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Power, politics & resistance: secularism and women's marital rights in Egypt and Iran

Samantha Louden-Cooke

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Power, politics & resistance: secularism and women's marital rights in Egypt and Iran

Samantha Louden-Cooke ⬤

Natural, Social and Sport Sciences, University of Gloucestershire, Gloucestershire, England

ABSTRACT

Family law in the Middle East North Africa region has been critically scrutinized by both adherents to Islam and Western observers. There is consensus between both traditions that secularism has had no meaningful impact on women's marital rights due to Islam's continued influence on socio-cultural and legal practices. Building on this, this article examines the effects of the secular nature of Egypt and Iran, between 1900 and 1939, on women's marital rights. Contributing to the current literature by examining two countries which are rarely exclusively compared in this field, significant insights into the relationship between gender equality, marriage, and secularism emerge through interpretive textual analyses of memoirs and laws. It illustrates how secular identities affect marital laws; the importance of the political environment within the state, and how secularism is a tool for pursuing or challenging power. This article challenges homogenizing assumptions that secularism had limited effects on marital laws.

Introduction

Women's rights in the Middle East North Africa (MENA) region are a point of contention among politicians, activists, scholars and the wider-observing audience. Female agency in marriage remains problematic, with child marriages being a focal point. In 2008, the Egyptian Child Act set the minimum age of marriage at 18; however, younger persons in more rural areas are still vulnerable.[1] In 2002, Iranian law increased marital ages slights to 13 and 15 years old for girls and boys, respectively, with it being possible to marry individuals no younger than 9 with parental consent.[2] This reform saw a marginal increase from the previous 1982 reforms which reversed the 1934 and 1975 increases in age. The 2002 and 2008 ages are the current ages recognized in each state, unless otherwise stipulated in law.

CONTACT Samantha Louden-Cooke ✉ scooke1@glos.ac.uk ⬚ University of Gloucestershire

[1]See, for example, Walaa Ali, 'Government's efforts to fight early marriage' *Egypt Today*, 23 January 2019 https://www.egypttoday.com/Article/2/63762/Government's-efforts-to-fight-early-marriage ; OECD. n.d. https://www.oecd.org/social/family/.

[2]Iranhumanrights.org 'Bill to ban child marriages in Iran facing implacable opposition by religious conservatives'. December 212,018, https://iranhumanrights.org/2018/12/bill-to-ban-child-marriages-in-iran-facing-implacable-opposition-by-religious-conservatives/.

Concerns of this nature are not, however, new, with women's rights in family law being one of the main points of departure for early twentieth-century women's rights movements. In order to understand their objectives and obstacles being faced, this article steps back to the 1920s and 1930s Egypt and Iran to explore the effects of secularism on the development of family law. By focusing on these two prominent states, which were both considered key access points to the region and stepping stones to India for Britain, it is possible to gain insights into the effects of external influences on political and religious engagements by state leaders and populations as they sought to develop their identities in the international arena. With Imperial Britain having strong influences in both states, with their presence being more direct through the colonization of Egypt, it is possible to see how forms of oppression were clustered in some instances, with nationalist and feminist rhetorics sometimes converging.

As both states sought to develop their own identities in a post-war era still heavily shaped by the European Empire and the demise of the Ottoman Empire, the establishment and implementation of their first written constitutions in Iran (1906) and Egypt (1923) marked significant points in the political and legal frameworks of each state. With this in mind, the exploration of family law and individuals advocating for increased equality will provide insights into their social, political and religious positions and how this reflects and speaks to secular influences on gender equality in family law during this epoch.

To explore the effects of secularism on women's marital rights in Egypt and Iran during this period, an interpretive textual analysis of laws,[3] personal accounts[4] and independent research[5] will be undertaken within a postcolonial feminist framework, whilst simultaneously utilizing Yoder and Kahn's three power typologies: power-to, interpersonal power-over, and power-over.[6] The first model relates to 'the control one feels over one's own thoughts, feelings and behaviours . . . ', in contradistinction to having power over another person.[7] The second concentrates on dichotomies, where 'one person has the power to influence another within a specific relationship such as marriage, and at its lowest level can be analysed as a personality trait'.[8] The third happened with respect to women and power, spanning the broader concept of patriarchy and the sexual and socio-political inequalities which accompany it. Through the identification of different power structures, such as colonialism, religion and patriarchy, and the adoption of these different models, insights into various forms of power and restrictions became evident through this linguistic analysis.

This type of investigation also views culture as a form of account, with certain texts relating (in)directly to broader areas of society. Contrariwise, it is posited that 'a politics of interpretation' requires a working definition of ideology which reflects the broad perceptions of 'individual consciousness and will'.[9] The method of textual analysis consequently examines how identities are created within texts.

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[3]Section 1035 & 1036 in Ali Reza Naqvi, 1968. 'The Family Laws of Iran (II)', *Islamic Studies* 7(2).

[4]Huda Shaarawi/Margot Badran (ed.) *Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*, (New York: Feminist Press at the City University of New York, 1987).

[5]Doria Shafik, '*La Femme et Le Droit Religieux: De L'Égypte Contemporaine*'. (Paris, Libraire Orientaliste Paul Geuthner, 1940).

[6]Janice D. Yoder and Arnold S. Kahn, 1992, 'Towards a Feminist Understanding of Women and Power', *Psychology of Women Quarterly* 16(4): 381–388.

[7]Ibid., 384.

[8]Ibid., 382–384.

[9]Gayatri Chakravorty Spivak, *In Other Worlds*. (Oxon: Routledge Classics, 1987), 161.

Researcher identity is also considered, with trying to speak on behalf of 'participants' being warned against[10] or concerns about endeavouring 'to work on their behalf to help them rise up'[11] emerging prominently. Subsequently, this research's findings do not intend to homogenize or be representative of women and their experiences. Instead, analyses of personal experiences, recorded in memoirs, of some prominent women provide insights into what they experienced and how they perceived events.

With this in mind, this article makes three key contributions to regional, religious and identity politics. First, it compares Egypt and Iran, two states which had not been exclusively compared prior to this project, permitting greater understandings of personal experiences and legal reforms. The methodological approach is the second contribution, with interpretive textual analysis giving perspectives towards the underlying connotations of individual's records and legal texts. Third, postcolonial feminism is intertwined with Yoder and Kahn's three power typologies.[12] Consequently, transecting variables such as location, gender and class contribute to linguistic analysis when partnered with varying power structures. The main protagonists who's challenging such power structures are engaged with are upper-middle class Egyptians Huda Shaarawi and Doria Shafik, and Iranian Royalty Taj al-Sultaneh and Sattareh Farman Farmaian; these individuals are not representative of all experiences.

Three significant observations also arise. Although clarity over the meaning of 'secular' and its various suffixes is limited, this article follows and further develops the notion of secularity as 'the retreat of religion from public life'.[13] Firstly, it is apparent that colonial encounters are a primary reason for the different introductions of secularism to each state, and Cooke's 'internal' and 'external' secularism are therefore used to underpin these differences.[14] [15]'Internal' reflects the role of Reza Khan's modernization project in implementing secularism and 'external' denotes Egypt's experience with colonization. Secondly, secularism is a multipurpose tool for engaging with power. Government generated state identities make its use to pursue power visible, with its potential to challenge power being observable through citizen's participation in resistance movements. This speaks to the final reflection that colonial encounters can be more substantial than religious elucidations for the political stability of the state.

This article begins by outlining the social contexts in each state and for each individual. It then moves to compare the positions and experiences of the individuals whose experiences are drawn on and how they relate to the laws. Finally, the article highlights the impact of their positions to highlight the confrontation between secularism, tradition and feminism before concluding that the secular nature of the state did impact women's marital rights in both states and is indicative of wider patterns across the MENA region.

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[10]Paulo Freire, *Pedagogy of the oppressed*. (New York: Continuum, 2000).

[11]Brian Bourke, 2014. 'Positionality: Reflecting on the research process'. *The Qualitative Report*, 19(33), 3.

[12]Yoder and Kahn, 'Towards a Feminist Understanding of Women and Power', 381–388.

[13]Charles Taylor, *A Secular Age* (London: The Belknap Press of Harvard University Press, 2007), 247. See also, Cooke, Samantha. 'Power, secularism and divorce: women's rights in Egypt and Iran'. *National Identities* 22, no. 5 (2020): 479–497.

[14]Ibid, 480.

[15]Samantha Cooke, Secular Identities: An Exploration of Secular Models in Islam in Raudino, S. & Ashraf Barton, U. (eds.) *Abraham and the Secular*, (Palgrave Macmillan, 2021), 195–220.

Marriage, law and society

Marriage is where issues of gender equality are most apparent within Islamic law,[16] with female social status primarily being gauged through marital rights.[17] Arguments that in most societies and religions women's rights to enter into a marriage have been revoked due to their perceived incapability of choosing a partner are challenged by *Sūrah* 33:35[18] where women are represented as being mentally and morally equal to men.[19] Furthermore, Islam interprets marriage as the family's foundations, a framework within which the survival of humanity and social stability are ensured and a 'dignified existence' is guaranteed for both men and women.[20] Secondly, marriage is more than a framework for licit sexual relations, with it also representing a 'relationship of trust and mutual respect'.[21] Eaton further contributes, arguing that the individual strands of 'the great web of relationships' are interwoven through marriage; representing one of the rationales for the Prophet saying that 'marriage is half of religion'.[22]

It is contended that some women throughout the Middle East had been better off during pre-Islamic times.[23] Orthodox Islam interpreted Mohammad's 'regulations and practices' as 'binding on all Muslims', standing in contrast to other sects which gave importance to the ethical dimension of Islam's message and placed an increased emphasis on social contexts and periods rather than making them binding on all.[24] This notion is reinforced by Shafik[25] who writes of absolute equality between the sexes in the private sphere during this epoch.

Disparities in women's marital rights emerged regionally, with women in Medina not being able to contract their own marriages and women in Kufa being able to do so without a guardian.[26] The independence women experienced during this era can be seen to have resulted from two things. Firstly, the prominence of esteemed women in early Islamic history. Secondly, the matrilineal and patrilineal backdrops against which Islam was born, stand in opposition to each other about women's position and societal structuring[27]; with Islam viewing the 'defamation of women' as a 'deadly sin'.[28]

In exploring the relationship between state engagements with secularism and women's marital rights, Cooke's definition of secular as 'the acquisition of power through modernization resulting from the separation of religion from politics and/or the state' is maintained.[29] Therefore, the process is *secularization*, the separation is *secularism*, and the outcome is achieving a *secular* identity and its appearance. This process refers to

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[16]Ziba Mir-Hosseini, 2009. 'Towards Gender Equality: Muslim Family Laws and the Shari'ah' *WANTED*, 28.

[17]Asgharali Engineer, *Rights of Women in Islam*. (New Delhi: Sterling Publishers Private Limited, 2008), 116.

[18]Marmaduke Pickthall, *The Meaning of the Glorious Qur'an*, (Birmingham: I.D.C.I., 2012), 247.

[19]Leila Ahmed, *Women and Gender in Islam*. (London: Yale University Press, 1992), 64; Engineer, *Rights of Women in Islam*, 118.

[20]Engineer, *Rights of Women in Islam*, 118.

[21]Ibid.,119.

[22]Gai Eaton, *Islam and the Destiny of Man*. (Cambridge: The Islamic Texts Society, 1994), 188.

[23]Ahmed, *Women and Gender in Islam*, 37.

[24]Ibid., 58.

[25]Shafik, '*La Femme et Le Droit Religieux: De L'Égypte Contemporaine*', 19.

[26]Ahmed, *Women and Gender in Islam*, 59.

[27]Ibid., 173.

[28]Shafik, '*La Femme et Le Droit Religieux*', 24.

[29]Cooke, 'Power, secularism and divorce: women's rights in Egypt and Iran', 481.

alterations from religious to non-religious, or secular, in a state's identity and is usually understood to represent a type of religious decline.[30]

The intertwined relationship between religion, secularism and women's rights in the MENA region 'has conspicuously emerged in national, regional and international discussions as debates continue to circulate about the (in)authenticity of women's rights within (less) religious contexts. Prominent among them are calls from Western observers for the increased secularization of policies'.[31] However, the almost hypocritical nature of such calls reinforces the failures of some human rights advocates to adhere to the values they criticize other states for not engaging with.[32]

The secular direction of the Iranian state was heavily influenced by Atatürk's Turkish model, with Reza Shah Pahlavi recognizing the secularity of civil law as a prerequisite of modernity. However, Sullivan highlights the oppressive and Western consumerist characteristics of the Iranian pathway to modernity,[33] with Khomeini criticizing this fixation with Western culture, secularization of society, and the doll-like transformation of Iranian women as the foundations for his religious project.[34]

In seeking to comprehend the religious changes that occurred in Egypt, Asad emphasizes the transformational impact of the secularization process on ethics and family law. Based on this, the adoption of Taylor's definition of secularity as the distancing of public life and religion is reinforced.[35] The Iranian secularization process under Reza Shah evidences the role of the government in reducing religion's presence in the public sphere, with Egypt's colonial relationships highlighting political secularization.[36]

Although the secularization of each state was not permanent, this does not mean that the process itself failed, rather, alternative methods were required. With Egyptian secularization, elements of reform were evident legally, socially, and politically via colonial authorities. The Iranian result was similar; however, there was a greater emphasis on modernity to their international audience, thereby reinforcing Reza Khan's synonymization of secularism and modernity as transformative practices. The varying durations of these transformations, however, reinforce the need of the state and its interests to be at the forefront of such processes.

Equality in marriage

Marriage represents the establishment of the family through the intertwining of two families. The family is recognized as forming the foundations of society, and therefore states, with it forming the environment within which future members of society are brought up. Cultural and societal traditions have resulted in a lack of women's rights, with men, having responsibility for ensuring their honour and eventual marriage. It also speaks to understandings of power, whereby individuals have power over another.[37] This

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[30]Taylor, *A Secular Age*, 427.
[31]Cooke, 'Power, secularism and divorce: women's rights in Egypt and Iran', 481–482.
[32]Fred Halliday, *Islam and the Myth of Confrontation*. (London: IB Tauris & Co. Ltd., 2003), 153.
[33]Zohreh T. Sullivan, 'Eluding the Feminist, Overthrowing the Modern? Transformations in Twentieth-Century Iran', in Leila Abu-Lughod (ed.). *Remaking Women: Feminism and Modernity in the Middle East*. (West Sussex: Princeton University Press, 1998), 223.
[34]Asad, *Formations of the Secular: Christianity, Islam, Modernity*, 205–256.
[35]Taylor, *A Secular Age*, 47.
[36]Cooke, 'Power, secularism and divorce: women's rights in Egypt and Iran', 482.
[37]Yoder and Kahn, 'Towards a Feminist Understanding of Women and Power', 382–384.

relationship also engages strongly with binaries, and whilst this is something postcolonial feminism seeks to avoid, it is something this research has to explore due to the prominence of the public/private dichotomy debate in discussions on women's rights, marriage and how society is structured; consequently, radical feminist arguments of the private being political are reinforced after Personal Status Laws were introduced.

Youth, choice and partners:

By describing how the marriage contract it structured, Mohanty argues that the status of women is revealed.[38] The process of choosing a partner and ensuring female marriage was traditionally a parental responsibility. According to the NWRO,[39] engagement is an 'unbinding promise of marriage between a man and a woman, whom he can lawfully marry; it is a precursor to marry', with both parties being able to reject marriage pre-contract.[40] The first chapter of the Iranian Civil Code discussed marriage, with 'A Suit (*khāstgārī*)' and engagement being the focal points for sections 1034–1036 and 1039; 1034 states that 'A man can be a suitor for any woman who is free of (legal) impediments to marriage'.[41] These definitions illustrate masculine overtones and the patriarchal framework governing the male right to marry a woman but fails to account for female abilities to marry men. This is potentially due to female absence in betrothal decisions resulting in perceptions that women had no rights in choosing their partner.

Moreover, 'lawfully marry' infers that there was no living spouse and that if there had been, that the required waiting period[42] had been observed. It also reinforces the common practice of polygamy and that men were permitted a maximum of four wives. Should the other party be misled, however, and they did not provide a reasonable justification for refusing marriage, then compensation was claimable, with any cases needing to be filed within 2 years of the betrothal ending. Paternal permission is another variable to consider in men's ability to marry, therefore reinforcing the patriarchal structuring of marriage.

Age differences also emerged as a key issue with arranged marriages, and in Egypt, 'They were often acquired at a young age'.[43] 'They' refers to girls, and 'acquired' reinforces the contractual nature of marriage and is later reemphasized when mentioning Huda's father's land acquisitions.[44] Furthermore, Colliver-Rice's observations in Iran reinforce the removal of women from the betrothal process, noting that 'She is betrothed and married as a child without the slightest reference to her own wishes or ideas, in fact, without any knowledge, on her part, of the man to whom she is to be married'.[45] Two possible reasons for the absence of women in the process are firstly, their young age and secondly, female seclusion prevented interactions between the sexes if they were not married or related.

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[38]Chandra Talpade Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' in Reina Lewis & Sara Mills (eds.) *Feminist Postcolonial Theory: A Reader*, Edinburgh: Edinburgh University Press, 2003), 57.
[39]NWRO. n.d. *Legal Guide for developing a more just integrated family law*. www.powregypt.org/upload/Family_law_Eng.pdf, 22.
[40]Section 1035 & 1036 in Ali Reza Naqvi, 1968. 'The Family Laws of Iran (II)', *Islamic Studies* 7(2): 148; Muhammad Ali Rocknaldin Taleghany, *The Civil Code of Iran*, (Littleton, Co.: Fred B. Rothman, 1995), 151.
[41]Ibid., 148; Ibid., 151.
[42]This refers to a period of time known as *Iddah*, following the death of a spouse, or divorce, during which she may not marry another man. For a widow, she should also refrain from leaving the house unless tasks are completely unavoidable. Should the widow be pregnant, *Iddah* is until the birth of the child.
[43]Shaarawi/Badran (ed.) '*Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*', 11.
[44]Ibid., 15.
[45]Clara Colliver-Rice, *Persian women and their ways*. (London: Seeley, Service & Co. Limited, 1923), 91.

The young age of brides was concerning for two key reasons. Firstly, some as young as 12 were married to significantly older men, and this was potentially harmful to their development. Secondly, this age difference resulted in spousal tensions; consequently, age contributes to another marriage crisis variable. In Egypt, the marriage of individuals under the ages of 16 (women) and 18 (men) were invalidated should a judicial case be brought about. This resulted from Law 56/1923 which, is considered to be 'much more pro-feminist', discouraging child marriages. [46]

Traditionally, child marriage relinquished fathers of financial responsibilities and maintaining female honour; moreover, they are more likely to adapt to new familial structures at a young age.[47] The 'privileging' of one generation over another, however, results in female tensions,[48] with this possibly being removed through young marriages due to girl's malleability, thereby addressing issues of obedience (taa'a),[49] and reducing the likelihood of disobedience (nashez). This simultaneously enforces a new patriarchal structure, presents a new paternal figure, and ensures taa'a from the outset.

Social emergences

The circumstances surrounding emerging resistances to family law in Egypt and Iran are pivotal in understanding government responses to, and changes in, family law. 1882 saw the occupation of Egypt by Britain, with quasi-independence being gained in 1922 following the 1919 nationalist revolution, and the constitution being formalized in 1923. This movement was organized around several fronts, with liberation from patriarchal oppressions relating to colonialism and women's rights being sought. Resentment of the British occupation also contributed to this grassroots movement, with economic and social discontent in the lower echelons strengthening this challenge to authority.

Prior to this, Doria argued that the nineteenth century opened doors to the possibility of emancipation, with Ismail Pasha's policy, and 'greatest dream' being to align Egypt more closely to Europe, starting by removing the veil.[50] Whilst the policy was overarchingly a failure, it provided women with a 'taste of freedom', thus piquing the interest of Egyptian youth and becoming more obvious at the beginning of the twentieth century.[51]

Similarly, discontent was emerging in Iran at the start of the twentieth century, with demand for a constitution being reinforced by the Japanese defeat of Russia (1905). Moreover, those who were recruited to assist in the development of governmental institutions are believed to have undermined Qajar thinking. The economic impact of the Russian Revolution (1905) also heightened discontent due to inflation, contributing to the start of the 1906 revolution.

Similarities can be seen between the two revolutions, with women becoming increasingly visible and resistance against the impact and influence of foreign powers being at

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[46]Ghada Hashem Talhami, *The Mobilization of Muslim Women in Egypt*, (University Press of Florida, 1996), 106–107.

[47]Ramsay M. Harik & Elsa Marston. *Women in the Middle East: Tradition and Change*. (New York: Franklin Watts, 1996), 69-70.

[48]Stacy Gillis, Gillian Howie. & Rebecca Munford, 'Introduction', in Stacy Gillis, Gillian Howie, & Rebecca Munford (eds.). *Third Wave Feminism: A Critical Exploration*. (Hampshire: Palgrave Macmillan, 2007), xxxiv.

[49]Obedience, or *taa'a* is regarded to be a legal obligation since *Shari'a* is understood to have made marital rights and duties 'mutual and complementary' (NWRO, n.d., 30).

[50]Shafik, '*La Femme et Le Droit Religieux: De L'Égypte Contemporaine*', 40.

[51]ibid.

the core. Whilst the role of external actors is key in understanding such occurrences, the role of those involved and how they came to be politically motivated and active is also key. We therefore turn to four women who have each experienced, resisted and influenced perspectives on gender equality in marital law in both states.

Individualizing experiences

Huda Shaarawi was born (1897) to a conservative upper-class family in the Upper Egyptian region of Minya; Doria Shafik was born (1908) to a modest, traditional middle-class family in Tanta; Taj al-Sultaneh (1884) was born into Persian Royalty in Tehran, and Sattareh Farman Farmaian (1920) was born into Persian nobility in Shiraz. The social and familial contexts into which people were born are key in understanding socio-political and cultural experiences, as well as shaping potential engagements later in life. These observations and experiences can be understood to have contributed to their understanding of the world and their position in it.

Huda:

Huda recognized her mother as a strong woman; however, her lack of public emotion and her life of solitude are understood to have had an impact on Huda. She remembers a closer, more compassionate relationship with *Umm Kabira* (Big Mother), her father's other wife, than with her own mother. In her memoirs, Huda recalls childhood insecurities and the effect that had on her love for her late father, and memories of her mother's relationship with her brother conjure notions of a gendered hierarchy of love within the family, not belonging, and a craving for what she had lost and never fully known.[52]

She was married to her cousin at the age of 13; however, it was stipulated by her mother that Ali divorces his previous wife[2] and that Huda be his only spouse. Despite agreeing to this, Huda was separated from her husband for more than 7 years[53] due to his continued relationship with his first wife; the effects of this marriage are later evident in Huda's reluctance to betroth her niece to Ali's son as concerns for her wellbeing surfaced.[54]

The 1919 revolution is understood to have saved her marriage due to their joint participation.[55] Its impact on her marriage emphasizes the intertwined relationship of nationalism, marriage, and family and this is further evidenced by her increased usage of Arabic in her public speeches.[56] Not only can this be understood as a form of nationalist message against European influences in Egypt, but it can also be understood as a means by which Huda was able to relate to her father through language and politics.

Doria:

For Doria, the class difference between her parents is understood by Nelson[57] to have been a source of great distress, with her father considered an unsuitable match for her mother who belonged to 'an "old upper-bourgeois Egyptian family" which had lost most of its fortune'.[58] Her formative years were coloured by World War One, and in her

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[52]Ibid., 34–45.
[53]Sharawi Lanfranchi, '*Casting off the veil: the life of Huda Shaarawi, Egypt's first feminist*', 29.
[54]Shaarawi/Badran (ed.) '*Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*', 111.
[55]Ibid.
[56]Ibid.,1.
[57]Cynthia Nelson, '*Doria Shafik, Egyptian Feminist: A Woman Apart*', (The American University in Cairo Press, 1996), 6.
[58]Ibid., 16.

memoirs, she wrote 'My life began with the First World War . . . and since, every day of my existence has been a struggle'.[59] The first 18 years of her life were spent in the differing social and cultural environments of Mansura, Tanta, and Alexandria, all of which carried different emotions for her. During her childhood in Mansura, Doria observed that inequality accompanied being female,[60] she listened to the stories of her mother's friends and learnt of the prominence of polygamy, divorce, and honour in women's lives.[61] These observations at a young age can be seen to have contributed to Doria's determination to continue with education, her rejection of marriage proposals and her reluctance to marry.

Following her mother's death, Doria showed more courage in voicing decisions regarding her future, informing her grandmother that 'I want to live with Papa and I ask you to announce to al-Sa'id al-Qasabi that I renounce this marriage to his nephew'.[62] The use of 'want' signals her courage, whilst 'ask' denotes respect towards her grandmother and indicates she recognized the significance of what she was requesting; 'this' to represent her betrothal to al-Sa'id al-Qasabi indicates that she does not identify as a participant. This also speaks to the development of a feminist consciousness, as well as an understanding of agency, traits which were also observable in Huda, who was the oldest to be married at 13, but not as much with Taj or Sattareh. Such differences possibly arise due to diverging class expectations, and this is evidenced through their social positioning.

Taj:

Born into Persian Royalty during the Qajar era, Taj recalls experiences and engagements with multiple power structures from a young age. Her arranged betrothal and the absence of agency for either individual due to their age heightened her awareness of rights which were not afforded to her. Moreover, these marital customs and traditions were things Taj was very critical of from a young age:

> Ah misery! Of mankind's great misfortunes one is this, that one must take a wife or husband according to the wishes of one's parents . . . Man must always choose his eternal companion well, and get to know her thoroughly before making his choice, so that he does not ruin his life and fall prey to temptation.[63]

Subsequently, Taj questioned the marital traditions she experienced, with her language choices reflecting the patriarchal structures she was engaging with. She also believed there was a direct correlation between unhappiness, ignorance about your betrothed and extra marital relations.

Sattareh:

Born into Persian nobility, Sattareh experienced the patriarchal structuring of the Royal Harem, her father's polygamous relations exceeding four wives, and having more than 30 siblings. Her father emphasized the importance of developing domestic skills to make her more attractive to potential suitors, whilst simultaneously advocating for women's education.[64]

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[59]Ibid.
[60]Ibid., 7.
[61]Ibid., 9.
[62]Ibid., 22.
[63]al-Sultana/Vanzan & Neshati (trans.)/Amanat (ed.) '*Crowning Anguish: Memoirs of a Persian Princess from the Harem to Modernity*', 108.
[64]Sattareh Farman Farmaian, *Daughter of Persia: A Woman's Journey from Her Father's Harem Through the Islamic Revolution*. (Berkshire: Corgi, 1993), 27.

The limitations of the harem, and societal traditions of finding a suitor are evident as she reflects on her experiences:

> Naturally, I have no way of looking for a husband myself. Western-style courtship was unknown; a girl sat in the andarun and waited until her father or brother or cousin found her someone, and if they couldn't, she was out of luck and had to spend the rest of her life being looked after by her brothers or other male relatives.[65]

This underpins the different roles of men and women in the betrothal process; reinforcing the lack of female agency in her relationships with men, with husbands being sought to take over the 'caring' responsibilities. This, accompanied by the notion of 'consequences' if a suitable partner is not found, presents unmarried women as burdens on male relatives, thereby reinforcing patriarchal structures and the absence of female agency.

Personalizing legal experiences

Each of the individuals whose experiences and actions have been analysed share encounters with similar patriarchal structures of the state, society, family law, and the family. These experiences, while similar, highlight the differing impacts of these structures on individuals based on identity factors such as class, politicization of the familial environment, age, location and the age at which they were married. These variables all intersected with the various stages of marriage, from finding a partner to contracting the marriage.

Betrothal

It was common practice in Egypt and Iran for parents, or the *wali* (guardian), to find a suitable partner for their child or ward. The paternal role in identifying a suit is evident in the experiences of the women in this research with the exception of Huda. Huda recalled her experience when the decision was made that she would marry Ali Shaarawi, her cousin and guardian. Unlike the other's experiences, the decisions about Huda's betrothal were made by her mother and 'Aunt' Gazibiyya Hanim; with her recalling how 'the room began to spin' on hearing 'If necessary . . . we could arrange a marriage with her cousin'.[66] Doria's unorthodox request in 1920 for her engagement to be ended[67] also speaks to the removal of girls from this process.

Similar experiences to Huda were also recalled by Taj whose father stated, 'I will have you married soon. I will come to your home often and you must serve me'.[68] Here the context alters again, with this conversation following an incident with her mother, presenting marriage as an escape. The latter part of the conversation reinforces the patriarchal structuring of the domestic sphere, with Taj respecting her father's choices regarding suitors whilst remaining removed from the process. Here familial suitability

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[65]Ibid., 114.
[66]Shaarawi/Badran (ed.) *Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*, 52.
[67]Nelson, '*Doria Shafik, Egyptian Feminist: A Woman Apart*', 22.
[68]Taj al-Sultana/Anna Vanzan & Ali Neshati (trans.)/Abbas Amanat (ed.) *Crowning Anguish: Memoirs of a Persian Princess from the Harem to Modernity*. (Washington D.C.: Corgi, n.d./2003), 144.

over emotional bonds is recognized as she 'prepared myself to love him',[69] thus highlighting the forced, rather than natural, identity of their relationship.

Sattareh recalls unfavourable references to the process of finding suitors, 'If a man swam into Shazdeh's net whom he and Khanom considered suitable, I would have no choice but to obey'.[70] This again indicates, in this case, the corporate nature of Iranian marriage, and is reinforced by the 'interview' process, and the establishment of a contract protecting the extension of the family. It also speaks to '"normal" manhood' emerging from social processes within the patriarchal structure of the family[71] and the absence of female agency.

Marital customs

The absence of female agency is further emphasized when considering the young age it had become customary to marry daughters, and sometimes sons, at. This aspect was, however, challenged to a certain extent through the emergence of stipulations in marriage contracts, despite their veto in Egypt by King Fu'ād due to public uproar in 1926 at proposals made by the committee overseeing amendments of the Egyptian Law of 1920. [72] Consequently, they were not included in the 1929 law. A potential reason for rejection was its contravention of the *Hanafī* doctrine, and it was because of the rigidity of this doctrine and legislator adoption of the principle of selection (*takhayyur*) in 1920 that the adoption of the *Hanbalī* doctrine and later inclusion of stipulations, providing *Shari'a* was observed, were approved.[73]

Irrespective of the royal veto, stipulations were an informal tradition in Egypt by 1926, as was evidenced by Huda's mother's inclusion of a stipulation prior to her marriage, as well as stipulations regarding marital residence resulting in the ending of her Uncle Idris' betrothal.[74] Whilst this implies a move to increased female protection, stipulations were parental inclusions; the 1926 proposal, however, shifted this responsibility, thereby indicating a lessening of the *wali*'s power.

A *wali's* power, however, did permit the marriage of strangers, with the couple not meeting until their wedding day. Of the four women, Taj was betrothed at the youngest age and recalls the emotional turmoil endured because of her age and not having met her betrothed. She also recalls beatings to ensure her correct response to the vows.[75]

A similar behaviour to 'encourage' a bride's response was observed in Iran.[76] This indicates trepidation about committing to the marriage, with the correct answer being forced by 'clandestine beatings', [77] which she believed is when her dignity and independence were lost, and she entered a new patriarchal structure.

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[69]Ibid.
[70]Farman Farmaian, *Daughter of Persia: A Woman's Journey from Her Father's Harem Through the Islamic Revolution.*, 155.
[71]Michael Kaufman. 'Men, Feminism, and Men's Contradictory Experiences of Power' in Harry Brod & Michael Kaufman (eds.) *Theorizing Masculinities*. (London: SAGE Publications, 1994): 163.
[72]Ron Shaham, 1999. 'State, Feminists and Islamists: The Debate over Stipulations in the Marriage Contracts in Egypt', *Bulletin of the School of Oriental and African Studies* 62(3), 465.
[73]Ron Shaham, 1999. 'State, Feminists and Islamists: The Debate over Stipulations in the Marriage Contracts in Egypt', 475–476.
[74]Shaarawi/Badran (ed.) *Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*, 24.
[75]Farman Farmaian, '*Daughter of Persia: A Woman's Journey from Her Father's Harem Through the Islamic Revolution*', 111–112.
[76]Colliver-Rice, '*Persian women and their ways*', 27.
[77]Farman Farmaian, '*Daughter of Persia: A Woman's Journey from Her Father's Harem Through the Islamic Revolution*', 111–112.

Power & the wali

Whilst *wali's* engaged differently with their wards, and are recognized differently by the various Islamic schools, their overarching ability was to marry a child without their consent.[78] This role, whilst non-discriminatory between the sexes of children, relates directly to restrictions on female agency. Under *Hanafī* law, however, should the marrying guardian not be a (paternal grand) father, then the marriage could be annulled by the individual once puberty was reached. For female adherents to other schools, marriage was contracted on her behalf, irrespective of age, until she had already been married.[79] This contests monolithic representations of Islam, emphasizing the importance of its multifaceted nature and understandings.

Moreover, the gendered implications outlined under *Hanafī* law speak prominently to Huda and Doria, whose *wali's* were not (paternal grand) fathers, with female relatives adopting this role due to familial situations. Under Iranian law, however, either of the betrothed may permit another individual to marry them[80]; within women under the age of 18 requiring consent.

Within Iranian Royal spheres, Sattareh and Taj's fathers maintained this role, with Anis al-Dawla, who was considered head of the harem, taking over this responsibility for Taj.[81] Huda's cousin adopting this role was the result of her father's death, but this was essentially overturned when she became his betrothed and was asked: 'Whom do you wish to designate as your *wakil* to sign the marriage contract?'.[82] Whilst the patriarchal framework of betrothal was not altered, an element of choice becomes apparent; however, in Huda's situation, it is arguable that Ali's responsibilities were abused when he became her betrothed.

(Not) Experiencing Mahr

The distancing of women from marital arrangements, indicating that they had limited conditional rights, and this is further evidenced by *mahr*. *Mahr* could be paid in instalments, with one-third to one-half of the full amount being considered typical in early twentieth-century Egypt.[83] The value of goods being paid was calculated on her social status, emphasizing the business-like approach to marriage and ensuring she was recognized as betrothed.

Huda remembered her excitement when presented with a tray of jewellery. ' … she asked me to select some pieces in fulfilment of a vow she had made for the recovery of my illness'.[84] This reinforces the absence of women, but possibly speaks to Huda's age, with her having been married at 13. Marrying girls at a young age served to limit issues

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[78]Noel Coulson & Doreen Hinchcliffe, 'Women and Law reform in contemporary Iran'. In Lois Beck & Nikki R. Keddie (Eds.). *Women in the Muslim World*. (Massachusetts: Harvard University Press, 1978), 39.

[79]Ibid.

[80]Naqvi, 'The Family Laws of Iran (II)', 153.

[81]Amanat in al-Sultana/Vanzan & Neshati, *Crowning Anguish: Memoirs of a Persian Princess from the Harem to Modernity*, 34.

[82]Shaarawi/Badran (ed.) *Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*, 54.

[83]Hanan Kholoussy, '*For Better, For Worse: The Marriage Crisis That Made Modern Egypt*', (California: Stanford University Press), 28.

[84]Shaarawi/Badran (ed.) *Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*, 52.

pertaining to obedience to elders, especially men, as such respect was of great significance within the family.

Doria, however, refused *mahr* in her marriage to Nour, indicating a different type of marriage to Taj and Huda, with the key difference being that she was not 'bought'. It also reflects a change in the nature of marriage and male perspectives of it; despite reforms however, *mahr* remained prominent. In Doria's case, its absence possibly resulted in a greater sense of marital liberty, placing herself and Nour on more equal grounds whilst allowing her to maintain other cultural and traditional elements of Egyptian marriage and family which were important to her.

Iranian laws recognized anything of monetary value as being suitable for *mahr*, with everything being itemized, and all parties agreeing the amount, so as to avoid confusion at a later date.[85] In situations where husbands are unable to pay *mahr*, the condition of marriage would be annulled within a specific timeframe, with the validity of the marriage and *mahr* remaining, [86] as outlined in Sections 1082–1084.[87]

Taj recalled a similar morning to Huda, when jewellery and toys were presented to her whilst in the presence of her father. She was informed that these items were to be presented by a young boy to 'any girl' he chose, with this element of choice being removed when he was told to choose Taj rather than her older sister, who was also a candidate. She recollects her mother's forceful style in ensuring her selection,[88] reinforcing parental control in the betrothal of children, irrespective of the illusion of 'choice'. For Huda,[89] the jewellery evoked excitement. 'I chose a splendid diamond necklace and bracelet and I rushed to show them to *Umm Kabira* so she could share my joy'.[90] Her response is indicative of youthful naïveté of what these material gains represented. Contrastingly, Taj's recollection conjures corporate tones through the use of 'candidate'.

The nature of the *mahr* in each instance also speaks to the ages of Huda and Taj, with differing levels of maturity being reflected here. Experiences such as child marriage can be traced in the trajectories and focal points of individuals engagements, reinforcing the political nature of personal experiences.

Positionality as confrontation

Drawing on the experiences of these four individuals, it becomes possible to see how their experiences drove political and educational endeavours. By exploring the role of positionality, more can be understood about methods of resistance, forms of engagement—whether direct or indirect, and the development of their own forms of agency.

Huda's father was a man of substantial influence in Egyptian society and politics, as well as an advocate of constitutional rule[91]; he died when she was five and she recalls a happy relationship 'We always left his presence beaming with joy'.[92] Huda's

[85]Sections 1078–1080 in Naqvi, 'The Family Laws of Iran (II)', 153.
[86]Section 1081 in Ibid., 154.
[87]Ibid.
[88]al-Sultana/Vanzan & Neshati, *Crowning Anguish: Memoirs of a Persian Princess from the Harem to Modernity,* 99.
[89]Shaarawi/Badran (ed.) *Harem Years: The Memoirs of an Egyptian Feminist (1879–1924),* 53.
[90]*Umm Kabira* (Big Mother) was her father's other wife, with whom she appeared to have more of an emotional connection than with her own mother.
[91]Sania Sharawi Lanfranchi, '*Casting off the veil: the life of Huda Shaarawi, Egypt's first feminist*', (Bloomsbury Publishing, 2012), 3.
[92]Shaarawi/Badran (ed.) '*Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*', 27.

understanding of her father's ill health which led to his death is twofold and can be understood to represent the amalgamation of public and private spheres, potentially speaking to the focal point of her first feminist activities being health and hygiene.

For Huda, we see experiences with child marriage and ill health driving her focus, with the British authorities refusal to engage with the private sphere providing opportunities to utilize a familiar space to host salons. Education about health and wellbeing, alongside the teaching of domestic skills, became key areas for her attention, and this contributed to the growth in momentum.

Similarly, Doria used education to challenge assumptions, choosing, however, to use her own access to higher education in Europe as a platform. Focusing on the relationship between religion and women's rights in modern Egypt, she postulated that it was inaccurate to allocate all blame regarding the rights and treatment of women to the Qur'an due to institutional complexities and the historic interactions of society and religion.[93]

For Taj and Sattareh, reflections on their betrothal and marital experiences reinforced their understanding of such traditions. Through these experiences, reflections and engagements to encourage change were made, with Taj admiring and advocating the values of the 'freedom seeking ladies' in Britain, America and France.[94] For Sattareh, education beyond domestic skills was an area she reflected on, with the positive impact of educated women being a commonality between these women.

Age

Age is a prominent point of contention for women's rights advocates. Child marriage, under classical notions of patriarchy, results in girls residing in households under the authority of their father-in-law where they are also subordinate to senior women.[95] By the beginning of the twentieth century, however, an increasingly critical view of the effects of child marriage on female health was being expressed by individuals, such as Malak Hifni Nasif.[96] Such practices were also problematic in Iran, with there being increased occurrences in less wealthy, rural areas.

Reflecting concerns around child marriage, Section 3 of the Iranian Marriage Act outlined imprisonment durations of 6 months to 2 years as punishment for anyone marrying someone who was under the marriage age outlined in Section 1041 of the Civil Code. These sentences were increased to 2–3 years if they were younger than 13.[97] Despite puberty being used as a benchmark in Iran, some were married as young as 9 or 10, as is partially evidenced by Taj, who was betrothed at the age of 8, but not married until 13. Her husband was also of a similar age, with a loss of agency being experienced by them both and issues which arose from this arrangement.

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[93]Shafik, 'La Femme et Le Droit Religieux',46.
[94]Amanat in al-Sultana/Vanzan & Neshati (trans.)/Amanat (ed.) Crowning Anguish: Memoirs of a Persian Princess from the Harem to Modernity", 68.
[95]Deniz Kandiyoti, 'Islam and Patriarchy: A Comparative Perspective' in Nikki R. Keddie & Beth Baron (eds.). Women in the Middle East: Shifting Boundaries in Sex and Gender. (London: Yale University Press, 1991), 31.
[96]Margot Badran, Feminists, Islam, and Nation: Gender and the Making of Modern Egypt. (New Jersey: Princeton University Press, 1995), 281.
[97]Naqvi, 'The Family Laws of Iran (II)', 158.

Taj remembered her first day of marriage and how their relationship was affected by, and declined, as a result of age, 'Both of us were so young, still children'.[98] She recalled her husband's unpleasantness and fixation on playing.[99] Following her betrothal, Taj quickly became aware of the importance of maturity in relationships, with her use of emotive language evidencing its significance in her case.[100] The parental dominance in contracting this marriage reinforced her belief that marriage should be based on love, those marrying should choose their partners, and the couple should meet prior to the wedding. The development of Taj's awareness of these issues, and her own experiences as a child bride, provided her with unique insights which shaped her understanding of gender equality and tradition.

From her observations and reflections on the need to alter social structures surrounding marriage, the criticisms which emerge do not directly carry religious critiques. Instead, she modelled her understandings on more secular, European models of female emancipation.

Huda experienced an arranged marriage to her cousin (and guardian) when she was 13,[101] and its effects are visible in her later activities which sought to end child marriage. Despite successfully petitioning the Egyptian government to implement a minimum age, this was not always recognized socially, with document falsification occurring.[102] Legalities regarding minimum marriage ages can be considered successful on three counts, with their impact being class dependent. Moreover, it supported parents who sought to keep their children in education to 16 (girls) and 18 (boys), thereby consigning marriage to second place behind education.

Health and Wellbeing

These reforms also addressed Huda's concerns regarding childbirth at a young age and access restrictions to necessary resource, and the impact this had on women's health.[103] The focus of Huda's objectives followed a similar trajectory to other petitioning of the government and challenges to tradition by not criticizing religion. The focus on the health and wellbeing of individuals within the traditional structures and ' . . . the danger of early marriages on young girls' was echoed by Iranian publication *Patriotic Women* (1923–1926); simultaneously reinforcing the development of an Iranian feminist consciousness and press.[104] This emphasized the cognizance among women, some of whom will have been married young, therefore sharing key beliefs with the Egyptian movement of the same epoch. Moreover, their 'classless character' presents as an interesting component to the Iranian feminist movement, and although the majority of them were from the upper

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[98]al-Sultana/Vanzan & Neshati (trans.)/Amanat (ed.) *Crowning Anguish: Memoirs of a Persian Princess from the Harem to Modernity.*, 167.

[99]Ibid., 168.

[100]Ibid., 104.

[101]Mary Ann Fay, 'From Warrior-Grandees to Domesticated Bourgeoisie: The Transformation of the Elite Egyptian Household into a Western-style Nuclear Family', in Beshara Doumani (ed.). *Family History in the Middle East: Household, Property, and Gender.* (New York: State University of New York Press, 2003), 94.

[102]Fatima Sadiqi & Moha Ennaji (eds.) *Women in the Middle East and North Africa: Agents of Change.* (Oxon: Routledge, 2011), 136.

[103]Ibid.

[104]Eliz Sanasarian, *The Women's Rights Movement in Iran: Mutiny, Appeasement, and Repression from 1900 to Khomeini.* (New York: Praeger, 1982), 36.

echelons of society, they still experienced 'degrading conditions',[105] like youthful marriages; illustrating how these issues were addressed across class and state boundaries.

Another reason health was considered vital in contracting a marriage was the risk of transmission to children. In analysing Kasravi's work, it is noted that there are adequate solutions to around 90% of 'marital incompatibility problems today'.[106] Moreover, this aligns with Taj's when arguing that education will improve relationships, and its absence 'strengthens bad habits and selfishness'.[107] Furthermore, he posited that family problems would be improved via the introduction of anti-violence laws; health-related laws, however, emphasized gendered divisions within family law.

Another prominent area for women's rights activists seeking to improve and ensure the wellbeing of women was polygamy and temporary marriages. According to the Qur'an, a man may take no more than four wives providing he can care for them all equally. We see with Huda, the polygamous nature of her relationship with Ali despite stipulations he leave his first wife, resulting in their separation. The social aspects of polygamy are more prominent in some challenges to this practice in Egypt, with Sheikh Mohammad Abdu interpreting it as addressing social rather than religious disorder, which was unnecessary in Egypt; consequently, this should be banned. [108] In Iran, temporary marriages were also permitted, with shorter marriages potentially significantly damaging a woman's social reputation.

Women's rights and religion

Engaged several times and having sought to divorce her husband prior to reuniting with Nour, Doria was wary of marriage, its perceived restrictive nature, and what it represented. The significance of her marriage to Nour was three-fold. Doria married without parental consent and refused *mahr*.[109] These decisions speak to the growth of her feminist consciousness which developed during childhood, which becomes evident in the focus of her PhD at the Sorbonne which explored the relationship between women's rights and religion.[110]

In her work, Doria speaks of the Egyptian feminist movement which emerged in the early 1920s, maintaining longevity under the leadership of Madame Pasha, being a collective desire of women seeking empowerment and liberation against the frameworks oppressing many of them.[111]

Iranian feminist's reluctance to criticize Islam is another area of interest, condemning those who did so for their inferior social status.[112] This was similarly adopted by the Egyptian movement, thereby reiterating notions that feminist stances were not necessarily synonymous with anti-religious sentiments, instead they opposed female oppression as was endorsed by patriarchal frameworks. This indicates that women's rights advocates recognized the compatibility of religion and gender equality and this is evident in

[105]Ibid., 46.
[106]Ibid., 69.
[107]Ibid.
[108]Shafik, '*La Femme et Le Droit Religieux: De L'Égypte Contemporaine*', 47–48.
[109]Nelson, *Doria Shafik, Egyptian Feminist: A Woman Apart*, 92.
[110]Shafik, '*La Femme et Le Droit Religieux: De L'Égypte Contemporaine*'.
[111]ibid., 127.
[112]Nelson, '*Doria Shafik, Egyptian Feminist: A Woman Apart*', 47.

Egyptian rhetoric too, with it being argued that the emergence of this feminist consciousness at the beginning of the twentieth century was social, and 'if it involved religious phenomena, it was only by accident'.[113] Moreover, whilst some participants were criticized for their secular approach, the overarching effects of secularism on increasing women's marital rights were limited.

Findings: equality in establishing a marriage

In the cases discussed here, the absence of female participation in marriage is arguably due to age, with fathers in both states traditionally marrying their daughters when they were children, with male responsibilities for finding her a suitor continuing into adulthood. Analyses of Egyptian laws 25/1920, 33/1926 and 25/1929,[114] and the Iranian Civil Code[115] and the Marriage Act of Iran,[116] have enabled the establishment of marital rights and restrictions for both men and women. Additionally, it has been possible to understand the rights, independent and shared, of Egyptian and Iranian persons, and how secular language reinforced traditional, religious customs.

Analyses identified two key marital rights for men, with the right *to* marry being the first and carrying multiple meanings because they can marry themselves or marry a woman to another man, thereby introducing the second right of guardianship. This carries dual meaning because of paternal and appointed rights in finding a suitor. Secondly, men were permitted to engage in polygamous relationships, providing that all wives received equal treatment.

Shared restrictions have also emerged for men and women, with four of the six restrictions only being applicable in Iran, with the remaining two being experienced in both states. Firstly, whilst men were involved in their betrothals, this was age dependent, thus removing agency should they be married as children, as has been evidenced by the individuals examined. By guaranteeing parental decisions, this placed boys in the same situation as girls and women in both states, thereby reinforcing the patriarchal power structuring of the family. Secondly, marriage was not permitted in either state should the bride's guardian not give consent. Iranian law, however, prohibits stipulations pertaining to the end of the marriage in the contract. Deception by either party was punishable by imprisonment, but gender discrepancies about duration remain unclear. Marriages could not be contracted if the bride had not reached puberty. Finally, unlike Egyptian law, Iranian law permitted the practice of temporary marriage, with its validity being dependent on the establishment of *mahr*.

Additionally, both states permitted men to have a maximum of four wives at one time, with women not being permitted to engage in polygamous relations. Prior to the establishment of minimum marital ages of 16 and 18 in Egypt, and the vaguer benchmark of puberty in Iran, men were able to marry young girls when they themselves had reached adulthood. Additionally, whilst Islamic law restricted polygamous men to four wives in both states, there were no such limits for temporary marriages. Finally, health was prioritized under Iranian law to ensure the health of the family. However, girls were

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[113]Shafik, '*La Femme et Le Droit Religieux: De L'Égypte Contemporaine*', 136.
[114]NWRO. n.d. *Legal Guide for developing a more just integrated family law*.
[115]Taleghany, *The Civil Code of Iran*.
[116]Naqvi, 'The Family Laws of Iran (II)'.

exempt from obtaining health certificates, indicating assumptions about virginity, with it being unclear if women over a certain age were required to get one.

This analysis also evidences two female marital rights in both states. Following demands of women's rights advocates, both governments acquiesced and legalized a minimum marriage age, thereby protecting girl's childhoods and their health from the risks related to childbearing at a young age. Whilst legal, its implementation in society was more problematic. Finally, the most controversial right is the right *to be* married. Although traditional female roles as wives and mothers are prominent in this analysis, this right is understood to be reversed due to perceptions of marriage as a predominantly male domain.

From this analysis, three prominent observations emerge. The first, as was highlighted in relation to divorce,[117] is that the secular nature of both states, which is determined by colonial interactions, does impact women's marital rights. According to Cooke,[118] the Egyptian engagement with colonial powers spoke to their externally secular identity; whilst Iran's 'liberalizing' approach illustrated their internal identity and a desire to create the illusion of change without enacting any. The above analysis builds on this, arguing that the more substantial legal response to issues of child marriage in Egypt reflects the direct presence of colonial powers, with the vaguer Iranian alterations speaking more to the creation of a progressive and modern façade, rather than more substantial reforms.

Secondly, secularism was used as a tool for resisting and seeking power regarding gender equality in marriage. Legal reforms in Egypt and Iran represent placation resulting from the resistance in each state, with those challenging existing norms utilizing secularism to question interpretations of Islam without opposing it, and challenge colonial powers.[119] By using modes of resistance, such as revolutions, to challenge gender disparities within family law, those engaging with them evidenced the instabilities of each state's political environment, which emerges as the third observation. Colonial engagements are of paramount importance here, with external pressures and internal dissatisfactions speaking to Egyptian and Iranian environments, respectively.[120]

Although both states responded to concerns regarding women's health by 'addressing' marital ages, the continued exclusion of women from the betrothal process, reliance on male guardians and men's ability to prevent non-domestic work reinforce the patriarchal scaffolding in place and the perceived inferiority of women.

As with divorce,[121] the reforms which occurred were responses to appease civilian concerns, with the secular tones adopted by these groups partially influencing reforms, with the overarching secular identity of the state affecting how this was implemented. However, the limited successes of these groups and inadequate government amendments meant the continuation of patriarchal power with little disruption in contracting a marriage.

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[117]Cooke, 'Power, secularism and divorce: women's rights in Egypt and Iran'.
[118]Ibid., 494.
[119]Ibid.
[120]Ibid.
[121]Ibid.

Conclusion

The analyses conducted present the legal recognition of a minimum marriage age in Egypt as the most significant achievement of Egyptian feminists; social and financial pressures on (male) relatives, however, meant that ensuring its implementation was more difficult. The achievements of individuals such as Huda in successfully petitioning the government for this change speak to heightened recognition of the associated risks. As was noted, however, the implementation of such laws was more difficult, especially in more rural or poorer areas and this reinforces the perceived expense of a daughter. This subsequently highlights disparities between higher classes and more urban areas in relation to understandings of the financial decisions associated with some child marriages.

Contrastingly, the ambiguity of Iran's response to the same calls meant girls remained equally vulnerable, with criticisms of the Iranian Civil Code and Marriage Act being that they lacked substance, not being able to address societal issues.[122] Similar criticisms of Egyptian laws can also be made. Although they provided greater clarity about marital age restrictions than Iran, the rights granted to women were predominantly superficial, with no substantial rights being afforded to them.

Whilst more reforms appeared to be made regarding divorce[123] in both states, they were predominantly superficial, particularly in Iran, with male authority still being a requirement. Moreover, the way each state responded to calls for increased gender equality in marriage appeared to be equally restrictive, and this is not necessarily because *Shari'a* law remained in place. Instead, it was a consequence of implementing religious interpretations, accompanied by the impact of secularism, resulting in family law being further enveloped by a religious environment. This speaks to Doria's assertions that issues pertaining to women's rights were more heavily related to social phenomena and interpretations rather than religion.[124]

During the early twentieth century, the use of secular language and fluctuations in state identities become more apparent in marital law. Although we see a return to a religious paradigm in the late twentieth and early twenty-first century, this analysis indicates that secularism did impact women's marital rights, but not as much as their rights in divorce,[125] and this occurred in three ways. Firstly, social and state subcategories of secular introductions need to be recognized with the former referring to resistance to the state's interpretation of Islam, and the latter reflecting relations with the West via colonization (Egypt) and increasing global influences (Iran).[126] The way Huda, Doria, Taj and Sattareh appear to understand this is that the development and implementation of policy and tradition is predominantly social. It is because of this that we see the emergence of challenges to family law and customs which do not hold strong religious rhetorics, instead social reforms of policies and interpretations are sought.

Second is the use of secularism by the people as a tool for challenging power and as a framework for seeking gender equality and challenging the state. State usage is,

[122]Ali Reza Naqvi, 1967. 'The Family Protection Act of Iran', *Islamic Studies* 6(3), 241.
[123]Cooke, 'Power, secularism and divorce: women's rights in Egypt and Iran'.
[124]Shafik, '*La Femme et Le Droit Religieux: De L'Égypte Contemporaine*'.
[125]Cooke, 'Power, secularism and divorce: women's rights in Egypt and Iran'.
[126]See also Ibid.

however, affected by imperial relations, and resulted in the secular nature of the state. In the context of Egypt, the British Empire was the power structure being challenged, with religious frameworks being reinforced within the private sphere, as the public domain became increasingly secular. British averseness to engaging with the private domain resulted in marriage being impacted by increasingly secular language as religion and politics were separated. For Iran, a greater international presence was sought without sacrificing control at the national level due to Reza Khan's modernization project, with religion and the state ultimately being separated. Furthermore, the reluctance to engage or alter the private sphere positioned it as a realm for the development of forums and salons.

The final observation speaks to engagement incentives, with Egypt's externally secular identity reflecting a way to maintain elements of power and identity whilst under British rule; Iran sought a greater platform from which it could project itself internationally.[127]

Overall, secularism did have some impact on women's marital rights because of the replacement of religious language in some areas of family law, whilst simultaneously reinforcing religion within the domestic realm. Moreover, the ability of individuals to utilize the private sphere because of this reluctance of state powers to engage with it provided a platform from which causes could be elevated. State responses to internal and external influences and pressures highlight how effects were felt, with the impact in both states being similar because of their linguistic strategy. This highlights the disjointed approaches of state powers in secularizing the state by excluding the private sphere and allowing it to be repurposed by some individuals to resist the existing structures. It also emphasizes the importance of identity variables which impact encounters with marital law, society and religion in questioning social and religious engagements. The relationship between family law, secularism and gender equality during the first 40 years of the twentieth century is thus a complex web of interactions which encompass both the public and private spheres through differing individual engagements.

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No potential conflict of interest was reported by the author.

ORCID

Samantha Louden-Cooke http://orcid.org/0000-0001-7997-1747

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[127]See also Ibid.