage contract does not give her the right to interfere in any of her husband’s needs or wishes about marrying someone else besides her. She does not need to give her permission or blessing to her husband if he wants to marry another wife, legally or in the urfi form. With the new law preposition on polygamy by current president Sisi and his government, saying that to handle the issue of over numbered females in Egypt, every man can take a second wife in marriage – legally – without the permission of his first wife, and she would go to prison for refusing such an action – it may not be long before a wife married legally by state law have no say in the matter of her husband marrying other women in any way either.

4.8 CASE 6: THE WISH OF LOVE AND COMPANIONSHIP

Gudleif is a 32-year-old employee in one of the most luxurious hotels in Sharm el-Sheikh. He married the girl next door in his early twenties, and has two kids with his wife back home in his hometown. He told me stories about wives and girlfriends of famous celebrities who have been paying him to train them in personal trainer sessions with him but who had also tried to have affairs with him, or tried to do something else with him instead of training, or they would try to make an appointment after the gym sessions. Gudleif describes himself as a very religious man, dedicated to his work and loyal to his family, but he says that first of all he is loyal to God. However, everything changed when Gudleif met the true love of his life, as he explains it to me. The love of his life was not the neighbour girl from his hometown that he and his family had found suitable for him to marry, it was a foreign woman with Arabic roots. Gudleif would do everything to be able to marry this woman, to enter into holy matrimony and share his life.
with the one true love of his life. But it would have to be as a second wife. It would have been impossible for him to just drop out from the responsibility that he had taken on once, when deciding to get married and establishing a family in his early twenties. He told me that he loves his children more than anything in the whole wide world, and that he would do whatever would keep them happy. This of course, meant that he wanted them to continue living in the state of mind that their mother and he were happily married, and that daddy had to work far away in order for them to be able to go to school and have food on the table. He had to make them believe that this was their form of “normal” life, and that there would be no chance for them to live together closer to daddy’s work. Their “normal” was living with mum and their paternal grandma in a life that daddy provided for, and that daddy would come to stay with them two or three days every month, sometimes a week every other month.

From the life that this man had created for himself, it is not very difficult to see how he would feel in need of a second wife, to live with him in the city where he spends all his time. Humans have a nature of getting lonely when staying alone for too long. This is also part of what Islam has highlighted by saying that we as humans should get married.

He actually explained his life situation to, and proposed to his big love that they could get married by the urfi contract, and make a life together in the city he is working in. The only minus was that she would have to accept him travelling to his hometown a couple of days every month to spend time with his kids and first wife. The woman’s reaction to this, Gudleif told me, was that she neither ever could or would choose to be anyone’s second wife, never be number two to or for anybody. The whole situation was heart breaking to Gudleif and to anyone who would hear this story from his point of view, as he told me in confidence that “she never realized that she never ever could be number two for me.”

4.9 POLYGAMY

Will Durant is supposedly amongst the most direct spoken on this subject, as he claims that «The man is by nature polygamous»\(^\text{202}\), and that «only the strongest moral sanctions, a helpful degree of poverty, and hard work interrupted by wifely supervision can induce him to

\(^{201}\) Interview with Gudleif.

monogamy. One of the advantages of marriage pointed out by Al-Ghazali, hence the discipline of the self, may also actually point towards the direction of a similar kind of statement – further interpreted into saying that the discipline of the self is a virtuous deed that only the righteous men can conquer or handle. Moreover, there are circumstances both individual and social which make polygamy quite essential; the preponderance of females over males, supervision of widows and their children, as well as framing adultery into more morally acceptable frames. As some would claim that legitimate sexual needs of a man may also impel him to resort to polygamy. If the society is to be saved from adultery, promiscuity and immorality, then law and custom must take a realistic look at man’s nature and his genuine needs.

The Quranic verse 4:3 opens up for and legitimizes, polygynous marriages where one man may be married to up to four women at the same time. Polygamous marriages were more common in the old Arab societies, and were further accepted as an Islamic practice. According to Tafsir literature, this Quranic verse that allows polygyny was revealed after the battle at Uhud in 625, when many were killed leaving wives and children behind. “…marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice].” Those oppose to polygamy, have had no difficulties in referring to the right of polygyny being introduced because of the sudden maintenance need to take care of widows and orphans, and social reforms ushered / initiated in the early 20th century became guiding to the general Muslim opinion. Still the reformers could never prohibit polygyny completely, because it is allowed by God in the Holy Quran. The modern strategy was to limit it, not to forbid it, and in contemporary Muslim countries of the Middle East and Northern Africa, it is only Turkey and Tunisia which had forbidden polygyny completely? by law.

There is in fact no reliable statistics that shows the prevalence, extent of polygamy, but scholars say that polygamy most frequent occurs in cases where the families need an extra set of hands on deck – as in farmers’ communities – or in the cases where the man is very wealthy.

204 Arabic term for the approved additional literature which support the understandings of the words and meanings in the Holy Quran.
There is every reason to emphasize that the monogamy is the most common form of marriage. Polygamous marriages are hence relatively rare. And the main issue however is that the rights and rules of polygamy can be misused. As couples are allowed to get married in unofficial, unregistered marriages, it can further make the divorce issues very complicated. The example in European countries are many, as well as in Egypt. If the couple decides to get married officially, they need to get divorced officially as well, and this may result in an official divorce, but not being divorced according to Islamic law and rules. The law in many European countries today requires that a marriage is registered both in legal state documents as well as being blessed by the imam at the local mosque, Norway being no exception. The point is that it is in most cases not allowed to only get married in the mosque, and keep the marriage a secret to any legal papers. In reality however, people still do this. In Norway, we have examples that Muslim couples are divorced or not even married according to what is registered in the national registers, because they can in this way be entitled to receive financial aid from the government for example for being a single parent or in order to keep two households and in this way more room for the family or space between the spouses. Important to add here, is it that such cases, examples, are to be found amongst the people no matter what background they might have of religious beliefs or whatever. The point is that since it is no longer allowed after Norwegian marriage law to only register a marriage at a religious instance, but it also have to be registered in the mandatory registers, any believers including Muslims know that such actions are highly immoral as well as against state law and Islamic principles on marriage publicity stipulated in the Islamic Sharia law.

However, such unregistered marriages, or divorces for that sake, makes no major religious problems for the man as he can base his actions on the fact that he according to Islam is allowed to be married to more than one person at the same time. As previously stated, there is hence according to the Holy Quran an issue if in polygynous relations the man is not able to treat his women with absolute just, because marriage should not be perceived as a frame for acts of unjust. But since the woman is not allowed to be married to more than one man at the time, this can in certain cases make her situation problematic if she ever wishes to remarry and she officially is divorced, but not religiously, or vice versa.

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206 Vogt, p. 77-79.
207 Referring to The Holy Quran, Sura 4:3, [http://legacy.quran.com/4/3](http://legacy.quran.com/4/3)
4.10  **CASE 7: POLYGYNOUS MARRIAGE**

**Gudolf** is working as a photographer in Sharm el-Sheikh. Originally, he is from a small village in the east of Egypt. He is married to beautiful Elizabeth from England. They share an apartment in the centre of Sharm el-Sheikh. His wife has a child from a previous marriage who goes to school in England, and therefore, she and her child spend most of their time over there. They usually come to Sharm el-Sheikh in all holidays throughout the year, hence is this what Gudolf always is looking forward to. He tells me that he is always counting the days for their next visit. Gudolf started telling me about his wife the first time we met. I did not announce that I speak and understand Arabic at the time, and at our next sit down together with common friends, one of the other guys started asking him about his children, and that was when I accidentally was informed that Gudolf also was married to an Egyptian woman in his hometown. The next time I saw him, I asked him if it was possible to get an unformal anonymized interview with him about marriage. During the interview, he told me that he was a farmer from a cozy village in the east, and that he was married to his cousin. He had made the move to come out to work in tourism because he had connections that found work for him here, and the main reason for making this decision he says, is that he would never had been able to make the same kind of money back home. With this big step that he took, he also took a step out in the big world; before he came out to these touristic circumstances, he had never seen girls and women walking around in bikinis giving out friendly smiles for free. He had fallen in love with these exquisite circumstances, along with his English wife. It was almost like he had travelled abroad, and now his family and wife back home could not understand his perspective on life anymore. The English wife, who he is married to in the urfi contracted form, is understanding of this world, and to him she is someone that he can enjoy life with in all ways and aspects. By her, he does not get judged nor refused when suggesting something. Karkabi presents one good case in his text “Couples in the Global Margins: Sexuality and Marriage between Egyptian Men and Western Women in South Sinai” similar to this polygynous relationship, where Karkabi’s interview object compares relationships like this:

With the Egyptian…, you have the first and last word. But with the European …, you have to be equal. So if I want to do something, I have to consult her, and if she doesn’t like it, we don’t do it. But with the Egyptian, you can do whatever you want without asking her … The Egyptian woman has to be respectful. It is your [the man’s] word. You control things, and if she wants something, she would come asking you.208

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According to the same man, Karkabi’s interview object, both relationships have advantages and disadvantages relating to his sense of freedom, gender perceptions and sexuality.209

4.11 CASE 8: URFI AS TEMPORARY MARRIAGE

Nilsen is visiting Sharm el-Sheikh. He greets me with a big, greasy smile, and compliments about my beauty. As this is a relative of a colleague of mine, and we are at the opening of a new café, sitting with the owner, I have to be polite and not answer rude to the compliments. They tell me that this man has three wives, he smiles to me again, and I immediately give thanks to God that I didn’t shake anyone’s hand in this particular setting. Nilsen tells me that he likes to watch the girls that are currently dancing on the dancefloor of this new café. I give a comment about these girls being way too young for him to be watching them from any possible perspective, let along admitting it and saying anything to anyone. When talking about his three wives, the other men laughs at Nilsen’s bragging, showcase-like behaviour, while agreeing that dealing with one woman on all those required levels of marriage should be more than enough for any sane man. He answers to these jokes with saying that he has enough land, property, big enough house etc., and this is why he does not see any problem dividing between, providing - and caring for three wives and their offspring. Now, I want to bring the attention back to the young girls on the dancefloor. They are about 14 to top 18 years old. Nilsen is in his 50s. He states that he is married to only three – not four – because he likes to take these vacations with the guys, where he also has the freedom to marry by the urfi form if he should want to.

4.11.1 TEMPORARY MARRIAGE

Haeri states in the preface of her work “Law of Desire” that “Sometimes, temporary marriage is used to reinforce the structure of sexual segregation; at other times as a means of subverting it.”210

Some claims about the urfi marriage union says that it is a form of temporary marriage, in the same category as the two other known and practiced forms of temporary marriage – the muta - and the misyar marriage, respectively imported from Iran and The Arab Gulf. But to these

contracts, there are usually an expiry date stipulated in the contract. The *misyar* contract does not need to have an end date stipulated in it, and the woman in these cases basically agrees that they will not have any rights for instance of receiving maintenance or any form for security in the union, Sheikh Qaradawi has recognized this form of temporary marriage on the principle that for instance educated, independent, professional women themselves are searching for such marital unions without all of the responsibility that a formal marriage brings with it. While in the *muta* union, the woman receives an amount of money or gold before consuming the marriage, and the end date is decided before the beginning of the marriage. However, according to Sunni Muslims, the union of temporary marriage, which was only made allowed for a short time during the Prophet’s followers’ battling away from their wives, in order to not commit adultery or sexual fornication,\(^{211}\) was banned during the reign of the second Caliph.\(^{212}\)

Another situation where people might refer to *urfi* marriages serving to temporary purposes, is in the cases of Egyptian-Foreigner relationships, short-or long-term; either for those who intentionally choose this form of relationship, or for those who have the intention of entering into holy matrimony.

4.11.2 **URFI AND TEMPORARY MARRIAGE**

The expression *temporary* marriage contains several forms of marriage rooted in different causalities, what we call it, however, depends on the actual intention behind entering into the contracted union. Some have no other choice but to resort to such a solution, while others choose to commit fornication or adultery with a religious stamp on it.

The *urfi* marriage is occasionally referred to as a form for temporary marriage. My first thought as a researcher on the subject, is to put a stop to this hypothetic assumption since the customary *urfi* marriage per definition do not belong in this category. However, there are always exceptions. As previously stated, marriage in Islam is not considered a sacrament nor an unbreakable bond between two souls, rather is refers to the contracting of an institutional relationship between a man and a woman and the finalization of the contracting of this union is the first occurrence of sexual intimacy between the two parts, after the woman receiving her *mahr* as a right and form for security. Because marriage basically is the contracting of entering the union of husband and wife, which withholds certain rights and duties to each other, the

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\(^{211}\) Numerous reports on the matter in the Sahih Hadith Literature of Bukhari and Muslim.

contract may also be broken. The understanding of this point is vital when it comes to clarifying that the customary marriage referred to as *urfi* marriage, does not originally belong in the temporary marriage profile. As divorce also is one of the rights included in the original marriage contracting package, the same goes for the customary *urfi* marriage, which evidently does not recall for a stipulated pre-decided termination to the marriage union. The institution of temporary marriage as it reportedly was approved by the Prophet Mohamed at the time of one of his and his followers’ expeditions, needed to include a termination or expiry date of the marital condition in order to be considered as a temporary relation – a reason for this was reportedly to set the concerned woman free when leaving her.  

‘Urwa ibn Zabair reported that ‘Abdullah ibn Zubair stood up (and delivered an address) in Mecca saying:

Allah has made blind the hearts of some people as He deprived them of eyesight that they give religious verdict in favour of temporary marriage, while he was alluding to a person (Ibn ‘Abbas). Ibn Abbas called him and said: You are an uncouth person, devoid of sense. By my life, Mut’a was practiced during the lifetime of the leader of the pious (he meant Allah’s Messenger), and Ibn Zubair said to him: just do it yourselves, and by Allah, if you do that I will stone you with your stones. Ibn Shihab said. Khalid ibn Muhajir ibn Saifullah informed me: While I was sitting in the company of a person, a person came to him and he asked for a religious verdict about Mut’a and he permitted him to do it. Ibn Abu ‘Amrah al-Ansari said to him: Be gentle. It was permitted in- the early days of Islam, (for one) who was driven to it under the stress of necessity just as (the eating of) carrion and the blood and flesh of swine and then Allah intensified (the commands of) His religion and prohibited it (altogether). Ibn Shihab reported: Rabi’ ibn Sabra told me that his father said: I contracted temporary marriage with a woman of Banu ‘Amir for two cloaks during the lifetime of Allah’s Messenger; then he forbade us to do Mut’a. Ibn Shihab said: I heared Rabi’ ibn Sabra narrating it to ‘Umar ibn abd-‘Aziz and I was sitting there.

A lot of misunderstandings about *urfi* marriage being considered as or mentioned as a temporary form of marriage need clarification.

To contract a termination of the marriage is not a part of the original customs surrounding the customary marriage known as *urfi* marriage, since this union initially was not meant to be a temporary relation or condition. However, some of the people involved in such customary unions of marriage may actually refer to themselves as being in temporary marriages. One reason for this is today’s stigmatization of the *urfi* marriage and the stamp of shame in which it has been given from both national and international fronts – from insider and outsiders. Since we already have affirmed some of these fronts, the question then remains: who are the involved parts of *urfi* marriages claiming to be in temporary marriages? As the first reason may include both couples consisting of one foreigner and one Egyptian and the couples consisting of two Egyptians, and basically could refer to couples signing the contract to remain in or attain a relationship outside of marriage allowing them to live together – in their eyes, the word *allowed*.

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213 Found in the Sahih Hadith Literature of Bukhari and Muslim amongst others.

could refer to being allowed according to religion or government, I will call for a second’s reasoning in order to answer the question brought to attention above. The second reason for anyone claiming to be in a temporary marriage when actually temporarily being in a customary contracted urfi marriage, is when a couple resisting of one Egyptian citizen and one foreign citizen have decided to enter into holy matrimony and they are awaiting the procedures for the legalization of their marriage documents to be concluded. Several embassies located in Cairo informs their citizens about this issue, and that with good reasons, as we shall see in the next section of the thesis on urfi marriage in Egypt.

4.12 CASE 9: LEGALIZING MARRIAGE BETWEEN AN EGYPTIAN AND A NON-EGYPTIAN CITIZEN

Anyone who has ever had any experience in dealing with Egyptian authorities, public instances, and their procedures regarding handling any type of document, knows that it is a very complex, complicated and corrupted system. The process of changing one’s civil status from single to married is no exception from such procedures in which one has to go through. It seems that the only way one may possibly ease such procedures is by knowing an official key person in the matter. However, these procedures do not become any easier when an Egyptian citizen wants to marry a foreign citizen. It is actually expected from the authorities that they sign a customary marriage contract before being able to finalize the intertwined process it takes to register their marriage in official records. This fact becomes clear in several online descriptions and instructions on how to enter into marriage in Egypt from lawyers, embassies and consulates located here. I have not included any individual example(s) to showcase in this case, because the cases are so many, and they are also as similar as the discerning man’s everyday dinner. With this base, I instead decided to examine the process of the marriage procedures itself with direct contact with authorities mostly at official offices and instances.

4.12.1 WARNING

The document requirements regarding entering into marriage in Egypt, alongside with the difficulties of complex bureaucratic procedures can conclusively make anyone think twice before they go through with finalizing the official registration of their marriage. Marriage expert Sheri Stritof sets out a warning on the website www.marriage.about.com, last updated 8th February 2016, about the marriage procedures in Egypt:
Getting married in Egypt as a foreigner has become much more complex. Basically, the door has been closed on foreign marriages. If you are planning to get married in Egypt, make sure you understand the requirements and marriage regulations. …You should consult an attorney or the services of a notary since May 12, 2007, news from the U.S. Consular Section of the Embassy is that the Consular Section is not providing the affidavit required by the Egyptian Government to authorize the marriage of a foreigner in Egypt. …Even if you have documents authenticated by the U.S. Department of State, there is no guarantee that the documents will be accepted by the Egyptian government. …It will probably be necessary for you to get a notarized, sworn statement that you are free to marry. Since the Consular Service is not providing this form any longer, if you are an American, you should consult an attorney or the services of a notary. …You will also be asked to state whether you are Muslim, Christian, or Jewish. This document then has to be certified at the Egyptian Ministry of Foreign Affairs. 215

4.12.2 THE PROCESS OF FORMAL MARRIAGE FROM A MORE LOCAL VIEWPOINT

Likewise, when asking the Norwegian Embassy about the matter of how to enter into marriage in Egypt, the information I got was that the official website of the Norwegian Embassy in Cairo has set up a list of the documents which the marriage process in Egypt require.216 However, the list of presumed requirements contains some misunderstandings. For instance, will the Egyptian authorities, according to the Norwegian Embassy, accept all requested documents in English, which is not even a possibility in any public office except for the Department of Foreign Affairs. The document requirements are that personal status, age, name, identification number, religion etc. show, a certificate of no impediment to marriage has to be collected in Norway, stamped at the Department of Foreign Affairs and the Egyptian Embassy in Norway, then a document in Arabic has to be provided from the Norwegian Embassy in Egypt stating all the collected facts, further, the documents have to be brought to the Department of Justice, stamped, then stamped by the Department of Foreign Affairs in Egypt, then at the end of the road, the final product and marriage contract has to be taken to the Department of Registration of marriage documents in Egypt.

After collecting all the documents required and further having them stamped, signed and approved by Egyptian authorities, remains the procedure for the registration of the marriage in Egypt and in the other country concerned. Attorney companies make money in big numbers in cases like these, however, quite a few informs people that in a Foreigner-Egyptian relationship,

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216 Entering into Marriage with an Egyptian Citizen in Egypt, http://www.norway-egypt.org/Norsk/konsular/vigsler/Ekteskaps_inngaelse_med_egyptisk_borger/#.V0c0Zvl97IU
they have no other choice but to write an \textit{urfi} contract in the start, while the attorneys further on take on the process of getting the couples’ marital documentation legalized and registered.

4.12.3 \hspace{1cm} \textbf{IT IS THE ATTORNEY’S GAME}

A little interesting is it, however, that of the attorneys I asked about the matter, and from the two attorneys that I got to interview, some of them claimed that they are writing temporary marriage papers. This is because, 1 – since the \textit{urfi} document, in so many contexts, has a huge taboo stamp across it, it is easier to win the clients over by calling it a temporary solution – while their formal marriage documents are being taken care of. 2 – by applying this practice, of calling it a temporary solution, some will also apply an expire date of the contract – in order to after the expiry date be able to make 200-300 Egyptian pounds or how much they have decided on taking for drawing up these “temporary solution marriage contracts” – while they do their best to stretch the case as much as possible in each situation, the one of legalizing the formal marriage documentation – which they can price around 1500 to 3000. In addition to this, they are able to bring in witnesses to sign what is really an \textit{urfi} marriage contract, for a hundred or a couple of hundred more. However, if the legalization process of the couples’ formal marriages for some reason would not go through the system, the attorneys also offer you their expertise in legalizing the \textit{urfi} marriage contract at the “Department of Registration of marriage in Egypt”. When the legalization process is finalized, a visa for 5 years is granted to the foreign part of the marital union.

The attorneys can do good business on such cases, where the couple persist of one Egyptian citizen and one non-Egyptian citizen, as the non-Egyptian probably is not too familiar with the marital processes in Egypt, and the Egyptian part of the union might not know the difference between the \textit{urfi} contract and a temporary marriage contract – as the attorneys call the contract they provide the couple for a “temporary solution”, and the Egyptian may also feel a hint of shame over the fact that she or he has had to resolve to signing such a contract, not actually knowing that \textit{urfi} marriage in its initial meaning and form is not an illicit union according to Islamic principles as long as the entering into the marital union follows all the guidelines and rules for how it should be done properly.

4.12.4 \hspace{1cm} \textbf{VISA}
The police offices’ public arenas for visa renewal in el-Tor and Sharm el-Sheikh informs tourists that they with an urfi marriage contract may obtain a visa permit to stay here 1 year before next possible renewal. I was informed about this during two interviews, respectively with from two foreign women living in Sinai, and so I personally showed up at the visa offices in both cities to get my information confirmed. In el-Tor they did not directly confirm this, as my way of asking may have scared the employees from answering such a question. At the visa office in Sharm el-Sheikh however, I chose a different way of approach, and they actually went as far as saying that I actually should go for an urfi marriage in order to extend my visa with 1 year at the time, instead of just 6 or 7 months at the time, like I had done up until now. This exact point interestingly gives the urfi marriage contract a certain exalted status when it comes to official documents.

On a counter note; could this also be a reason for couples contracting urfi marriage? As I have not been able to collect any further information about this particular question, I can only try to make a logical guess about the possible existence of such rare cases, as some nationalities in particular may have stricter policies led against them than others, when trying to get a visa granted from Egyptian authorities. Respectively hinted to by East-Europeans located in Sharm el-Sheikh during our conversations. But, I specifically want to underline that this point still remains an assumption, as I have not gone further, deeper into how the Egyptian authorities work and on which terms and stipulations they grant foreigners visas to stay in Egypt. From my viewpoint, it would be almost impossible to find and be able to cover any case of such, as I from my fieldwork believe it would not be easy for anyone to admit to such a condition as writing urfi contracts in order to stay in Egypt for longer timeframes either.

4.13 CASE 10: LEGAL REQUIREMENT FOR LIVING TOGETHER

Magnhild is working in a huge expanding tour-operating company in Sinai, she is located in Dahab. The rules of most employment in tourism and the service industry in Sinai require that the employer provides his employees with shelter and in some cases also food. As Magnhild is a woman, she does not get a bed to sleep in at the staff house, because all of the other workers in the company are males, this would clearly go against law in many ways. Since she is a foreign

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217 I have to point out here that I unfortunately have not been able to find any particular law stating this, and that I do not have knowledge whether or not this rule or guideline only is valid in the South Sinai Governorate. But as I have been employed under the same conditions, I know that this is a general rule in all of Sharm el-Sheikh, Dahab and Tor, and will therefore suppose that it applies for all of the South Sinai Governorate.
citizen resident of Egypt, she is still bound to the laws of her country of origin and not by Egyptian law in the matter of living with men or having any type of intimacy with men outside of marriage, however, any Egyptian male included in such relations or cohabitation is of course bound to Egyptian law, and would be punished with prison in this case. She is therefore forced to take out a small amount of money from the company in addition to her salary to complete the cost of rent of a studio apartment by herself. But, her salary all in total is just near the limit it takes covering the costs of rent, water bill, electric bill, food, and there is no room for any activities outside of work – no chance to sign a gym membership, go swimming at any beach or swimming pool, no coins for taking a coffee with friends on the evenings. The only chance of external work activities that she has is when guests invite her out for coffee, dinner, shopping etc. after guiding their tours during the day. Since the fall in tourism hit Sinai, there are not much tips from the very few tourists she has to deal with, and with the consequence of fall in salary, she decides to move in with a male Egyptian friend who is also in a more difficult financial situation than he normally would be because of the dramatic follows of extreme falls in tourism to Egypt and Sinai in particular after the Russian airplane crashed on Sinai on October 31st 2015. The two of them claim that they are no more than friends, and never will be, but for them to be able to legally live together as roommates like many people do for instance in European countries like the country where Magnhild is from also, they have to write a urfi marriage contract to not get in trouble with Egyptian governmental officials and authorities. This is because the governmental officials in these touristic areas may suddenly come knocking at the residents’ doors, to get a report on who are staying inside these particular walls. Whether or not Magnhild and her friend are having sexual intimacy or not, is not of anybody else’s business, as she points out to me during our conversations, though the both of them unofficially claim to me that the urfi document simply is a piece of paper drawn for them to show to anyone who would have the authority to ask to see such a document, and that the main purpose of withholding this document is because it is financial beneficial for the both of them to live together. Why they would not choose a simpler living condition; living with others of the same sex as them, however, remains their business. Magnhild is well familiar with Egypt and legal requirements and contents in both formal and urfi marriage, as she previously have been formally married to an Egyptian man elsewhere in the country. After her divorce was finalized, she came to work as a tour-guide in Sinai.
I have had conversations with other people in similar situations of choosing this form of cohabitation contexts, where people choose to be roommates across gender limitation, with one Egyptian cohabitant. Mostly, this way of living is influenced by the roommate practice in international contexts, and there are the foreign residents in Egypt who initialize this practice also in Egypt, where this is nowhere near fitting into social norms of any Egyptian community, which is stated by the law, just maybe except the foreigners’. The point of showing this case is however that when an Egyptian citizen is involved in such a situation, an *urfi* marriage document has to be provided in order to avoid any possible punishment from the government’s side. Another setting is it when an Egyptian citizen who is originally based in another country returns to Egypt and suddenly must follow Egyptian laws and legislation again after a longer period without doing so, as I want to show in the following case.

4.14 CASE II: BOYFRIEND-GIRLFRIEND FROM ABROAD

Oluf is a man who enjoys travelling the world. His position in a multinational company allows him to do just that. He appears to be a very open-minded person. During our conversation, he refers a lot to the rich, cultural, well developed and well-educated old Egypt, and how Egyptians have ruined this beautiful country. He also thinks that most people, in the aftermaths of this, have left behind most of their good manners. Oluf has travelled across a lot of countries with his Australian girlfriend. When he took her to Egypt, he admitted that he had to make an *urfi* marriage contract in order for them to stay together at the same hotel, and also in order for him to take her to his family and introduce her to them. This story does not seem very special, as many Egyptian men have to go through with the same procedure when having their girlfriends visiting from abroad. However, *urfi* marriage is an institution accepted by some Muslims in Egypt, and Oluf is Christian. Christians in Egypt generally believes that marriage is a lifelong institution between two souls. I have met several Muslims in Egypt who tells me that they think of marriage in the same way as the Christians, because this is the common custom or tradition, or because they have been surrounded with Christian values as the neighbourhood is mainly Christian or that they have grown up with Christian neighbours or whatever. This basically means that they do not take marriage for being a simple unit, but rather a lifelong commitment between two persons - not three, four or five. Oluf’s example however, shows that Christians also are affected by Muslim examples. But then again, the signing of the *urfi* marriage contract was also something he needed to do for the sake of the government’s restrictions and continuous checks, to withhold the law.
Olga is married to Oddvar, from whom she has given birth to three children. They early gave up the process of trying to legalize their marriage documents to the formal marriage in Egypt, because of the documental difficulties and stress that this process poses to anyone who would try. Olga knows a lot of women of foreign origin in the same situation as her. The husbands and wives are satisfied with their unions. A good thing about one of them being from abroad, is that their children obtain the same nationalities.

Interesting, however, is the existence of an own group blog website for urfi wives called “Orfi Wives Egypt (OWE)” where they state that “Our husbands and their government OWE us our rights!”218 According to this site, the number of urfi wives is growing daily. It has become an epidemic.219 They claim that the urfi marriage contract is not recognized as a legal document in Egypt, even though we through the text have stated that since the year 2000, it is actually up to the two respective parts of the union whether or not they choose to register it in court. Thus urfi wives have no legal rights in this particular union, including maintenance, residency, inheritance in case of death, or alimony in case of divorce etc., their children may possibly be registered as citizens in Egyptian official registries.

The important thing to understand about Orfi marriage is that it absolutely is NOT a legal document recognized by the Egyptian government. In fact, in most cases, it isn’t worth the paper it is printed on, even when drawn up by an attorney! It is basically used as protection in the case of a man and a woman who want to live as husband and wife—in one form or another—but choose NOT to do it legally—for various reasons. Simply, if the couple are caught having sex together, the Orfi document only serves to prevent them from being accused of adultery and/or fornication (zinna) and thus thrown into jail. The police and government officials. The police and government officials may turn their heads in this case, but it doesn’t mean they give the document any legal weight. In fact, in many famous tourist areas in Egypt, such as Sharm al Sheikh, Hurghada, Gouna, North Coast, Mersa Metrouh, etc. both locals and foreigners refer to the Orfi document as “fuck papers”! And they are, basically, good just for that. Not only are they NOT LEGAL, they are NOT ISLAMICLY correct, therefore they are haram (forbidden).220

This statement can surely in many ways illustrate general assumptions about urfi marriages. Some of these assumptions may be founded in real situations, and issues that the urfi contract may provide for some, while others are clearly not based in reality. As an example, I want to point out that I previously in the text have explained, even from a source, that some may in a predominant vogue way see the urfi marriage document as a “fuck paper” like it is stated on this group’s online blog. However, personal experience, opinion, and individuals perceptions of the institution, are vital here – in which one cannot base official, documentary facts upon.

CONCLUSION ON THE CASES AND CAUSALITIES

Regarding the causality factors related to people choosing to enter into urfi marriages, we may mainly divide them into two main categories; contracting urfi marriage in order to safeguard religious principles and laws, or to safeguard one’s position according to governmental procedures. In a country of religious significance to the international Muslim society, modernization factors and sides to society has often, through modern history, been put up against religious traditions and principles as two different variables.

Different people choose to respond to this social layout in different manners. Conservative Islamic extremists formed closed groups in which within, they were practicing the original form of marriage – the urfi form. Financial aspects of Egyptian marriage customs, most often become a considerably heavy burden for young and older unmarried men to bear, and further on almost impossible to complete without being “lucky” – for instance coming from more prominent families, having a breadwinning job, and meeting a girl whose expectations regarding the traditional wedding customs are not in another galaxy. University students formatting “modern”, though mostly secret, boyfriend-girlfriend relationship, get an outlet of sexual tension while trying to keep their sinful acts to a minimal through the use of the urfi marriage contract. Parents who decide to marry off their under-aged sons and daughters need to resolve to the urfi contracting of the matter. Less fortunate families may have to result to giving away their daughters in marriage(s) of prostitutional colours, as for example to rich tourists from the gulf – in short-term or long-term contracted forms of marriage, or the girls may have to go out seeking such “work” themselves in order to survive. Young boys may also have to resort to the same “work”, though entering into such situations from a different entrance point, as they have to search for low-paid work from an early age, they will soon discover the possibilities of earning fast money or at least living a life filled with material goods if they decide to give themselves up for direct or indirect forms of prostitution in forms of the term called sex tourism. In the cases of polygamous relationships of any kind, the urfi marriage may be the only option for the included parties, as in cases where the wife or wives of a man are kept secret from each other because he knows that they will not accept such a union. Other examples of polygamy cases are for women who for some reason have not been able to obtain divorce from their previous husband, but who do not want to spend the rest of their lives unmarried. When the case includes one part who does not have identification documents, hence is not registered in official Egyptian registries, they will have no other choice but resort to marrying in the urfi
form, since a formal registration of marriage will require full names and any proof of identification provided. In order for anyone to be in boyfriend-girlfriend relations, or live together in Egypt, where at least one part is Egyptian, they should write an urfi contract to avoid possible punishment from governmental officers. As the documental requirements and process that a Foreigner and an Egyptian citizen must go through in order to be able to get married to each other formally are often found rather challenging, highly stressful, and almost impossible in the Republic of Egypt, many of couples in this category decide to get married or remain married by the urfi marriage contract. Whether couples swear to secrecy of their union, or spreads the news of it, is also one of the points deciding if the union is licit in front of God or not. The urfi contract can also, though most probably in a very few, seldom cases, serve to show and hopefully keep a promise of love, and a dream about a future together.

As we can read from all these situations, under the two main causalities, further causalities may be complex, compoundly assembled causal factors where mostly all of the included factors possibly can be linked to each other in some way from one or the other side of an urfi institution. From the viewpoint of the cases presented above, the causal factors seem to be a solid mixture of social, economic and religious challenges.

One cannot possibly say that the cause of choosing to enter into urfi marriage is purely about sex or sexuality, as there are different factors and sides to every angle of each specific case. But, from articles and texts written about urfi marriage, it appears clear to me that this particular subject most often is portrayed from the most negative sides to it. And in general it seems like it is almost too easy for the outside audience to judge every involved part in such a taboo institution, especially since it basically is portrayed as a huge step backwards regarding human rights and again women’s rights in particular in Islamic societies. Undeniable is it that marriage as an institution highly considers and takes care of women’s rights as well as men’s rights and their children’s rights.

Evidently, one cannot overlook the fact that stories covering or featuring social issues sell, the problematic sides to anything is on the requested from the readers, it is what they desire to read about, which make reporters and researchers wanting to or resorting to mainly writing about the issues from their most problematic or negative sides. The unknowing, outside-observers’ perceptions on how media portrays urfi marriage as a phenomenon filled with, and maybe even
built on, issues and surrounding problematic contexts, may become a factor in which perspectives this makes them form. Because of this, it is important to highlight that before 1931 in Egypt, all marriages were what we today call *urfi* – customary marriages. The fact that this remained a social constructed and reconstructable variable after the imposed law of 1931 on registering marriages in court records, tells us that there might actually be a social need for the existence of this optional marriage contract.

One pattern that most of the cases mentioned in the text show, is that the *urfi* marriage contract in theory and practice can, and may, be used to verify actions answering to individual, personal needs. Somehow, on the counter side to contemporary society’s perceptions -and portraying of *urfi* marriage, these contracts can then be used on a positive note to answer to individual needs. But the question whether or not this is just occasionally, in some matters, or in most cases, remains unanswered – as there are no certain statistics on the amount of customary marriages present in Egypt today, or their causal factors, available or even existing at all.

An interesting additional question to ask from the side, however, is: Is the *urfi* marriage a more respectable answer to the boyfriend-girlfriend relationships in the West?

5.1 NOTE ON CHALLENGES TO SOCIETY: HUMAN’S AND WOMEN’S RIGHTS

The direct challenges or issues that the institution of *urfi* marriage itself brings to society, are the difficult challenges and threats in which it occasionally poses to human and women’s rights. Since the frames of an *urfi* union does not contain the same rights and duties between the included parts as a formal marriage, it may cause significant, social issues to rise. The question about maintenance and obedience which are generally viewed as the gender roles imposed by marriage, arise, as well as the female not being able to receive alimony in case of divorce, nor inherit anything from her husband in case of death.

But first of all comes the notion on the fact that children without proof of who their fathers are, will not be registered as citizens in Egypt, and therefore not have rights like registered citizens. They will not be able to go to school as they may wish, nor receive an ID card at 16 years of age, and therefore not be able to vote. It will be difficult to get jobs, and impossible to marry after a formal, legal marriage contract or even a legal, registered *urfi* marriage contract – the only choice for them to get married again, would be in an unregistered union of *urfi* marriage.
5.2 CONCLUSIVE WORDS

What does it mean when I in the introduction say that the occurrence of urfi marriage taking place has become normal in contemporary Egyptian societies? Is this a reference to the wider normative social acceptance of the phenomena, or to this being a resolution answering to individual needs on different levels? As the phenomena urfi marriage remains an all-around vague, and at the same time continuously changing instance after request and requirement of society, this particular question also remains unanswered and the future shall show what the final outcomes of this institution will turn into within a context of continuous changes in norms, ideals and the social acceptance of them.

“Urfi marriage is perhaps one of the most contentious sexuality issues”\(^\text{221}\) in which especially affects the disadvantageous people of the society. Disadvantageous people in this case actually meaning a variety of people from different segments of the society; people who are less financially fortune, people who are less fortunate in documental requirements, less fortunate in the bigshot connections- and relations in the Egyptian governmental hierarchical system of public offices and their authorization processes.

The urfi contracting may be used in approving or validating sexual relations and cohabitation between a man and a woman in front of God, or government, or both. It seems that the simple, little paper of an urfi marriage contract gives a kind of comfort and validation to the people signing it. Whether this validation is false, further giving a false validation of it, or not, is more or less up to the intention behind the action itself. Religiously, this contract is considered halal if it answers to all the sharia requirements of entering into marriage.

The choice of entering into urfi marriage contracts is occasionally, though I dare say in many cases, an obvious, continuous and consistent challenge which derives from constant changes and reconstructions of the society’s and the individual’s perception and construction of it. And from the information gained through this thesis, based on the cases portrayed, the urfi union is almost consequently challenging marriage customs and the traditional patterns of gender roles, rights and duties. But in other cases, there are these particular challenges of the customs and traditional gender roles, rights and duties that cause urfi unions to be entered into.

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\(^\text{221}\) Urfi Marriage in Egypt: The Issues, [http://www.arsrc.org/resources/publications/sia/aug05/issue.htm](http://www.arsrc.org/resources/publications/sia/aug05/issue.htm)
As various segments of different parts of the Egyptian national society as well as the international society try to formulate the urfī marriage term into any form and phenomena that fits into the specific context they need the use of it within, it is important to point out that it is a phenomenon which easily can be moulded into almost anything the society wants it to be, as its definition is rather vague. Because of this fact, the urfī marriage contract’s causalities are to be considered extensively complex.

What it all comes down to in the end is which factors and contexts that initialize the signing of this document, and based on which motives and intentions. In some settings, when the urfī marriage derive from taking decisions of wrongdoing, it is to be considered a haram act, while in other settings, it is halal – as long as it answers to all the Islamic principles and elements which a marriage accordingly should include. It is basically all about the intention.
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