



'Urfi marriage, an Egyptian Version of Cohabitation?¹

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Introduction

In Egypt, the term '*urfi*² in relation to marriage means literally "customary" marriage, something that has always existed in Egypt but nowadays tends mostly to be secretly practiced among young people. Traditionally, according to Abaza,³ '*urfi* marriage took place not only for practical purposes (such as enabling widows to remarry while keeping the state pension of their deceased husbands), but also as a way of matchmaking across classes (since men from the upper classes used '*urfi* marriage as a way of marrying a second wife from a lower social class). In this way a man could satisfy his sexual desires while retaining his honor by preserving his marriage to the first wife and his position in the community to which he belonged, and keeping his second marriage secret.

It is possible to maintain the secrecy of '*urfi* marriage, not only because it is unregistered in the courts, but also because the couple typically do not establish a joint home when they are involved in this type of marriage. Living in their respective houses, they are rather bound to each other as husband and wife through the unregistered marriage contract and sexual intercourse. Thus, in the current socio-cultural context in Egypt, an '*urfi*

marriage is more likely to be perceived as a "secret" marriage.

The aim of this paper is to explore whether '*urfi* marriage is legitimate or illegitimate from the perspective of Islamic law. In addition, through introducing examples of similar marriage customs practiced in Saudi Arabia and Iran, I explore gender-specific notions of '*urfi* marriage. Finally, I analyze the reasons why '*urfi* marriage prevails among young people in contemporary Egypt, and discuss these reasons in the context of the politico-economic situations that face young people today.

In order to explore the trend, I conducted unstructured in-depth interviews with 54 individuals from the younger generation and 11 from the parents' generation, all of whom were Muslim and from Cairo's upper- and middle-classes. Among the 54 young people, 23 were male and 31 were female, and among the parents' generation, there were five males and six females. The age range of the young people varied from the late teens (mostly students at the AUC, Cairo University or 'Ain Shams University) to the early thirties (people who were in work, having completed their university education). As for the parents' generation, they had married in the late 1960s

or the early 1970s, and had had work experience following university education.

Legitimate Marriage from the Islamic Legal Perspective

Marriage, divorce, and inheritance in Egypt have been governed not by the Civil Code but by *shari'a* (Islamic law), which was codified in 1920 and 1929 as Personal Status Law.⁴ Islamic law stipulates the “fundamentals” of marriage and “preconditions” for its validity.⁵ According to the Personal Status Law, several conditions should be met for marriage to be legally bound, and these include the existence of *syghah* (form), which consists of *ijab* (response) and *qbul* (acceptance); the principles with regard to the prospective husband and wife;⁶ and the existence of a *wali* (a legal guardian) and a *maudhun* (a registrar of marriage), and *mahr* (dowry) given from a groom’s side to a bride for confirming marriage.⁷ Very few religious leaders accept that a woman can marry on her own initiative. Rather, the majority of them take the view that “No marriage is valid when contracted by a woman on her own behalf.”⁸ Islamic law stipulates that the *wali* should be one of her paternal Muslim male relatives (usually the father), who must be sane, mature, and ‘*adl* (of good character), and not be in a state of *ihram* (ritual consecration of the Mecca pilgrim) for the *hajj* (pilgrimage) or ‘*umra* (a lesser pilgrimage).

Islamic law also states that two witnesses must be present at the signing of the marriage contract to ensure the correctness of the conditions of marriage. They are typically selected from among the relatives or friends of each family. The two witnesses have to attest that there are no legal impediments to the marriage, such as, for example, if the couple is in a blood, foster, or affinal relationship;⁹ if a previous marriage or triple divorce exists; if there is social inequality or a difference of religion; or if temporary obstacles are present, such as ‘*idda* (referring to a period of waiting by the woman following a previous marriage and before becoming engaged in another marriage).¹⁰ In addition to the role of attesting the validity of the couple’s marriage, the two witnesses play another significant role, which is to proclaim and announce (*ishuhar* and *i’lan*) the marriage to the public.

According to Islamic tradition and custom, announcing the marriage to the public is a way of separating “what is permitted (*al-halal*) from what is prohibited (*al-haram*)”.¹¹ Traditionally, neighbors were notified of a marriage by means of gunfire, the ululations of women, henna patterning stained on the skin, and loud music in the home of the bride’s parents. Today, however, in the era of globalization when highly-advanced technologies

make the interconnectedness of people ever stronger, the internet has emerged among young people as a way of publicly announcing a couple’s marriage.

‘Urfi Marriage and Similar Marriage Patterns in the Middle East

Nowadays, Egyptian television programs and films often deal with the theme of ‘*urfi* marriage as practiced among young people. Even though it is difficult to obtain an accurate sense of its prevalence because of its clandestine nature, it is thought that ‘*urfi* marriage is quite prevalent especially among university students, and that it threatens what seems to be an “Islamic” or “legitimate” way of marriage. The following paragraphs describe scenes from one soap opera that was showing on Egyptian television, and which caught my attention when I was carrying out my research in 2001.

In one scene, a woman who is lying in a luxurious bedroom refuses to eat a meal brought to her by her mother. In another scene, a man sits alone in a humble room suffering from heartache because he cannot meet his lover. Suddenly, he stands up and decides that he will take his lover away from the house while her mother (who opposes their marriage because of the differences in social status) is absent. The man and the woman succeed in escaping from the house. In the shadow of the Pyramids, they whisper words of love to each other in the sunset, and decide to make their relationship bound through an ‘*urfi* marriage.

The scene changes and a group of young men and women set off to the seaside in a rented minibus. While on the bus, they sing and drum to express their great joy. Arriving at the beach, each couple walks along the seashore exchanging affirmations of love. With their friends around them, they all act as witnesses for each other, and all sign marriage contracts. Each couple is now married, and they all head for a bungalow to consummate their marriages, except for one pair who are arguing. Having signed the marriage contract, the woman is hesitant about consummating the marriage, and the man angrily leaves her.

The scene changes again. The first couple, who have been married on that day by ‘*urfi* style, are outside the woman’s house in the dark. They are reluctant to leave each other, but finally she enters her house after they have agreed to meet the following day.

If we analyze the scenes described in the soap opera from the perspective of legal marriage discussed in the former section, it will be obvious that ‘*urfi* marriage lacks some of the most important conditions required for the legitimate Islamic way of marriage, e.g., the existence of a



legal guardian, a *wali*, and a registrar of marriage, a *maudhun*. In this regard, the recent 'urfi marriages practiced among young people have raised substantial debate concerning its legitimacy.

For instance, from a religious and legal perspective, 'urfi marriage might be seen by some people as legitimate because it satisfies some of the important requirements of marriage, such as *mahr* and the two witnesses. In 'urfi marriage, the marriage can be completed by payment of a minimal amount of *mahr*, such as 25 Egyptian piasters (i.e., around five American cents and three UK pence), that is offered by a groom to a bride as a symbolic gesture, and by the presence of two witnesses. These witnesses do not necessarily have to attest to marriage impediments, and in fact they can be picked at random from strangers in the street or, as the soap opera illustrated, from friends on a university campus.

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However, most Cairenes perceive 'urfi marriage as illegitimate since, in addition to the lack of a *wali* and a *maudhun*, it does not publicize marriage through

ishuhar and *i'lan*. More significantly, because the contract is not legally binding on the couple's marriage, termination of marriage can be reached through removing the contract.

From a socio-cultural perspective, many regard 'urfi marriage, along with its similar counterparts of *misyar*¹² (ambulant, shifting, traveling) and *mut'a* (enjoyment or pleasure) marriage practiced respectively in Saudi Arabia and Iran as a form of "legalized prostitution."¹³ In the *misyar* pattern of marriage, no economic obligations are requested from the man. In this type of marriage, the woman waives some of the rights she would have in an Islamic marriage. *Misyar* marriage sometimes happens among women who are getting older and are finding it increasingly difficult to marry. Therefore, rather than remaining unmarried, they choose to marry a man who is not able to fulfill normal marital responsibilities such as financial maintenance, or spending adequate time with her.

As for the *mut'a* type of marriage, it is generally practiced among the Shi'ites in Iran, and refers to a conditional arrangement by which the period of marriage between a couple is limited. From the historical point of view, this

type of marriage was believed to prevent adultery. A mufti wrote about the origin of the *mut'a* marriage:

It was initially permitted because the Muslims were passing through what might be called a period of transition from *jahiliyya* (the pre-Islamic period) to Islam. Fornication was widespread among the Arabs before the advent of Islam. After Islam, when Muslims were required to go on military expeditions, they were under great pressure as a result of being away from their wives for long periods of time. Some of the believers were strong in faith, but others were weak. The weak in faith feared that they would be tempted to commit adultery, which is a major sin, while the staunch in faith, on the contrary, were ready to castrate themselves... thus *mut'ah* marriage provided a solution to the dilemma in which both the weak and the strong found themselves. It was also a step toward the final legalization of the complete marital life in which the objectives of permanence, chastity, reproduction, love, and mercy, as well as the widening of the circle of relationships through marriage ties were to be realized.¹⁴

In discussing the ambiguity between *mut'a* marriage and prostitution, Haeri suggests that the more educat-



Picture Credit: Ayman Mroueh

ed, urban Iranian middle-classes perceive *mut'a* as legalized prostitution, whereas the more religiously-inclined Iranians view it as an Islamic substitute for the "decadent" Western style of "free" male-female association.¹⁵ Interestingly, her discussion goes further into the various male-female perceptions of *mut'a* marriage. For instance, Iranian women confer many more meanings on *mut'a* marriage than men do, hoping for the marriage to be long lasting even if it does not become permanent.

Furthermore, while women view the *mut'a* marriage as a mechanism to facilitate a transition from their "flawed" marital status (as divorced or widowed women) to a "normal" one (as married women), men regard *mut'a* marriage as a pleasurable sport, viewing women as provisional objects who will satisfy repressed sexual needs and will take them away from the routines of daily life. In this respect, women perceive their temporary husbands as their main source of sustenance, whereas men view women as adding to their lives. Men generally assume that a woman is motivated to seek *mut'a* marriage because she will benefit from having her financial needs met, while women believe that a man marries mainly for sexual satisfaction.¹⁶

In Cairo, as in urban areas in Iran, there are noticeable differences between men and women in their attitudes towards *'urfi* marriage. For instance, while women deny the option of marrying in the *'urfi* tradition, men are more open to the possibility. This is mainly because women in *'urfi* marriages are more vulnerable to the likely termination of a marriage through the removal of the unregistered contract, not to mention the lack of the legal rights, such as *mahr* that are bestowed in Islam. Asmaa,¹⁷ a 21 year-old woman graduate of 'Ain Shams University commented:

Two conditions are required in marriage in Islam. You must write it down in your research! They are publication (*ishuhar*) and announcement (*i'lan*). *Ishuhar* and *i'lan* mean all people should know that this man is married to this woman, and these are the most important conditions in marriage. This is the basic condition in Islam. Therefore, according to *shari'a*, *'urfi* marriage is wrong. I object strongly to *'urfi* marriage because nobody knows of the existence of a marriage of that sort except the couple and it's done merely on paperwork, and lacks the most important condition in Islamic marriage, which is *ishuhar* and *i'lan*. The marriage will be terminated the minute that they tear the paper up.

As Asmaa indicates, due to the secretive nature of an *'urfi* marriage, it is difficult to prove the existence of a marriage in the courts should the marriage be terminated.

Men, however, are more relaxed towards *'urfi* marriage. Ahmed, a 27 year-old man and graduate of the Law Department at Cairo University who was unemployed at the time of the interview, described his experience:

I was once involved in an *'urfi* marriage. She agreed to the *'urfi* marriage because her father was in Saudi Arabia, which did not allow us to take steps toward formal marriage. We maintained this relationship for three months before we broke up. Two of my friends witnessed the marriage and we signed the contract, but it was over once we tore up the contract. When I first signed the marriage contract I had intended to have a formal marriage with her when conditions around me had improved and would enable me to go ahead with a formal marriage. However, after living with her for three months, I wanted to break up the relationship because our personalities did not match. When our relationship ended, I was relieved because I could escape from all of its commitments and responsibilities.

When I continued to question him about his family's reaction towards the *'urfi* marriage in which he had been involved and which he had brought to an end, he said:

When my family found out that I was involved in an *'urfi* marriage, my sister and my father were furious [his sister had taken on the role of his mother after his parents had divorced], but it was just for a short time. Usually the man's family reacts much less forcefully to this type of marriage than the woman's family.

This double moral standard towards *'urfi* marriage appears to have originated in the discourse on sexuality and the patriarchal notion of honor and shame in Egypt, in which women's honor is mainly related to a sexuality that remains tied to notions of chastity, virginity, and especially the preservation of the hymen. Therefore, if the *'urfi* marriage does not end satisfactorily with the formal type of marriage, some women, reportedly, will have the hymen surgically repaired.

According to Kandela, Egypt is becoming an Arab center for performing illegal operations for the repair of hymens. Women from various Arab Gulf countries who have lost their virginity flock to Egypt for hymen operations to enable them to marry without the risk of a scandal, or to avoid shaming their families by their misconduct before marriage. Women pay from US\$100 to US\$600 for the hymen to be restored, with the prices differing according to their social status as well as to the place of operation (i.e., depending on whether it is done in a clinic or in a private house). During the operation, a gelatin capsule containing a blood-like substance is



stitched into place so that on the wedding night, when it bursts during intercourse, the groom will be convinced of the bride's virginity.

Religious opinion in Islam with regard to hymen repair surgery is divided. One party states that repairing the hymen is not permissible at all, mainly because (a) it could lead to the mixing of heredity if a woman should become pregnant from a previous liaison, then marry another man after having the operation; (b) it would cause the individual to commit *'awrah* (by showing and exposing parts of her body to others); (c) it will make it easy for women to commit *zina* (adultery and fornication), since they know that they can have their hymen repaired afterwards; and (d) it is a kind of deceit that is forbidden in Islam.¹⁸ The other view is more flexible, saying that if a woman is innocent of any immoral behavior, it is permitted for her to have the operation in order to remove any suspicions about her chastity and morality.

Why Select 'Urfi Marriage?

The alleged prevalence of 'urfi marriage is understandable in the context of the severe socio-economic problems that affect young Egyptians. These include high and increasing rates of unemployment; the escalating economic burden of marriage as a result of high expectations of living standards, as well as the pressure and desire to maintain high standards of marital life; lack of affordable accommodation; the accessibility of sexually-explicit

materials on the internet, satellite television, and video-tapes that coexist with the hostile environment towards expressive sexuality in the Islamic context; the absence of parents, who may have migrated to the Gulf area; or parental opposition to the partner chosen by their children.

According to Abaza, 'urfi marriage arises as a compromise solution for young people who negotiate between what is required by Islamic norms and sexual tensions. However, economic constraints probably represent the factor most responsible for the growing prevalence of 'urfi marriage. As for the supposedly widespread 'urfi marriage phenomenon prevailing among Cairenes, Abu Fatima who was married in the 1960s commented:

When my family found out that I was involved in an 'urfi marriage, my sister and my father were furious...

'Urfi marriage is widespread among university students. It's because they lack economic opportunities. In our generation, we did not need to have 'urfi marriage. We used to go through the marriage process step by step. It was simpler in the past. We were engaged, rented an apartment, and then got married. However, when the young people want to marry nowadays, they are expected to buy an apartment and a car, and they should also bring extra things which all require money. But they have nothing. They want to have it all, but they cannot afford to.

As the informant suggests, the desire for, and expectation of a high standard of living is inseparable from the growing prevalence of 'urfi marriage. In addition to economic constraints, the university setting also influences the decision of young men and women to marry. According to interviews, students at the American University in Cairo were less keen to marry in the 'urfi tradition. The common attitude among many AUC students was: "We don't need it, but it's very common in the Egyptian universities because they have less freedom than we have." The student's comment implies that an oppressive environment towards liberal expressions of sexuality is one of the reasons fostering 'urfi marriage in Egypt.

Far from negligible, too, are the patterns of 'urfi marriage practiced between foreigners and Egyptians, especially at tourist and resort destinations such as Luxor, Alexandria, and Sharm al-Shaikh. This type of 'urfi marriage is particularly noticeable among Western women who are less restricted from expressing their sexual desire, and young Egyptian men who are not financially ready for marriage and are therefore unable to make a formal proposal to an Egyptian woman.

Conclusion

From the discussion above, I argue that 'urfi marriage can be seen as an Egyptian version of cohabitation, although its approach to the practicing of sexual intercourse is different from what is typically found in "Western" types of cohabitation. What they have in common is the need to compromise so as to achieve a balance between meeting a couple's sexual desires and reducing the economic constraints that confront them.

In 'urfi marriage, young Egyptian couples try to conduct their relationships within the boundaries of what is considered to be "legitimate" by Islamic standards, even though several conditions are missing. In order to meet the legal requirements of marriage, as well as escaping from feelings of guilt, young men involved in 'urfi marriage today provide women with a symbolic amount of *mahr* and arrange for two witnesses who are often ran-

domly selected from among strangers. Therefore, 'urfi marriage provides a "good excuse" for young people who are trying to negotiate between their sexual desire and the legitimacy of the marriage under the name of a custom and tradition.

'Urfi marriage practiced among young people in Cairo needs further research with regard to whether it is possible for 'urfi marriage to be transferred to "legitimate" Islamic marriage, and to establish the legal position of the children born to a couple who have married in an 'urfi way.

END NOTES

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1. This paper is based on fieldwork conducted from September 2001 to August 2002 to ascertain "how global consumerism has influenced the marriage pattern among young middle- and upper-class Muslims in contemporary Cairo". My special thanks go to the Institute for Gender and Women's Studies at the American University in Cairo (AUC), where I was affiliated as a research fellow. The Institute offered an academic home during my fieldwork period. I also thank Professor Cynthia Nelson for acting as my mentor during my residence in Cairo, and my supervisor Dr. Nadjie S. Al-Ali at the University of Exeter (UK) who is continually supportive of my research. This paper, which is an integral part of my PhD thesis, was revised following presentation at the conference organized by the Korean Association of Middle East Studies in May 2004 at KunKuk University in Seoul. Many thanks go to the commentators.

2. Transliteration of Arabic basically follows the ALA-LC Romanization manual. However, in order to preserve the Cairene pronunciation of Arabic, I replaced j with g and dropped the pronunciation of q. I also omitted diacritics except 'ayn. All Arabic words, except for proper names and standard English forms, are italicized.

3. Abaza, 20

4. *ibid.*

5. The marriage contract contains "fundamentals" and "preconditions". Fundamentals are things that are indispensable, whereas preconditions are things that are not necessary as an actual part of the contract ('Uthman, 21).

6. Islamic law outlines preconditions for the husband and wife. The husband should be a Muslim. It is unlawful for a Muslim woman to marry a non-Muslim. The man should have fewer than four wives. The wife should be clearly specified in the contract. Men should be mature and sane. Men are prohibited from marrying if they are on *ihram* for *hajj* or *'umra*. Men are also prohibited under Islamic law from marrying close kin. Women too should not be on *ihram*, should not be married and should agree willingly to marry. Like men, women are prohibited from marrying close kin ('Uthman, 25-34).

7. 'Uthman, 21-47

8. *ibid.*: 35

9. Chapter 4, verse 23, of the Qur'an stipulates those relations who men are prohibited from marrying: "Forbidden unto you are your mothers, your daughters, and your sisters, and your father's sisters, and your mother's sisters, and your brother's daughters, and your sister's daughters, and your foster-mothers, and your foster sisters, and your mothers-in-law, and your stepdaughters who are under your protection [born] of your women unto whom ye have gone in – but if ye have not gone into them, then it is no sin for you

[to marry their daughters] – and the wives of your sons who [spring] from your own loins. And [it is forbidden unto you] that ye should have two sisters together, except what hath already happened [of that nature] in the past. Oh! Allah is ever forgiving, Merciful" (Pickthall, cited in Antoun, 122-3).

10. *Ibid.*, 122

11. Umran, 14

12. There has been dispute between Shi'ites and Sunnis concerning the legitimacy of *mut'a* marriage. While the Shi'ites legitimize the *mut'a* marriage, the Sunnis argue that *mut'a* is not legitimate marriage because intercourse is lawful only within the permanent marriage or slave ownership (Haeri, 61-62).

13. Abaza, 20

14. "Mut'ah Marriage", "<http://www.islamonline.net>"

15. Haeri, 6

16. *ibid.*: 206-7

17. All names are pseudonyms, to protect the privacy of the respondents.

18. From "Hymen Repair Surgery,"

<http://www.islamonline.net>

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