



LUND UNIVERSITY

Review of Mulki al-Sharmani, Gender Justice and Legal Reform in Egypt: Negotiating Muslim Family Law.

Lindbekk, Monika

Published in:
Religion and Gender

2019

Document Version:
Peer reviewed version (aka post-print)

[Link to publication](#)

Citation for published version (APA):
Lindbekk, M. (2019). Review of Mulki al-Sharmani, Gender Justice and Legal Reform in Egypt: Negotiating Muslim Family Law. *Religion and Gender*, 9(1).

Total number of authors:
1

General rights

Unless other specific re-use rights are stated the following general rights apply:
Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Read more about Creative commons licenses: <https://creativecommons.org/licenses/>

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

LUND UNIVERSITY

PO Box 117
221 00 Lund
+46 46-222 00 00

Mulki al-Sharmani, *Gender Justice and Legal Reform in Egypt: Negotiating Muslim Family Law*, AUC Press 2018, 224 pp., ISBN 9789774167751.

The book by author Mulki al-Sharmani—an Academy of Finland research fellow and docent at the Faculty of Theology at the University of Finland—is a multidimensional inquiry based on ethnographic work in Egypt's family courts. The book departs from the premise that Muslim family law has been the main domain where women face inequalities. This is amplified by the fact that Muslim family law faithfully adheres to traditional constructs of masculinity and femininity by obliging the husband to provide for his wife in exchange for her obedience (*ta'ā*). Because of the intimate connection between Muslim family legislation and Islamic law, family law reform is a contentious issue. Yet, in the period from 2000–2005, a series of significant reforms were passed, which challenged male authority in the family. Most significant of these was the so-called law of *khul'* from 2000 which entitled the wife the right to separate from her husband based on her unilateral expression of resentment. She should also renounce her outstanding financial rights, restore the prompt dower to her husband and go through reconciliation sessions. Then, in 2004, specialized mediation-based family courts were introduced. The aim behind the court reform was to provide litigants with a more accessible and efficient justice system, a goal supported by international donors.

The book consists of five chapters. The first chapter of the book fills a gap in the scholarly literature on the implementation of *sharia*-derived legislation in Egypt by looking at the understandings and goals of different actors who were involved in the creation of therapeutic, problem-solving, family-friendly justice system in 2004. The book adopts a novel perspective by arguing that not only the content of the law matters, but also the process of enacting the law. Thus, the rushed and top-down nature of the reform process which failed to take into account the reservations of various nongovernmental organizations have resulted in gaps and contradictions. The author convincingly argues that the family courts fail to provide disputants with a therapeutic, problem-solving and family-friendly legal system as a result of these gaps.

Chapter 2 and 3 examine the legal agency of women and how they experience the legal process. While Egyptian judicial practice is multi-layered, al-Sharmani finds in chapter 2 that some discourses are more dominant than others: among these is a prevalent notion of *qiwamah*—male guardianship or authority—and underlying assumptions about women as the dependents of men in the realm of the family despite the significant legal reform enacted at the beginning of the 21st century. The author convincingly argues that the dual gender discourses can be attributed to a disconnect between legal and cultural

constructions of marital roles on the one hand, and the complex lived realities of men and women on the other. As a consequence of this disconnect many men are unable to discharge their economic obligations as dictated by classic Islamic law and modern personal status codes. Meanwhile, chapter 3 examines the opportunities and challenges experienced by women seeking judicial divorce through *khul'* based on interviews with 131 female plaintiffs. Here, the author builds on Nadia Sonneveld's book *Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life* from 2012, and argues that while women from all walks of life petition for *khul'*, it is particularly poor women who use it as a strategy for navigating difficult marginalized lives of urban poverty. Al-Sharmani demonstrates that knowledgeability of the law combined with the role their families play out in the decision-making about legal option.

Chapter 4 and 5 venture outside the courtroom. Crucially, chapter 4, which carries the title "Love and Other Matters", shows the relevance of 2000s family law reforms beyond the courtrooms by examining the impact of the new laws on societal discourses and practices of marriage. Corroborating recent studies, the book shows that implementation of the *khul'* law has become more standardized and streamlined since the time of the law's passing. Although family law reform remains contested in marriage norms and practices, judicial divorce through *khul'* appears to have become less controversial than it was following its promulgation in 2000. At another level of analysis, chapter 5 looks at initiatives for further family law reform. The author develops previous insights by looking at how family law intersects with prevalent socio-religious discourses, and she investigates the goals and perspectives of women activists who attempted to extend women's rights under Muslim personal status law before the 2011 revolution.

While much existing scholarship focuses on the constraining role of Islam as it exists in the form of legal codes, al-Sharmani provides a new perspective by looking at the ways in which the Islamic legal tradition is invoked as a normative resource in modern arguments by diverse actors in the context of Egypt. While some of the law proposals examined have a long lineage (minimum age of marriage, curbing men's right of polygamy and repudiation, and expanding women's access to judicial divorce), new ground is being broken by proposed reforms that seek to cast marital relational commitments as shared. These normative shifts have to be seen in the light of the previously discussed renegotiation of gender relations. The book concludes with some words on the trajectory of reform initiatives in the wake of the January 25 revolution. Taken as a whole, the author finds that for the time being, the dynamics of family law reform and especially the top-down and rushed manner in which *shari'a* is defined have not been disrupted in post-2011 Egypt.